

ACTS

33014

OF THE

SEVENTY-EIGHTH LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

TENTH UNDER THE NEW CONSTITUTION.



MOUNT HOLLY:

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1854.



ACTS
OF THE
SEVENTY-EIGHTH LEGISLATURE
OF THE
STATE OF NEW JERSEY.

CHAPTER I.

A SUPPLEMENT to the act entitled "An Act to incorporate the Flemington Railroad and Transportation Company," approved February twenty-second, eighteen hundred and forty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time limited by the sixteenth section of the act to which this is a supplement, for the Flemington Railroad and Transportation Company to have their railroad completed and in use, be and the same is hereby extended for the term of six months from and after the fourth day of June, in the year of our Lord eighteen hundred and fifty-four.

WILLIAM C. ALEXANDER,
President of the Senate.

JOHN W. FENNIMORE,
Speaker of the House of Assembly.

Approved, January 19, 1854.

RODMAN M. PRICE.

CHAPTER II.

AN ACT to incorporate the Bordentown Hall Association,
New Jersey.

Names of cor-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph W. Allen, Whitall Stokes, Daniel S. Mershon, Jr., Elisha S. Nevius, George B. Raymond, William Thompson, George W. Thompson, Samuel C. Forker, Peter H. Kester, Clayton Aaronson and William H. Bryan, their successors, and such persons as are now 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 Bordentown Hall Association, New Jersey."

Objects of in-
corporation.

2. *And be it enacted*, That the object of said incorporation shall be the erection of a 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 public meetings, 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.

Amount of
capital stock.

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

Vacancies in
board of di-
rectors.

4. *And be it enacted*, That the government of the 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.

5. *And be it enacted*, That the election for directors aforesaid, shall be held annually on the second Tuesday of April, at such place, in the borough of Bordentown, as shall be directed by the by-laws of the said incorporation, and public notice of said election shall be given, 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 incorporation.

6. *And be it enacted*, That in case it should at any time 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, Daniel S. Mershon, Jr., Samuel C. Forker, and Samuel C. Taylor.

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.

8. *And be it enacted*, That whenever the sum of three thousand dollars of the said stock, as aforesaid, is subscribed, and one dollar 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 instalments 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 instalments, as required by the directors, after thirty days' notice, his, her, or their instalments 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, January 24, 1854.

CHAPTER III.

AN ACT to authorize William Clinton, Jr., and Richard C. Wilson, to build, maintain, and keep in repair a dock or wharf in front of their land, in the borough and township of Bordentown, adjoining the waters of Crosswicks creek, with the privilege of erecting a marine railway thereon.

Preamble.

WHEREAS, William Clinton, Jr., and Richard C. Wilson, of the borough of Bordentown, in the county of Burlington, in this state, have represented that they are the owners of a certain piece of land situate on the shore of the river Delaware, adjoining the waters of Crosswicks creek, and prayed that a law may be passed authorizing them to build, maintain and keep in repair a dock or wharf in front of their said land:

W. Clinton
and R. C. Wil-
son authorized
to build dock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said William Clinton, Jr., and Richard C. Wilson, their heirs and assigns, to build, maintain, and keep in repair, a dock or wharf, upon, and in front of their said land, in the

borough of Bordentown aforesaid, to extend into the waters of said river and creek a sufficient distance to accommodate such vessels as usually navigate the same; *provided*, the said wharf shall not obstruct the navigation of the said river or creek, and shall not extend more than fifty feet beyond low water mark; *and provided further*, that this act shall not be construed to confer any ferry privileges or claim of right of ferry upon the owner or owners of said dock or wharf. Proviso.

2. *And be it enacted*, That the said William Clinton, Jr., and Richard C. Wilson, their heirs and assigns, shall and may erect, build and maintain thereon, a marine railway for hauling out and repairing vessels, together with the necessary machinery and apparatus for the same. Marine railway authorized.

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

4. *And be it enacted*, That it shall and may be lawful for all vessels to touch, make fast, load and unload at such dock or wharf, with the permission of the owner or owners thereof, and it shall be lawful for the said William Clinton, Jr., and Richard C. Wilson, their heirs and assigns, to demand, receive, and collect reasonable compensation therefor. Vessels authorized to touch, make fast, &c. at dock.

Approved, January 24, 1854.

CHAPTER IV.

AN ACT relative to the daming of English's creek, in the county of Burlington.

WHEREAS, sundry owners of meadow lands lying on English's creek, in the township of Mansfield, have, by their petition, Preamble.

represented that the provisions of an act of the legislature, passed March eleventh, one thousand seven hundred and seventy-four, relative to the daming of said creek, have become oppressive, and praying for the repeal of the same—therefore

Former act
repealed;

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled “An act to enable sundry of the owners and possessors of meadows and tide marsh lying on English’s creek, in the county of Burlington, to erect and maintain a bank, dam, and other water works across the said creek, in order to prevent the tide from overflowing the same, and to keep the former course of said creek open and clear, and to make the said dam, when erected, a public landing,” passed March eleventh, in the year one thousand seven hundred and seventy-four, be and the same is hereby repealed.

Approved, January 25, 1854.

CHAPTER V.

AN ACT to change the name of Henry Huntington Smith to Henry Smith Huntington.

Name of Henry
Huntington
Smith changed

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of Henry Huntington Smith, of the county of Mercer, be, and the same is hereby changed to Henry Smith Huntington, and that the said Henry Smith Huntington, by that name shall possess and enjoy the same rights, powers and privileges which he would have possessed and enjoyed had he retained his pristine name of Henry Huntington Smith.

Approved, January 25, 1854.

CHAPTER VI.

AN ACT to authorize the "Trustees of the First Presbyterian Church of Bordentown," in Burlington county, to sell a part of their church lot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Mahlon Hutchinson, Peter H. Kester, George B. Raymond, James S. Spencer, Samuel Vandegrift and Alexander Shaw, Trustees of the First Presbyterian Church, at Bordentown, are hereby authorized and empowered to sell, at public or private sale, such part or parts of their church lot as they may deem expedient or necessary, and to execute and deliver to the purchaser or purchasers a good and sufficient deed for the same, under the hands and seals of the trustees or a majority of them, by which said purchaser or purchasers, their heirs and assigns, shall hold the same, so conveyed to their own use free and clear and absolutely discharged from all trusts whatsoever, upon which the same has heretofore been held.

Trustees authorized to sell part of church lot.

2. *And be it enacted*, That when such sale shall take place, the proceeds thereof shall be appropriated to the liquidation of the debts of the said corporation.

Application of proceeds of sale.

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

Approved, January 25, 1854.

CHAPTER VII.

A further supplement to the act entitled, "An Act to ascertain the times and places of holding certain courts," approved, April eighteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, the several regular terms of the respective courts in and for the counties hereinafter named, shall be held at the times following, and not otherwise, that is to say,

Bergen. I. In the county of Bergen on the first Tuesday of April, the last Tuesday of August and the first Tuesday of December, respectively.

Essex. II. In the county of Essex on the second Tuesday of April, the first Tuesday of September and the first Tuesday of January, respectively.

Passaic. III. In the county of Passaic on the second Tuesday of May, the first Tuesday of October, and the first Tuesday of February, respectively.

Warren. IV. In the county of Warren on the third Tuesday of April, the second Tuesday of September, and the third Tuesday of December, respectively.

Hudson. V. In the county of Hudson on the first Tuesday of May, the fourth Tuesday of September, and the fourth Tuesday of December, respectively.

Morris. VI. In the county of Morris on the third Tuesday of May, the second Tuesday of October, and the third Tuesday of January, respectively.

Hunterdon. VII. In the county of Hunterdon on the first Tuesday of April, the first Tuesday of September, and the first Tuesday of December, respectively.

Parts of former acts 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 January 25, 1854.

CHAPTER VIII.

AN ACT to incorporate "The White Horse Turnpike Company."

1. BE IT ENACTED *by the Senate and General Assembly of* Style of incorporation.
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 are hereby ordained and constituted and made a body politic and corporate, in fact and in law, by the name of "The White Horse Turnpike Company," and that the following named persons, viz: John W. Mickle, Commissioners to receive subscriptions. John Gill, Samuel Nicholson, Joseph B. Tatem, Isaac Z. Col-
 lings, Samuel S. Willets and Joseph B. Cooper, or a majority of them, are hereby appointed commissioners to open the subscription books, and receive subscriptions to the capital stock, at such times and places as they or a majority of them may direct, giving notice thereof at least twenty (20) days prior to the opening of said books by publishing the same in at least two (2) of the Camden newspapers.

2. *And be it enacted,* That the capital stock of the said Amount of capital stock.
 company shall be ten thousand dollars, (\$10,000) with power to increase the same to twenty thousand dollars, (\$20,000) and shall be divided into shares of fifty dollars (\$50) each; that at the time of subscribing to said stock, two dollars and fifty cents (\$2.50) 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 Instalments.
 shall be appointed; that the residue of said stock shall be paid to the treasurer in such instalments, 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 instalments or any of them, to and for the use of said company.

3. *And be it enacted,* That the affairs of said company shall Election of directors.
 be managed by a board of seven directors, a majority of whom shall be a quorum for the transaction of business, but any less

number may adjourn from time to time; that when one hundred (100) 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' (10) notice of the time and place of said meeting in the newspapers aforesaid, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot, seven directors, for the term of one year, a majority of whom 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 directors, the stockholders shall elect by ballot seven directors, a majority of whom shall be citizens of this state, and the judge of such election 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.

Corporation
not dissolved
for failure to
elect on day
prescribed.

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

Special meet-
ings.

deem expedient, and special meetings of the said stockholders may be called by the said board, or by the stockholders owning one-fourth ($\frac{1}{4}$) of the whole stock of the company, by giving ten days' notice of the time and place of holding the same, and the object for which such meeting is called.

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. Annual statement to be made.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road along what is known as the White Horse Road, from its junction with the Haddonfield and Camden turnpike, to where it is crossed by the road leading from Haddonfield to Clement's bridge; and the said company may, by their officers, agents, or other persons in their employ, enter from time to time, and at all times, upon all lands to search for stone, gravel, sand or clay, for constructing and keeping up said road, doing no unnecessary damage to said lands, provided the said company, as soon as they shall construct the said turnpike road, shall pay to the respective owners of the lands 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 construct road

7. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two (32) feet in breadth along the middle, as near as may be, of the said White Horse Road, and shall be sufficiently arched and drained to make and keep the same dry, and at least eighteen (18) feet thereof shall be sufficiently bedded and faced with stone, plank, 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 six degrees with the Description of road.

plane of the horizon, and said company shall make good and sufficient bridges along said road, not less than twenty (20) 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 sides, so as to prevent horses and carriages from running off.

Proceedings in
case company
and land own-
ers 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 burden and draught, with all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the said road, doing as little damage thereunto 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 Camden, upon application by either party, and after six days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three (3) disinterested, impartial, judicious freeholders, residents of this state, commissioners to assess the price or value of such materials as may be required by said company, and all damages to be sustained by reason of their removal, who shall, before they enter on 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 equitable, 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 Camden, 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 and 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 orders of said court, for the use of said owner or owners.

9. *And be it enacted*, That as soon as the said company shall have constructed said road according to the directions of this act, and the true intent and meaning thereof, it shall and may be lawful for the said company to erect gates or turnpike across the same, and to demand and receive toll for traveling each mile and all fractions of 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 calves, sheep, or hogs, | five mills. |
| For every dozen horses, mules, or cattle, | two cents. |

And it shall and may be lawful for the tollgatherers to stop all persons riding, leading, or driving any horses, cattle, mules, sheep, calves 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 from any part of his farm to any other part of the same on the common business thereof. Provide.

10. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause mile stones Mile stones to be erected.

to be erected and maintained, and on each stone shall be fairly and legibly marked the distance the said stone is from the city of Camden, and shall cause to be fixed at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll, which may be lawfully demanded, and also a board on which shall be printed in large letters, "Keep to the right as the law directs."

Penalty for injuring works.

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 person shall forfeit and pay the sum of ten dollars, (10) 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 costs of suit; and if any person with his or her carriage, team or horses turn out of said road to pass a gate or gates upon private grounds adjacent thereto, and again enter on the said road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay 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 unnecessarily delay or hinder any traveler passing through any of the gates or turnpikes, or shall demand more toll than is by this act established, he shall for every such offence forfeit and pay 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 and defrauded.

Proceedings in case road and bridges are not kept in repair.

13. *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 Camden, 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 shall 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 Camden, 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, to keep open the same until otherwise ordered, and if the said keeper shall, notwithstanding the order of said judge, to open said gates or turnpikes, 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 costs 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 fees shall be allowed as before prescribed and be paid by the person or persons making the complaint.

14. *And be it enacted*, That this act shall take effect immediately, but said company shall not construct their said turnpike along said highway until the same shall be vacated as a public highway according to law.

Approved, January 27, 1854.

CHAPTER IX.

AN ACT to incorporate the Newark Wesleyan Institute.

Preamble. WHEREAS, an association has been formed in the city of Newark, and has assumed the name of "The Newark Wesleyan Institute," the object of which is to establish, maintain, and conduct an institution of learning for the education of youth of both sexes; and whereas, the objects of the said association will be promoted by an act of incorporation; therefore,

Names of incorporators. 1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That John Hartshorne, David Campbell, Daniel P. Kidder, James Jackson, James B. Pinneo, Cornelius Walsh, and William M. Simpson, and their associates, shall be and hereby are constituted a body politic and corporate in fact and in name, by the name of "The Newark Wesleyan Institute," and by that name they and their successors shall have perpetual succession, and may 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, or 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 said corporation; and the said Association hereby incorporated shall succeed to, and is hereby vested with all the property, rights, and privileges of the present association of the same name in the city of Newark;

Proviso. *provided always,* that the property acquired by said corporation shall be used for the purposes for which this corporation is formed.

Object of incorporation. 2. *And be it enacted,* That the object of this association shall be to establish, maintain, and conduct an institution of

learning for the education of youth of both sexes, to be located in the city of Newark.

3. *And be it enacted*, That the capital stock of this corporation shall not exceed the sum of one hundred thousand dollars, which shall be divided into shares of fifty dollars each, which shall be considered personal property, and transferable on the books of the association; and every person holding one or more shares of stock shall be a member of the corporation, and shall be entitled at all meetings of the stockholders (or any election or question at issue) to cast one vote, in person or by proxy, for every share of stock by him or her owned and standing in his or her name on the books of the corporation.

4. *And be it enacted*, That the business of this corporation shall be conducted and managed by a board of seven trustees, all of whom shall be stockholders or "representatives of stock," as provided in the sixth section of this act, and two thirds of whom must be members of the Methodist Episcopal Church. Said trustees shall be elected annually, on the last day of the academic year, at a meeting of the stockholders annually to be held on that day at the institution in Newark, and by a majority of the votes legally cast by the stockholders and representatives of stock. The trustees thus elected shall have power to make by-laws for their own government and that of the institution and its officers, which by-laws shall not be repugnant to this act, or to the laws of this state, or of the United States; to fill vacancies occurring in their own body by means of the death, removal, inability, or refusal to serve of any person elected; and, on the event of any failure or neglect of the stockholders to hold an election on the day annually appointed therefor, said trustees shall continue in office until a new election shall be held, either at a special meeting of the stockholders, to be held on ten days' notice in a newspaper printed in Newark, or at a subsequent annual meeting. The trustees shall at their first annual meeting, and annually thereafter, elect from their own body a president, a secretary, and a treasurer, and appoint such other officers and fix compensation for the same as they may from time to time deem necessary.

Amount of
capital stock.

Annual elec-
tion of trus-
tees.

Officers of cor-
poration.

Corporation
may hold real
estate, &c.

Proviso.

Conference of
Methodist
Episcopal
Church may
hold stock.

Proviso.

Property not
subject to tax.

Act may be
repealed, &c.

5. *And be it enacted*, That as a means of carrying out and accomplishing the object stated in the second section of this act, the trustees of the said, "The Newark Wesleyan Institute" shall, on behalf of the said corporation, have power from time to time to purchase, take, have, hold, and receive real and personal estate of what kind or quality soever, and to sell, have, and dispose of the same; *provided*, that the annual income of the said property shall not exceed the sum of twenty thousand dollars.

6. *And be it enacted*, That the annual conference of the Methodist Episcopal Church, within the bounds of which the Newark Wesleyan Institute is or may be located, shall be and is hereby entitled to receive, by gift or devise, or to acquire by purchase, any number of shares of the capital stock of this corporation; and is also hereby entitled and empowered to appoint annually by ballot one or more "representatives of stock" of "The Newark Wesleyan Institute," who, by virtue of such appointment and of this act, shall be empowered to represent at all meetings of the stockholders (having for that purpose the full rights of stockholders) any and all shares of the capital stock of this corporation which may have been donated or devised to said conference, or purchased by it; *provided, always*, that said "representatives of stock" shall have no power to sell or alienate from said conference any part of said stock. Said conference shall be entitled to appoint one "representative of stock" for every ten shares or less standing in its name on the books of the institution; and also one such "representative" for any over excess or remainder of shares exceeding ten, or even numbers of ten. "Representatives of stock," appointed by the conference as herein provided, shall be eligible to election as Trustees of the institution.

7. *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.

8. *And be it enacted*, That it shall be lawful for the legislature, at any time hereafter, to alter, modify or repeal this act.

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

Approved January 27, 1854.

CHAPTER X.

AN ACT to incorporate the Salem County Agricultural and Horticultural Society.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William F. Reeve, Jonathan Ingham, David Petit, Thomas Shourds, Samuel Abbott, William B. Otis, Quinton Keasbey, and William B. Carpenter, of the county of Salem, and their associates and successors, shall be and they are hereby constituted a body politic and corporate, by the name of "The Salem County Agricultural and Horticultural Society."

Names of corporators.

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 and the United States.

Society may make by-laws.

Proviso.

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

Property of society not to be taxed.

Proviso.

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

Approved January 27, 1854.

CHAPTER XI.

A further supplement to an act entitled "An Act to incorporate the Mount Hope Mining Company."

Company au-
thorized to
borrow money

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That to enable the said company to carry into execution the powers conferred by their charter and its supplements, and to construct the railroads, furnaces, and other works thereby authorized to be built, it shall be lawful for the said company to borrow, from time to time, such sum or sums of money, not exceeding in the whole five hundred thousand dollars, upon such terms as the directors thereof may think expedient, and to secure the payment thereof by bonds and mortgages upon the property of the said company, or any part thereof, in such manner as the directors thereof may determine, and all such bonds and mortgages shall be and are hereby declared to be valid and effectual and binding on said company and its property.

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

Approved January 27, 1854.

CHAPTER XII.

AN ACT to carry into effect the will of William Brown, deceased.

Preamble.

WHEREAS, William Brown, formerly of Haddonfield, in the county of Camden, deceased, in his life time and at the time of his death, was seized and possessed in fee simple of a cer-

tain lot of land and premises, situate in said village, and adjoining lands of Samuel Nicholson, said lot containing about forty one-hundredths of an acre; and whereas, the said William Brown, in and by his last will, duly executed to convey real estate, dated August second, eighteen hundred and thirty-nine, gave the use, rents, and profits of said lot of land and premises to his widow Elizabeth Brown, during her widowhood, and upon her death directed the same to be sold and the proceeds thereof to be divided between his two children, Nancy and Henry, share and share alike, the said Nancy and Henry being his children and heirs-at-law; and did nominate and appoint his said widow Elizabeth, and his said son Henry W. Brown, executrix and executor of his said will, who on the eighteenth day of January, eighteen hundred and forty-six, duly proved said will before the surrogate of the county of Camden, and which will is recorded in the office of said surrogate, in book A. of wills, page seventy-one; and whereas, the said Elizabeth Brown, widow of the said William Brown, deceased, and the said Henry W. Brown, her son, co-executor, and the said Nancy, have all lately died, the said Henry and Nancy each leaving lawful issue residing in the state of New York; and whereas, the said Henry W. Brown, son of the said William Brown, and executor as aforesaid, in his life time did contract and agree to convey the said lot of land and premises to Samuel Nicholson, for the sum of four hundred and seventy-five dollars, to be paid by the said Samuel Nicholson for the same, and the said Samuel did pay to the said Henry W. Brown, executor as aforesaid, the sum of ten dollars in part payment of said consideration money, and did agree to pay the balance, to wit, the sum of four hundred and sixty-five dollars upon the execution and delivery of a good and valid deed of conveyance of said premises; and whereas, under said agreement the said Samuel Nicholson entered into the possession of said premises, erected fences and other improvements thereon, but the said Henry W. Brown, executor as aforesaid, died before said conveyance was made and executed, and before the payment of the balance of said consideration money,

whereby the fee in the said lot of land and premises has descended to the heirs-at-law of the said William Brown, deceased, subject to the said direction and power in the said will contained, and subject to the agreement aforesaid; and whereas, it is desirable that a trustee should be appointed to convey said lot of land and premises pursuant to the power and directions in the said will contained, and pursuant to the said agreement—the said contract being for a full and fair consideration—and to distribute the proceeds after payment of expenses, to and among the children or the other legal representatives of the said Henry and Nancy, in the proportions in which they may be respectively entitled; therefore,

Trustee authorized to sell and convey land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Clement, Junior, of Haddonfield, in the county of Camden, be and is hereby authorized and appointed to sell and convey the said lot of land and premises to the said Samuel Nicholson, his heirs and assigns in fee simple, and upon the payment of the said balance of the said consideration money, with interest from the decease of the said Elizabeth Brown, who died on the ninth day of December last, to make, execute and deliver a good and valid deed of conveyance therefor, which it is hereby declared shall have the same force and effect as if it had been made, executed and delivered by the said Henry W. Brown, executor, as aforesaid, immediately after the death of the said Elizabeth Brown, in pursuance of the power and directions of the said will.

Disposition of proceeds of sale.

2. *And be it enacted*, That the proceeds arising from the sale of said real estate shall be held by the said trustee, and distributed by him, in accordance with the said will, among the children or other legal representatives of the said Henry and Nancy, in the proportions in which they may be respectively entitled to receive the same, whose receipt, or in case of any being minors, the receipt of the guardian of such minors, shall be a sufficient discharge of such trustee.

Approved January 31, 1854.

CHAPTER XIII.

AN ACT renewing and supplementary to the act entitled "An Act to incorporate the Miners', Manufacturers' and Farmers' Railroad Company," approved March fourth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of* Former act revived. *the State of New Jersey*, That the act entitled "An Act to incorporate the Miners', Manufacturers' and Farmers' Railroad Company," approved March fourth, eighteen hundred and forty-six, with the exceptions of such parts and portions thereof as are hereinafter repealed, be and the same is hereby renewed, revived, and re-enacted.

2. *And be it enacted*, That instead and in the place of the Names of present corporators. persons named as corporators in the first section of said act, Thomas C. Willis, Andrew B. Cobb, William G. Lathrop, Freeman Wood, William Logan, Albert H. Stanburrough, Dudley B. Fuller, Andrew J. Smith, Benjamin Crane, Hiram Smith, Peter Speer, and such other persons as may hereafter be associated with them, shall be and they are hereby ordained, constituted and appointed the body corporate and politic in said first section named, and are hereby invested with all the rights, powers, privileges, franchises and immunities, and made subject to all the obligations, duties and responsibilities in and by said act and this supplement imposed and granted.

3. *And be it enacted*, That the capital stock of the said railroad company may be increased to any amount not exceeding Amount of capital stock. one million of dollars.

4. *And be it enacted*, That 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 Randolph or in the township of Rockaway, in the county of Morris, passing through, or as near as the nature of the ground will admit, Rockaway, Denville, Powerville, Boonton, Parsippany, Troy, Pine Brook and Little Falls, to some point upon the Paterson

and Hudson River Railroad, and to locate and form said railroad, not exceeding six rods in width, with as many tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, and others in their employ, to enter upon all lands and waters for the purpose of exploring, surveying, leveling and laying out the route of said railroad and of locating the same; and when the route and location of said road shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, it shall then be lawful for said company by its officers, engineers, agents, contractors and workmen, to enter upon, take possession of, hold, use, occupy and excavate any such lands and to erect embankments, bridges, and all other necessary works thereon, to lay rails and do all other things which may be suitable and necessary for the completion and repairs of the said railroad, and to carry into full effect the objects of said act and this supplement; and for the purpose of cuttings, embankments, and procuring stone, gravel, sand, clay, or other materials, wood and timber excepted, may take as much more land, on or near the said road, or any of its branches, works or appendages, subject to such compensation to be made therefor as is in said act provided; *provided always*, that the payment of all damages for the occupancy of lands through which the said road may be laid out and located, be made by the said company, either to the owner or owners, or into court, as is in said act provided, before they or any person under their direction or in their employ shall enter upon or break ground upon the premises, excepting for the purpose of surveying and laying out said railroad, unless the consent of the owner or owners of such lands shall be first had in writing.

Proviso.

Mode of acquiring title to lands.

5. *And be it enacted*, That in case it shall at any time appear that by reason of any mistake or error in the proceedings for acquiring the title of lands for said railroad or any of its branches, the title to any such lands shall fail, or it shall appear that the title to lands necessary for said roads has not, for any reason, been acquired, then it shall be lawful for said company to proceed anew, in the manner by the act to which this is a supplement and by this supplement authorized and directed, to acquire the right and title to any such lands.

6. *And be it enacted*, That it shall be lawful for the said company to construct, or to permit to be constructed, under the said act and this supplement, one or two branch railroads, one from some suitable point on the main road at or near Pine Brook, or at or near Little Falls, or between those places, to some point at or near East or West Bloomfield in the county of Essex; the other one from some suitable point on the main line of said railroad at or near Rockaway, or Denville, or between those places, in the county of Morris, to some suitable point at or near Charlottenburgh, in the county of Passaic, to be of the same or less width with the main road, and the like powers, rights, privileges and immunities, provisions and restrictions, shall be extended for the construction and use of such branches as apply to the main line.

7. *And be it enacted*, That if the said railroad shall not be commenced within five years from the fourth day of July next, that then and in that case the power to construct the same shall cease.

8. *And be it enacted*, That the said railroad company may have and hold real estate at the commencement and termination of said road, or any of its branches, not exceeding four acres at each place, and may erect and build thereon houses, warehouses, stables, machine shops and such other buildings and improvements as they may deem expedient for the safety of property and the construction of carriages and other necessary uses, and to take and receive the rents, profits and emoluments thereof; and shall have the privilege and authority to erect, build and maintain on the river Passaic and such other streams as the road or any of its branches 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 said act and this supplement, subject to the restrictions herein and therein contained.

9. *And be it enacted*, That it shall be lawful for said company, from time to time, to borrow such sum or sums of money as may be necessary to construct and complete the said railroad and branches with the appendages thereto authorized by the said act and this supplement, and to issue their bonds, car-

rying such rates of interest as may be stipulated for, and to sell the same on the best procurable terms without invalidation thereof by virtue of any statute against usury; and for securing the payment of the same, full power and authority is hereby granted to the said company to pledge or hypothecate, by way of mortgage, trust or otherwise, the whole or any part of the said railroad and its branches, together with all the privileges, appendages and appurtenances to said railroad and branches, and all the property, franchises and chartered rights of said company; and such pledge, hypothecation, bond, mortgage and trust, shall be valid in law for securing the due payment of any sum or sums of money, so borrowed, with the interest thereon accruing, which the same may be given to secure; and in case default shall be made in the payment of any money so borrowed and secured, the person or persons, body politic or corporate, their legal representatives, successors or assigns, claiming under such pledge, hypothecation, bond, mortgage, or trust, may by due process of law, acquire the title to, and have, hold, use, occupy and enjoy the said road and branches, with the privileges, appendages and appurtenances to the same belonging, and all the property of said company and the franchises and chartered rights of said company, and take and receive the rents, issues, profits and advantages thereof during the whole residue of the term for which the said company is chartered or incorporated, in as full and ample a manner as the stockholders of said company could or might have used and enjoyed the same, subject, nevertheless, to all the restrictions, limitations and conditions contained in the said act and in this supplement; and any deed by which any pledge, hypothecation, mortgage, or trust shall be created, by virtue of this act, shall be entered on record in the offices of the clerks of the several counties through which the line of said road or any of its branches may pass, the same having been first acknowledged or proved according to law.

10. *And be it enacted*, That it shall be lawful for said company, by its directors, to enter into contract with any other corporation or with any individual or individuals for conveying passengers, goods, produce, merchandise and other freight, to

and from any point or points on the line of their said road, or any of its branches; and that the said railroad company may, and power is hereby given to consolidate the stock of the said company with the stock of any other railroad company, having a railroad or the right to build a railroad, with which any of the roads by the said act and this supplement authorized may or can connect, upon such terms as may be mutually agreed upon by and between the directors of the said companies, and that from and after such consolidation the company thus formed shall be invested with all the rights, powers, and privileges which belonged to either company before such consolidation was effected, and subject to all the restrictions contained in either such acts or supplements thereto.

11. *And be it enacted*, That the persons named in the second section of this supplement, or a majority of them, may, if in their discretion it shall seem advisable, to limit the subscription of any person for the capital stock of said company to four hundred shares; and if an apportionment of the stock subscribed for shall become necessary, the said persons in the second section of this act named, or a majority of them, may allow all persons whose subscriptions for said stock do not exceed two hundred shares, to receive the full number of shares by him or her subscribed for, without making any apportionment thereof. Subscription to stock may be limited.

12. *And be it enacted*, That this act, and the act to which this is a supplement, shall be deemed and taken as public acts and shall take effect immediately; and that the seventh, fifteenth, seventeenth and twenty-first sections of the act to which this act is a supplement, and all other parts and portions of said act, inconsistent with the provisions hereof, be and the same are hereby repealed. Part of former act repealed.

Approved, January 31, 1854.

CHAPTER XIV.

AN ACT to incorporate the "United States Hotel Company."

Names of cor-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Neligh, John G. Michener, Henry Rowand, William W. Juvenal, Daniel T. Moore, 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 Company ;" and by that name shall have power to lease, purchase and hold real estate on Absecom beach, in Atlantic county, in this state, on any piece, portion or plot of ground lying, situate and being between Baltic street and the Atlantic Ocean, and Jersey Avenue and Maryland Avenue, on Absecom beach ; and also to purchase, have and hold, a farm in said county, not exceeding in the whole one hundred acres, and to erect 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.

General pow-
ers.

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, as aforesaid, whenever a majority of the directors of said corporation shall so determine, to any sum not exceeding two hundred thousand dollars.

Shares trans-
ferable.

3. *And be it enacted*, That the capital stock of said corporation shall be divided into shares of twenty-five 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.

4. *And be it enacted*, That no part of the said capital stock shall, at any time, or in any manner, or under any pretence Capital stock not to be withdrawn. whatever, be withdrawn from the legitimate business of the said corporation or refunded to the stockholders, until all the debts and liabilities of the said corporation are fully paid.

5. *And be it enacted*, That the directors shall be elected Election of directors. from among the stockholders, in such manner as the by-laws of said corporation shall prescribe, and shall not be less than five in number, and shall, with all other officers of said corporation, hold their offices until others are elected and duly qualified in their stead.

6. *And be it enacted*, That the whole amount of debts Amount of liabilities. which the said corporation shall at any one time owe, shall not exceed the amount of capital stock subscribed for.

7. *And be it enacted*, That annually, in the month of September, the directors of said corporation shall submit to the stockholders thereof a written statement of the affairs of the same, verified by the affidavit of the acting president of said corporation, and no dividend shall be paid to the stockholders until all the debts and legal liabilities shall have been fully paid and satisfied. Annual statement to be made.

Approved January 31, 1854.

CHAPTER XV.

AN ACT to incorporate "Atlantic City Gas Light Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Neligh, John G. Michener, Henry Rowand, William W. Juvenal, and all and every person or persons who may become subscribers, according to the mode hereinafter prescribed, and their successors, are here- Names of incorporators.

General powers.

by created a body politic and corporate in fact, by the name of "Atlantic City Gas Light Company, in Atlantic county," and by the said name, the said corporation shall have power and authority to manufacture, make and sell gas, to be made of resin, coal, or other materials, for the purpose of lighting the streets, buildings, public or private, and other places situate in Atlantic city, and to enter into and execute contracts, agreements or covenants, in relation to the objects of this corporation, and of enforcing the same; and be capable of purchasing, taking and holding any estate, real or personal, necessary to give effect to the specified purposes of this corporation, for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold for the purpose of securing debts which have become due to them in the regular business of the said corporation; *provided*, that the said 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.

Proviso.

Company authorized to lay down pipes, &c.

2. *And be it enacted*, That the said corporation shall be empowered to lay down their gas pipes, and to erect gas posts, burners, and reflectors, in the streets, alleys, lanes, avenues, or public grounds of Atlantic city, and to do all things necessary to light the said Atlantic city as aforesaid; *provided*, that the public travel shall at no time be affected or impeded by the laying of the said pipes or the erection of the said posts; and the streets, side and cross walks, public grounds, lanes and avenues, shall not be injured, but all be left in as good and perfect condition as before the laying of the said pipes, or the erection of the said posts.

Proviso.

Amount of capital stock.

3. *And be it enacted*, That the capital stock shall be twenty thousand dollars, which may at any time be increased to any sum not exceeding fifty thousand dollars, in shares of twenty dollars each; and William Neligh, John G. Michener and William W. Juvenal are hereby appointed commissioners for the purpose of receiving subscriptions for the same; and said commissioners, or a majority of them, shall open books for that purpose, at such time in Atlantic city as they shall designate,

by public advertisement, and shall continue the same open until the said capital stock shall be subscribed, or at their discretion Commissioners to receive subscriptions. close the same, after they shall have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid; and the sum of five per centum upon each share so subscribed shall be paid in specie, or in the bills of banks which redeem their bills with specie, by each subscriber at the time of subscription, to the said commissioners, or a majority of them; and each subscriber shall be entitled to receive a certificate for such stock from said commissioners; and the amount so received by the said commissioners at the time of subscription, shall, by them or a majority of them, be paid over to the directors of the said company, to be appointed as hereinafter directed; and all the powers of the said commissioners shall cease and determine, on the appointment of such board of directors; and the said board when so appointed, shall have power, and they are hereby authorized from time to time, under the foregoing regulations, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of fifty thousand dollars; and are also authorized to call upon the said subscribers for the payment of further instalments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures as they may deem expedient, until the whole amount of said shares so subscribed shall have been fully paid; *provided*, Proviso. that no such instalment shall exceed ten per centum upon each share, and that no instalment shall be required within thirty days of each other; *and provided further*, that, for five days Proviso. after the opening of the subscription books, no person shall subscribe for a larger number of shares than one hundred, nor shall any one subscribe who is not a resident of Atlantic city; that after the expiration of the said five days, and for five days succeeding, any person may subscribe for any number of shares, he being a resident of this state; and no person residing out of the state shall subscribe, either in person or by attorney, until after the expiration of ten days from the opening of said books.

4. *And be it enacted*, That the management of the concerns Election of directors;

of the said corporation shall be vested in five directors, to be selected from among the stockholders by a plurality of votes, at such time, place, and in manner as may be provided by the by-laws; and said directors shall elect one of their number president, and as soon as conveniently may be, after ten thousand dollars shall have been subscribed, organize as may be provided by the by-laws.

Stock transferable.

5. *And be it enacted*, That elections for directors and other officers shall be provided for by the by-laws, and that three directors shall be a quorum, and competent to transact all the business of said corporation; and that the stock of said corporation shall be transferable in manner and form as provided for in 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 for the inspection of the stockholders.

Penalty for injuring works.

6. *And be it enacted*, That if any person or persons shall wilfully do or cause to be done, any act or acts whatever, thereby to injure any conduit pipe, cock, machine or other structure whatsoever, or anything appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine, not exceeding one hundred dollars, or imprisonment at hard labor not exceeding one year, or both; *provided*, such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit, hereby authorized to be brought for any such injury as aforesaid, by and in the name of the said corporation, in any court of this state having cognizance of the same.

Proviso.

Books of account to be kept.

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

Limitation.

8. *And be it enacted*, That this act shall continue in force for twenty years; and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities.

contained in the act entitled "An act concerning Corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

9. *And be it enacted*, That this act shall be deemed and ^{Public act,} taken to be a public act in all courts and places whatsoever, and shall go into effect immediately.

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

Approved January 31, 1854.

CHAPTER XVI.

AN ACT to incorporate the Good Will Fire Company, of Trenton.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of corporators.} *the State of New Jersey*, That Charles Moore, David Campbell, James F. Stearns, John L. Gordon, Jacob S. Yard, James Kelly, Harvey Howell, James Wiley, Franklin S. Mills, Felix McGuire, John Bell, William H. Donavan, and all persons not exceeding one hundred in number, as now are or hereafter shall become associates of the Good Will Fire Company of Trenton, be and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Good Will Fire Company, of the city of Trenton," and by such name they shall have succession, and be persons in law, ^{General powers.} capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors may have a common seal, and shall have power to make, change, and alter the same at their pleasure, and by their corporate name as aforesaid, and under their com-

mon 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, as they shall think proper.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of the said company shall not exceed the sum of ten thousand dollars, which shall be applied to the purchase and holding of real estate, to the procuring, maintaining and repairing such fire engine, hose carriage, hose, ladders, buckets, fire hooks, engine house, or other property, and such implements and machines, 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 or destruction by fire.

Election of
president.

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 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 take effect immediately, and shall continue in force twenty years.

Approved January 31, 1854.

CHAPTER XVII.

Supplement to the act preventing swine running at large in the village of New Egypt, in the county of Ocean.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Legal pound.} *the State of New Jersey,* That any pound erected by the pound keeper of the township of Plumsted, shall be taken and deemed a legal public pound.

Approved January 31, 1854.

CHAPTER XVIII.

AN ACT to incorporate the Mount Holly Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of incor-} *the State of New Jersey,* That Charles Bispham, John W. Brown, Thomas R. Risdon, Benjamin Buckman, Barclay Haines, John Black, junior, and Thomas E. Morris, 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 "Mount Holly Gas Light Company;" and ^{Style of incorporation.} by the said name the said corporation shall have power and authority to manufacture, make, and sell gas, for the purpose of lighting the streets, buildings, manufactories, and other places, situated in the town of Mount Holly and its vicinity.

2. *And be it enacted,* That the said corporation shall be ^{Corporation authorized to} empowered to lay down their gas pipes, and to erect gas posts, ^{lay down pipes} burners, and reflectors in the streets, alleys, lanes, avenues, and public grounds of the town of Mount Holly and its vicinity,

Proviso.

and to do all things necessary to light the said town, and the dwellings, stores, and other places situated therein; *provided*, that the public travel shall at no time be affected or impeded by the laying of the said pipes or the erection of the said posts; and the streets, side, and cross walks, public grounds, lanes, and avenues shall not be injured, but shall be left in as good and perfect condition as before the laying of the said pipes or the erection of the said posts.

Commission-
ers to receive
subscriptions.

3. *And be it enacted*, That Charles Bispham, John W. Brown, Thomas R. Risdon, Benjamin Buckman, Barclay Haines, John Black, junior, and Thomas E. Morris, are hereby appointed commissioners for receiving subscriptions for the sum of fifty thousand dollars, to constitute the capital stock of the said corporation, in shares of fifty dollars each; and the said commissioners, or a majority of them, shall open books for that purpose at such time and in such place or places, within this state, as they shall designate by a public advertisement, to be previously inserted, for at least three weeks, in a public newspaper printed in Mount Holly, and shall keep the same open until the said capital stock shall be subscribed, or, at their discretion, close the same after they shall have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof, as aforesaid; and the sum of ten per centum upon each share so subscribed, shall be paid in specie, or in the bills of banks which redeem their bills with specie, by each subscriber, at the time of subscription, to the said commissioners, or a majority of them; and each subscriber shall be entitled to receive a certificate for such stock from said commissioners; and the amount so received by the said commissioners, at the time of subscription, shall by them, or a majority of them, be paid over to the directors of the said company, to be appointed as hereinafter directed; and all the powers of the said commissioners shall cease and determine on the appointment of such board of directors; and the said board, when so appointed, shall have power, and they are hereby authorized from time to time, under the foregoing regulations, to open the books for the further subscription of stock, until the whole stock subscribed

amounts to the sum of fifty thousand dollars ; and are also authorized to call upon the said subscribers for the payment of further instalments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures, as they may deem expedient, until the whole amount of said shares so subscribed shall have been fully paid.

4. *And be it enacted*, That the management of the concerns of the said company shall be vested in five directors, to be selected from the stockholders, a majority of whom shall be residents of the state of New Jersey ; and the said directors shall choose, by plurality of votes, a president from among themselves ; and, as soon as conveniently may be after fifteen thousand dollars shall have been subscribed, the before-named commissioners, or a majority of them, shall convene the said stockholders, by public notice to be given as aforesaid, and at such time and place as they shall designate in such notice, to choose the first board of directors, who shall hold their offices until the first Monday in April, eighteen hundred and fifty-five ; and the said directors and president shall hold their offices from the first Monday in April, in every year, for one year, and shall be elected on the first Monday in April, in each year, at such time and place as a majority of the directors shall appoint ; and public notice shall be given of the time and place of holding such election for ten days, in a newspaper published in Mount Holly ; and any vacancy in the said board of directors may be supplied, by appointments to be made by the board of directors, until the next election ; and all elections shall be by ballot of the stockholders, or their proxies, allowing one vote for each share which they shall have held in his, her, or their name or names, at least fourteen days before the time of voting.

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

6. *And be it enacted*, That the directors for the time being shall form a board, and they, or a majority of them, shall be a quorum for transacting business.

Stock trans-
ferable.

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

Penalty for in-
juring works.

8. *And be it enacted*, That if any person or persons shall willfully do, or cause to be done, any act or acts whatsoever, with intent thereby to injure any conduit, pipe, cock, machine, or structure whatsoever, or anything appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed, or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years, or both ; *provided*, such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit, hereby authorized to be brought for any such injury as aforesaid, by and in the name of the said corporation, in any court of this state having cognizance of the same.

Proviso.

Books of ac-
count to be
kept.

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

Restrictions,
&c.

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

Approved February 1, 1854.

CHAPTER XIX.

A further supplement to an act entitled "An Act to incorporate the Newark Gas Light Company," passed March twenty-seventh, eighteen hundred and forty-five.

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 said the Newark Gas Light Company, to enlarge their capital stock, by adding to the sum heretofore authorized, the sum of two hundred thousand dollars, to be subscribed in such manner, and at such time or times as they may deem expedient and proper. ^{Capital stock increased.}

2. *And be it enacted*, That the board of directors shall have the same power and authority to call in and enforce the payment from the subscribers of the additional capital stock hereby authorized, as is contained in the act to which this is a supplement, in relation to the capital stock thereby authorized. ^{Powers of directors.}

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

Approved February 2, 1854.

CHAPTER XX.

AN ACT to incorporate the Haddonfield Land and Building Association.

WHEREAS, it is represented that William Coffin, Samuel Richards, Walter D. Bell, William W. Fleming and Daniel Deal, or some of them, are the owners of two contiguous tracts of land, containing in the whole about one hundred and eighty- ^{Preamble.}

eight acres of land, situate in the vicinity of the village of Haddonfield, in the county of Camden, which land they have laid out into building lots, and through which they and their associates intend to open streets, with the object of extending said village, and of improving and adorning said premises, and selling the same; and whereas, it is necessary for the success of the undertaking of the said persons above named and their associates, that they shall be able to hold the said premises and any additional land which they may purchase for the same object; and from time to time to sell and convey the same, to such persons as may desire to purchase, notwithstanding death or other cause affecting the individuals owning or who may own said land; therefore,

Names of corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That William Coffin, Jacob L. Rowand, Samuel Richards, Walter D. Bell, William W. Fleming, Daniel Deal, and Thomas P. Carpenter, and their associates, and all other persons who shall become subscribers to the capital stock hereby created, and their successors, shall be and they hereby are incorporated and made a body politic and corporate, in fact and in law, by the name of "The Haddonfield Land and Building Association."

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be fifty thousand dollars, with liberty to increase the same to one hundred thousand dollars, divided into shares of one hundred dollars each, which shall be subscribed and paid at such times, in such manner, in such instalments, and upon such notice as the directors of the said company, by their by-laws or otherwise, may direct and appoint; and in case of failure by any stockholder to pay his or her instalments at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and of all previous payments thereon, for the use of the said company.

Stock transferable.

3. *And be it enacted*, That the capital stock of the said company shall be deemed personal property, and the said shares shall be transferable only on the books of the company, in such manner as the board of directors by by-laws may direct; and

every share of said stock shall entitle the holder thereof to one vote, either in person or by proxy.

4. *And be it enacted*, That the affairs of the said company shall be managed by seven directors, to be chosen by the stockholders of the said company, annually, at such time and in such manner as by the by-laws of the said company may be directed, who shall serve for one year, and until others shall be chosen in their stead, notice of which said election shall be previously given for two weeks at least, in some newspaper published in the city of Camden; the said directors shall, from time to time, elect a president from their body, and shall also elect and employ such other officers as may be deemed convenient and necessary.

5. *And be it enacted*, That William Coffin, Jacob L. Row-^{First directors} and, Samuel Richards, Walter D. Bell, William W. Fleming, Daniel Deal and Thomas P. Carpenter, shall be the first directors of said company, who, or a majority of them, shall, as soon as convenient after the passage of this act, assemble and organize said company, and shall continue in office until others, as hereinbefore directed, shall be chosen in their stead.

6. *And be it enacted*, That so soon as the said company shall be organized, it shall be authorized to receive conveyances for the said lands or any part thereof mentioned in the preamble of this act, and now owned as aforesaid; and the said company are hereby further authorized to purchase and hold any other lands adjoining or near to the said land mentioned in said preamble as aforesaid, which the said company may deem suitable and proper for the objects of said company; *provided*,^{Company authorized to hold land.} ^{Proviso.} said additional land so to be purchased shall not exceed in the whole fifty acres.

7. *And be it enacted*, That the said company shall be and they hereby are authorized to improve all or any portion of the said lands to be held or purchased by them as aforesaid, by erecting buildings, and laying out said lands into lots, streets, squares, blocks, lanes, alleys, or other divisions, and leveling, raising, and grading said streets, lanes, and alleys, and from time to time to sell and convey the said premises, or any part thereof, so divided and improved, to such purchasers as may

respectively desire to purchase the same, or to lease and rent the same for any term of years, during the continuance of this charter, upon such terms and conditions and under such restrictions and limitations as may be agreed upon.

Division of
proceeds.

8. *And be it enacted*, That the proceeds of the sales of the lands of said company, or other funds that may arise, may be applied to the payment and discharge of any encumbrances or liens that may be on the lands of the company, or to the payment and discharge of any debts of the said company, or to the improvement of the said lands, or may be invested in bonds and mortgages, or other securities, for the benefit of the said company, or may be divided among the stockholders ; *provided*, that no such division of said assets shall be made until the debts of the company shall be paid.

Proviso.

Act when to
take effect.

9. *And be it enacted*, That this act shall go into effect immediately, and shall not continue in force longer than twenty years, and the legislature may alter, modify, and repeal the same whenever in their opinion the public good requires it.

Approved February 2, 1854.

CHAPTER XXI.

A Supplement to an act entitled “ An Act to incorporate the Pavonia Ferry Company,” passed February twenty-eight, eighteen hundred and forty-nine.

Former act
amended.

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 Pavonia Ferry Company,” passed February twenty-eight, eighteen hundred and forty-nine, be so altered and amended that the periods named in the fourth and eleventh sections of the same be extended for nine months from the

twenty-eighth day of February, eighteen hundred and fifty-four.

2. *And be it enacted*, That the number of directors in said company be reduced to five, a majority of whom shall be citizens of this state.

Approved February 2, 1854.

CHAPTER XXII.

A Further Supplement to the act entitled "An Act to incorporate the New Jersey, Hudson and Delaware Railroad Company."

WHEREAS, it is of great importance to the northern and eastern Preamble. counties of this state to furnish them with a supply of anthracite coal in order to develop their agricultural, mining and manufacturing resources, and this object can be obtained by a railroad connecting the coal mines of Pennsylvania with the city of New York by the most direct route, an enterprise which would require a large outlay of capital; and whereas, the New Jersey, Hudson and Delaware Railroad Company are willing to construct such a road through this state, and for that purpose will require additional legislation in order to facilitate the raising of the requisite amount of capital; and whereas, the use of some of the lateral roads which are now authorized by the act incorporating said company, and the supplements thereto, would be beneficial to manufacturers and others, who are desirous of constructing and managing the same independent of the main road of said company, now therefore

1. BE IT ENACTED *by the Senate and General Assembly of* Company may construct bridges. *the State of New Jersey*, That it shall and may be lawful for the said the New Jersey, Hudson and Delaware Railroad

Company, to connect their railroad with that of any other railroad, coal or mining company, of the state of Pennsylvania, and to make such contracts with any such company as may be mutually agreed upon; and it shall be lawful for the said company to construct the bridge or bridges now authorized by their act of incorporation to be constructed across the river Delaware, in conjunction with any such company of the state of Pennsylvania, as may have the consent of said state for that purpose, and may connect its road with that of the said company, and wherever gravity and stationary power are employed in operating their said road, the said New Jersey, Hudson and Delaware Railroad Company, may construct it in two separate branches or lines, with authority to acquire the necessary lands for each, not exceeding the width now authorized, except that for the purpose of cuttings, embankments, and procuring stone and gravel, upon any portions of the said road or roads, as much more land may be taken as may be necessary for the proper construction and security of such road or roads.

Company authorized to issue bonds.

2. *And be it enacted*, That the said company shall have the power, and they are hereby authorized to make their bonds, and for the purpose of securing their payment, to mortgage their real and personal estates, road and roads, and all the appurtenances, franchises, powers, privileges, and rights belonging thereto, which they may possess under their act of incorporation, and the several supplements thereto, to such amount as they may deem expedient, and to sell or negotiate the same at such rate of interest or discount as they may deem best for the interest of the company, without invalidation thereof by virtue of any statute of this state, and the said bonds and mortgages so sold or negotiated, shall be valid and binding in law and equity, and the purchaser or purchasers, under a decree in equity, or foreclosure, founded upon any such bond or mortgage, shall be invested with all the estate, rights, franchises, powers, and privileges, which are or may be conferred upon or possessed by the said company under or by virtue of their act of incorporation, and the several supplements thereto, subject, nevertheless, to all the restrictions, conditions, and limitations contained therein.

3. *And be it enacted*, That it shall and may be lawful for any corporation of this state to construct and use any of the lateral roads authorized by the act to which this is a supplement, by and with the consent of the said New Jersey, Hudson and Delaware Railroad Company, and for the construction and use of any such lateral road, such corporation may hold separate capital stock and have a separate board of directors, and shall be invested with the same privileges and subject to the same liabilities and restrictions as the aforesaid company, and said New Jersey, Hudson and Delaware Railroad Company shall not be liable for, or subject to, any contracts or obligations of the corporation so constructing or using any such lateral road. Lateral roads may be made.

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

Approved February 2, 1854.

CHAPTER XXIII.

AN ACT to change the time of holding the annual township election in Nottingham, in the county of Mercer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the annual election for township officers of the township of Nottingham, in the county of Mercer, shall be held on the second Tuesday of March, at the house appointed by law for holding township elections; and that all acts and parts of acts conflicting with the provisions of this act, be and the same are hereby repealed, so far as they relate to the said township. Time for holding elections changed.

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

Approved February 7, 1854.

CHAPTER XXIV.

AN ACT to incorporate the "Camden Iron Manufacturing Company."

Names of cor-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John K. Cowperthwait, Charles S. Garret, Samuel Thompson, Samuel D. Elfreh, Joseph Githens, Benjamin A. Hammell, Jacob W. Sharp, Thomas Githens, P. C. Brink, Samuel Scull, and Elias Kaighn, and their associates and successors, are hereby made and created a body politic and corporate in law, by the name of "The Camden Iron Manufacturing 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 one hundred 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 and places as the said corporation shall deem most advantageous.

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.

Corporation
may sell or
mortgage
property.

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 corporation; and whenever the sum of one hundred thousand dollars

shall have been subscribed, and at least fifty 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.

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 two 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 instalment; 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 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.

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 January, 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,
how supplied:

Annual state-
ment 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 officers 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 divi-
dends.

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 day of January 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.

Corporation
not dissolved
for failure to
elect on day
prescribed.

8. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated 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.

Land or prop-
erty to be
valued.

9. *And be it enacted*, That any land or property, or materials used in manufacturing up, which may be received in pay-

ment 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.

10. *And be it enacted*, That regular books of account shall be kept in the office of said company in the city of Camden, to which books any stockholder may have free access, at all seasonable 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. Books of account to be kept.

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. Restrictions.

12. *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, &c.

Approved February 7, 1854.

CHAPTER XXV.

AN ACT to incorporate the Bridgeton and Millville Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby ordained, constituted and made a body politic and corporate, in fact and in law, by the name of "The Bridgeton and Millville Turnpike Company," and that Jonathan Elmer, Lewis Mulford, Style of incorporation.

mission- to open
books for sub-
scription. Daniel Fithian, Edward Tatum, Nathaniel Stratton, David Potter, Furman L. Mulford, Charles G. Leake and Ephraim E. Sheppard, or a majority of them, are hereby appointed commissioners to open the subscription books and receive subscriptions to the capital stock, at such times and places as they or a majority of them may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in one of the Cumberland county newspapers.

ount of
ital stock. 2. *And be it enacted*, That the capital stock of said company shall be fifteen thousand dollars, with the privilege of extending it to any sum not exceeding twenty thousand dollars, and shall be divided into shares of twenty-five dollars each ; that at the time of subscribing to said stock, the sum of two dollars shall be paid upon each share subscribed for, to the said commissioners, or any of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed ; that the residue of said stock shall be paid in such instalments, and at such times and places, and to such person or persons as the board of directors of said company shall from time to time direct, and give public notice thereof in manner aforesaid ; and 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 instalment, or any of them, to and for the use of said company ; and that the number of shares to be subscribed by one person, for the first ten days after the books shall have been opened by said commissioners, shall not exceed one hundred.

ual elec-
of direc-
t. 3. *And be it enacted*, That the affairs of said company shall be managed by a board of seven directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time ; and when two hundred shares of said stock shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of such meeting, as heretofore 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 for the term of one year, a majority of whom 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 to be given by the board of directors for the time being, the stockholders shall elect by ballot seven directors, a majority of whom shall be citizens of this state ; and the judge of such election shall be appointed by said board ; 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, in person or by proxy ; and that if two hundred shares of said stock shall not be subscribed for within two years, and the said road completed within four years from the passage of this act, then this act shall be null and void, and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sum paid.

4. *And be it enacted*, That as soon as conveniently may ^{Duties and powers of president.} be after the first and subsequent annual elections 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 be a citizen of this state, and shall receive such compensation for his services as the board of directors may direct ; he shall preside at all meetings of said board, and in case of his absence, the said board shall appoint some 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 stockholders may be called by the said board, or by the stockholders owning one-fourth of the whole stock of the company, by giving at least ten days' notice of the time and place of holding the same, and the object for which such meeting is called.

Annual state-
ment to be
made.

5. *And be it enacted*, That at the annual meeting of the stockholders, the board of directors of the preceding year shall exhibit to them a full and complete account of the affairs of the company during said term.

Description of
road.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road, on or near the present mail route, from Bridgeton to Millville, not more than four rods wide, thirty-three feet of which said turnpike shall be sufficiently arched and drained to make and keep the same dry; and at least twenty-five feet thereof shall be sufficiently bedded and faced with stone, gravel, or other material, to make a solid, firm and even road at all seasons of the year; and it shall be so graded, that in its progress no part of said road shall rise above an angle of two degrees with the plane of the horizon; and the said company shall construct, keep in repair, and make good and sufficient bridges along the line of said road, not less than twenty-two feet in width; and whenever the said road shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the sides so as to prevent horses and carriages from running off; and the said company may, by their officers, agents, or other persons in their employ, enter from time to time, and at all times, upon all lands, to search for stone, gravel, sand, or clay, for constructing and keeping up said road as aforesaid, doing no unnecessary damage to said land; *provided*, that before the said company shall construct the said turnpike road as aforesaid, they shall pay to the respective owners of the lands over which the same may pass, all damages which the said owners will sustain by reason of the construction of the said turnpike road; and in case the said company and said owners 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 damages which any land owner or owners may sustain by the taking of stone or gravel, or other materials, from his or her lands, for the construction or maintaining of said turnpike road.

Proviso.

7. *And be it enacted*, That it shall and may be lawful for the said company, their agents, superintendents, engineers and workmen, and all persons by them employed, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the said road, doing no unnecessary damage thereto, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said road, and to take and carry away any stone, gravel, sand, clay, or earth therefrom, suitable for constructing and maintaining said road as aforesaid; *provided always*, that the said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and the materials to be taken by said company, their agents or workmen, before the said company, or any person in their employ, shall enter and break ground in the premises, (except for the purpose of surveying said route,) unless the consent of the owner or owners of said land, or their legal representatives, be first had and obtained; and if the owners of the lands and materials, as aforesaid, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county of Cumberland, who is disinterested in the premises, upon application by 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, residents of this state, to assess the price or value of such materials as may be required by the said company, and all damages to be sustained by reason of their removal, who shall, before they enter upon the duties of their appointment, take an oath, or affirmation, faithfully and impartially to execute the duties thereof; and after ten days' notice in writing, to both parties, of the time and place, shall meet, view the premises, 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 in writing, under their hands and seals, or

Company authorized to enter upon all lands, &c.

Proviso.

Proceedings in case company and owners cannot agree.

Parties ag-
grieved may
appeal.

the hands and seals of a majority of them, to the clerk of the said county of Cumberland, to be by him filed as a public record, and certified 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 said county at the first term to be holden after such decision of the commissioners, by proceeding in the form of a petition to the said court, with at least five days' notice, in writing, to the opposite party of such appeal, which appeal shall vest in the court full right and power to hear and adjudge the same ; and, if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same ; and it shall be the duty of said jury to assess the value of said materials, and all damages sustained, and for that purpose to view the premises in question, if required by either party so to do ; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs of suit against said company, and execution issue, if need be ; but if the said jury be demanded by the owner or owners, and shall find the same, or a less sum than the commissioners award, then the cost shall be paid by the owner or owners, and shall be deducted out of the sum so awarded, or execution may issue therefor, as the court may direct ; and upon payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said company may enter upon and remove all such earth and other materials as have been so appraised as aforesaid ; and in case any owner or owners of such lands or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report so made in behalf of any such persons, into the court of chancery, to the clerk thereof, subject to the order of said court, for the use of the said owner or owners, all which proceedings, as well under this as the sixteenth section of this act, shall be at the proper cost and charges of the said company, except in cases of appeal, as above provided.

8. *And be it enacted*, That as soon as the said company shall ^{Rates of toll.} have constructed the said turnpike road, according to the directions of this act, and the true intent and meaning thereof, it shall and may be lawful for the said company to erect gates or turnpikes across the same, and to demand and receive toll for traveling along the same, and to demand and receive toll for traveling each mile of said road, not exceeding the following rates, to wit:

For every carriage, sleigh or sled, drawn by one beast,

one cent.

And if drawn by two, two cents per mile.

For every additional beast, five mills.

For every horse and rider, or led horse or mule, five mills.

For every dozen of calves, sheep or hogs, five mills.

For every dozen of horses, mules or cattle, two cents.

And it shall and may be lawful for the toll-gatherers to stop persons riding, leading, or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure from passing through the said gates or turnpikes until they shall have paid the toll above specified; *provided*, that nothing in this ^{Proviso.} act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the Sabbath day, or to and from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing, when called to do duty by the laws of this state or of the United States.

9. *And be it enacted*, That before the said company shall ^{Mile stones to be erected.} receive toll for traveling on said turnpike road, they shall cause mile stones or posts to be erected or maintained, one for each and every mile on the same, and on each stone or post shall be legibly marked the distance the said stone or post is from Bridgeton or Millville, and shall cause to be fixed and always kept up at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully

demand, and also a board, on which shall be printed in large letters, "keep to the right as the law directs."

Penalty for injuring works.

10. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones or posts so erected on the said road for the information of the people traveling the same, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down, or destroy, or otherwise injure or destroy 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 of 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 carriage, team, or horse, turn out of said road to pass a gate or gates, on private ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay the sum of five dollars, to be recovered by the said company, for the use thereof, in an action of debt with costs of suit.

Penalty for taking illegal toll.

11. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveler passing at any of the gates or turnpikes, or shall demand and receive more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted and recovered for the sole use of the person so unreasonably hindered or defrauded.

Penalty for obstructing passage.

12. *And be it enacted*, That all 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 the said highway in the passing direction, leaving the other side of the same free and clear for carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action

for damages, for every such offence, to be recovered with costs of suit.

13. *And be it enacted*, That if the said company shall not keep the said turnpike road, and bridges which now are or may hereafter be erected thereon, in repair, and complaint thereof shall be made to any justice of the peace of the county of Cumberland, who may be disinterested, the said justice shall immediately appoint, by writing under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons, being disinterested in the said turnpike 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 shall appoint, and, having taken an oath or affirmation to act impartially, shall proceed to view and examine said turnpike road or bridge 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 a state as the law requires it to be kept, and if the report be unfavorable to the said turnpike road, the said justice shall immediately, in writing under his hand and seal, order the keeper of the gate or turnpikes to keep open the same until otherwise ordered, and if 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 shall 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 turnpike road or bridge, 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

Proceedings in
case road and
bridges are not
kept in repair.

the first view, as before mentioned, the report of the person appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, paid by the persons making the complaint, and in case the township committee aforesaid are not disinterested, the said justice shall appoint, in the same manner above prescribed, one or more respectable persons in the township or townships who may be disinterested, to serve in the place stead of any member or number of members of the township committee so disqualified.

Road made
free on pay-
ment of cost
by freehold-
ers.

14. *And be it enacted*, That if the board of chosen freeholders of the county of Cumberland shall desire so to do, they may, by paying to the stockholders the original cost of constructing said turnpike road as aforesaid, make the same free, and that nothing in this act shall be construed to affect the title of the owners to the land on which the said turnpike road passes, or from whence the material for its construction may be taken.

Statement of
cost of road to
be filed.

15. *And be it enacted*, That before the company hereby incorporated, shall be entitled to collect the tolls authorized to be collected by the eighth section of this act, the president thereof shall file, under oath or affirmation, in the office of the clerk of the county of Cumberland, a full and perfect statement of the cost of construction of said road.

Act when to
take effect.

16. *And be it enacted*, That this act shall not take effect until the public highways upon which the said turnpike road is authorized to be located and made, are vacated as public highways, according to law.

Restrictions
and liabilities.

17. *And be it enacted*, That the said corporation shall possess the several powers, and be subject to the restrictions and liabilities contained in the act entitled "An Act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same is applicable.

Approved February 7, 1854.

CHAPTER XXVI.

Further supplement to the act entitled "An Act to incorporate the Trenton Iron Company," approved February sixteenth, Anno Domini, one thousand eight hundred and forty-ven.

BE IT ENACTED *by the Senate and General Assembly of* ^{Capital stock increased.} *State of New Jersey,* That the Trenton Iron Company are by authorized and empowered to increase their capital to two millions of dollars, on the same conditions, and subject to the same restrictions, as are provided in the act incorporating the said company, and the previous supplements thereto; but it shall and may be lawful for the directors to distribute dividends of the profits in stock, in lieu of cash, whenever in their judgment, the interests of the company will thereby be promoted; and the said company are hereby authorized and empowered to purchase and hold the stock and bonds of any other corporation, now or hereafter organized by virtue of any law of this state, if, in the judgment of the said directors, the interests of the said company will thereby be promoted.

And be it enacted, That this act shall take effect immediately, and that the legislature may at any time hereafter, amend or repeal the same. ^{Act may be repealed.}

Approved, February 7, 1854.

CHAPTER XXVII.

Supplement to an act entitled "An Act to incorporate theaddonfield Fire Department," approved February twenty-one, eighteen hundred and fifty-one.

WHEREAS it is represented that said act failed to go into effect—Preamble.

fect in consequence of an omission to organize the corporation at the time and place specified in said act ; therefore,

Company re-
incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "The Haddonfield Fire Department" be and it is hereby again created and ordained a body politic and corporate, under the same provisions (except as hereinafter ordained) as in the said act to which this is a supplement, which act is hereby revived.

Election of
officers.

2. *And be it enacted*, That the members of the said corporation, for the purpose of organizing the same, shall assemble at the house now kept by Samuel Githens, in the village of Haddonfield, as soon as convenient after the passage of this act, upon two weeks' notice of the time, place and object of said meeting, said notice to be given by any three freeholders and residents in said village, and to be set up in five or more public places in said village ; and the said members so assembled shall proceed to the election of officers, in the manner provided in the said act to which this is a supplement.

Provisions of
act where to
extend.

3. *And be it enacted*, That the said act shall be held to extend over any land which may be purchased and held by the "Haddonfield Land and Building Association."

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

Approved February 7, 1854.

CHAPTER XXVIII.

AN ACT to incorporate the Perth Amboy Railroad Company.

Names of cor-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Paterson, Lawrence Kearny, James Parker, Alfred Hall, Ephraim Martin, Amos Robbins, Thomas G. Marsh, Joseph D. Merideth and John I.

Blair, 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 Perth Amboy Railroad Company," and shall be capable of purchasing, holding, and conveying any lands, tenements, goods, and chattels whatsoever necessary or expedient for the objects of this incorporation.

2. *And be it enacted*, That the amount of capital stock shall Amount of capital stock. be one million of 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.

3. *And be it enacted*, That the above named persons, or a Commissioners to open books of subscription. 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 two of the newspapers published in this state; and that at the time of subscribing, five per centum shall be paid for each share subscribed for to the commissioners, or some one of them; and as soon as one hundred and fifty thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the stockholders Election of directors. to choose nine directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said incorporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting all expenses previously incurred, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them, and the directors chosen at such meeting or at the annual election of said corporation, shall, as soon as may be

Election of
president.

after every election, choose out of their own number a president, who shall be resident of this state; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Corporation
not dissolved
for failure to
elect on day
prescribed.

4. *And be it enacted*, That in case it 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 office until others shall have been chosen in their places.

Duties and
powers of di-
rectors.

5. *And be it enacted*, That five directors of the said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company, by such instalments and at such times as they may direct; and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by laws, rules and regulations, as to them shall appear useful and proper, touching the management and regulations 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 au-
thorized to
lay out road.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from a point on the Central Railroad of New Jersey, at or within five miles of Boundbrook, running through the county of Middlesex, and

terminating at the city of Perth Amboy ; *provided*, that should Proviso.
the said railroad cross any other railroad, the grade of said
road shall be at least sixteen feet above or below the grade of
the road crossed ; *provided, always*, that the land taken for Proviso.
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 pro-
perty ; and when the route of said railroad shall have been
determined upon, and a survey of the same deposited in the
office of the secretary of state, then it shall be lawful for the
said company, by its officers, agents, engineers, superinten-
dents, contractors, workmen, and other persons in their employ,
to enter upon, take possession of, hold, have, use, occupy, and
excavate any such lands, and to erect embankments, bridges, and
all other works necessary to lay rails, and to do all other things
which shall be suitable or necessary for the completion or repair
of said road, subject to such compensation as is hereinafter pro-
vided ; *provided always*, that the payment, or tender of the
payment, of all damages for the occupancy of lands through Proviso.
which the said railroad may be laid out, be made before the
said company, or any person under their direction or employ,
shall enter upon or break ground in the premises, except for
the purpose of surveying and laying out said road, unless the
consent of the owner or owners of such land be first had and
obtained.

7. *And be it enacted*, That when the said company, or its

Proceedings
when company
and owners
cannot agree.

agents, cannot agree with the owner or owners of such required land or materials, for the use or purchase thereof, or when, by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of said company in the construction of said road, shall be given in writing under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if 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, residents in the county in which the land or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of said commissioners (having first taken or 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 to proceed to view and examine the said land or materials, said commissioners at the same time taking into consideration all the benefits to be derived from, or in consequence of the said railroad, as the case may be, to the said owner or owners, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, as shall be paid by the company for such lands or

materials and damages aforesaid, which report shall be made in writing under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with 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 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; *provided always*, that should the said company or the owner or owners of any of the land or materials, feel him-^{Proviso.}self, 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.

8. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section shall be made in writing and in the 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 ^{Proceedings in case of appeal.}

a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next term of said court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land 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 owner or owners, and shall find a less sum than the company shall have offered or the said commissioners shall have awarded, then said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land, upon filing the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons for the purpose of actually constructing said railroad, or of making any erection or improvements whatever, or otherwise appropriating said lands to the use of said company, until they have paid to the party or parties entitled to receive the same the amount assessed by the commissioners as the value of such lands or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners in case there shall be no appeal found by the jury, and in case of appeal shall refuse, upon tender thereof being made, to receive the same, or shall be out of this state, or under any legal disability, then the payment of the amount assessed or found as aforesaid, into the circuit court of the county where the said lands lie, shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the

Proviso.

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.

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

Company to construct bridges.

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 depot upon the line of the same, not exceeding twenty acres at each place, and may erect and build thereon houses, warehouses, stables, machine shops, and such other buildings and improvements as they may deem expedient, and take and receive the rents, profits, and emoluments thereof; and shall have the privilege and authority to erect, build, and maintain over such creeks or streams as the railroad may cross, such piers, bridges, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act.

What real estate may be held.

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 the said railroad.

Dividends.

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, all machines, engines, wagons, carriages, or cars for transportation of persons or any species of property on the said railroad, or any railroad connected with it, as they may think fit, reasonable, expedient, or right; *provided*, they shall not charge more than at the rate of three cents per mile for carrying each passenger on said railroad, or at the rate of six cents per ton per mile for the transportation thereon of every species of merchandise, produce, property, and freight.

Company may construct or purchase cars, &c.

Company may
make con-
tracts with
other corpora-
tions.

13. *And be it enacted*, That it shall be lawful for the said company, at any time during the continuance of its charter, to make contracts and engagements with any other corporation, or with individuals, for transporting or conveying any kinds of goods, produce, merchandise, freight, or passengers, and to enforce the fulfilment of such contracts.

Penalty for in-
juring works.

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

Statement of
costs to be
filed.

15. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of the costs of said road, including all expenses 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 said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road, and the treasurer of said company shall, under oath or affirmation, make an annual return to the treasurer of this state of the number of passengers and the number of tons of merchandise transported thereon; and thereupon pay to the treasurer of this state the sum of two cents on every passenger, and three cents on every ton of merchandise transported on said road to be applied to the school fund; *provided*, that no other tax or impost shall be levied or assessed upon the said company.

State may take
works at ap-
praisalment.

16. *And be it enacted*, That at any time after the expiration of thirty years from the completion of said road, the legislature of this state may cause an appraisement of the said road, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legis-

lature within one year from the time of their appointment; or, if they cannot agree, they shall choose a seventh, who, with the aforesaid six, or a majority of them, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after notice of the said appointment by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said company; or in case the six commissioners shall be appointed, and they cannot agree upon the seventh man, then, upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man, as aforesaid, to make such appraisement as aforesaid, and thereupon the state shall have the privilege, for three years, of taking said road, with its appendages, upon the payment to the company of the amount of said report within one year after electing to take the said road, which report shall be filed in the office of the secretary of this state, and the property and interest of said road and appendages thereof, shall be vested in the state of New Jersey, upon the payment of the amount so reported to the said company; and it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of said road, and of the receipts and disbursements of the company; *provided always*, that the aforesaid valuation shall be made Proviso. without any reference to the receipts or disbursements of the company or advance of stock, and the said valuation shall in no case exceed the first cost or valuation of said road, with the appendages thereof.

17. *And be it enacted*, That if the said railroad shall not be commenced within three 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. Time for 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, whilst traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, during their Certain officers to pass free.

annual or other sessions, shall pass and repass on the railroad of said company, in their cars, free of charge.

Approved February 9, 1854.

CHAPTER XXIX.

AN ACT to confirm certain conveyances of lands lying in the township of Plainfield, in the county of Essex, and in the township of Warren, in the county of Somerset.

Preamble. WHEREAS, it appears to the legislature that a large number of lots lying in the township of Plainfield, in the county of Essex, and in the township of Warren, in the county of Somerset, in this state, have been sold, and the conveyances effected by the owners thereof, allotting the same amongst purchasers by lot or ballot, or by the purchasers making partition thereof amongst themselves, by lot or ballot, and that doubts have arisen as to the validity of titles made in that manner—therefore,

Former sales confirmed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no grant, sale, or conveyance, heretofore bona fide made and executed, for lands lying and being in the said township of Plainfield, and in the said township of Warren, under and by virtue of an allotment in manner aforesaid, shall be deemed, held or adjudged invalid and defective, or insufficient in law, or avoided or prejudiced by reason that the same has or have been made in manner aforesaid; but all and every such grant, sale, deed of conveyance and assurance so made and executed as aforesaid, shall be as good, valid, and effectual, in law, for transferring, passing, and conveying the estate, right, title, and interest of such grantor or grantors of, in and to the lands mentioned in the same, as if

such sales and conveyances had been effected without such allotment as aforesaid.

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

Approved February 9, 1854.

CHAPTER XXX.

AN ACT to renew and re-establish an act entitled "An Act to incorporate the Passaic Water Company," approved February thirteenth, eighteen hundred and forty-nine, and supplemental thereto.

1. *BE IT ENACTED by the Senate and General Assembly of* Act revived.
the State of New Jersey, That the act entitled "An Act to incorporate the Passaic Water Company," approved February thirteenth, eighteen hundred and forty-nine, is hereby revived and re-established, and that so much of the eleventh section of said act as requires that the work for constructing the reservoirs and appendages of said company to be commenced in good faith within the time of two years from the date of the approval of said act, be and the same is hereby repealed, and the time of commencing the said works, as specified in the eleventh section of said act, is hereby extended to the first day of January, A. D. eighteen hundred and fifty-seven.

2. *And be it enacted*, That the commissioners appointed by virtue of the first section of said act are hereby changed, and the commissioners, incorporators, and their successors, appointed for the purpose of said act, shall now and hereafter be Thomas D. Hoxsey, John J. Brown, Cornelius S. Van Wagoner, John Drew, and Samuel Smith; and the said commissioners, in this section named, are now appointed and endowed with all Commissioners changed.

the powers and duties that the original incorporators and commissioners received under said act, in case they had proceeded within the time prescribed by said act, for the purpose of carrying the same into effect.

Part of former
act repealed.

3. *And be it enacted*, That so much of the first section of said act as appoints other persons than those in last preceding section commissioners and incorporators, be and the same is hereby repealed.

Water not to
be taken with-
out consent.

4. *And be it enacted*, That nothing in the said act incorporating the Passaic Water Company, or in this act, shall be construed to authorize or empower the said company to take, without the consent of the Society for Establishing Useful Manufactures for that purpose had and obtained, any water for the purposes of said act from above the falls of the Passaic river at the city of Paterson.

Capital stock
may be in-
creased.

5. *And be it enacted*, That the directors of said corporation may, at any time after their election, when the same may be deemed expedient, increase the capital stock of said company to two hundred thousand dollars.

Approved February 9, 1854.

CHAPTER XXXI.

AN ACT to amend the act entitled "An Act to incorporate the Jersey City and Bergen Point Plank Road Company," passed March sixth, eighteen hundred and fifty.

Rates of toll.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said company to demand and receive at their toll gates [erected] and to be erected in the township of Bergen, not exceeding the following rates, to wit: for every sled, carriage, or vehicle drawn by one animal, two cents per mile, and one cent for

every additional animal attached to said sled, carriage or vehicle for each mile traveled, and no more; and if any person or persons traveling upon said road for at least one half mile, shall pass off the same to avoid any gate thereon, shall forfeit and pay to the said company the sum of five dollars as penalty therefor; and the same may be recovered in an action of debt to the use of the said company, and in their corporate capacity.

Approved February 9, 1854.

CHAPTER XXXII.

AN ACT to incorporate "The New Jersey Fire Company, of Camden, New Jersey," instituted May first, eighteen hundred and fifty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Crowley, Jeremiah Bran-<sup>Names of cor-
porators.</sup> nan, Samuel Hickman, Isaac P. Russell, Gottlieb Mutzer, James Carr, Henry Van Numan, Morris Zion, Samuel Taylor, John W. Campbell, Andrew Hickman, Samuel Miller, William D. Headley, Frederick Slagel, Christian Dautman, John Warrington, William Hampton, John W. Wilkins, George W. Scott, Henry A. Taggart, Joshua A. Melvin, David E. Osborn, and all other persons not exceeding one hundred in number, who now are or hereafter shall become associates of "The New Jersey Fire Company of Camden," be and they are hereby constituted and declared to be a body corporate in fact and in law by the name of "The New Jersey Fire Company of Camden," instituted May first, eighteen hundred and fifty-one.

2. *And be it enacted*, That the capital stock of the said company shall not exceed the sum of eight thousand dollars, which shall be applied to procuring, maintaining and repairing such fire engine, hose carriage, hose, ladders, buckets, fire<sup>Amount of
capital stock.</sup>

hooks, engine house, and such implements and machines, 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 or destruction by fire.

Election of officers.

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 the 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.

Act may be repealed, &c.

4. *And be it enacted*, That 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 9, 1854.

CHAPTER XXXIII.

AN ACT to incorporate the Northern Railroad Company of New Jersey.

Names of incorporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Van Brunt, Thomas W. Demarest, Samuel R. Demarest, Thomas H. Herring, John Van Buskirk, Nicholas C. Durie, Charles Hasbrouck, Stephen Martling, and Ralph S. Demarest, and such other persons as shall hereafter be associated with them, are hereby constituted and declared to be a body politic and corporate by the name of the Northern Railroad Company of New Jersey.

2. *And be it enacted*, That the capital stock of said com-^{Amount of}pany shall be one million of dollars, and shall be divided into capital stock. shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation by their by-laws shall direct.

3. *And be it enacted*, That the above named persons, or a^{Commission-}majority of them, shall open books to receive subscriptions to^{ers to receive} the capital stock of said corporation, giving notice thereof for subscriptions. at least twenty days prior to the opening of said books, by publishing the same in one newspaper published at Paterson, and one in Jersey City ; and that the said books shall be kept open for at least two days in Hackensack, and two days in Hoboken, from ten o'clock in the forenoon until three o'clock in the afternoon, and as much longer as the said commissioners, or a majority of them, shall think proper ; and if more than one million of dollars of stock be subscribed for, it shall be the duty of 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.

4. *And be it enacted*, That at the time of subscribing for^{Election of di-}said stock, five dollars shall be paid upon each share subscribed^{rectors.} for to the said commissioners ; and when three hundred thousand dollars of the capital stock shall be subscribed for, the books having been kept open as specified in the preceding section, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose seven directors, a majority of whom shall be residents in this state ; the election shall be in either of the counties through which the said road is to be located, by such of the stockholders as shall attend for the purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote ; and the said above named corporators, 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 de-

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

Vacancies.

Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed 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 be elected in their places.

Payment of instalments.

6. *And be it enacted*, That four directors of said corporation shall be competent to transact all business thereof, and they shall have power to call in the remainder of the capital stock by instalments not to exceed five dollars on each share, by giving thirty days' previous notice in a newspaper published at Paterson, and in one published at Jersey City; *provided*, that no two instalments shall be demanded within thirty days of each other; and in case of the non-payment of said instalments or any of them, to forfeit the share or shares upon which such default shall arise.

Proviso.

Company authorized to lay out road.

7. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and empowered to survey, lay out, and construct a railroad from

some point in the county of Bergen, on the line of the state of New York, between the Ramapo river and the westerly summit of the Palisades, through the counties of Bergen and Hudson, and which said road shall be constructed through the county of Bergen in a route lying westerly of the summit of the aforesaid Palisades, to some point at or near the tide waters of the Hudson river north of Montgomery street in Jersey City, so that no part of said road shall be constructed upon land of the Hoboken Land and Improvement Company, within fifty feet of high water mark, without their consent in writing, and to locate and form said road not exceeding sixty-six feet in width, unless it be necessary for the purpose of constructing said road to take more, and then not more than one hundred feet in width, with as many sets of tracks and rails as they may deem necessary; and said company are invested with all powers necessary or convenient to survey, locate, lay out, construct and maintain said road; 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 and waters for the purpose of exploring, leveling, surveying, and laying out the route of such railroad, and of locating the same, doing no unnecessary damage to private property; and when the route and location of said road 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, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy and excavate, any such lands, and to erect embankments, bridges, and all other necessary works thereon, and to lay rails, and to do all other things which may be suitable and necessary for the completion and repairs of 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 in section nine.

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 lands for the use or purchase thereof, or if, by reason of the legal incapacity or absence of such owner or owners, no

Proceedings in
case company
and owners
cannot agree.

such agreement can be made, a particular description of the lands 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 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 justices of the supreme court, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown, or if out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners 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, residents of this state, commissioners to examine and appraise the said lands, and assess the damages sustained by the owner thereof by reason of taking the same, upon such notice, not less than twenty days, to be given to the persons interested, or to be published as aforesaid, 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 said lands, and to make a just and equitable appraisalment or estimate of the value of the same, and an assessment of damages, which shall be paid by the company for such land 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, together with the aforesaid description of the land and the appointment and oaths and affirmations aforesaid, in the clerk's office of said county, to remain of record therein; which report, or, in case of an appeal, the verdict of the jury and the judgment of the

court thereon, and a copy thereof certified by the clerk of said county, the damages found or assessed, with the costs 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 land; and either of the justices of the said court shall, on application of either party, on reasonable notice to the others, 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 just, and to order and direct by whom the same shall be paid.

9. *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 in which the lands lie, at the first term after the filing of the said report by proceeding in form of petition to said court, 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 empanelled 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, their judgment thereon with costs, shall be entered 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 court shall direct; and the sum awarded by the commissioners, or in

Parties aggrieved may appeal.

Provido.

*Company to
construct
bridges.*

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 to the clerk thereof, in the county in which the said lands are situate; 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.

10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages over or under the said railroad, where any public road or other road, now in use or hereafter laid out, shall cross the same, so that the passage of carriages, horses, and cattle on the said road shall not be impeded thereby; and also where the said road shall intersect any farm or other lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under the same; and where this railroad crosses any other railroad now constructed, it shall be the duty of the company hereby incorporated to cause crossings to be made, so as to do the least injury possible to the old road; and the said company may build bridges over the Hackensack river, and over the English creek and other navigable streams within the line of their road, and in each bridge they build over the Hackensack river, at points where the said river is navigable, they shall put a draw of at least forty-five feet wide in the narrowest part, and in each bridge they build over any other navigable stream, they shall put a draw of at least thirty feet wide, in the narrowest part, and place it in a line with the course of the river, creek or stream, over the best channel thereof, in such position as to do the least injury to the navigation; and shall at all times when the Hackensack river is navigable, during the night, from dark until daylight, keep a constant light at such bridge or bridges as they shall have erected over the Hackensack river, and

keep a suitable person at each of said last named bridges to open the draw for the free passage of all vessels with standing masts; and for each and every neglect to keep such light and to open the said draw when necessary, the said 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 after the time of such neglect.

11. *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 run on said railroad, all machinery, engines, cars, wagons, carriages, or vehicles, for the transportation of persons or any species of property, as they may think reasonable, expedient, or right; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than three cents per mile for each passenger, and six cents per ton per mile for the transportation of every species of heavy merchandise and produce on said road, 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 five cents per mile for every ton, two cents per mile for every passenger carried on said road in the carriages of others, and three 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 hereby declared a public highway, and free for the passage of any railroad carriage thereon, with passengers or property, upon the 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 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 what- ^{Rates for transportation} ^{Proviso.} ^{Proviso.}

Proviso.

soever belonging to the company, are hereby vested in the said company and their successors, for and during the continuance of the charter; *provided always*, that in case the said company, after the road is completed, shall abandon the same, or cease to use and keep it in repair for three successive years, that then and in that case the franchises granted to said company by this charter shall be annulled, and the title to the lands over which the said railroad is located, shall be revested in the person or persons who would have been legally entitled thereto if this said road had not been located; but the superstructures of the said railroad and the materials of which the same is composed, shall in such case be deemed and taken to be personal property of the said company, and shall be by them removed and disposed of, within a reasonable time, to and for the use of said company.

Annual dividends.

12. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividend of the nett 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.

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 each of its depots, as may be necessary for the convenient transaction of business, not exceeding five acres in each place, and may erect and build thereon warehouses, houses, and such other buildings and improvements, as they may deem expedient for the safety of their property and other necessary uses appertaining to their business.

Penalty for injuring works.

14. *And be it enacted*, That if any person shall wilfully or maliciously injure the said road, or any buildings, machinery, 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 so as to be used, 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 the treasurer of said company shall make an annual statement to the legislature, under oath or affirmation, of the number of passengers, and the number of tons of merchandise, transported on said road, and the said company shall pay to the state the sum of four cents for each passenger, and the sum of eight cents for each ton of merchandise carried on said railroad across this state, to be applied to the school fund; *provided*, that no other tax or impost shall be levied or raised from said corporation by virtue of any law of this state.

Statement of cost to be filed.

Transit duties.

Proviso.

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

State may take road on payment of appraisement.

praisement, within one year after electing to take said road ; which report shall be filed in the office of the secretary of state, and the whole property and interest of said road and the appendages thereof, shall be vested in the state of New Jersey, upon the payment to the said company of the amount so reported ; *provided*, that the valuation of said road and appendages shall in no case exceed the first cost thereof.

Proviso.

Commencement and completion of road.

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

Certain officers to pass free.

18. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and of the court of errors, of this state, when traveling for the purpose of discharging the duties of their offices, and the members of both houses of the legislature of this state, during its annual or other session, may pass and re-pass upon said railroad in the cars of the company free of charge.

Approved February 9, 1854.

CHAPTER XXXIV.

AN ACT relative to 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, be employed to execute the current printing of both houses of the present legislature, during the sitting thereof, and that the prices to be paid for the said printing be as follows, viz: for bills, at the rate of three dollars and fifty cents per sheet, on pica type, of thirty-one lines per page, on the best foolscap paper that can be procured at three dollars per ream, one hundred copies of each bill for the use of the legislature ; for pamphlet work at the rate of fifty-five cents per thousand ems for composition, and fifty cents per token (two hundred and fifty

copies) for presswork, on as good medium paper as can be procured for three dollars per ream, the work to be done in a neat and expeditious manner.

2. *And be it enacted*, That James S. Yard, of Monmouth county, be employed to print the journal of the Senate, and proceedings of joint meeting, and an index thereto, for the current year; and that Sharp and Heminovor, of Warren county, be employed to print the minutes of the House of Assembly, and an index thereto; and that they each print one thousand copies thereof, at sixteen dollars and thirty-five cents per sheet; the size of the sheet and type to correspond with the journals of the Assembly for the year eighteen hundred and fifty-three, and that the secretary of state inspect the work and audit the accounts before payment be made.

3. *And be it enacted*, That Morton A. Stille, of Burlington county, be employed to print two thousand copies of the laws which shall be enacted at the present sitting of the legislature, in as condensed a form as a proper execution thereof will admit, on large octavo pages, trimmed and bound, and in all respects corresponding with those heretofore printed, at thirty-two dollars per sheet.

4. *And be it enacted*, That Isaac Mickle, of Camden county, be employed to print the law and chancery reports, for one year, or until otherwise ordered, that sixteen hundred copies of each book be printed, on large octavo pages, trimmed and bound in a workmanlike manner, and similar to those heretofore printed, and that he be paid therefor twenty-seven dollars per sheet.

5. *And be it enacted*, That so much of the act entitled "A supplement to the act entitled an act for the publication of law and chancery reports," approved March first, eighteen hundred and forty-nine, as conflicts with the fourth section of this bill, be and the same hereby is repealed.

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

Approved February 9, 1854.

CHAPTER XXXV.

AN ACT to incorporate the Board of Education, of the city of Camden.

Board of trustees incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees of public schools of the city of Camden, created by the provisions of an act entitled "An Act to incorporate the city of Camden," approved March fifth, eighteen hundred and fifty, be and the same is hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "the Board of Education, of the city of Camden," and by that name they and their successors forever shall and may have perpetual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in any court of law or equity, and that they and their successors may have a common seal, and alter the same at their pleasure; and the said corporation shall have succession according to the provisions of the act entitled "An act to incorporate the city of Camden," approved March fifth, eighteen hundred and fifty.

Action to be brought in the name of the Board of Education.

2. *And be it enacted*, That all actions or other proceedings brought or to be brought in any court of law or equity against any person or persons, or body corporate, for damages for or on account of any injury to any school-house, or any out buildings, fences, trees, or other improvements thereto belonging, or to any school furniture or school books, in any school-house under the charge of the board of education, shall be in the name of "The Board of Education of the city of Camden," whether the legal title to such property shall be vested in the said board or otherwise; and all damages which may be recovered in such actions or proceedings, shall be appropriated by the said board to the support of public schools in said city.

Duties and powers of Board.

3. *And be it enacted*, That the said board of education shall hold an annual meeting in said city on the first Monday of April, yearly and every year, and such adjourned and special meetings as they shall see proper, at such place as they themselves shall agree upon; and when met, shall have power to make and adopt such rules, regulations and by-laws, for their

own government and the dispatch of business, as they shall think proper; and in general to do and perform all such other acts and things as are provided for and warranted by this act; *provided*, that no by-law and no resolutions ordering the raising or expenditure of money, shall be passed, amended, revoked or repealed, without the concurrence of least five votes, which number shall be a majority, and constitute a quorum of the said board. Proviso.

4. *And be it enacted*, That the said board of education shall determine the amount of tax to be raised each year in said city for school purposes, and shall order and direct the assessor of the said city to assess and raise such sum or sums of money, not exceeding in any one year two mills in the dollar, as they shall think necessary and expedient to support and maintain the public schools, and for erecting school-houses in the said city, which tax, when raised and collected, shall be paid immediately over unto the treasurer of the board of education for the time being, and his receipt, and it alone, shall be a discharge for the same to the officer receiving the said tax; *provided*, that nothing in this act contained shall be construed to prevent any constable, collector, or other officer, from being sued, or the bond that any such officer shall have given, from being prosecuted on account of any such tax, in the name of the city of Camden, for the use of said board. Amount of tax to be raised. Proviso.

5. *And be it enacted*, That the said board are hereby authorized to purchase and hold in the name of "the Board of Education, of the city of Camden," suitable lots of ground in the said city, and to erect thereon such buildings and improvements as shall be required for the use and proper management of the public schools of said city, and to sell, pledge, mortgage, or otherwise dispose of said lots, as they shall deem best for the interest of said schools. Board may hold real estate.

6. *And be it enacted*, That for the purposes mentioned in the foregoing section, the said board of education shall have power from time to time, to raise by loan such sum or sums of money as they may require, and may make provision for the payment of such loans, and the interest thereon, by appropriating therefor a portion of the school moneys that come into their hands; *provided*, nevertheless, that the amount of such loans shall Board authorized to raise money by loan. Proviso.

not, at any one time, exceed the sum of ten thousand dollars.

Superintendent of public schools.

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

Annual statement to be made.

8. *And be it enacted*, That it shall be the duty of the said board of education, once in each year, to make out a statement of all moneys received and paid out by them during the year, showing the source from whence received, and to what applied, the amount of indebtedness of the said board, and the balance of funds, if any, in the hands of their treasurer ; which statement the said board shall cause to be published in one or more of the newspapers published in the said city of Camden, at least two weeks previous to the annual election for city and ward officers.

Each ward entitled to proportion of appropriation.

9. *And be it enacted*, That each ward of the city of Camden shall be entitled to its just proportion of the annual appropriation of the school fund of this state, and to its just proportion and quota of the interest on the surplus revenue apportioned to and received, or to be received, by the state of New Jersey, to be ascertained in the same manner as the proportion or quota of the townships of this state now are, or hereafter shall be ascertained ; which said moneys shall be paid immediately over to the treasurer of the said board of education for the time being, and be applied to school purposes in the wards of said city.

School tax.

10. *And be it enacted*, That every male inhabitant of the city of Camden, liable to taxation, shall pay an annual poll tax of one dollar for public school purposes, in addition to the sum ordered to be raised by the said board of education for the same ; which said poll tax shall be assessed, collected, and paid over in like manner as the school taxes in said city.

Former acts repealed.

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

Approved February 9, 1854.

CHAPTER XXXVI.

Supplement to the act entitled "An Act to incorporate the Camden Water Works Company," approved April second, eighteen hundred and forty-five.

WHEREAS, the reservoirs and basins at present in use by the Camden Water Works Company are insufficient to supply the increasing demand of the city of Camden for water, and the said Water Works Company have secured other lots of ground in the town of Pavonia, near Camden, upon which they design erecting water works to supply the city of Camden with water; but by their present charter the said Water Works Company cannot hold real estate out of the city of Camden; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Camden Water Works Company shall have full power and are hereby authorized to purchase, hold, occupy and lease so much real estate in the town of Pavonia as may be necessary for the location and construction of the reservoirs, basins, pumps, and engine houses, and other appurtenances necessary and required to supply the city of Camden with water from the river Delaware.

2. *And be it enacted*, That the said Water Works Company shall have full power and authority to lay their water pipes under any of the public roads and highways leading from the said town of Pavonia to Camden, under the same restrictions and regulations as the said company are authorized to lay their water pipes through the streets of the city of Camden; and also, to lay and conduct their said pipes across Cooper's creek; *provided always*, the same shall not in any way interfere with or obstruct the navigation of said creek; *and provided, also*, that no private property shall be taken, occupied or used by said company without the consent of the owner thereof shall be first had and obtained.

3. *And be it enacted*, That the said Water Works Company are hereby authorized to lay their pipes through the streets of

Preamble.

Corporation
may hold real
estate in Pa-
vonia.Company au-
thorized to lay
under public
road, &c.

Proviso.

Proviso.

Pipes may be
laid through
the streets of
Pavonia.

Pavonia aforesaid, and supply the inhabitants and houses thereof and of the neighboring places through which their said pipes may pass with water, upon the same terms and under the same restrictions as the said company are now required to supply the city of Camden with water.

Capital stock
may be in-
creased.

4. *And be it enacted*, That it shall be lawful, and the said Water Works Company are hereby authorized to enlarge their capital stock by adding to their present capital any sum not exceeding one hundred thousand dollars, to be subscribed in such manner and at such time or times as the said company may deem expedient and proper.

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

Approved February 9, 1854.

CHAPTER XXXVII.

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.

Preamble. WHEREAS, "The Bergen Turnpike Company," have, during the past year, reconstructed their road, and have faced the same with one track of plank and one track of gravel and broken stones, forming together an artificial road of twenty-four feet wide, in such manner that the whole road hath a dry, hard and even surface at all seasons of the year, for vehicles of every description; and whereas, it is represented by said company, that near the northern terminus of said road there is a tract of swamp, several miles in extent, which lies between said road and a section of country

thickly populated ; and that the inhabitants of said section, in consequence of there being no public road through said swamp are in a great measure debarred from the use of said turnpike road, and the said company are willing to build a road across said swamp ; and whereas, it is also represented that the grade of said turnpike road, where the same crosses Weehawken mountain, is too steep for vehicles of heavy draught, and that said grade cannot be altered on the line of their present road, and the said company are desirous to have an additional route across said mountain, where the grade of the road can be made easier ; and said company have made application to build said roads, and the same being just and proper ; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president and directors of "The Bergen Turnpike Company" are hereby authorized and empowered to erect and maintain three branch roads, the first First branch road. thereof to begin at some point in the easterly line of the Pollifly public road, in the township of Lodi, between the dwelling house of Garret Kipp and the dwelling house of John Huyler, and to terminate at some point in the line of the road of the company, between the sand-hills and the toll-bridge, where the same crosses the Hackensack river ; the second thereof to Second branch road. begin at some point in the line of the road of the company, between the "Three Pigeons" and James McDonough's hotels at New Durham, and to terminate at some point in the line of the road of the Paterson and New York Plank Road Company, west of the westerly summit of Weehawken mountain ; the third thereof to begin and terminate at points respectively in Third branch road. the line of the road of the company, between the "Three Pigeons" and Woodlawn hotels ; and they are hereby invested with all the rights and powers necessary and expedient to survey, lay out, and construct the branch roads aforesaid, not to exceed sixty-six feet in width, on such a course between the respective points aforesaid, as may be deemed advisable, with right to erect such bridges as may be necessary ; and it shall and may be lawful for the said president and directors, their agents and others in their employ, to enter at all times upon Company authorized to enter upon land.

all lands and water for the purpose of exploring, surveying, leveling, or laying out the routes of such branch roads, and of locating the same, doing no unnecessary injury to private property ; and when the routes of such branch roads, or any one of them, shall have been agreed upon and filed in the office of the secretary of this state, then it shall be lawful for the said company, by its officers, agents, contractors, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect all such works as may be necessary to construct any such road, and to do all other things suitable and necessary to complete the same ; *provided always*, that the said corporation shall pay, or make tender of payment, for all damages for the occupancy of lands through which any of the said branch roads shall 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 as aforesaid, unless the written consent of the owner or owners of said lands be first had and obtained ; and the said company may contract with any turnpike or plank road company for the purchase or hire of any road of such turnpike or plank road company, or any part thereof, which may intersect their road or any of its branches aforesaid, and the same may be leased or conveyed to them by the said turnpike or plank road company.

Proviso

Description of roads.

2. *And be it enacted*, That each of said branch roads, when made, shall have a special artificial road or crown, not less than twenty feet wide, which shall be at least twelve inches higher in the centre than at the sides, and rising gradually towards the centre, with ditches of sufficient depth on either side to carry off water ; and such artificial road or crown, to the width of at least eight feet, shall be faced with plank or broken stone, and eight feet more, at least, shall be faced with gravel, or the whole shall be faced with gravel only to the width of twenty feet, and the same shall be kept in good repair, so as to present a firm and even surface at all seasons of the year.

Proceedings in case company and owners cannot agree.

3. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of any lands or

materials required for the construction or repairing of their road or any of its branches aforesaid, 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 as aforesaid shall be given in writing, under oath or affirmation of some 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 resident 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 twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of said notice as aforesaid, he shall appoint, under his hand and seal, three judicious, impartial and disinterested persons, not resident in the county in which the said lands or materials lie, or the owners reside, commissioners to examine and appraise the said lands or materials, and to assess the damages; 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, 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 twenty days, to meet at such time and place as they shall appoint, beyond the said twenty days, and proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisal of the value of the said lands or materials and assessment of the damages sustained by the owner or owners thereof, by reason of the taking the same for the use of the company, which shall be paid by the company for such lands or materials or damages aforesaid; and the said commissioners

shall make a report in writing, under their hands, or the hands of any two of them, of the value of said lands, materials, and damages, which report shall, within ten days thereafter, be filed, 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 said lands or materials are situate, to remain of record therein ; and the said report, or a copy thereof, certified by the clerk of the said county, shall at all times be considered full evidence of the right of the said company to have, hold, use, occupy, possess, and enjoy, the said lands or materials, and of the right of the said owner or owners to recover the amount of the said valuation and assessment, 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 until the same be paid, shall constitute a lien upon the property of the company, in the nature of a mortgage ; and the costs and expenses of the proceedings under this section shall be paid by the company, and shall be fixed and ascertained by the justice to whom application shall have been made as aforesaid.

Parties aggrieved may appeal.

4. *And be it enacted*, That in case the said company or the owner or owners of the said lands or materials shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court, at the next term after the filing of the said report, the said court shall have power, on good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said matter in controversy, to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials in question to be had, and the said issue to be tried at the next circuit court to be holden in the county where said lands or materials, or any part thereof may be, in the same manner as other issues in fact are tried in said court, upon twenty days' notice of trial, and six days' notice of the view being given by either party to the other ; and upon such trial it shall be the duty of the said jury to assess

the value of the said lands or materials, and damages sustained by reason of the taking thereof as aforesaid; 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 be 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 said commissioners shall have awarded, then costs shall be paid by the said applicant or applicants, and deducted out of the sum so found by the jury, or execution awarded therefor, as the court shall direct; *proviso.* *Provido.* that such application for, and the granting of an issue, shall not prevent the said company from taking and using the said land or materials upon the filing of the said report, and tender or payment of the sum awarded by the commissioners.

5. *And be it enacted*, That in case any owner or owners of such lands or materials shall be feme covert, under age, non compos, out of the state, or under any other legal disability, which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any reward or report so made, in behalf of any such persons, or the amount found by a jury, into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of said owners. Payment of award in case of disability of owner.

6. *And be it enacted*, That as soon as said branch roads, or any of them shall be completed according to the requirement of this act, a certificate thereof, made by the authority of the board of directors, signed by the president and secretary, and accompanied by an affidavit of one of those officers that the same is true according to the best of his knowledge and belief, shall be filed in the office of the secretary of this state, and said certificate, when so filed as aforesaid, shall be evidence of the completion of said branch roads, or any one of them therein mentioned, and the same shall then be considered an integral part of the road of the said company, who shall be invested with all the powers, rights and privileges, entitled to all the emoluments to be derived therefrom, and subject to all the liabilities relating thereto, that are conferred and imposed by Branch roads to be considered part of main road.

Proviso.

the act incorporating said company and the several supplements thereto; *provided always, nevertheless*, that the clear annual income and profits arising from the said road and its branches, shall not bear a greater dividend upon the whole capital stock expended in the construction of said road and its branches than is allowed by the twenty-first section of the act incorporating said company.

Capital stock
may be in-
creased.

7. *And be it enacted*, That to enable the said company to carry out the provisions of this act, the capital stock of said company may be increased beyond what is already authorized to an amount not exceeding ten thousand dollars (\$10,000), 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.

Part of former
act repealed.

8. *And be it enacted*, That so much of the last proviso of the fourteenth section of the act incorporating said company, as prohibits the said company from demanding and receiving toll for horses or carriages solely conveying persons, residents of other states, to or from a funeral, and all other parts of the said act, and of the several supplements thereto as are inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved February 9, 1854.

CHAPTER XXXVIII.

AN ACT to establish a ferry from Fort Lee to the city of New York.

Ferry author-
ized.

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

establish, keep and maintain a ferry from his dock or wharf on the Hudson river, at Fort Lee, in the county of Bergen, to such place or places in the city of New York as he may deem proper, and that the same may be maintained by him, his heirs and assigns, owners of said wharf or dock.

2. *And be it enacted*, That it shall be lawful to charge and ^{Rates of toll.} receive for transporting passengers and their goods over said ferry, such rates as may from time to time be established by the persons conducting the same, not to exceed the following rates:

For each passenger over twelve years old, twelve cents.

For each passenger under twelve years old, six cents.

For each horse rode or led, eighteen cents.

For each mule rode or led, eighteen cents.

For each head of neat cattle, eighteen cents.

For each swine, sheep or lamb, ten cents.

For every load of hay with two horses, one dollar.

For every load of hay with one horse, sixty-two cents.

For every wagon with two horses, fifty cents.

For every wagon with one horse, thirty-seven cents.

For every two-horse carriage or pleasure wagon, sixty-two cents.

For every one-horse carriage or pleasure wagon, fifty cents.

And for all other articles such reasonable prices as may from time to time be established by the person or persons maintaining such ferry, or as may be established by the board of chosen freeholders of the said county of Bergen.

3. *And be it enacted*, That the legislature may at any time ^{Act may be amended, &c.} alter, amend and repeal this act, whenever in their judgment the public good require.

Approved February 10, 1854.

CHAPTER XXXIX.

A further supplement to an act entitled "An act to incorporate the Newark and Bloomfield Railroad Company," approved March twenty-sixth, eighteen hundred and fifty-two.

Time for completion extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the period limited by the act to which this is a supplement, for the commencement and completion of the road authorized by said act, shall be completed from the passage of this supplemental act; that the said railroad may be extended to Paterson within one mile of the court house, or to any point or place in the townships of Pompton and West Milford in the county of Passaic, and that any railroad corporation authorized by any existing law of this state, to construct a railroad in the counties of Essex, Passaic or Morris, may subscribe for and hold the stock or bonds of this company, and endorse such bonds to any amount not exceeding the stock of said company.

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

Approved February 10, 1854.

CHAPTER XL.

A supplement to an act entitled "An act concerning a body of meadows on the easterly side of Oldman's Creek, in the county of Gloucester," passed February fourteenth, eighteen hundred and thirty-one.

Company may elect to maintain works.

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

company mentioned in the act to which this is a supplement, at any regular meeting of the said company, whether annual or special, by a vote of the owners and possessors of two-thirds of the meadows within the bounds of the company, to elect and choose to maintain their banks, sluices or other works, or any part thereof, either by allotment, or by tax as heretofore, and so from time to time as often as the company may see fit.

2. *And be it enacted*, That whenever the said company shall elect and choose to maintain their banks, sluices and other works, or any part thereof by allotment, it shall be the duty of the commissioners of the said company, to view the premises and to divide the banks and other works which the company have resolved so to maintain, and to give and allot to the owner or owners, possessor or possessors of said meadows, his or their proportion of the banks, sluices, watercourses or other works, to be by him or them respectively kept up, opened and maintained, and to make a certificate thereof in writing under their hands and seals, or the hands and seals of any two of them, which certificate shall be recorded in the bank book, of which meeting of the commissioners to make division, as aforesaid, ten days' notice shall be given by the managers, set up in five or more public places in the neighborhood of said meadows.

3. *And be it enacted*, That it shall be the duty of the owner or owners, possessor or possessors of the said meadows, to keep up, open, and maintain his or their proportion of the said banks, sluices, water courses or other works to him or them assigned, as aforesaid, and the meadows belonging to, or in possession of any of the respective owners or possessors within the bounds of said company, shall be bound accordingly for said maintenance, notwithstanding any judgment, sale or alienation thereof; and in case of neglect or refusal by any such owner or owners, possessor or possessors, to keep up, open or maintain his or their proportion or allotment of said banks, sluices, watercourses or other works, after five days' notice given in writing, by one of the managers, either personally or by leaving the same at his or their usual place of abode, with some member of the family, (but in case of a breach or dangerous place in

Allotment of banks, &c., to be made.

Proceedings in case of neglect to keep up works.

the bank, in the opinion of said manager, he may proceed and stop or repair the same without giving notice,) then and in such case, the said managers or either of them may have the said work done and present his or their account to such delinquent owner or owners, or possessor or possessors, and upon he or they neglecting or refusing to pay the same, then the said managers or either of them are authorized and required to collect the amounts of said account in the same manner as is prescribed for the collection of taxes in the act to which this is a supplement.

Annual meetings.

4. *And be it enacted*, That the annual meeting of said company shall be held on the first Wednesday in April instead of the first Monday, as heretofore.

Approved April 10, 1854.

CHAPTER XLI.

A supplement to the act entitled "An act ceding jurisdiction to the United States over lands to be occupied as sites of light houses and keepers' dwellings within this state."

Jurisdiction over lands ceded to United States.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That jurisdiction is hereby ceded to the United States over so much land as may be necessary for the construction of a light-house on Absecom beach, subject to all the requirements, regulations, and provisions of the act ceding jurisdiction to the United States over lands to be occupied as sites of light houses and keepers' dwellings within this state, approved March tenth, eighteen hundred and fifty-three.

Approved February 10, 1854.

CHAPTER XLII.

A supplement to the act entitled "A 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, approved March tenth, eighteen hundred and fifty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Secretary of Legation of the United States, for the time being, at any foreign court or government, shall have the same powers as are given by the act to which this is a supplement, to the ambassador, public minister, charge of affairs, or other representative of the United States. Secretaries of Legation authorized to take acknowledgements.

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

Approved February 10, 1854.

CHAPTER XLIII.

A supplement to the act entitled "An act to incorporate the Fairmount Fire Company, of Camden," approved February seventeenth, one thousand eight hundred and fifty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the company incorporated by the name and style of the "Fairmount Fire Company of Camden," shall hereafter be called and known by the name of the "United States Fire Company of Camden." Style of incorporation.

Approved February 10, 1854.

CHAPTER XLIV.

A supplement to an "Act to establish public schools," approved April the seventeenth, eighteen hundred and forty-six.

Election of
school com-
mittee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the townships of Monroe, South Brunswick and South Amboy, in the county of Middlesex, are authorized and empowered, at their annual town meetings, to elect and choose in the same manner as other township officers are elected, three suitable persons in each of said townships, respectively, who shall be denominated the school committee of said townships, in lieu of the township superintendent now authorized by law to be elected.

Duties of
school com-
mittee.

2. *And be it enacted*, That the said school committee so elected annually in each of said townships, shall perform the same duties which are directed to be performed by the town superintendent by the act to which this is a supplement, except that they shall receive no compensation for visiting schools.

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

Approved February 10, 1854.

CHAPTER XLV.

AN ACT to provide for the publication of the public laws of this state.

Publication of
public laws.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the governor of this state to designate two newspapers, printed at each

county town in this state, (if there are so many printed in such town,) according to his discretion, in which to publish annually, within thirty days after the passage of the same, all public laws enacted at each session of the legislature, excepting such as relate to objects entirely local in their character ; and it shall be the duty of the secretary of state to furnish correct copies for this purpose.

2. *And be it enacted*, That upon a certificate from the auditor of public accounts of this state, of the proper performance of the services required in the first section of this act, and of the appointment thereto by the governor, the treasurer be authorized and directed to pay to the publisher or publishers of each newspaper so designated, the sum of fifty dollars, provided that a receipt be given in full of all demands for such service. Compensation to printers.

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

Approved February 16, 1854.

CHAPTER XLVI.

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 townships of Lodi, Washington, and Saddle River, in the said county of Bergen, and the township of Manchester, in the county of Passaic, and the townships of Bergen and North Bergen, in the county of Hudson.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the act entitled "An act to Provisions of former act extended.

prevent horses, cattle, sheep and swine, from running at large in the townships of Hackensack and Harrington, in the county of Bergen," approved February twelfth, eighteen hundred and fifty-two, and all the benefits and provisions of said act, be and the same are hereby extended to the townships of Lodi, Washington, and Saddle River, in the said county of Bergen, and the township of Manchester, in the county of Passaic, and the townships of Bergen and North Bergen, in the county of Hudson.

Approved February 16, 1854.

CHAPTER XLVII.

AN ACT to authorize the executors of John Heisler, deceased, late of Burlington county, to make a deed for the real estate of the deceased.

Preamble.

WHEREAS, John Heisler, deceased, late of Burlington county aforesaid, did, in and by his last will and testament duly executed to pass real estate, and dated ninth of March, eighteen hundred and forty-two, order and direct his executors, George Heisler and John W. Fennimore therein named, to make sale absolutely, of a part of his real estate, and did give said executors a discretionary power to sell the residue thereof, if they should think best so to do, and directed that the proceeds of said sales, after payment of the debts of the deceased, should be "put out at interest, sufficiently secured by bond and mortgage," and the interest thereof to be paid to his wife Elizabeth, yearly, during her natural life, or as much thereof as would afford her a comfortable support, and the remainder, if any, to be paid under certain limitations therein contained, every year among his children, their heirs

or legal representatives; and whereas, the said executors, in the exercise of their said powers under said will, and by and with the consent and approbation in writing of the heirs of said deceased (all of whom are now of age,) have sold the real estate to the several purchasers hereinafter named, to wit: first, a tract of land containing ninety-six acres and thirty-one one hundredths of an acre, situate in Willingborough and Burlington townships, in said county, along the Delaware river, being on the north side of the Burlington road, and adjoining lands of William Adams and Henry Lowden, to James Manderson and Sylvester Keyser, of the county of Philadelphia, for the sum of three hundred and thirteen dollars per acre; second, a tract containing seven and a half acres, in Burlington township aforesaid, adjoining the aforesaid tract, to the same purchasers, at one hundred and seventy-four dollars per acre; third, a tract containing thirty-two acres, in Willingborough aforesaid, adjoining lands of John and William Adams, sold to William Sharp, of said township last named, for one hundred and thirty dollars per acre; fourth, a tract containing one acre and sixty-nine one hundredths of an acre, on which is a house, in said township of Willingborough, on Wood lane, between the Burlington road and the Camden and Amboy railroad, sold to William Heisler, of Burlington township, for the sum of one thousand and one dollars; and whereas, since the decease of the said John Heisler, his said wife, Elizabeth, has become incapable, by reason of lunacy or derangement of mind, of executing in a legal manner a release of her interest, if any, in the estate of said deceased, by reason whereof doubts may arise as to the title to be made by said executors; and whereas, it manifestly appears that the sale of said real estate has been in strict pursuance of the powers given in said will, and is for the interest as well of the said widow as of the heirs of deceased; now, therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said executors of the said John Heisler, deceased, be and they hereby are authorized and empowered to make good and valid deeds to the several pur-

Executors authorized to make deed.

Proviso.

chasers of the lots of land hereinbefore referred to, free and clear of any right or claim thereupon, upon the part of said Elizabeth, widow of said John Heisler, deceased, and that the said several deeds have the same force and effect as if the said widow had been competent to execute, and had duly executed the same; *provided nevertheless*, that nothing in this act shall be so construed as shall exempt the said executors from investing the proceeds of said sales, and paying over the same for the benefit of the widow and heirs of said deceased, in compliance with the directions of said will.

Approved February 16, 1854.

CHAPTER XLVIII.

A 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, approved March fourteenth, eighteen hundred and fifty-one.

Sheriff may
appoint ap-
praisers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every sheriff or other officer, having an execution or civil process against any defendant having a family, is hereby authorized and empowered to perform the same duties which any judge of the court of common pleas would be required to perform under the second section of the act to which this is a supplement.

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

Approved February 16, 1854.

CHAPTER XLIX.

A supplement to an "Act to prevent gaming," passed February eighth, seventeen hundred and ninety-seven; Revised Statutes, page five hundred and seventy-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the opening or keeping of any room or place for playing at billards, or A, B, C, or E, O, table or tables, or at tennis bowls, or shuffle board, or at faro bank, or other bank of like kind, under any denomination whatever, or for playing at nine-pins or any other number of pins, or for cock-fighting, or for pistol-shooting, either for money or without money, within three miles of the main building of "Rutger's College," in New Jersey, shall be and hereby are declared to be offences against this state; and the owner, tenant, keeper, or attendant of such room or place, shall be prosecuted and proceeded against by indictment, and upon conviction shall be fined in a sum not exceeding two hundred dollars, or by imprisonment for a period not exceeding six months, or both, at the discretion of the court.

Penalty for keeping billiard tables, &c., within certain limits.

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

Approved February 16, 1854.

CHAPTER L.

A further supplement to the act entitled "An act to establish and confirm the charter rights and privileges of the borough of Elizabeth," passed the twenty-eighth of November, seventeen hundred and eighty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the members of the several fire

Firemen exempted from jury duty.

Proviso.

engine companies, hook and ladder companies, and hose companies, which now are or hereafter may be organized under the direction of the corporate authorities of the said borough of Elizabeth, shall be exempt from serving as jurors, and shall also be exempted from the payment of taxes assessed by order of the common council of said borough; *provided*, that such exemption shall not be made in any case for a greater sum than three dollars, nor in favor of any person who shall not have been duly nominated to and approved by the said common council, according to the provisions of section II. of "An ordinance to regulate the fire department of the borough of Elizabeth," passed July eighteenth, eighteen hundred and forty-five, or in such other manner as the said common council may hereafter determine.

Approved February 16, 1854.

CHAPTER LI.

A further supplement to the act entitled An act to incorporate the City of Trenton, approved March seventh, eighteen hundred and thirty-seven.

Election of
city officers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the annual election to be held in and for the city of Trenton on the second Monday in April, in the year one thousand eight hundred and fifty-four, and at each annual election thereafter, there shall be chosen by the electors of the said city, from among the citizens residing therein and entitled to vote at such election, in the same manner as the mayor is now elected, one clerk, one treasurer, one clerk of the market, one street commissioner, and one marshal, who shall hold their respective offices for the term of one year, and shall severally perform the duties now required by law to

be performed by the clerk, treasurer, clerk of the market, street commissioner, and marshal of said city.

2. *And be it enacted*, That all parts of the act entitled, ^{Part of former act repealed.} "An act to incorporate the City of Trenton," and all supplements thereto, that may conflict with this act, be and the same are hereby repealed.

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

Approved February 16, 1854.

CHAPTER LII.

AN ACT for the security of manufacturers of Mineral Waters and other beverages.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Description of bottles to be filed.} *the State of New Jersey*, That all manufacturers of mineral waters and other beverages, in bottles, upon which their names or mark or marks, shall be respectively impressed, may file in the office of the clerk of the county in which the business of such manufacturers is conducted, a description of such bottles and of the names or marks thereon, and shall cause the same to be published for four weeks successively, in a daily, weekly, or other newspaper, published in the county wherein the same shall be manufactured or sold.

2. *And be it enacted*, That it is hereby declared to be un- ^{Penalty for using bottles of other manufacturers.} lawful for any person or persons hereafter, without the written permission of the owner thereof, to sell, dispose of, buy or traffic in, or to wilfully break or destroy any such bottles so marked, and not bought by him or her of such owner, or to fill with mineral water or other beverages, any of such bottles for the purpose of sale; and any such person so offending shall

be liable to the penalty of fifty cents for every bottle so filled, bought, sold, destroyed, used or trafficked in, for the first offence, and five dollars for every subsequent offence, to be recovered before any justice of the peace or other magistrate, as fines and penalties are recoverable, one-half for the use of the poor of the city, town, or township where such offence shall be committed, and the other half for the use of the sheriff, deputy sheriff, or constable who may arrest such offender.

Proceedings in
case of unlaw-
fully using
bottles.

3. *And be it enacted*, That the fact of any person, other than the rightful owner thereof, using such bottles for the sale therein of any mineral water or other beverage, shall be prima facie proof of the unlawful use and purchase of such bottles as aforesaid, and any such owner, or the agent of the owner, who shall make oath or affirmation before any justice of the peace or other magistrate, that he has reason to believe, and does believe, that any of his bottles stamped and registered as aforesaid, are being unlawfully used by any person or persons, selling or manufacturing mineral or other beverages, or that any junk vender or dealer in bottles, shall have any of such bottles secreted upon his premises or in any other place, then the said justice of the peace or other magistrate, shall thereupon issue a process in the nature of a search warrant directed to any constable to search the premises of the offender or offenders, where such bottles are alleged to be, and if upon search any bottles so marked shall be found, to bring the same, together with the body of the person in whose possession they may be found, before such justice of the peace or other magistrate, then to be punished as the law directs.

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

Approved February 21, 1854.

CHAPTER LIII.

A supplement to an act entitled "An act to incorporate the Mount Holly and Jobstown Turnpike Company," approved February twenty-fifth, eighteen hundred and fifty-three.

WHEREAS, a company has been legally organized under the ^{Preamble,} above named act, and whereas it is deemed advisable that the said turnpike company should make use of the site of the public road leading directly from Mount Holly to the village of Jobstown, as being the most direct and convenient for the purpose of constructing thereon the turnpike authorized by said act; and whereas, on application to the court of common pleas of the county of Burlington, at the term of September, A. D. eighteen hundred and fifty-three, surveyors were appointed for the purpose of vacating said road, who by their return to the said court, made to the term of December, A. D. eighteen hundred and fifty-three, unanimously ordered said road to be vacated, which said return has since been recorded by order of the court; and whereas, on the sixteenth day of March, A. D. seventeen hundred and ninety-six, the legislature passed an act entitled "An act for appointing commissioners to lay out and open a direct road from the court-house, in the county of Monmouth, to Mount Holly, in the county of Burlington," which said act, among other things, provides "that the said road, so laid out and opened, shall not be liable to be removed, relaid, altered, or vacated, except by an act of the legislature;" and whereas, the said road upon which the said turnpike is proposed to be built is a part of the said road so laid out:

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That so much of the public road leading from Mount Holly to Jobstown, in the county Burlington, as is hereinafter described, viz: beginning at a stake at the bridge over a branch of the Buttonwood stream, in Garden street, and running from thence along the said public highway;

Part of public
road vacated

Proviso.]

(1st) north sixty-six degrees east, twelve hundred and nine feet, to a corner; thence (2d) north fifty-one degrees and thirty minutes east, nine hundred and seventy-six feet, to a corner; thence (3d) north sixty-eight degrees and ten minutes east, seventeen thousand nine hundred and fifteen feet, to a corner; thence (4th) north fifty-eight degrees and thirty minutes east, seven thousand nine hundred and forty-eight feet, to a stake in the village of Jobstown, at the intersection of the Columbus road, and thirty feet six inches from Samuel J. Haines's shoe-store, and there ending, shall be, and the same is hereby vacated; and that it shall be lawful for the said "the Mount Holly and Jobstown Turnpike Company, to construct their turnpike road upon the site of the road hereby vacated; *provided*, that before the said company shall construct their turnpike road, they shall pay to the respective owners of the lands over which the said turnpike road shall pass, all damages which the said owners shall sustain by reason of the construction of the said turnpike road; and in case the said company and any of the said owners cannot agree, the damages shall be ascertained in the manner provided for by the act to which this is a supplement.

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

Approved February 23, 1854.

CHAPTER LIV.

AN ACT to incorporate the "Bergen Port Copper Company," of New Jersey.

Names of corporations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Warren Delano, Jr., Samuel F. Tracy, William G. Steele, Frederick A. Delano, their associ-

ates, successors and assigns, are hereby constituted a body politic and corporate by the name of the "Bergen Port Copper Company," for the purpose of purchasing, smelting, manufacturing and vending copper, iron and other ores, minerals and metals, and for exploring and mining for the same, and for such purposes may purchase, have and hold, in fee or for a term of years, any real and personal estate, and may mortgage, sell, transfer and convey the same; by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity in all suits and actions; may have a common seal and the same alter or renew at pleasure, and may enjoy all the privileges incident to corporations. ^{General powers.}

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with authority to increase the same at any time by vote of a majority of the stockholders, to any amount not exceeding two hundred and fifty thousand dollars, said stock to be divided into such number of shares as the stockholders or board of directors may elect. ^{Amount of capital stock.}

3. *And be it enacted*, That the corporators named in this act be and hereby are appointed commissioners to open books for subscription to the capital stock of said company. ^{Commissioners to receive subscriptions.}

4. *And be it enacted*, That the first meeting of said corporation may be called by the persons named in this act, at such time and place as they may select, and at such meeting a board of directors shall be chosen from among the subscribers to the stock by the votes of a majority of such subscribers there present; and said board of directors shall take charge of all the operations and business of the company, subject to such rules and regulations as may be adopted by the stockholders. The said directors shall hold office for one year, or until their successors are appointed, and may adopt such by-laws and regulations as they may deem expedient, not inconsistent with the rules of the stockholders, or the constitution and laws of the United States or of this state. ^{Duties and powers of directors.}

5. *And be it enacted*, That the directors shall cause a book to be kept containing the names of all persons who are stockholders of said company, showing their places of residence and ^{List of stockholders to be kept.}

the number of shares of stock held by each respectively, which book, during the usual business hours of each secular day, shall be open at the place of business of said company for the inspection of the stockholders and creditors of the company and their representatives.

When company may commence operations.

6. *And be it enacted*, That the said corporation may commence operations as soon as fifty thousand dollars are paid in, no part of which shall be withdrawn or in any manner diverted from the business of the company, and shall not contract debts at any time to an amount exceeding the amount of capital stock actually paid in.

Not to engage in banking.

7. *And be it enacted*, That nothing contained in this act shall be construed as conferring upon said corporation any banking privileges.

Approved February 23, 1854.

CHAPTER LV.

AN ACT to incorporate the Perth Amboy and New York Steamboat Company.

Names of incorporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alfred Hall, William King, Cornelius White, Elijah Chamberlin, and Daniel L. Clawson, and such persons as may become associated with them, their successors and assigns, be and the same are hereby constituted a body corporate and politic, by the name of "The Perth Amboy and New York Steamboat Company," and by that name may have continual succession, may make and use a common seal, and be able to sue and be sued in all courts of record or elsewhere, and may have full power and authority to purchase, build, hold, sell and convey any steamboat or boats, lands, tenements, and real and personal estate whatever, that may be necessary for the objects of the corporation.

2. *And be it enacted*, That the above named persons, or a ^{Commissioners to receive} majority of them, shall be commissioners to receive subscrip- ^{subscriptions.} tions and divide the capital stock, who shall open a book for such subscriptions, at such time and place as they shall see fit, giving at least twenty days' notice thereof by advertisements set up in Perth Amboy ; that five dollars shall be paid on each share of stock at the time of subscribing, and the company may commence operations whenever the sum of twenty thousand dollars shall have been subscribed and paid in, and a certificate thereof signed by a majority of the directors on affidavit shall have been filed with the secretary of state ; and thereafter, the directors to be chosen as hereinafter mentioned may receive further subscriptions and call in such further instalments as they may deem necessary ; *provided*, no instalment shall be de- ^{Proviso.} manded without at least twenty days' previous notice of the time and place of payment, to be inserted in a newspaper in the county of Middlesex.

3. *And be it enacted*, That the capital stock of this corpo- ^{Amount of} ration shall be fifty thousand dollars, which shall be divided ^{capital stock.} into shares of one hundred dollars each ; and the same shall be employed in running one or more steamboats from Perth Amboy, in the county of Middlesex, to the city of New York, and such other ports as the directors may deem expedient ; and the capital stock shall be personal estate, transferable on the books of the company.

4. *And be it enacted*, That the affairs of the company shall be ^{Election of} conducted by five directors, being stockholders, and a majority ^{directors.} residents and citizens of this state, who shall hold their office for one year, and until others are elected ; the first directors shall be elected at a meeting of the stockholders, to be called by the commissioners, or a majority of them, on notice of at least five days before the time of such meeting, in five or more public places in Perth Amboy ; and thereafter, the directors shall be elected annually, on like notice.

5. *And be it enacted*, That the directors, or a majority of ^{Duties and} them, may choose a president, and such other officers and ^{powers of di-} agents as they may think proper, and make such by-laws and ^{rectors.} regulations for the purposes of this act, not inconsistent with

the constitution of this state or of the United States, as may be necessary; and may also fix and determine the prices to be paid by passengers and all kinds of merchandise and freight that may be transported in the boats of the corporation; in case of vacancy in their number, the remaining directors may fill the same until the next annual election.

Corporation
not dissolved
for failure to
elect on day
prescribed.

6. *And be it enacted*, That if an election of directors shall not be made at the proper time, the corporation shall not be dissolved, but such election may be made as is or may be provided for by the by-laws of the company.

Not to engage
in banking.

7. *And be it enacted*, That this corporation shall not employ any part of its assets for banking or other purposes not clearly indicated herein, under immediate forfeiture of its charter.

Capital stock
may be in-
creased.

8. *And be it enacted*, That the capital stock may be increased at the discretion of the directors and stockholders, or a majority of the persons representing the larger share of the stock, to a sum not exceeding one hundred thousand dollars; but the company shall at no time be the owners of or possess real estate in this state, the value of which shall exceed five thousand dollars.

Limitation.

9. *And be it enacted*, That this act shall take effect immediately, and may be amended, altered, modified or repealed, at any time, by the legislature, on due notice, but it shall not continue in operation longer than twenty years.

Approved February 23, 1854.

CHAPTER LVI.

AN ACT to incorporate "The Dickerson Suckasunny Mining Company."

Names of cor-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Philemon Dickerson, Mahlon

D. Canfield, Frederick Canfield, Jacob Vanatta, Edward N. Dickerson, Silas D. Canfield, Philemon Dickerson, junior, and such other persons as now are, or may hereafter be associated with them and their successors be and they are hereby constituted a body politic and corporate, by the name and style of "The Dickerson Suckasunny Mining Company," for the purpose of mining, smelting, manufacturing and vending ores, minerals, earth, and metallic substances of every description, in the most advantageous manner; and by that name they and their successors shall have all the general powers which, by the laws of this state, are now incident and belong to every corporation; *provided*, that the lands, and mining, and mineral rights held in this state by the said corporation, shall not exceed two thousand acres, and shall be situate in the counties of Morris and Sussex. Proviso.

2. *And be it enacted*, That the capital stock of said company shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be 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 persons first above named, or any five of them, shall open books to receive subscriptions to the capital stock of the said corporation, at such time or times, place or places, in the county of Morris, as they may think proper, giving notice thereof for at least two weeks previous to the opening of said books, by publishing the same in one of the newspapers printed at Morristown, and the said books shall be kept open for three days, at least, and five dollars shall be paid upon each share of the stock subscribed, at the time of subscription, and if more than three hundred thousand dollars shall be so subscribed, the said persons in the first section named, or a majority of them, shall make an equitable distribution of the said stock among the said subscribers; *provided, however*, that any person owning a tenth, or other part of the Suckasunny mine, late the property of Mahlon Dickerson, deceased, may, at the time above mentioned, subscribe for and have, in preference to any other person or persons, and without being subject to apportionment, as Commissioners to receive subscriptions. Proviso.

many shares of the capital stock of said company as he or she may desire, not exceeding two hundred shares of said stock to each undivided tenth part or share of said mine, and in the like proportion for a greater or less share of said mine; and it shall and may be lawful for said company to commence their business and carry it on after the sum of twenty thousand dollars shall be subscribed, and the sum of twelve thousand dollars paid; and when they find it necessary, the directors of said company may call and demand of the stockholders all sums of money by them subscribed, by instalments of not more than five dollars on each share, and at intervals of not less than thirty days between each payment, under penalty of forfeiture of all previous payments, if any such instalments be not paid within thirty days after notice has been given in writing, through the post office, addressed to the usual place of residence of each stockholder.

Election of directors.

4. *And be it enacted*, That the business and concerns of said company shall be managed by five directors, being stockholders, one of whom shall be president, and a majority of whom shall be resident in this state, and the said directors shall be elected on the first Saturday in April, in every year, in the county of Morris, and notice of such election shall be given, at least two weeks previously, in a newspaper published at Morristown, in said county of Morris, which elections shall be held and conducted in conformity to the act entitled "An act to prevent fraudulent elections by incorporated companies, and to facilitate proceedings against them," approved April fifteen, eighteen hundred and forty-six, and the supplements thereto; and the persons, being stockholders, having the greatest number of votes, shall be the directors, and said directors shall proceed by ballot to elect one of their number president; and in case any vacancy or vacancies shall happen in the office of director by death, resignation, or otherwise, such vacancy or vacancies may be filled for the remainder of the year wherein it or they may happen, by the said board of directors, or a majority of them; *provided, however*, that when any such vacancy or vacancies may happen, the said board of directors, or a majority of them, upon the request, in

Proviso

writing, of two or more stockholders for a special election, shall, immediately upon the service of such request, order a special election to fill such vacancy or vacancies by the stockholders; which special election shall be held within twenty-five days after service of said request upon said board of directors, at the same place, upon the like notice, and be conducted in the same manner as the regular annual election, and the person or persons being stockholders, or a stockholder, having the greatest number of legal votes at such special election, shall be the director or directors to fill the vacancy or vacancies aforesaid.

5. *And be it enacted*, That in case it shall happen than an annual election should not take place on the day mentioned for holding the same, the said corporation shall not for that cause be deemed to be dissolved, but such election shall be held at any time thereafter, upon notice as aforesaid, or upon like notice given by any five stockholders, and the directors for the time being shall continue to hold their offices until new ones shall have been chosen in their places.

6. *And be it enacted*, That a majority of the directors shall form a board for the transaction of any business which the said corporation or its directors may lawfully do, under the provisions of this act of incorporation.

7. *And be it enacted*, That this act shall take effect immediately, and shall continue in force for the term of thirty years, and the legislature reserve the right, at any time hereafter, to alter, amend or repeal the same whenever, in their opinion, the public good requires it.

Approved February 24, 1854.

CHAPTER LVII.

AN ACT to incorporate the Mount Holly, Lumberton and Medford Turnpike Company.

Commission-
ers to open
books for sub-
scription.

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 Mount Holly, Lumberton and Medford Turnpike Company shall be opened by Charles Bispham, David B. Cole, James S. Hulme, Allen Fenimore, Jonathan Oliphant, William C. Porter, Franklin C. Doughten, Charles Collins, William Braddock, Thomas Wilkins, H. P. Ely, Barclay Haines, Michael Coate, Andrew E. Budd, Philip T. Coate, B. H. Stratton, Thomas M. Collins, Benjamin Shreve, Benajah B. Powell, and Isaac W. Morris, or a majority of them, who are hereby appointed commissioners to receive subscriptions to said stock, at such times and places as they, or a majority of them, may direct, giving public notice thereof at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be fifteen thousand dollars, with the liberty for 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 two 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 "Mount Holly, Lumberton and Medford 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.

Payment of
instalments.

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 said company as soon as one is appointed; and the residue of subscriptions shall be paid in instalments at such times and places and to such person or per-

sons as the president and directors of the company shall from time to time direct, and give public notice thereof in manner as aforesaid; and upon the failure of payment thereof, as directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of said company; *provided*, that if the number of shares subscribed ^{Proviso.} for shall exceed the number of shares authorized by this act, that 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 ^{Proviso.} no subscription for less than six shares of said stock shall be reduced by said apportionment.

4. *And be it enacted*, That when two 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 hereinbefore directed with regard to the opening of said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot nine directors, a majority of whom shall be citizens of this state, to manage the affairs of the said company for one year, of which election the said commissioners, or a majority of them, shall be judges; and at the expiration of that term, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect by ballot the same number of directors, a majority of whom shall be citizens of this state, as aforesaid; and at every such election, and in all other cases in which stockholders shall be entitled to vote, a vote may be given for each share by the holder or holders thereof, either in person or by proxy; *provided, nevertheless*, ^{Proviso.} that no stockholder shall have more than twenty votes, although he or she may have a greater number of shares.

5. *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 a resident of the county of Burlington, who shall hold his office for one year, and until another ^{Duties and powers of president.}

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 the said directors, and shall have the casting vote when the meetings 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 suitable person, who, for the time being, shall possess the same powers and authority, and perform all the duties herein prescribed.

Powers of directors.

6. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval of the annual elections, by death, resignation, removal, or refusal to act, of any president or director, and may appoint a treasurer, who shall be a citizen of this state, and a resident of Burlington county, 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 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 the United States.

Proviso.

Company authorized to make road.

7. *And be it enacted*, That it shall and may be lawful for the said company to make and construct a turnpike road, either three or four rods wide, from the junction of the Mount Holly and Moorestown turnpike, at Mount Holly, in the county of Burlington, to the junction of the Hainesport, Lumberton and Vincentown turnpike in the village of Lumberton, in said county; thence from the junction of the road leading from the said village of Lumberton to the Bull's Head tavern, in said county, to the junction of the Medford and Marlton turnpike road in the village of Medford, in said county, which said

turnpike shall be constructed on and along the public road leading from Mount Holly to the said village of Medford, by way of said Lumberton; and the width of said turnpike road shall be governed by the width of said public road upon which it may be made; and it shall be lawful for said company, by their officers, agents, or other persons in their employ, to enter from time to time, and at all times, upon all lands for the purpose of searching for stone, gravel, sand, clay, or other materials for the construction or use of said road, doing thereunto no unnecessary damage; *provided*, that before the said com- Proviso.pany shall construct the said turnpike road aforesaid along either of the said highways aforesaid, they shall pay to the respective owners of the land over which the said highway selected for constructing said turnpike road now passes, all damages which the said owners will sustain by reason of the construction of the said turnpike road; and in case the said company and any of the said owners cannot agree upon the amount of said damages, then the said damages shall be ascertained and determined, as near 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 land for the constructing and maintaining of said turnpike road.

8. *And be it enacted*, That the said turnpike road shall be Description of road. constructed at least thirty-two feet in width 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 or 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 the said road shall rise above an angle of four degrees with the plane of the horizon; 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 upset, the said company shall cause good and sufficient railings to be erected and maintained on the sides so as to prevent horses and carriages from running off.

9. *And be it enacted*, That it shall be lawful for the said

Proceedings
when company
and owners
cannot agree.

company, their officers, agents, superintendents, engineers and workmen, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all other 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 draining said road, and to take and carry away stone, gravel, clay, sand, earth and other materials therefrom, suitable for making and repairing said road; and that, when the 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 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 they be known, and their residence, if it can be ascertained, to one of the justices of the supreme court of this state, or to one of the judges of the court of common pleas of the county of Burlington, who shall cause the said company to give notice to the persons interested, if known and in this state, or if unknown or out of the state, to make publication thereof as he shall direct for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial, and judicious freeholders, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice or judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of 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 examine the land or materials, and make a just and equitable estimate or appraisal of the value of the same, and assessment of the damages to be paid by the company, for such land or materials and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county of Burlington, to remain of record therein, and shall be recorded by the said clerk; which report, or a copy thereof certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, enjoy, and possess the said land or material, after payment of the value and damages so assessed, and of the right of the owner or owners to recover the amount of said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they neglect or refuse to pay the same for twenty days after demand made to their treasurer, and shall constitute a lien upon the property of said 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.

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

For every carriage, sleigh or sled, drawn by one beast, one cent.

Rates of toll.

| | |
|--|-------------|
| For every additional beast, | one cent. |
| For every horse and rider, or led horse or mule, | five mills. |
| For every dozen of calves, sheep or hogs, | five mills. |
| For every dozen of horses, mules or cattle, | two cents. |

Proviso.

And it shall and may be lawful for the tollgatherers to stop persons riding, leading, or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes until they shall have paid toll, as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the Sabbath day, or to or from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleigh or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing, when called to do duty by the laws of this state or the United States.

Toll may be received when certain part of road is completed.

11. *And be it enacted*, That the said company, as soon as they shall erect and construct a turnpike road in the manner aforesaid, from the village of Mount Holly aforesaid to the village of Lumberton aforesaid, they are hereby authorized to erect turnpikes or gates, and receive the tolls heretofore prescribed by this act, in the same way as if the whole route of the road was completed.

Mile stones to be erected.

12. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on said road, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from Mount Holly, 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."

13. *And be it enacted*, That if any person shall wilfully

break, deface, or throw down any of the mile stones or posts Penalty for injuring works. so erected on said road, or wilfully tear down or deface any of the printed directions or rates of toll, or shall cut, break down or destroy, or otherwise injure any of the said 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 of 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 turnpike, on private grounds adjacent thereto, and again enter on said road, with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by said company in an action of debt, with costs of suit for the use of said company.

14. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay and hinder any traveler passing at any of the Penalty for taking illegal toll. gates or turnpikes, or shall demand or 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 and defrauded.

15. *And be it enacted*, That all the drivers of carriages, Penalty for obstructing passage. sleighs or sleds, of every kind and description, whether of burden 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 clear and free for other persons on horseback, or in carriages, to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Proceedings in
case road and
bridges are not
kept in repair.

16. *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 Burlington who may be disinterested, the said justice shall immediately by writing, under his hand and seal, appoint 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 shall appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and to report to the said justice in writing under their hands and seals, or under the hands and seals of any two of them, whether it be in such a state as the law requires it to be kept; and if the report be unfavorable to said road, the said justice shall immediately, under his hand and seal, order the keeper of said gate or turnpike to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said justice to open the said gate or turnpike, exact toll of travelers, he shall for each offence forfeit and pay the sum of twenty dollars, to be sued for by any person who will prosecute for the same, in an action of debt, with costs of suit; and the justice shall be allowed for his service fifty cents, and the persons appointed, one dollar each, to be paid by the company, and the persons so appointed, or a majority of them, on application from said company, again to view 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 gate or turnpike to be shut, and the toll collected as before, and the fees shall be allowed and paid as before directed; but if on the first view, the report of the persons appointed shall be in favor of the company, the same fees shall be allowed as before directed, 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 as above prescribed, one or more respectable freeholders in the said township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township so disqualified.

17. *And be it enacted*, That this act shall not take effect until the public highways upon which the said turnpike road is authorized to be located and made, are vacated as public highways according to law; and if the said road be not commenced within two, and completed within six years from the passage of this act, that then and in that case this act shall be void; and the said corporation shall possess the several powers, and be subject to the restrictions and liabilities contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Act when to
take effect.

Approved February 24, 1854.

CHAPTER LVIII.

AN ACT to define the duties and fix the salary of the Attorney General.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the attorney general, when not incompatible with his other public duties, to be present at the seat of government during the session of the legislature, to give to the members of the Senate and Assembly, and to the Executive, and all the officers of the state government, such legal information as they may from time to time request, examine and decide all cases submitted for his opinion by the state superintendent of common schools, attend in any county of the state for the trial of homicide cases, or

Duties of At-
torney Gene-
ral.

other high crimes, on the written request of a justice of the supreme court, or of the board of chosen freeholders of any county, upon all applications for loans of the school fund, to inspect the title papers and determine the security offered, and attend generally to all matters in which the state is a party, or in which its rights and interests are involved.

Salary.

2. *And be it enacted*, That the attorney general shall receive an annual salary of fifteen hundred dollars, to be paid to him by the treasurer of this state, in quarterly payments.

Criminal business to be prosecuted by prosecutors of the pleas.

3. *And be it enacted*, That after the passage of this act the criminal business of the state shall be prosecuted exclusively by the prosecutors of the pleas, except in counties where, for the time being, there may be no prosecutor, or where the prosecutor desires the aid of the attorney general; and when the attorney general prosecutes in a county having no prosecutor, he shall be entitled to the fees now fixed by law; and where he aids in the prosecution at the request of the prosecutor, he shall be entitled to one-half of the fees; and when the attorney general attends the trial of any case at the request of a justice of the supreme court, or of the board of freeholders, as provided in the first section of this act, he shall be paid such sum for that special service as the justice of the supreme court of that judicial district shall certify and fix, to be paid by the collector of the county in which the cause is tried.

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

Approved February 24, 1854.

CHAPTER LIX.

AN ACT to incorporate "The Beverly Union Cemetery Company."

1. BE IT ENACTED *by the Senate and General Assembly of* Names of corporators.
the State of New Jersey, That John W. Fennimore, William Bryan, Abel H. Nichols, John W. Hiles, George G. Gleason, Benjamin C. Bacon, Michael Davis, Peter C. Vondercrone, and Abraham Vansciver, they and their associates, and all such persons as shall become holders of burial lots in the cemetery hereinafter named, are hereby constituted a body corporate, by the name of "The Beverly Union Cemetery Company."

2. *And be it enacted,* That the said corporation shall have Corporation may hold real estate.
 power to purchase, take, and hold in fee, a tract of land, not exceeding twenty acres, situated in the township of Willingboro', in the county of Burlington, for the purpose of such cemetery, and shall hold such tract of land, when purchased, in trust for the uses hereinafter mentioned, to wit; first, the said corporation shall have power to lay out avenues and walks, and divide such tract into sub-lots, and may sell or otherwise dispose of such sub-lots, in the said cemetery, and take the proceeds of sale to their own proper use and behoof, and may erect thereon such improvements, buildings and accommodations, as they may deem suitable; second, the sub-lots shall be conveyed to their respective purchasers in fee, and the purchaser of each lot, his heirs and assigns, shall have the exclusive use and occupation thereof, only for the interment of deceased persons, with the common use of the avenues and walks, subject to such regulations as may be established by the said corporation, relative to the rights and privileges of the holders of lots and the transfer of the same, the digging of graves, the building of vaults, the erecting of monuments, and the ornamenting and preserving of the whole or any part of said cemetery.

3. *And be it enacted,* That the care and management of the Election of managers.
 said cemetery, and the business of the said corporation shall

be confided to nine directors or managers, being lot holders, who shall have the exclusive superintendence thereof, and shall hold their offices for one year, and until others are chosen; and the said managers shall be chosen on the third Tuesday of January in every year, at such places and time of day as shall be directed by the by-laws of the said corporation, notice being given thereof in five of the most public places in the vicinity; and each lot holder shall in all cases be entitled, in person or by proxy, to one vote for each lot held by him or her; and the persons receiving the greatest number of votes shall be the managers; and it shall be the duty of the managers for the time being, immediately before proceeding to an election, to make a report to the proprietors, of the state of the affairs of the association; and all vacancies occurring by death, resignation or otherwise, among the managers, may be filled by a majority of the remainder; and a majority of the managers shall at all times be a quorum for transacting the business of the said corporation.

Vacancies.

First managers.

4. *And be it enacted*, That the persons hereinbefore named as the corporators, shall constitute the first board of managers, who shall, as soon as they may deem it expedient, after the purchase of a tract of land for the purpose herein set forth, call a meeting of the proprietors, (lot holders,) a majority of whom thus assembled, shall have power to make by-laws, rules, and regulations, relative to the duties of the managers, the right of lot holders, the privilege of visitors, and the general government of the cemetery, and may at their first meeting, or at any annual meeting, empower and direct the managers for the time being, to make any by-laws, rules and regulations, for the government of the cemetery, which they (the said managers) may deem expedient.

Property not subject to tax.

5. *And be it enacted*, That from and after the purchase of such tract of land, for the purpose of such cemetery, the premises so purchased, the burial lots, vaults, monuments and other fixtures of 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 or assignments, under any insolvent law whatever, except for in-

cumbrances existing at or previous to the purchase of said tract of land for such cemetery; and that after such purchase, no street or road shall be opened through the lands of this corporation.

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

Approved February 24, 1854.

CHAPTER LX.

AN ACT to change the time of holding the annual town meeting in the townships of Sandyston and Montague, in the county of Sussex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the passage of this act ^{Time of holding town meetings:} the annual town meeting in the townships of Sandyston and Montague, in the county of Sussex, shall be held on the second Monday of April, annually, at the usual places of holding said town meeting.

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

Approved February 24, 1854.

CHAPTER LXI.

AN ACT to repeal part of the act entitled a further supplement to the act entitled an act for the preservation of sheep, approved April fourteenth, eighteen hundred and forty-six, approved March the ninth, eighteen hundred and fifty-three.

Part of former
act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act entitled a further supplement to the act entitled an act for the preservation of sheep, approved April fourteenth, eighteen hundred and fifty-three, applied to the townships of Hohokus, Washington and Franklin, in said county of Bergen, be and the same is hereby repealed.

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

Approved February 24, 1854.

CHAPTER LXII.

AN ACT to incorporate the Fowler Franklinite Company.

Names of cor-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Fowler, John Fowler, George W. Savage, Joseph R. Latourette, John F. Trippe, James L. Curtis, Jonathan Trotter, Daniel H. Curtis, and Samuel T. Jones, 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 Fowler Franklinite Company," for the purpose of exploring for minerals, and 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 advantageous for exploring, mining, conveying, cleansing and manufacturing iron 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 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.

2. *And be it enacted*, That the capital stock of this company shall be seven hundred and fifty thousand dollars, with the power to increase the same to twelve hundred thousand dollars, divided into shares of ten 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 instalments, not exceeding three dollars on each share, at any one time, not deemed or declared full stock; and on failure to pay any instalment, 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 county of Sussex, and in the cities of Newark and New York.

Amount of
capital stock.

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 second Tuesday in May, eighteen hundred and fifty-five, and until others are elected or appointed in their stead.

First 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

Officers of our
corporation.

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 second Tuesday in May in each year, commencing on the second Tuesday of May, eighteen hundred and fifty-five, 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 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 of stock;

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.

Places for manufacturing.

7. *And be it enacted*, That the manufacture of Franklinite and other metals, from ores, under the authority of this act, may be carried on in the counties of Sussex, Essex, Morris, and Hudson, in this state.

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

Approved February 24, 1854.

CHAPTER LXIII.

AN ACT to release to Harriet Ward the right and title of the state of New Jersey to certain lands and premises in the city of Newark.

WHEREAS, James Ward, a bastard, late of the county of Essex ^{Preamble.} and state of New Jersey, died intestate, seized of certain lands and premises in the city of Newark and state aforesaid; AND WHEREAS, it is represented to the legislature, that the said James Ward left no heir or heirs capable of inheriting the said real estate, and that the same has escheated to the state of New Jersey under and by virtue of the laws in such case made and provided; and whereas, the said James Ward has left a widow without the necessary means of support and maintenance; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Right of State released.} *the State of New Jersey,* That all the right, title, interest, property, claim and demand of the state of New Jersey of, in and to all and singular the lands and premises, with the appurtenances, situate in the city of Newark aforesaid, of which the said James Ward died seized, is hereby granted, remised, released and confirmed unto Harriet Ward, widow of the said James Ward, and to her heirs and assigns, forever; *provided,* ^{Proviso.} that the said lands and premises shall be subject to the payment of the debts of the said decedent, as fully and completely as if the said James Ward had died intestate, leaving legal heirs.

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

Approved February 24, 1854.

CHAPTER LXIV.

AN ACT to incorporate the Long Branch Hotel Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Mairs, Henry E. Lafetra, Daniel H. Ellis, Samuel Laird, and Pearson Hendrickson, 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 Long Branch Hotel Company, and by that name they shall have power to lease and to purchase and hold real estate at or near Long Branch, in the township of Ocean, in the county of Monmouth, in this state, and to erect thereon a hotel, or a summer house, for public resort, and to make such improvements thereon and to transact all such business as may necessarily appertain to the erecting, constructing, furnishing, leasing, or otherwise disposing of said buildings, improvements and lands.

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 thousand dollars, with liberty to increase the same hereafter as aforesaid, when a majority of the directors of said corporation shall so determine, to any sum not exceeding one hundred and fifty thousand dollars.

Stock transferable.

3. *And be it enacted*, That the capital stock of said corporation shall be divided into shares of one hundred dollars each, and shall be transferable in such manner as the by-laws of said corporation shall direct, and each of said shares shall entitle the owner thereof to one vote at all elections of directors or other officers, and in all stockholders' meetings for business or for making by-laws for said corporation, which vote may be given in person or by proxy.

When company to commence operations.

4. *And be it enacted*, That said corporation shall not go into operation until the commissioners herein named shall receive in money for said capital stock the sum of twenty thou-

said dollars, and subscriptions to capital stock to the amount of forty thousand dollars, and an affidavit thereof, made by one of the commissioners, and filed in the clerk's office of the said county of Monmouth, and said money and subscriptions transferred, as hereinafter directed, to said corporation.

6. *And be it enacted*, That the persons named in the first section of this act be and they are hereby appointed commissioners, and the said commissioners, or a majority of them, may immediately after the passage of this act, open books and take subscriptions and receive moneys for said capital stock of said corporation in such manner as they may deem expedient, and whenever said moneys shall amount to the sum of twenty thousand dollars, and subscriptions to forty thousand dollars, the said commissioners, or a majority of them, shall convene the stockholders of said corporation by giving two weeks' notice in writing, or in a newspaper published in said county of Monmouth, stating the time, place, and object of the meeting; and the said stockholders, or a majority of them, who shall meet pursuant to said notice, shall proceed to elect five directors of said corporation, and to elect such other officers and to make such by-laws as they may deem expedient; *provided*, such by-laws are not inconsistent with public law; and the said commissioners, as soon as said directors shall be chosen, shall transfer all moneys and subscriptions so taken and received as aforesaid by them to the said directors, and the said commissioners shall thereupon be discharged, and their further action in the premises cease; the remainder of the capital stock may be raised as said directors shall deem expedient; and no part of the capital stock shall be at any time, or under any pretence, withdrawn or refunded to the stockholders, until all the debts and liabilities of the said corporation shall be fully paid; and the directors shall hold their offices until others are elected; and the stockholders shall meet at least once in every year, at such time and place as provided by by-law, and choose directors if they deem proper.

6. *And be it enacted*, That the whole amount of debts which said corporation shall at any time owe shall not exceed the amount of its capital stock actually subscribed for, and in case

Commissioners to open books of subscription.

Proviso.

Debts not to exceed amount of capital stock.

of any excess, the directors under whose administration it shall happen, shall be jointly and severally liable to the extent of such excess, except such director or directors as shall file his dissent to such debt before it is contracted, in the office of the clerk of the county of Monmouth; the directors shall be elected from among the stockholders.

Annual statement to be made.

7. *And be it enacted*, That the office of the secretary of said company, together with the records and papers of said corporation, shall be kept in the county of Monmouth, and that at the time of their annual meeting to choose directors, the directors of said corporation shall submit to the stockholders of said corporation a written statement, accompanied by the affidavit of the president and secretary, of the capital stock paid in, the amount of all debts existing against the corporation, as well as the receipts and credits of said corporation, and no dividend shall be declared or paid except from the surplus profits arising from the business of said corporation.

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

Approved February 24, 1854.

CHAPTER LXV.

AN ACT to incorporate the Hibernian Benevolent Society, of Elizabethtown.

Preamble.

WHEREAS, certain persons in the borough of Elizabeth, in this state, having associated themselves together for benevolent purposes, and with the object of mutually aiding and benefiting themselves and their families, and using the name of "The Hibernian Benevolent Society, of Elizabethtown," have applied to become incorporated to the end that they

may the more fully and easily carry out the ends of said society; therefore

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as now are or hereafter may become members of the Hibernian Benevolent Society, of Elizabethtown, shall be and they hereby are constituted and declared a body politic and corporate in law, by the name and style of the Hibernian Benevolent Society, of Elizabethtown. Style of incorporation.

2. *And be it enacted*, That the said corporation shall and may have a president, vice president, secretary, treasurer, and eight managers, who, together, shall constitute a board of directors, and who shall be chosen by a majority of the members of said corporation present at the election of said directors, at such times and in such manner as the by-laws of said corporation may direct, and which said directors shall hold office for one year from their election or until others are elected in their stead. Officers of incorporation.

3. *And be it enacted*, That the said society shall have power to hold, take, possess, enjoy, purchase, sell, or dispose of any real or personal estate for the benefit of the corporation; *provided*, that the income of the said real and personal estate shall not exceed the sum of two thousand dollars per annum; *and provided, also*, that the estate of the said corporation shall not at any time be applied or appropriated to any purpose or object other than that of a charitable purpose, or for the relief of the members or families of the members of said corporation. Society may hold property. Proviso. Proviso.

4. *And be it enacted*, That no person shall be admitted a member of said corporation who shall not be a citizen of the United States, or who shall not, before making application for admission as such member, have declared his intention to become a citizen of the United States, in the manner prescribed by act of Congress in such case made and provided. Qualifications for membership.

5. *And be it enacted*, That the present officers of the society as now elected, shall constitute the board of directors of said corporation until the next election of officers therein. First directors

Approved February 24, 1854.

CHAPTER LXVI.

AN ACT to incorporate the Camden and Pemberton Agricultural Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John S. Irick, Job H. Gaskill, George F. Fort, Franklin W. Earl, Samuel Stockton, Charles Collins, junior, William R. Braddock, William Irick and Thomas W. Mulford, and such other persons as may be hereafter associated with them, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in the fact and in name, by the name of "the Camden and Pemberton Agricultural Railroad Company."

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, with the privilege of increasing to double the amount, 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.

Election of directors.

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 twenty days' notice of the same, in one of the newspapers published in the county of Burlington, and in one published in the county of Camden, and in one published in the city of Philadelphia; and that, at the time of subscribing, five per centum shall be paid upon each share subscribed for, to the commissioners, or some one of them; and as soon as one-half of the capital stock shall be subscribed, such commissioners shall give like public notice for a meeting of the stockholders to choose nine directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling

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

Election of
president.

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

Corporation
not dissolved
for failure to
elect on day
prescribed.

5. *And be it enacted*, That the directors of said corporation shall be competent to transact all business of the said corporation ; and they shall have power to call in the remaining capital stock of the said company, by such instalments and at such times as they may direct, by giving thirty days' notice, in one of the newspapers of the county of Burlington, and in one published in the county of Camden, and one in the city of Philadelphia ; *provided*, that no such instalment shall exceed five dollars upon each share, and that no two instalments shall be required within thirty days of each other ; and in case of the non-payment of said instalments, or any one of them, they

Payment of in-
stalments.

Proviso.

shall have power to forfeit such share or shares upon which such default shall arise, to and for the use of said company.

Company au-
thorized to
lay out 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 point in or near the city of Camden, and thence through the counties of Camden and Burlington, at or near the villages of Marlton, Medford, and Vincentown, to a point in or near the borough of Pemberton, with the privilege of extending it to some point at or near the village of New Egypt, with as many sets of tracts and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, superintendents, engineers, or others in their employ, to enter at all times, upon all lands or water, for the purpose of exploring, surveying, building or laying out the route of such railroad, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, build bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of said road, subject to such compensation as is hereinafter provided; *provided, always*, that the payment, or tender of the payment, of all damages for the occupancy of lands through which the said railroad may be laid out, be made; and if said owner of such land shall not see fit to receive such award, the amount of said award shall be paid into the court of said county, before the said company, or any person under their direction or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying or laying said road, unless the consent of the owner or owners of such lands be first had and obtained.

Provide.

7. *And be it enacted*, That if the said company, or its agents, cannot agree with the owner or owners of such required lands, for the use or purchase thereof, or if, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of the said company, in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer, or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or, if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty 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 and judicious freeholders, not residing in the county in which the lands in controversy lie, commissioners, to examine and appraise the said lands, and to assess the damages, upon such notice, not less than twenty days, to be given to the persons interested as shall be directed by the justice making such appointment; and it shall be the duty of said commissioners (having first taken an oath or affirmation, before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine the said lands, and to make a just and equitable estimate or appraisal of the value of the same, and assessment of damages, which shall be paid by the company for such lands and damages aforesaid; the said commissioners are also directed and requested to assess the damages which any individual or individuals may sustain by the said road, arising from the removing the fencing on the line of the route of said road, through any improved lands over

Proceedings in
case company
and owners
cannot agree.

which the same may run ; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land, and the appointments and oaths and affirmations aforesaid, in the clerk's office of said supreme court, to remain of record therein ; which report, or a copy thereof, certified by the clerk of said court, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against said 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 said court, on application of either party, and on reasonable notice to the others, shall tax and allow such costs, fees, and expenses to the said justice, commissioners, clerks, and other persons, performing any of the duties prescribed in this section of the act, as he shall think equitable and right, and to order and direct to whom the same shall be paid by the company.

Parties ag-
grieved may
appeal.

8. *And be it enacted*, That in case the said company, or owner or owners of the said land, shall be dissatisfied with the report of the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county wherein the land in controversy lies, at the first or second term after the filing of said report, by proceeding in form of petition to the said court, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next term of said court to be holden in 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 said jury to assess the value of said land and damages.

sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered or the said commissioners awarded, then said costs to be paid by the said applicant or applicants, and either deducted out of said sum found by the said jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land, upon the filing the aforesaid report; *provided*, that in no case whatever Proviso 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 erections or improvements whatever, or otherwise appropriating said lands to the use of said company, until they have paid to the party or parties entitled to receive the same the amount assessed by the commissioners as the value of such lands and 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 an 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 legal and valid 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.

9. *And be it enacted*, That it shall be the duty of said com- Company to construct bridges.
pany to construct and keep in repair good and sufficient bridges or passages over and under the said railroad, where any public or other road, now or hereafter laid out, shall cross the same, so

that the passage of carriages, horses and cattle on the said road shall not be impeded thereby; and, also, where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under said railroad.

Rates for
transportation

Proviso.

Proviso.

Proviso.

10. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and to place on the said railroad, all machinery, engines, cars, wagons, carriages, or vehicles, for the transportation of persons or any species of property, as they may think reasonable, expedient, or right; and they are hereby authorized to demand and receive such sum or sums of money, for the transportation of persons and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *provided*, they shall not charge more than at the rate of three cents per mile for carrying each passenger; but no charge shall be required to be less in the aggregate than ten cents, nor shall said company charge more than ten cents per ton per mile for the transportation of every species of property on said road in the carriages of the said company, nor shall more than half the above rate be charged for carrying any fertilizing materials, or two cents per mile for each passenger carried on said road in the carriages of others, and four cents per mile for each empty carriage; and that the road authorized by this act shall be and is hereby declared a public highway, and free for the passage of any railroad carriage thereon with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages, so used thereon, shall be of the same description, in the formation of the wheels and length of axle, as those used by the company, and shall be regulated as to the time of starting and rates of 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, are hereby vested in the said company and their successors for and during the continuance of the charter; *provided always*, that in case the said company, after the same is

completed, shall abandon the said road, or cease to use and keep the same in repair at any time for three successive years, that then and in that case this charter shall be annulled, and the title to the lands over which the said road shall pass shall be revested in the person or persons from whom the lands were taken by concession or by inquisition as aforesaid; but that the superstructure of the said railroad, and the materials of which the same is composed, shall in such case be deemed and taken to be the personal property of the said company, and shall be, by the said company, removed and disposed of to and for the use of the said corporation, within one year from the time the property will vest in the original owner.

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

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

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

14. *And be it enacted*, That as soon as the said railroad, with

Statement of
costs to be
filed.

its appendages, shall be finished, so as to be used, the president of said company shall file, under oath or affirmation, a statement of the amount of the cost of the said road, including all expenses, in the office of the secretary of state; and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds and expenses of said road; and it shall be the duty of the treasurer of said company, under oath or affirmation, to make an annual return to the treasurer of the state for the time being, of the number of passengers and tons of merchandise and other articles transported over said road, and thereupon pay to the treasurer of the state the sum of four cents for each passenger, and the sum of eight cents for each and every ton of merchandise so transported thereon, for the use of the school fund; *provided*, that no other tax or impost shall be levied or assessed upon the said company.

Proviso.

State may take
road on pay-
ment of ap-
praisement.

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

be filed in the office of the secretary of state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment to the said company of the amount so reported; *provided*, that ^{Proviso.} the said valuation shall in no case exceed the first cost of said road, with the appendages thereof.

16. *And be it enacted*, That it shall and may be lawful for ^{Company authorized to issue bonds.} the Camden and Amboy Railroad and Delaware and Raritan Canal and Transportation Companies to subscribe for and hold the stock and bonds of the said railroad company; and the said company shall have power to make and execute any bond or bonds or mortgage, at a rate of interest not exceeding seven per centum per annum.

17. *And be it enacted*, That if the said road shall not be ^{Commencement and completion of road.} completed and in use at the expiration of ten years from the fourth day of July next ensuing, that then and in that case this act shall be void.

18. *And be it enacted*, That the governor, the chancellor, ^{Certain officers to pass free.} 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 annual or other sessions, shall pass and repass on the railroad of said company, in their cars, free of charge.

Approved February 28, 1854.

CHAPTER LXVII.

A supplement to an act entitled "An act incorporating the Sparta Manufacturing Company, in the county of Sussex," passed January twenty-fourth, eighteen hundred and thirty-seven.

WHEREAS, large and valuable bodies of iron ore have been re- ^{Preamble.}

cently discovered on lands designed for said company, in the vicinity of Sparta, in the county of Sussex; and whereas, large capital is necessary for the advantageous mining of the ore, as well as in the manufacturing of iron to compete with a foreign product; therefore

Substitution
of corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Linn be substituted in lieu of Joseph Linn, deceased, to co-operate with Richard R. Morris and David M. Sayre, named in the first section of the act creating the Sparta Manufacturing Company, in the county of Sussex, as a body politic and corporate to perform the duties agreeable to the first section of the said act, passed January twenty-fourth, eighteen hundred and thirty-seven, and of which this is a supplement; and that they and their successors, under the name and style aforesaid, shall be capable of purchasing, holding, using, and conveying any estate, real and personal, which shall be necessary for the purposes for which this incorporation is established, and that so much of the first section of said act limiting the same be and is hereby repealed.

Part of former
act repealed.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said incorporation shall be five hundred thousand dollars; but nevertheless it shall be lawful for said company to commence their business when and so soon as two hundred thousand dollars shall have been subscribed and paid in; and that so much of the second section of the act creating this incorporation, conflicting with this section, be and the same is hereby repealed.

Commission-
ers to receive
subscriptions.

3. *And be it enacted*, That John Linn in lieu of Joseph Linn, deceased, and Thomas Anderson in lieu of Joseph Northrop, Jr., deceased, be associated with Richard R. Morris, David M. Sayre, and Lewis Shearman, as commissioners in performing the duties specified in and agreeable to the fourth section of the act incorporating the said Sparta Manufacturing Company, in the county of Sussex, and of which this is a supplement, passed January twenty-fourth, eighteen hundred and thirty-seven.

Company au-
thorized to
construct rail-
road.

4. *And be it enacted*, That the president and directors of said company be and they are hereby authorized and invested with all the powers and rights necessary and expedient to survey,

lay out, and construct a railroad from some point on their middle mine ridge, situate between the valley of the Walkill and the head-waters of Rockaway river, in the township of Sparta, in the county of Sussex, to and down an eastern branch of the Walkill formerly called Byram's Mill Brook, to their works, for the purpose of transporting ore and coal to their works, and also a branch to run from said road to lake Hopatcong, in the county of Morris, for the purpose of transporting ore, coal, iron, and other supplies necessary for the conducting of the mining and manufacturing of said company, to and from their said works; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, leveling, or laying out the route of such railroad, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road, and all necessary works, buildings, and appendages thereof, and to enter into any lands adjacent or near to the route of said road, and search for and take sand, gravel and stone necessary for the erection or repair thereof, subject to such compensation as is hereafter provided; *provided* Proviso: *always, nevertheless*, that the payment, or tender of payment, of all damage for the occupancy of lands through which the said railroad may be laid out, be made before the said company or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purposes of surveying and laying out said road, or searching for sand, gravel, or stone, unless the consent of the owner or owners of such land be first had and obtained.

Proceedings in
case company
and owners
cannot agree.

5. *And be it enacted,* That if the owners of the said land or materials for the use of said railroad, shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any judge of the inferior court of common pleas of the county wherein the said disputed lands or materials shall lie, who is disinterested in the premises, upon the application of either party, and after giving ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners of such county to assess the price or value of said land, who shall be sworn before said judge faithfully to execute the duties of such appointment, and after like notice to both parties of the time and place, shall meet, view the premises, and hear the parties in evidence if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of the said land or materials and the quantity taken, by whom owned, and how situate, bounded and described, in writing, under their hands and seals, or a majority of them, to the judge who appointed them, to be by him returned and filed together with all the papers relating thereto, in the clerk's office of the county, there to be kept as a public record, and copies taken if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the inferior court of common pleas of the county, at the next term after such decision of the commissioners, by proceeding in the form of petition to said court, with five days' notice in writing to the opposite party of such appeal; which proceeding shall vest in the said court of common pleas full right and power to hear and adjudge the same, and if required, they shall award a venire in proper form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands or materials, and all damages sustained; and if the said jury be demanded of the company, and they should 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 issue therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners, or by the jury, with costs, if any, the said corporation shall be deemed seized and possessed of all such lands and real estate for the purposes aforesaid.

6. *And be it enacted*, That it shall be the duty of the said ^{Company to} company to construct and keep in repair good and sufficient ^{construct} bridges or passages over or under the said railroad, where any public or other road shall cross the same, so that the passages of horses or carriages and cattle on said road shall not be impeded thereby; and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under the said road, so that he may pass the same; after giving twenty days' notice to the company by the owners so to do, the owner or possessor may do it himself, and recover the value of the work from the corporation by common process of law.

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

8. *And be it enacted*, That the said company may have and ^{Company may} hold real estate at the terminus of the branch on lake Hopat- ^{hold real es-} tate. cong, in the county of Morris, not exceeding four acres, and may erect wharves, build houses, warehouses, machine shops, and such other buildings as they may deem expedient for the safety, management, conducting and driving of their said mining and manufacturing establishments.

9. *And be it enacted*, That this act shall continue in force for ^{Limitation.}

the term of thirty years, and no longer, but the legislature may at any time alter, amend, repeal, or modify the same.

Approved February 28, 1854.

CHAPTER LXVIII.

AN ACT to authorize the trustees of the Woodbury Methodist Episcopal Church to sell a part of their church lot.

Preamble.

WHEREAS, it is represented to the legislature that the Methodist Episcopal Church at Woodbury, in the county of Gloucester, are the owners of a certain lot of ground in Woodbury, upon which their house of worship is erected; that a portion of the easterly end of said lot is not necessary for the purposes of the society, and could be sold without injury to the other part of the lot; and that it would be much to the interest of the society if the same could be sold; and praying the aid of the legislature in the premises; 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 Woodbury Methodist Episcopal Church, in the township of Deptford, in the county of Gloucester, and state of New Jersey," be and they are hereby authorized to sell by public vendue, pursuant to the directions of the act entitled "An act to regulate sales of real estate made under a public statute, or the direction of a court," approved April fifteenth, eighteen hundred and forty-six, at such time and manner as they may think proper, such portion of the easterly end of their lot in Woodbury, as may not be needed for the purposes of the society, and to make and execute a good and sufficient conveyance in the law for the same.

Proceedings to be recorded

2. *And be it enacted*, That the said trustees shall cause to be entered on their book of minutes, a correct statement of all

their proceedings under this act, of the moneys received for the sale of said lot, and of the expenses attending the same.

Approved March 2, 1854.

CHAPTER LXIX.

AN ACT to annex part of the township of Manchester to the city of Paterson.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Boundaries of} *the State of New Jersey,* That the territory which is embraced ^{part annexed.} within the bounds hereinafter described, situate in the township of Manchester, in the county of Passaic, beginning in the middle of the Passaic river, south of its intersection by the Oldham brook, at Totowa, running thence (1) north to the middle of said brook, and along the same to the southerly line of the Totowa road, (2) northeasterly along said line to the northeasterly line of Madison street, (3) northwesterly along said line to the southeasterly line of the Burhan's lane, (4) northeasterly along said line to the southwesterly line of the old Pompton road, (5) southeasterly along said line to the westerly line of land of the heirs of Daniel Holsman, deceased, adjoining land of Cornelius P. Hopper, (6) northeasterly along said line to the Van Norden line, (7) easterly along said line and the courses thereof to the middle of the Passaic river, (8) along the middle of said river, the several courses thereof, up stream to the beginning, and so forth, and the same is hereby set off from the township of Manchester, and annexed to and made a part of the city of Paterson, to all intents and purposes, as if said territory had originally been a part of said city; and that the inhabitants of said territory, and their successors forever, shall be members of the corporation created by the act incorporating said city, approved March nineteenth,

eighteen hundred and fifty-one, and that the charter of said city and the several supplements thereto, and all the laws passed in relation to said city, and all the ordinances heretofore passed by the president and council of the city of Paterson, which have not been repealed, shall have the same force and effect within the territory hereby annexed, as they have heretofore held and now rightfully have within the original limits of the said city.

Lands vested
in president
and council of
Paterson.

2. *And be it enacted*, That the said president and council of the city of Paterson, and their successors, shall, by virtue of this act, become and be absolutely and completely vested with all the lands, tenements, hereditaments, property, rights, causes of action and estate whatsoever, both in law and in equity, in possession, reversion or remainder, which, at the time of the passing of this act, are legally or equitably vested in or belong to that part of the inhabitants of the township of Manchester in said territory, in their corporate capacity.

Justices of the
peace.

3. *And be it enacted*, That the justices of the peace elected in the township of Manchester, that reside in said territory, and are now in commission, shall hold their offices until their respective terms shall expire, as if this act had not been passed ; at the expiration of said terms there may be elected within said territory, one justice of the peace, and in the township of Manchester there may be elected at the ensuing annual town meeting one justice of the peace, and at the expiration of the term of the justices so to be elected, the same number of justices may be elected from time to time until otherwise provided for by law.

Annual town
meeting in
Manchester.

4. *And be it enacted*, That the next annual town meeting for the township of Manchester shall be held at the school house at Oldham, in the township of Manchester, and if any officer or officers, authorized to hold such town meeting, reside within the aforesaid territory, he or they shall be disqualified from holding said town meeting, and the voters who shall attend at the hour appointed by law, shall choose the clerk and number of judges necessary for holding said meeting, who shall proceed in the premises according to law.

North ward.

5. *And be it enacted*, That said territory shall be called the north ward of the city of Paterson.

6. *And be it enacted*, That all paupers who may be charge-^{Settlement of paupers.} able to the township of Manchester when this act takes effect, shall thereafter be chargeable to and supported by either that township or by the city of Paterson, as would have been the case had this act been in force at the time said paupers, respectively, acquired the legal settlement, by virtue of which they are to be supported; and all the persons whose settlement when this act shall take effect, may be within the aforesaid bounds of the north ward, and who may thereafter become chargeable as paupers, shall be supported by the city of Paterson.

7. *And be it enacted*, That the annual meeting of the ward^{Ward meetings.} hereby created, shall be held at the same time and in the same manner as the ward meetings of the other wards in said city; the first annual meeting shall be held at the house now occupied by John P. Zelluff; the voters who attend at the hour appointed, shall choose three judges and a clerk of the first election, who shall be sworn or affirmed faithfully to execute their offices, by any justice of the peace, said officers to hold said election and make return thereof in the same manner as is required by law of other ward election officers in said city.

8. *And be it enacted*, That the provisions contained in the^{Provisions of former act extended.} third section of the act to incorporate the city of Paterson, so far as they relate to the election of city officers from among the inhabitants of said city entitled to vote in the same, be and they are hereby extended to the legal voters of the north ward, and that the same number of officers now required by law to be elected in the several wards of said city, shall be elected annually in the ward constituted by this act, and the rights, powers and privileges of the officers so elected in said ward, shall be co-equal and co-extensive with the rights, powers and privileges of the like officers elected in any of the other wards of said city, anything contained in the act to incorporate the city of Paterson or the supplements thereto, limiting the number of such officers to less number, to the contrary notwithstanding.

9. *And be it enacted*, That the township committee of the township of Manchester and a committee of five to be appointed^{Township committee to divide property.}

by the president and council of the city of Paterson, shall meet on the second Monday in May next, at the Passaic hotel, in Paterson, at ten o'clock in the forenoon, and shall then and there, or as soon thereafter as may be, proceed by writing, signed by a majority of each committee, to allot and divide between said township and said city all the paupers of said township upon the principles hereinbefore contained, and all the property and moneys on hand or due to or from said township, in proportion to the taxable property and rateables within the respective limits of said township as the same shall remain, and the part of said township hereby set off as valued by the assessor at the last assessment, and the said township of Manchester and the said city of Paterson shall be liable to pay their respective proportions of the debts due by said township as allotted and divided as aforesaid, and if any of the persons composing either of said committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and the decision of a majority of those present, of each committee, shall be final and conclusive; *provided*, that it shall be lawful to adjourn said meeting from time to time, as a majority of those assembled shall see fit.

Proviso.

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

Approved March 2, 1854.

CHAPTER LXX.

AN ACT to incorporate "the Salem Gas Light Company."

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel C. Harbert, Jonathan Ingham, Thomas Jones York, Joseph H. Thompson, Lewis S. Yorke, Richard P. Thompson, Benjamin Acton, Junior, John

Tylor, Richard M. Acton, and Charles W. Hornblower, 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 Salem Gas Light Company," and by the said name the said corporation shall have power and authority to manufacture, make and sell gas, to be made of resin, coal, or other materials, for the purpose of lighting the streets, buildings, public or private, and other places situate in the town of Salem, 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 and holding any estate, real or personal, necessary to give effect to the specified purposes of this corporation, for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold for the purpose of securing debts which have become due to them in the regular business of the said corporation; *provided*, that the said 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.

2. *And be it enacted*, That the said corporation shall be empowered to lay down their gas pipes, and to erect gas posts, burners, and reflectors, in the streets, alleys, lanes, avenues, or public grounds of the town of Salem, and to do all things necessary to light the said town of Salem as aforesaid; *provided*, that the public travel shall at no time be affected or impeded by the laying of the said pipes or the erection of the said posts; and the streets, side and cross walks, public grounds, lanes and avenues, shall not be injured, but all be left in as good and perfect condition as before the laying of the said pipes, or the erection of the said posts.

3. *And be it enacted*, That the capital stock shall be thirty thousand dollars, which may at any time be increased to any sum not exceeding fifty thousand dollars, in shares of twenty dollars each; and Samuel C. Harbert, Jonathan Ingham, and Joseph H. Thompson, are hereby appointed commissioners for

the purpose of receiving subscriptions for the same ; and said commissioners, or a majority of them, shall open books for that purpose, at such time, in the town of Salem, as they shall designate by public advertisement, and shall continue the same open until the said capital stock shall be subscribed, or at their discretion close the same, after they shall have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid ; and the sum of five per centum upon each share so subscribed shall be paid in specie, or in the bills of banks which redeem their bills with specie, by each subscriber at the time of subscription, to the said commissioners, or a majority of them ; and each subscriber shall be entitled to receive a certificate for such stock from said commissioners ; and the amount so received by the said commissioners at the time of subscription, shall by them, or a majority of them, be paid over to the directors of the said company, to be appointed as hereinafter directed ; and all the powers of the said commissioners shall cease and determine on the appointment of such board of directors ; and the said board, when so appointed, shall have power, and they are hereby authorized from time to time, under the foregoing regulations, to open the books for the further subscription of stocks, until the whole stock subscribed amounts to the sum of fifty thousand dollars ; and are also authorized to call upon the said subscribers for the payment of further instalments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures as they may deem expedient, until the whole amount of said shares so subscribed shall have been fully paid ; *provided*, that no such instalment shall exceed ten per centum upon each share, and that no instalment shall be required within thirty days of each other ; *and provided further*, that for five days after the opening of the subscription books, no person shall subscribe for a larger number of shares than one hundred ; and no person residing out of the state shall subscribe, either in person or by attorney, until after the expiration of ten days from the opening of said books.

Payment of
instalments.

Proviso.

Proviso

4. *And be it enacted*, That the management of the concerns of the said corporation shall be vested in five directors,

to be selected from among the stockholders by a plurality of votes, at such time, place, and in manner as may be provided by the by-laws; and said directors shall elect one of their number president, and as soon as conveniently may be, after ten thousand dollars shall have been subscribed, organize as may be provided by the by-laws.

5. *And be it enacted*, That elections for directors and other officers shall be provided for by the by-laws, and that three directors shall be a quorum, and competent to transact all the business of said corporation; and that the stock of said corporation shall be transferable in manner and form as provided for in 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 for the inspection of the stockholders. Stock transferable.

6. *And be it enacted*, That if any person or persons shall willfully do or cause to be done any act or acts whatever, thereby to injure any conduit, pipe, cock, machine or other structure whatsoever, or anything appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed, or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted shall be punished by fine not exceeding one hundred dollars, or imprisonment at hard labor not exceeding one year, or both; *provided*, such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit, hereby authorized to be brought for any such injury as aforesaid, by and in the name of the said corporation, in any court of this state having cognizance of the same. Penalty for injuring works. Proviso.

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

8. *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," Limitation.

approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

Approved March 2, 1854.

CHAPTER LXXI.

AN ACT to incorporate the New Jersey Steamboat Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob M. Merseles, Augustus A. Hardenberg, Samuel Mairs, James W. Allen, and Samuel S. Wyckoff, and their associates, and all persons who may hereafter be holders of the stock hereinafter named, and their successors, are hereby declared and constituted a body politic and corporate, in fact and in law, by the name of "the New Jersey Steamboat Company;" and by that name the said corporation shall have succession, with power to sue and be sued, complain and defend, in any court of law or equity, and to make and use a common seal, and alter the same at pleasure; may acquire, by purchase or otherwise, and hold, lease, and convey, such real and personal estate, and in general have such rights, privileges, and powers appertaining to corporate bodies as may be necessary and useful for the purposes and objects of this incorporation.

General powers.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be two hundred and fifty thousand dollars, with power to increase the same to double that amount, to be divided into shares of one hundred dollars each.

Commissioners to open books for subscription.

3. *And be it enacted*, That the said Jacob M. Merseles, Augustus A. Hardenberg, Samuel Mairs, James W. Allen, and Samuel S. Wyckoff, or a majority of them, are hereby appointed commissioners to receive subscriptions for said stock, at such times and places in Jersey City as they, or a majority of them,

may direct, giving at least twenty days' notice thereof, by publishing the same in at least two newspapers published in Hudson county, in this state; and the said commissioners shall open a book of subscription for said stock at such times and places, and shall cause the same to be kept open at the places so appointed, at least three days; and if at any time there shall be a subscription for more shares of stock than are authorized to be subscribed at any one time, the same shall be apportioned among the subscribers, in proportion to the amount by them severally subscribed, or as the commissioners may direct.

4. *And be it enacted*, That 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 the company, as soon as one shall be appointed, after deducting therefrom the expenses incurred by the commissioners in receiving subscriptions as aforesaid; and the residue of the 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, they giving at least thirty days' public notice thereof, by publishing the same in the manner aforesaid; and upon failure of payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any one of them, to and for the use of the company.

5. *And be it enacted*, That when twelve hundred and fifty shares of the said stock are 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 is hereinbefore directed with regard to the opening of the books; at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot seven directors to manage the affairs of the said company for one year, of which election the said commissioners, or a majority of them, shall be the judges; and at the expiration of that term, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect the same number of directors; 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 thereof, in person or by proxy.

Company may
organize.

6. *And be it enacted*, That, as soon as may be after their election, the said directors shall elect one of their number to be president of the said company; and all the affairs, concerns, and business of the said corporation shall be managed by the said directors, who, or a majority of whom, may supply any vacancy occurring in the interval between the annual elections, by the death, resignation, or refusal to act, of any president or director, and shall have power to make all such by-laws, rules, and regulations, not inconsistent with the constitution or laws of this state or of the United States, for the management of the property, the regulation of the affairs, and the transfer of the stock of this corporation, and to appoint all such officers, clerks, agents, and servants, as may be necessary and useful for ordering, regulating, and conducting the affairs of said corporation, and for the safe keeping and protection of its funds and property, and allow them a suitable compensation.

May build ves-
sels and navi-
gate Hudson
river.

7. *And be it enacted*, That the capital stock of this company shall be considered as personal property, transferable upon the books of the company, and shall be employed as the said board, or a majority of them, may deem expedient, in the purchasing, building, repairing, and altering any vessel or vessels propelled by steam, and in the navigation of the same, upon the waters of the Hudson river and the bays and sounds adjacent thereto, and in the purchase, repair, and building suitable landing places, wharves, and store houses at Jersey City, or its vicinity, which may be necessary for successfully conducting the affairs of the said company; and it shall be the duty of the said board, or a majority thereof, to make from time such dividends of the net profits of the said company as they may deem advisable.

Not to exer-
cise banking
privileges.

8. *And be it enacted*, That the company hereby incorporated shall not employ its capital, or any part thereof, in banking operations, or for any other purposes inconsistent with the provisions of this act.

Limitation.

9. *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, modify, or repeal the same.

Approved March 2, 1854.

CHAPTER LXXII.

AN ACT to incorporate the Cape Island Water Company.

WHEREAS, a sufficient supply of good and wholesome water is Preamble.
of great necessity to the growth and prosperity of the city
of Cape Island, and it is represented that persons are willing
to associate for the object of supplying such water; there-
fore

1. BE IT ENACTED by the Senate and General Assembly of Names of cor-
porators.
the State of New Jersey, That Joseph Ware, Newbold Trot-
ter, John B. Hoffman, R. R. Thompson, W. B. Miller, and
their associates, and all other persons who shall become sub-
scribers to the capital stock hereby created, and their succes-
sors, shall be and they are hereby incorporated and made a
body politic and corporate, in fact and in law, by the name of
"The Cape Island Water Company."

2. And be it enacted, That the capital stock of said com- Amount of
capital stock.
pany shall be twenty thousand dollars, with liberty to increase
the same to fifty thousand dollars, which shall be divided into
shares of fifty dollars each, and paid in by the stockholders at
such times, in such manner, in such instalments, and upon such
notice as the directors of said company, by their by-laws or
otherwise, may direct and appoint; and in case of failure by
any stockholder to pay his or her instalments at the time and
place appointed for the payment thereof, or within thirty days
thereafter, such stockholder shall incur a forfeiture of his or
her share or shares and of all previous payments thereon, for
the use of the company; and such shares shall be deemed per-

Proviso.

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

Commissioners to receive subscriptions.

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

Subscription books and money to be delivered to directors.

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

Election of directors.

5. *And be it enacted*, That the affairs of the company shall be managed by five directors, to be chosen by the stockholders annually, at such time and place in said city, in such manner, and upon such notice as by the by-laws of said company may be directed, who shall serve for one year, and until others are chosen in their stead; and the said directors shall from time to time elect a president from their body, and shall also elect and

employ such other officers as they may deem convenient and necessary, and make all such by-laws, rules and regulations as they may think proper, not inconsistent with the constitution or laws of this state or of the United States.

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

7. *And be it enacted*, That the company be and they hereby Company may lay down pipes, &c. are authorized and empowered to lay pipes for conducting the water beneath the public streets, lanes and alleys of said city, free of all charge, and to place such hydrants and fire plugs ^{as} may be necessary, subject to such regulations as the said company and the city council of said city may from time to time agree upon and adopt; the tapping of the mains and the insertion and placing of all branch pipes to be under the sole control of the said company; by such persons as they may employ and appoint.

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

9. *And be it enacted*, That the said company may sell and Company may dispose of water. dispose of the water to be conveyed by their pipes, under such regulations and upon such terms and conditions as they may by their by-laws from time to time regulate and adopt.

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

Approved March 2, 1854.

CHAPTER LXXIII.

AN ACT to divide the corporation and property of the minister, church wardens and vestry of Christ Church, in the town of Shrewsbury.

Preamble. WHEREAS, George the Second, King of Great Britain, did, by letters patent, dated the third day of June, one thousand seven hundred and thirty-eight, incorporate William Leeds, Henry Leonard, John Throckmorton, Samuel Osborn, Thomas Morford, James Hutchins, Jeremiah Stillwell, John Redford, Jacob Dennis, Paul Hill, Benjamin Cooper, Pontus Still, Samuel Pintard, Anthony Pintard and Josiah Holmes, and the rest of the inhabitants of the towns of Shrewsbury and Middletown, in communion of the church of England, by the name of the minister, church wardens and vestry of Christ Church, in the town of Shrewsbury, with perpetual succession; and whereas, the said corporation has been continued by succession till the present time; and whereas, at the present time, Harry Finch, of Shrewsbury, is the minister, Peter R. Brinckerhoff and David Williamson, of Middletown, Elisha West and Edmund T. Williams, of Shrewsbury, are the wardens, Jacob M. Hetfield, Joseph D. Taylor, Henry More, Thomas Lloyd, James McPeak, and George Sickles, of Middletown, and Gabriel West, John H. J. Shroeder, Edmund West, George A. Tiffin, Charles White, Robert White, John M. Lippincott, Robert W. Parker, Thomas Morford, junior, William G. West, Shepherd Kollock, Stephen Thorn, John H. West and George D. Alaire, of Shrewsbury, are the vestrymen of said corporation; and whereas, the said corporation own and possess a church, with its furniture, and a parsonage in the village and town of Middletown aforesaid, and also a church and chapel, with their furniture, and a parsonage in the town of Shrewsbury aforesaid, and also a glebe and farm of about four hundred and thirty-eight acres, more or less, in Middletown aforesaid, together with other real and personal estate; and

whereas, it has become desirable to divide the said corporation into two, and to divide the said property equitably between them; and whereas, the said minister, church wardens and vestry, and inhabitants, have petitioned this legislature to that effect; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said corporation be divided ^{Corporation divided.} into two, and that the said minister, Harry Finch, the said wardens, Peter R. Brinkerhoff and David Williamson, of Middletown aforesaid, and the said vestrymen, Jacob M. Hetfield, Joseph D. Taylor, Henry More, Thomas Lloyd, James McPeak and George Sickles, of Middletown aforesaid, and the inhabitants of said town of Middletown, formerly in communion of the church of England, now in communion of the Protestant Episcopal Church of the United States, and their successors forever, be a body corporate, known and distinguished by the name of the minister, church wardens and vestry of Christ Church, in the town of Middletown; and that the said minister, Harry Finch, the said wardens, Elisha West and Edward T. Williams, of Shrewsbury aforesaid, the said vestrymen, Gabriel West, John H. J. Schroeder, Edmund West, George A. Tiffin, Charles White, Robert White, John M. Lippincott, Robert W. Parker, Thomas Morford, junior, William G. West, Shepherd Kollock, Stephen Thorn, John H. West, and George D. Allaire, of Shrewsbury aforesaid, and inhabitants of said town of Shrewsbury, formerly in communion with the church of England, now in communion of the Protestant Episcopal Church in the United States, and their successors forever, be a body corporate, known and distinguished by the name of the minister, church wardens and vestry of Christ Church in the town of Shrewsbury; and which bodies shall each have, respectively, one parochial minister, two church wardens, and not less than five nor more than ten vestrymen, to be chosen by the members of the said corporations respectively, as provided in the said original charter of George the Second, except that the minister of each corporation is to choose one of the church wardens of each corporation.

2. *And be it enacted*, That to the end that an equitable divi-

Property
vested in
church at
Shrewsbury.]

sion of the property of said corporation may be made, *be it further enacted*, That the church building, and the lot upon which it stands, and the church furniture, and the chapel, and the lot upon which it stands, and its furniture, and the parsonage of the said original corporation, situated in said township of Shrewsbury, be and the same is hereby vested in the said corporation created by this act, viz: the said the minister, church wardens, and vestry of Christ Church, in the town of Shrewsbury, and their successors forever, in as full and ample a manner as the same was, or is vested in said original corporation; and that the said church building, and the lot upon which it stands, and the church furniture, and the parsonage of the said original corporation, situate in said township of Middletown be, and the same is hereby vested in the said corporation created by this act, viz: the said the minister, church wardens and vestry of Christ Church in the town of Middletown, and their successors forever, in as full and ample a manner as the same was or is vested in said original corporation.

Property
vested in
church at
Middletown.

Certain pro-
perty to be di-
vided.

3. *And be it enacted*, That the said glebe and farm, and all the other property, real and personal, of the said original corporation not hereinbefore provided for, shall be equally divided between the corporations created by this act, and for that purpose that George Hance, Peter R. Smock and John B. Crawford, are hereby appointed and constituted commissioners to divide equally between the said corporations created by this act, the said glebe and farm, and all the other property, real and personal, not hereinbefore provided for, belonging to said original corporation; and the said commissioners are hereby authorized and required to divide and set off the said real estate into two portions, equal as near as may be in quantity and quality, and to award in writing, under seal, one portion thereof in severalty to each of the corporations created by this act, and to cause their report, the same having been first properly acknowledged as a deed, to be recorded in the clerk's office of the county of Monmouth, in the record of deeds; and the said report, when so recorded, shall vest the portions set off in severalty in the corporation to which it shall be so

awarded; and the said commissioners shall also, by a separate award, in writing, divide equally between the corporations created by this act, all the personal property of said original corporation not hereinbefore provided for, and deliver one-half thereof to each of the corporations created by this act, and that until the awards provided by this section shall take effect, that the real and personal property named and provided for in this section shall vest in the corporations created by this act, as tenants in common, in equal parts.

4. *And be it enacted*, That the treasurers of the corporations created by this act shall respectively give security for the faithful performance of the duties of their office respectively, in such sum as the constituted authorities of said corporations respectively, shall from time to time require. Treasurers to give security.

5. *And be it enacted*, That each of the corporations created by this act shall be governed in all their proceedings and elections, and shall have all the rights, privileges, and immunities, modes of proceeding, rights of property and discipline, as the said original corporation has, and as the said original corporation has had, or may have, under or by virtue of said original charter, except so far as the same are, or may be affected by this act, or some other act of the legislature of this state, or by the canons of the Protestant Episcopal Church in the United States, or the canons of said church in the diocese of New Jersey. Government of Corporations.

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

Approved March 2, 1854.

CHAPTER LXXIV.

AN ACT to cause a Geological Survey.

Geological
survey autho-
rized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state be and is hereby authorized to employ some competent person or persons to make a geological survey of the state.

Surveyor au-
thorized to
enter upon
lands.

2. *And be it enacted*, That the person or persons who may be employed by the governor as aforesaid, shall have the right, without molestation or hindrance, to enter upon any lands within this state, not doing any unnecessary damage thereto, with such others as assistants as he or they may deem necessary, to make the required investigations and to effect the object of said survey.

Description of
survey to be
made.

3. *And be it enacted*, That it shall be the duty of the person or persons so employed as the surveyor or surveyors, to make an accurate, thorough and complete geological survey of this state; which survey shall be made and described in sections of one township each, accompanied by proper maps, diagrams, profiles and references, with a full, scientific and practical description of the rocks, minerals, ores, sands, clays, marls, peat, fossils, soils and other substances, with a detailed and alphabetical list of the principal localities of rocks, minerals, ores, sands, clays, marls, peat, fossils, soils and other substances, which may be valuable to the people in the several townships of this state.

Governor to
employ sur-
veyor.

4. *And be it enacted*, That the governor of this state shall have a general supervision of said survey, the power to employ such person or persons as aforesaid to make said survey, and to discharge and dismiss them as he may think right and proper, to further and secure the object of this act; to stipulate and agree with said person or persons so employed in regard to their compensation, allowance for stationery used, the completion of said survey in manner aforesaid, at the earliest period for the publishing of the work and securing the copyright of the same to the state, and further, to cause a report of the

progress of the work to the legislature of this state at the annual meeting thereof, until the same be completed and finished; and the governor of this state, for the time being, is hereby authorized by his draft in favor of such person or persons as may be employed as aforesaid, to draw on the treasurer of this state for such sum or sums of money as may be necessary from time to time to pay such persons employed as aforesaid, agreeable to the stipulations and agreements aforesaid; *provided*, the several sums so drawn Proviso.. for shall not exceed the whole amount hereinafter appropriated for the said survey; and the said treasurer is hereby authorized to pay out of any moneys not otherwise appropriated for the purpose, and in manner aforesaid, any sum not exceeding four thousand dollars.

5. *And be it enacted*, That it shall be the duty of the governor to require of the surveyor or surveyors aforesaid, to collect Specimens of minerals, &c., to be collected specimens of the different minerals, rocks, fossils, marls, clays, sands, peats, and of such valuable substances as may be found in the state, to be disposed of in such manner as the legislature may hereafter direct; and also to collect specimens of such substances as may be valuable and peculiar to each county, to be disposed of in such manner as the board of freeholders of the counties, where collected, shall direct.

6. *And be it enacted*, That when the survey of a county shall be completed in manner aforesaid, it shall be the duty of the governor to require the same to be published and bound in a strong and substantial manner; and as the survey of the state shall progress by counties, published and bound as aforesaid, it shall be the duty of the treasurer to distribute duplicate copies of the same to each of the county clerks, to be by them preserved and kept for the free use and benefit of the people of said counties. Surveys to be published.

Approved March 2, 1854.

CHAPTER LXXV.

AN ACT to annex the village of Ringoes, in the townships of East Amwell, West Amwell, Delaware and Raritan, in the county of Hunterdon, to the township of East Amwell, in said county.

Boundaries of
part annexed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the townships of Raritan, Delaware and West Amwell, in the county of Hunterdon, included within the following boundaries, beginning at a point in the York road, in the north line of the township of East Amwell, and corner to lands of Leonard C. Cool and William W. Young, thence south sixty-eight degrees and thirty minutes west, thirty-eight chains to the middle of the road leading from Ringoes to Quakertown, in the Delaware township line; thence south sixty-five degrees west, fifteen chains and eight links to a gum tree on lands of William Servis; thence south five degrees and fifteen minutes west, fifty-one chains and forty links, to the middle of a public road leading from the York road; thence by the middle of said road north eighty-eight degrees, east twelve chains and eight links to the York road; thence crossing the same, and on or near a line of lands of Elijah Wilson and Mahlon Schenck on the east, and William H. Skillman on the west, south six degrees east, twenty-four chains to a creek; thence by a course nearly east to a large hickory tree in the Trenton road, and in the East Amwell township line, thence by the middle of the Trenton road and the York road to the place of beginning, be and the same is hereby set off and annexed to the township of East Amwell, in said county of Hunterdon.

Town committee to pay over proportion of surplus revenue.

2. *And be it enacted*, That the town committees of the townships of East Amwell, West Amwell, Delaware and Raritan, shall each elect one of their own body or any other suitable person, together with the assessors of each township, who shall meet on the first Monday after the next annual town meetings in said townships, at the inn of William W. Hall, in

the village of Ringoes, at ten o'clock in the forenoon, of said day, and shall then and there, or as soon afterwards as may be, proceed by writing, signed by a majority of said committeemen that may be present, to allot and pay over to the township of East Amwell the surplus revenue in proportion to the taxable inhabitants as taxed by the assessors of the said townships of West Amwell, Delaware and Raritan at the last annual assessment, and arrange the road districts and mark the line as described in the first section of this act, at the crossing or intersection of any public road, and that the township of East Amwell shall pay the expense of the same.

3. *And be it enacted*, That this act shall take effect and be in force on and after the first Monday in April next. Act when to take effect.

Approved March 2, 1854.

CHAPTER LXXVI.

AN ACT to ratify and confirm an ordinance passed by the Common Council of the city of Trenton, on the fifth day of April, eighteen hundred and fifty-three.

WHEREAS, the common council of the city of Trenton, by an ordinance entitled, "An ordinance to authorize the Trenton Iron Company to cross certain streets with a railroad," passed on the fifth day of April, Anno Domini, eighteen hundred and fifty-three, authorized and empowered the said company to construct and operate across several of the public streets of said city, a railroad from the rolling mill of said company, to their wire mill on the Delaware and Raritan canal; which said railroad has been constructed by the said company over lands belonging to them exclusively, or across which they have the right of way, except where the same crosses such public streets as aforesaid, and is now ope-

rated and used by them under and by virtue of the said ordinance; and whereas, doubts have been expressed whether the common council have power to authorize the construction and use of the said railroad over or across the public streets of said city; therefore

Ordinance
confirmed.

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 Trenton Iron Company to keep up, maintain and use their said railroad, in conformity with the provisions of the said ordinance; and that the construction and use of the said road across any of said streets, or any act done by the said company in relation thereto, shall not be deemed or adjudged invalid or illegal for or by reason of any want of power or authority in the common council of the city of Trenton to pass the said ordinance, or to grant the authority and privileges thereby conferred.

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

Approved March 2, 1854.

CHAPTER LXXVII.

AN ACT relative to the election of Overseers of the Highways in the township of Knowlton, in the county of Warren.

Election of
overseers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the qualified voters of each road district in the township of Knowlton, in the county of Warren, be and they are hereby authorized to elect overseers of the highways for said districts.

Time and
place of hold-
ing elections.

2. *And be it enacted*, That such election shall be held in each district on the Saturday next preceding the second Monday in

April, annually, at such time and place and upon such notice as shall be determined upon at the previous annual meeting in each road district respectively, and it shall be the duty of the town clerk of the said township, to give the notice so determined upon as aforesaid.

3. *And be it enacted*, That the first election shall be held ^{First election:} on the Saturday preceding the second Monday of April next, at such time and place as shall be designated by the town clerk of said township, notice whereof shall be given by an advertisement for five days previous thereto, in some public place in each district.

4. *And be it enacted*, That no overseer or overseers shall be elected in said township except under the authority of this law.

Approved March 2, 1854.

CHAPTER LXXVIII.

AN ACT to incorporate the Philadelphia, Beverly and Burlington Steamboat Company.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Names of co-
porators.</sup> *the State of New Jersey*, That David Soby, J. Wilson Wallace, John Leonard Soby, Peter Glasco, John McMakin, William Soby, Daniel N. Perkins, Joseph Packer, William S. Smith and Paul Jones, 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 Philadelphia, Beverly and Burlington Steamboat Company," and as such shall be authorized to procure, construct <sup>General pow-
ers.</sup> and equip one or more steamboats, of such description as the said company may deem best for the purposes of their incorporation, and employ the same in carrying passengers and

freight to and from the ports of Philadelphia, Delanco, Beverly and Burlington, and such other intermediate places on the Delaware river as the said company may deem proper, with power to purchase, hold and use such real and personal estate as may be necessary or convenient for wharves, depots, offices, warehouses, and other appropriate appurtenances, and for carrying into effect the objects of this incorporation, and the same to sell, mortgage, or convey at pleasure, 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 where otherwise granted by this act of incorporation.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be twenty thousand dollars, with privilege to increase the same to one hundred thousand dollars, divided into shares of fifty dollars each, and the above named persons, or a majority of them, shall open books to receive subscriptions to the said capital stock, at such time or times or places as they or a majority of them may deem proper, giving at least two weeks' notice thereof in one or more newspapers published in the cities of Philadelphia and Burlington; and that at the time of subscribing for said stock, ten dollars upon each share subscribed shall be paid to the above named persons, or one of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and the said company, by their by-laws, may compel payment of the remaining instalments upon the said stock, not exceeding ten dollars at any one time; and if default be made in any such payment, may forfeit the stock on which default is made, and all previous payments made thereon, giving at least ten days' notice of such call and demand in a newspaper published in the cities of Burlington and Philadelphia.

Officers of in-
corporation.

3. *And be it enacted*, That this corporation shall be managed by five directors, being stockholders, a majority of whom, together with the secretary, shall be residents of this state; the president shall be appointed from the directors; and the said corporation may make all needful by-laws, not inconsis-

ent with the laws and constitution of this state or of the United States.

4. *And be it enacted*, That David Soby, James Wilson First directors Wallace, John Leonard Soby, John McMakin and Peter Glasco shall be the first directors, to organize and manage the affairs of said company, and shall continue in office until the first Monday of March, eighteen hundred and fifty-five, and until others are elected in their stead.

5. *And be it enacted*, That the annual election for directors Annual election of directors. of said company shall take place on the first Monday of March in each year, beginning on the first Monday of March, eighteen hundred and fifty-five, at the office of the company, between the hours of twelve o'clock at noon, and three o'clock in the afternoon; all elections shall be by ballot, and each share be entitled to one vote, to be given in person or by proxy; and a majority of all the votes given shall be necessary to elect; of which election two weeks' previous notice shall be given in a newspaper published in the city of Burlington, and one published in the city of Philadelphia; 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 the charter, but a new election shall be ordered, in conformity with the by-laws of said corporation.

6. *And be it enacted*, That the said company shall, from Company to run boats. the first day of April until the first day of October, in each year hereafter, run one or more steamboats daily, between the ports of Philadelphia, Burlington, Beverly and Delanco, and such other intermediate places on the Delaware river, and at such hours as the said company shall deem most conducive to the interests of the traveling and business community.

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

Approved March 2, 1854.

CHAPTER LXXIX.

A supplement to an act entitled an "Act to incorporate the Port Elizabeth and Millville Turnpike Company," approved March, A. D., eighteen hundred and fifty-two.

Time for receiving subscriptions extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time limited in the third section of the act to which this is a supplement, to receive subscriptions to two hundred shares of the capital stock of said company to two years from the passage thereof, is hereby extended to four years from the time of the passage of this supplement; and that the time limited to five years from the passage of the aforesaid act, for the completion of said turnpike or plank road, is hereby extended to five years from the passage hereof.

Company may erect gates and receive tolls.

2. *And be it enacted*, That when said company shall have constructed their said turnpike or plank road from either end to the bridge over Memantico creek, between Maurice river and Millville township, it shall and may be lawful for the said company to erect gates or turnpikes across the same, and to demand and receive toll at the rates named in the act to which this is a supplement.

Approved March 2, 1854.

CHAPTER LXXX.

A supplement to an act entitled "An act to set off from the township of Franklin, in the county of Bergen, a new township to be called the township of Hohokus," approved February fifth, one thousand eight hundred and forty-nine.

Preamble.

WHEREAS, the present boundary line between the township of

Hohokus and Franklin, in the county of Bergen, is very circuitous and crooked; and whereas, it would be more beneficial and advantageous to the inhabitants of both townships to have a straighter and more direct division line between said townships; therefore,

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the division line between the townships of Hohokus and Franklin, running along the Hohokus brook, shall extend along said brook until it strikes the bridge across the Hohokus brook at John W. Pullis's and the road leading to Campcow; thence westerly along said road until it reaches the division line of lands of John Ward, and the heirs of Isaac J. Bogert, deceased; thence westwardly along said line to its termination; thence in a direct line to the middle of the Yaupoh road, north of the house of David Birtholf, at the intersection of the mountain road leading from Wynockie; thence a northwesterly course through the Ramapo mountains, parallel with the New York state line, to the line between the counties of Bergen and Passaic.

2. And be it enacted, That all those parts of said township of Hohokus which shall be cut off from said township by the aforesaid line shall be annexed to and become a part of said township of Franklin; and such parts of the township of Franklin as shall be cut off from said township by said line shall be annexed to and become a part of the said township of Hohokus, and the inhabitants thereof shall be vested with and entitled to all the rights, power, authority, privileges and advantages, and subject to the same regulations, governments and liabilities as the other inhabitants of the said townships.

3. And be it enacted, That all paupers who may be chargeable to said townships of Hohokus and Franklin, at the time this act goes into effect and operation, shall hereafter be chargeable to and supported by that township within the bounds of which they have respectively acquired their legal settlement.

4. And be it enacted, That all persons residing within the limits of the said township of Hohokus, who would have been entitled to a vote at the next annual town meeting of the

Division line
between town-
ships.

Certain parts
of township
annexed to
Hohokus and
Franklin.

Settlement of
paupers.

Voting at
town meet-
ings.

township of Franklin, if this act had not been passed; shall be entitled to vote at the next annual town meeting of the township of Hohokus, and all persons residing within the limits of the township of Franklin, who would have been entitled to a vote at the next annual town meeting of the township of Hohokus, if this act had not been passed, shall be entitled to vote at the next annual town meeting of the township of Franklin.

Commissioners to survey line.

5. *And be it enacted*, That Garret I. Hopper and Peter A. L. Ackerman and Abraham H. Lydecker, or any two of them, be and they are hereby appointed commissioners to run, survey and ascertain the division line hereinbefore mentioned, which said commissioners shall, before the second Monday in April next, execute and discharge the duties of their said appointment, and be paid the charges and expenses of the same in the same manner, in all respects, as if they had been appointed commissioners for the purpose by the inferior court of common pleas of the county of Bergen, upon the application of the board of chosen freeholders of the said county, except it shall not be necessary for the said commissioners to give notice of the time and place of meeting to perform the duties of their appointment.

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

Approved March 2, 1854.

CHAPTER LXXXI.

A supplement to the act entitled "An act to encourage the establishment of Mutual Loan and Building Associations," approved the twenty-eighth day of February, eighteen hundred and forty-nine.

Election of officers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful to hold elec-

tions for officers of any association established under the act to which this is a supplement, at any time between the hours of ten in the morning and ten in the evening; *provided*, the poll Proviso. at every such election shall be kept open at least one hour.

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

Approved March 2, 1854.

CHAPTER LXXXII.

Supplement to an act entitled an act incorporating the Town Hall Association of Bridgeton, in the county of Cumberland.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Hugh R. Merseilles, Dayton B. Whitecar, Joseph W. Woodruff, Stacy P. Kirkbride, Morton Mills, and their associates and successors be and they are hereby incorporated and made a body corporate and politic, in fact and in law, by the name of the Town Hall Association of Bridgeton. Names of incorporators.

2. *And be it enacted*, That the said corporation shall not go into operation until two hundred shares of the capital stock of said corporation shall be subscribed, and one hundred shares paid in, and that all stock so subscribed, and not paid in, in accordance with the by-laws of said corporation, shall be forfeited to the use of said corporation. When company to commence operations.

3. *And be it enacted*, That Hugh R. Merseilles, Gideon H. Leeds, Horatio J. Mulford, David P. Elmer, William H. Bodine, John T. Nixon, Dayton B. Whitecar, Joseph W. Woodruff, Stacy P. Kirkbride, and Morton Mills, or a majority of them, may open books and take subscriptions for the capital stock, in such manner as they may deem necessary or expedient, and Commissioners to open books of subscription.

whenever such subscriptions amount to two thousand dollars, the stockholders having had two weeks' notice in writing, or in a newspaper published in the town of Bridgeton, said notice specifying the time, place and object of said meeting, shall proceed to elect such directors and officers, and make such by-laws as they may deem necessary for conducting the affairs of the said corporation.

Part of former
act repealed.

4. *And be it enacted*, That so much of the first, second and fourth sections of the act to which this is a supplement, as shall conflict with this supplement, shall be and the same is hereby repealed.

Approved March 2, 1854.

CHAPTER LXXXIII.

A supplement to an act to protect fish in Budd's Lake, in the township of Roxbury, in the county of Morris, approved March five, eighteen hundred and fifty-three.

Penalty for
taking fish be-
tween certain
times.

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 Budd's Lake, in the township of Roxbury, in the county of Morris, in this state, between the first day of December and the first day of May, in each and every year, under the penalty of ten dollars for each and every offence, to be recovered in an action of debt, in any court of competent jurisdiction, with cost 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 in said township.

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

Approved March 2, 1854.

CHAPTER LXXXIV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever hereafter any private road shall be laid out or altered, the six surveyors, or a majority of them, mentioned in the act to which this is a further supplement, shall, immediately after laying out or altering the same, make an assessment of the damage the owner of any lands, other than the applicant or applicants for such road, will sustain by laying out or altering the same, and that 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 fully authorize the appropriations thereof to the purpose aforesaid. Surveyors to make assessment of damages.

2. *And be it enacted*, That the surveyors, or a majority of them, shall, with the return of the laying out or altering of any private road, return such assessment, certified by them in writing, under their hands, particularly specifying the amounts assessed in favor of the respective owners aforesaid, which assessment shall be evidence of the several amounts which such owners shall be entitled to have and recover from the applicant or applicants for such roads, and the same shall not be opened or used until such amount be paid. Surveyors to make return of assessment.

3. *And be it enacted*, That if any such owners, applicant or applicants, shall be dissatisfied with the assessment of the surveyors, such owner, or applicant or applicants, within twenty days after return made as aforesaid, having given ten days' notice in writing to the other party, of the object, time and place of such intended application, may apply to a justice of the supreme court, or a judge of the court of common pleas of the county wherein such land is situated, which justice or judge shall forthwith appoint three competent and disinterested free- Parties aggrieved may appeal.

holders of such county, who, or a majority of them, shall have power to review such assessments, and may diminish or increase the same as they, under the circumstances, shall deem equitable and just, and make report thereof in writing, under their hands forthwith, to be filed in the office of the clerk of said county, and the same shall be and remain final and conclusive; *provided*, that such freeholders meet upon like notice as aforesaid, and be duly sworn or affirmed to execute the duties aforesaid, before they enter upon the discharge thereof.

Proviso.

Proceedings
in case of le-
gal disability.

4. *And be it enacted*, That it shall be lawful for the applicant or applicants to open for use such private roads, so soon as the amount or amounts of the assessment shall be severally paid to the party thereto entitled, and should any party so entitled refuse to receive the same, or be under any legal disability, or not be resident in this state, then in either case the payment, if made to the clerk of the circuit court of the county in which such land is situate, shall be deemed a legal and sufficient payment thereof, and money so paid shall remain with such clerk until demanded by the party entitled thereto, his, her or their legal representatives, and shall be ordered to be paid by said circuit court, upon petition by the claimant.

Owners enti-
tled to re-
cover amount
of assessment.

5. *And be it enacted*, That the owner of such land shall be entitled to recover the amount of the assessment made in his or her favor, without costs, in any court of competent jurisdiction, of any person made by this act liable therefor, and that nothing in this act contained shall preclude the review by chosen freeholders, of the laying out or altering of any private road as heretofore.

Compensation
to officers.

6. *And be it enacted*, That the justice or judge, for making such appointment shall be allowed one dollar, and each of the freeholders one dollar for their services, to be paid by the applicant or applicants for such road.

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

Approved March 2, 1854.

CHAPTER LXXXV.

AN ACT to incorporate the Jersey Shore Improvement Company.

WHEREAS, it is represented that Marshall O. Roberts, Charles Preamble.

A. Heckscher, Moses Taylor, and others, their associates, now own certain tracts of land, and land covered with water, and are about purchasing other tracts, situate in the county of Hudson, which they intend to fill in and reclaim from the water, and to divide into suitable building and other lots, and to sell and dispose of the same for the benefit of the association, with the object of erecting a town with docks, wharves, bulkheads, ferryslips and ferry-houses, and also of improving the said land; and whereas, it is necessary for the success of the undertaking of the said associates, that they should be able to convey the said premises, from time to time, to such persons as may be desirous to purchase, notwithstanding death or other cause, affecting the individuals owning or who may own the said land; and in order to give greater efficiency and concentration to their efforts for the improvement of said land:

1. BE IT ENACTED *by the Senate and General Assembly of* Names of corporators. *the State of New Jersey,* That Marshall O. Roberts, Charles A. Heckscher, Moses Taylor, Henry M. Alexander, and Ashbel Green, and such other persons as they may associate with them, and their successors, shall be and they are hereby incorporated and made a body politic and corporate, in fact and in law, by the name of the Jersey Shore Improvement Company.

2. *And be it enacted,* That the capital stock of the said com- Amount of capital stock. pany shall be six hundred thousand dollars, divided into shares of one hundred dollars each, which shall be subscribed and paid in at such times, upon such notice, and in such manner and instalments as the directors of the said company by their by-laws or otherwise, may direct; that such payment shall be made either in money, or in land, situated in the county of Hudson aforesaid, and in case such payment shall be made in

land, the value of said land shall be appraised by the board of directors; and that in case of failure of any stockholder to pay his or her instalments at the place and within thirty days of the time appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her share or shares, and of all previous payments thereon, for the use of said company.

Stock trans-
ferable.

3. *And be it enacted*, That the capital stock of the said company shall be deemed personal property, and the said shares shall be transferable only on the books of the company, in such manner as the board of directors by by-laws may direct, and every share shall entitle the holder to one vote, either in person or by proxy.

Election of di-
rectors.

4. *And be it enacted*, That the affairs of the company shall be managed by five directors, to be chosen by the stockholders of the said company, annually, at such time and in such manner as the by-laws of the company may direct, who shall serve for one year, and until others are chosen in their stead, notice of which said election shall be previously given for two weeks, in a newspaper published in the county of Hudson; the said directors shall, from time to time, elect a president from their number, and shall also elect and employ such other officers as may be convenient or necessary, who shall receive such compensation as the by-laws may direct.

First directors

5. *And be it enacted*, That Marshall O. Roberts, Charles A. Heckscher, Moses Taylor, Henry M. Alexander, and Ashbel Green, shall be the first directors of the company, a majority of whom shall, as soon as convenient, after the passage of this act, assemble and organize such company, and shall continue in office until others, as hereinbefore directed, shall be chosen in their stead.

Company au-
thorized to re-
ceive convey-
ances for land.

6. *And be it enacted*, That as soon as the said company shall be organized, it shall be authorized to receive conveyances for the lands now owned as aforesaid, and which it is intended to purchase, and to hold and execute all instruments and conveyances necessary in the purchase and sale of such property; and the said company are hereby authorized to purchase and hold any lands adjoining or near the above mentioned tracts, within the limits of Jersey City, Hoboken, and North

Bergen townships, which they may deem necessary for improving or enlarging said town, and to pay for all lands, with the shares of its capital stock, at not less than par value.

7. *And be it enacted*, That the said company are authorized Company authorized to improve lands. to improve all and every portion of the said lands and lands under water, held or purchased by them as aforesaid, by erecting buildings, and laying out said land into lots, streets, squares, docks, lanes, alleys, or other divisions, and by leveling, grading, raising, or tunneling the said land, streets, lanes and alleys, and they shall have liberty to fill up, raise, occupy, possess and enjoy as their own property, all lands covered with water which they may hold or purchase, and may build, enlarge and improve all and any wharf or wharves, bulkhead or bulkheads, piers, slips, and other structures which they may deem necessary for commercial, shipping, or other purposes; *provided*, that Proviso. in carrying out the provisions of this section, they shall not injure the navigation of the Hudson river, or interfere with the legal rights or privileges of others; and, so far as relates to their lands or lands under water within the corporate limits of Jersey City, they shall be governed by the ordinances of that city; *and provided further*, that the said company or their assigns, shall not be authorized or empowered by virtue of this act, to improve, fill up, occupy, use or enjoy any lands, lying under water in the Hudson river, south of the northerly line of the tract of land claimed by the grantees of Nathaniel Budd in said river; *and provided further*, that the said company Proviso. shall commence the improvements within two years from the first day of January, eighteen hundred and fifty-four, and actually expend three hundred thousand dollars in the improvements named in this act, within five years from the first day of January, eighteen hundred and fifty-four; and if said company shall fail to comply with the requirements of this proviso, then all the rights, privileges and powers granted by this act shall be forfeited and said act void and of no effect.

8. *And be it enacted*, That the said company shall have the Company may collect wharfage. right to collect, receive, demand and sue for all wharfage, dockage, and craneage, which may be levied upon any wharf,

dock, pier, slip or bulkhead, erected by them upon their said land, by virtue of the preceding section.

Limitation.

9. *And be it enacted*, That this act shall continue in force for twenty-five years, and that the legislature may alter, modify, or repeal the same, whenever in their opinion the public good may so require.

Approved March 3, 1854.

CHAPTER LXXXVI.

AN ACT to authorize the city council of the city of Camden to raise by loan a sum not exceeding eight thousand dollars, for the purpose of erecting a new school-house or school-houses.

Corporation
authorized to
raise money
by loan.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the city council of the city of Camden are hereby authorized and empowered to raise by loan a sum not exceeding eight thousand dollars, and to secure the payment thereof by bond or bonds under the common seal of the city, and the signature of the mayor and other proper officers of said city, which said money shall be appropriated under the direction of the board of education of the city of Camden, for the sole and exclusive purpose of erecting a school-house or school-houses in said city.

Board of Edu-
cation to as-
sume payment
of bonds.

2. *And be it enacted*, That the board of education of the city of Camden are hereby directed and required to assume the payment of said bond or bonds, and for that purpose to give a bond or bonds in their corporate name and under their common seal to the city of Camden, conditioned for the payment of the sum of eight hundred dollars yearly and every year on account of the principal, together with the annual interest.

accruing thereon, so that the whole loan authorized by this act may be paid off in ten years.

3. *And be it enacted*, That nothing in this act contained shall be construed to prevent the said board of education from deducting from the amount of bond or bonds to be given by them to the city of Camden as consideration for the bonds of said city appropriated to their use, a sum equal to the amount of the present indebtedness of the city of Camden to the school fund of said city. Debts due school fund to be deducted.

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

Approved March 3, 1854.

CHAPTER LXXXVII.

AN ACT to incorporate the Port Monmouth and Middletown Plank Road Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Morford, Samuel I. Taylor, David Luyster, Charles Morford, George C. Murray, and others associated with them for the purpose of building a plank road from Port Monmouth to Middletown, in the county of Monmouth, and all such persons as may be hereafter associated with them, and their successors, are hereby constituted and declared a body politic and corporate in fact and in law, by the name of "The Port Monmouth and Middletown Plank Road Company." Names of corporators.

2. *And be it enacted*, That the capital stock of said corporation shall be ten thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property and be transferable in such manner as the by-laws of said association shall direct; and each person who Amount of capital stock.

has already subscribed to the stock of said association, shall be entitled to as many shares of the stock of said corporation as will equal in amount the stock so subscribed and owned by him or her, and the capital stock of said association.

Election of
directors.

3. *And be it enacted*, That the business and affairs of said corporation shall be managed and conducted by a board of five directors, who shall be elected by the stockholders from among themselves, at such time and place as the by-laws of said corporation shall provide; notice of which election shall be given twenty days previous, in one of the newspapers published in the county of Monmouth, who shall hold their offices for one year and until others are elected; and each stockholder, at such election and at all future elections of said corporation, shall have one vote for each share he, she or they may own at the time of such election; and such stockholders may vote at any election by proxy, duly authorized for that purpose.

Payment of in-
stalments.

4. *And be it enacted*, That a majority of the board of directors shall at all times be a quorum for the transaction of business, and may have power to call in the remainder of the capital stock of said corporation, by instalments not exceeding ten dollars on each share, by giving notice for thirty days of such required instalments, in one of the newspapers published in Monmouth county; and if any stockholder shall neglect or refuse for ten days after such instalment is due, to pay the same, he, she or they so neglecting or refusing shall forfeit their stock and all payments made thereon.

Officers of cor-
poration.

5. *And be it enacted*, That the board of directors shall and may elect out of their own body a president, who shall be a resident of this state, and hold his office for one year; also a secretary and treasurer from among themselves or the stockholders, who shall hold their offices, each, for one year; also to appoint such subordinate officers, agents, engineers and workmen, as the business of the corporation shall require, and fix their compensation.

First directors

6. *And be it enacted*, That William Morford, Samuel I. Taylor, David Luyster, Charles Morford and George C. Murray, shall be and are hereby appointed the first directors, who shall hold their offices until others are elected by the said cor-

poration, and are authorized to receive subscriptions for the remainder of the capital stock of said corporation, at such times and places as they shall deem proper, giving at least fifteen days' notice thereof in one of the newspapers of said county; and at the time of subscribing for said stock, ten dollars on each share so subscribed shall be paid to the said directors in legal coin or current bank notes.

7. *And be it enacted*, That whenever five thousand dollars of the capital stock of said corporation is taken, and five hundred dollars paid in to the persons above appointed as directors, the said directors are authorized and required to elect a president, secretary and treasurer, agreeably to this act; and said directors shall then exercise all the powers conferred by the act of incorporation upon directors, until others are duly elected, and said corporation be fully empowered to carry out all the objects thereof. Election of officers of corporation.

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 road, not exceeding two rods in width, to be formed with one or two tracks of either eight or nine feet in width each, of substantial plank or timber, laid down in a firm and workmanlike manner, and to keep the same at all times in good repair, so as to present a firm, smooth and even surface at all seasons of the year; to commence at or near the dock of the Port Monmouth Transportation Company, at Port Monmouth, in the township of Middletown; and thence passing through Chanceville, in the most eligible route, to the village of Middletown, its point of termination, in the said township of Middletown, in the county of Monmouth; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, and others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, 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 this state, then it shall be lawful for the said com- Description and route of road.

Provide.

pany, 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 construct said road, and to do all other things which shall be suitable or necessary to carry into full effect the objects of this charter; *provided always*, that the said corporation shall pay, or make tender of payment, for all damages for the occupancy of lands through which the said road shall be laid out, before the said company, or any other 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 lands be first had and obtained.

Proceedings in
case company
and owners
cannot agree.

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 purpose, 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 and impartial commissioners, freeholders of this state, to assess the price or value of such land, and all damage sustained, who shall be sworn before some officer authorized by law to administer an oath, faithfully to execute the duties of such appointment; and after ten days' notice in writing to both parties, of the time and place, shall meet, view the premises, and hear the parties and evidence if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of said land and the quantity taken, by whom owned, and how situate, bounded and described in writing, under their hands and seals, or the hands and seals of a majority of them, to the justice who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of the county in which said lands lie, there to be recorded and kept as a public record, and

copies taken if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county in which the lands lie, 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 said circuit court, full right and power to hear and adjudge the same, and if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands and all damages sustained, and for that purpose to view the land in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall give a greater sum than the said commissioners, then judgment shall be given with costs, against 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 of all such lands and real estate so appraised as aforesaid, for the purposes of said road.

10. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non compos, out of the state, or under any other legal disability, which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report so made in behalf of any such person, into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of said owner or owners; all which proceedings as well under this act 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 justice shall and may direct the amount of costs and charges of such valuation, appraisement and witness fees.

Parties aggrieved may appeal.

Proceedings in case of legal disability.

Company may
use part of
public high-
way.

11. *And be it enacted*, That the public highway running from the village of Chanceville to Middletown, through the lands of William Morford, William Griggs, Cyrenus Van Marter, Charles I. Hendrickson, William W. Murray and others, which has been dedicated for the purpose of a plank road, under the supplement (approved March eleventh, eighteen hundred and fifty-three,) to an act entitled, "An act authorizing the incorporation of Plank Road Companies," approved February twenty-sixth, eighteen hundred and fifty-two, may be taken and occupied by said corporation for the purpose of building the part of said plank road between said villages of Chanceville and Middletown; and upon filing in the office of the secretary of state, a certified copy of the order of the court, dedicating said highway for the purpose of a plank road, the said corporation shall be thereafter invested with full authority and be authorized by the president and directors thereof, their agents, superintendents, workmen, contractors, or other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate said highway, and to erect embankments, bridges, and all other works necessary to construct said road, and to do all other things which shall be suitable or necessary to carry into effect the objects of this charter, and have as much right and power to take and occupy said public highway for the purposes aforesaid, as though said corporation had been created and formed under the said act entitled, "An act authorizing the incorporation of Plank Road Companies;" *provided*, that said highway shall remain such public highway as fully as is consistent with the building and completing said plank road, until the same is completed, pursuant to this act of incorporation; and said public highway shall be deemed dedicated for the purpose of said plank road alone, so long only as the company use and take toll upon the same.

Proviso.

Company to
keep bridges
in repair.

12. *And be it enacted*, That the county and township bridges, if any, on said public highway, may be used by the company in connection with their road, and the said company shall keep the same in good repair, and rebuild the same when necessary, at the expense of said company, so long as the com-

pany take toll upon their said plank road built upon the said public highway, but no toll shall be demanded for crossing said bridges.

13. *And be it enacted*, That any person using said public highway after said plank road shall be constructed and completed, shall pay the legal toll according to the rates herein-after specified, whether the part of the highway that is planked be used or not, except when less than half a mile on either side of a toll gate or bridge is used; or a person or his or her family, or those in his or her employ, pass from one part of his or her farm to another, without going farther, or in case of funerals, or going to or from religious meetings on Sunday.

14. *And be it enacted*, That whenever the part of said plank road from Port Monmouth to Chanceville is completed, the said company may erect gates and turnpikes across the same, and demand and receive toll for each mile of the said road so made, 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, led horse or mule,

one cent.

For every dozen of calves, sheep, or hogs, and so in proportion for a greater or lesser number,

five cents.

For every dozen of horses, mules, or cattle, and so in proportion for a greater or lesser number,

five cents.

And as soon as the remaining part of said plank road is completed, the said company may erect gates and turnpikes as above, and demand and receive the same rates of toll for the use thereof; *provided*, that if the said part of said plank road from Chanceville to Middletown is built upon said public highway, that the rates of toll thereon shall not exceed three-fourths of the rates specified in the fourteenth section of the said act entitled, "An act authorizing the incorporation of Plank Road Companies," approved February twenty-sixth, eighteen hundred and fifty-two.

15. *And be it enacted*, That 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

Tolls to be paid for use of public highway.

Rates of toll.

Proviso.

Toll-gatherer may detain horses, &c., until toll is paid.

gates or turnpikes until the toll, as specified, has been paid for them respectively.

Mile stones to be erected.

16. *And be it enacted,* That before the said company shall demand and receive toll for traveling said road or any part thereof, they shall cause milestones or posts to be erected and maintained, one for each and every mile on said road, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from the point of the commencement of said road at Port Monmouth, and shall cause to be affixed and always kept up at the gates aforesaid, in some conspicuous place, a list of the rates of toll which may be lawfully demanded.

Penalty for injuring works.

17. *And be it enacted,* That if any person shall wilfully break, throw down, or deface any of the mile stones or posts, so erected on said road, or shall wilfully cut, break down, destroy or deface, or otherwise injure any gate, turnpike, bridge, machinery, 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 gates or turnpikes, 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, with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay ten dollars, to be recovered by said company to their use in an action of debt with costs of suit.

Penalty for obstructing passage.

18. *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, 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 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 in action of debt, with costs of suit.

19. *And be it enacted*, That so much of this act as requires compensation to be made to the owner or owners of land, shall not apply to any land within the limits of said public highway. Compensation to owners not to apply to public highway.

20. *And be it enacted*, That in case it should so happen that an election of directors should not be made 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 others shall have been chosen in their places. Corporation not dissolved for failure to elect on day prescribed.

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

Approved March 3, 1854.

CHAPTER LXXXVIII.

AN ACT to incorporate the Elizabethtown Water Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Francis B. Chetwood, Francis Harris, jr., John D. Norris, George R. Chetwood, Reuben Van Pelt, Keen Pruden, John Kean, John H. Rolston, Cyrus Manvel, and all other persons who may hereafter be associated with them in the manner hereinafter provided, and their successors shall be and are hereby constituted and declared to be a body politic and corporate, by the name and style of the Elizabethtown Water Company, and by that name shall have continual succession, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of actions whatsoever; have a common seal, and make, change, or alter the same at pleasure, and hold and enjoy such real and personal estate as may be necessary for the object of this incorporation, or may be taken in payment of debts; that the stock Names of incorporators.

Election of directors.

Vacancies.

Commissioners to receive subscriptions.

of the said corporation shall be deemed personal property, and shall consist of eight thousand shares, of twenty-five dollars each; that the management of the concerns of the said corporation shall be entrusted to nine directors, being stockholders of said corporation, who shall be chosen every year at the annual meeting of the stockholders, which shall be held on the first Monday in May, at such hour and place in Elizabethtown as said directors shall from time to time appoint, a notice of which election shall be published in a newspaper published in Elizabethtown for three successive weeks next before such election, at least once in each week, that all such elections shall be made by ballot by the stockholders, in person or by proxy, under the inspection and direction of three stockholders, neither of whom being a candidate at such election, appointed by the directors; each stockholder having a vote for each share of his or her stock, and the nine persons voted for at such election, having the greater number of votes shall be the directors of said corporation for the succeeding year, and until others are elected in their stead; that if any two or more persons shall have an equal number of votes, so that nine directors shall not be elected, the said stockholders shall again proceed in like manner to elect out of the persons so having an equal number of votes, so many as shall complete the number of nine directors, out of which number the said directors shall, by a plurality of the votes, elect one for their president; and in case of a vacancy in the office of any of the said directors, by death, resignation or otherwise, others shall be elected by said directors to fill such vacancy; and a majority of the said directors shall be a quorum for transacting business.

2. *And be it enacted*, That the persons named in the preceding section of this act shall be commissioners to procure subscriptions for the stock of said corporation, and they or a majority of them, may open books for that purpose at Elizabethtown at any time after the passage of this act, giving fifteen days previous notice thereof, in a newspaper published at Elizabethtown, and five dollars on each share of stock subscribed for, shall be paid at the time of subscribing therefor, and the balance to be paid by instalments from time to time, and in

h sums as the said commissioners or directors of said corporation shall think proper and direct, and not exceeding five dollars on each share at any one time; and whenever four hundred shares shall be subscribed, the said commissioners shall call a meeting of the stockholders within thirty days thereafter, giving fifteen days' notice of the time and place, in Elizabethtown, of such meeting, in a newspaper published in Elizabethtown, for the purpose of electing directors and transacting any necessary or proper business; and when directors are elected, the said commissioners shall pay over to them the money they shall have received, first deducting therefrom a reasonable compensation for their own services and expenses; and all the powers of said commissioners shall cease and be terminated on the election of a board of directors; and the said directors, or a majority of them shall have power from time to time to open the books for the further subscription of stock under the foregoing regulations, until the whole number of shares of stock is subscribed; and are also authorized to call on the said subscribers for the payment of further instalments, such sums, at such times and under such forfeiture as they may deem expedient, until the whole amount of shares subscribed shall have been fully paid; *provided*, the said instalments shall be at least thirty days apart, and shall not be called in a larger sum than five dollars on each share at a time, fifteen days' notice of each instalment required shall be given in a newspaper published in Elizabethtown.

1. *And be it enacted*, That the directors shall be authorized, ^{Duties and powers of directors.} in their discretion to appoint a secretary, treasurer and other officers, agents and servants as they shall from time to time deem necessary for carrying into effect the objects and powers of said corporation, to establish rules, regulations and by-laws and concerning the conduct and government of the directors, their officers, agents and servants, and to determine the compensation to which they shall be entitled, and to require such security from them for the faithful discharge of their respective duties as they shall deem reasonable and proper, and for and concerning the manner of making transfer of the stock; and the conduct and government of all persons and corporations

with whom they may contract for the use and preservation of water furnished by the said corporation, and to restrain the waste thereof, and to impose penalties and forfeitures for a neglect and refusal to comply therewith, not exceeding fifty dollars, which penalties and forfeitures shall be recoverable in the name and for the use of the said corporation before any justice of the peace of the county of Essex or borough of Elizabeth, with costs, in an action of debt.

Company authorized to lay down pipes, &c.

4. *And be it enacted*, That for the purpose of effectually supplying with water the borough of Elizabeth, its vicinity and the inhabitants thereof, and the corporate authorities of the said borough, and manufacturing and other corporations companies and associations desiring the use of water, it shall and may be lawful for the corporation created by this act, and they are hereby empowered to make contracts with persons and corporations for the supply, use, and preservation of water and to erect, construct and maintain all works necessary or convenient to the purposes of this act, and to lay down pipe and other conduits, and to erect and construct hydrants and fire-plugs in the streets, alleys, lanes and other places in the borough of Elizabeth and its vicinity, and to do all things necessary to furnish the said borough of Elizabeth and its vicinity and the buildings, streets and other places situated therein, with water; *provided*, that the public travel upon the streets, lanes and alleys shall at no time be unnecessarily affected or impeded in the laying or repairing of pipes, or the erection and construction of fire-plugs or hydrants, or other necessary or proper work, and after the completion of any work, the streets, side and cross-walks shall be left in as good condition as before the commencement of any such work, and no private lands shall be in any way injured or defaced without permission first obtained from the owner or owners thereof.

Proviso.

Penalty for injuring works

5. *And be it enacted*, That if any person shall wilfully do or cause to be done, any act or acts whatever, to injure an engine, machine, reservoir, pipe, fire-plug, hydrant, or structure whatsoever, or anything appertaining to the works of the said corporation, or whereby the same may be obstructed, stopped or injured, or shall wilfully and maliciously draw o

or waste the water from any fire-plug or hydrant, the person so offending shall be deemed guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months, or both; *provided*, such criminal prosecution shall not in anywise impair the right of action for damages by a civil suit, and the said corporation are hereby authorized to bring an action and recover for damage, by a civil suit, for any such injury aforesaid, by and in the name of the said corporation, in any court in this state having cognizance of the same.

6. *And be it enacted*, That the president and directors of ^{Dividends.} the said corporation shall declare and make such dividends as they may deem prudent and proper from time to time out of the net profits of the said water works; and 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 company, which books shall be at all times open within the usual hours of business for the inspection of the stockholders.

7. *And be it enacted*, That if the water now contemplated ^{Capital stock may be increased.} to be used by the said commissioners for the purposes of this act of incorporation, should by reason of the increased demand therefor be insufficient to supply the demand, it shall be lawful for the said corporation, and they are hereby empowered to procure an additional supply of water from other sources, and to erect and construct the necessary works therefor; and if necessary for such purpose, they are hereby authorized and empowered to increase their capital stock from time to time, not exceeding in the whole additional amount the sum of two hundred thousand dollars, to be divided into shares of twenty-five dollars each, to be paid by instalments in the manner and upon the like notice above mentioned; and whenever a subscription to said additional stock is authorized by the board of directors, the stockholders for the time being shall be first entitled to subscribe for said stock in a rateable proportion of stock held by them; and whenever a dividend is declared, the

said directors shall declare and make dividends upon all the stock subscribed and paid for.

Approved March 3, 1854.

CHAPTER LXXXIX.

AN ACT to establish Teachers' Institutes.

State Superintendent to make arrangements for holding institute.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever reasonable assurance shall be given to the state superintendent of public schools that a number not less than forty teachers of common schools, in any county, or in any two or more adjoining counties of this state, shall desire to assemble for the purpose of forming a teachers' institute, and to remain in session during a period of not less than five working days, the said state superintendent may appoint a time and place for holding said institute, make suitable arrangements therefor, and give due notice thereof, which said institute, when organized, shall be under the direction of such proper and competent person or persons as shall be selected by the institute or persons organizing the same, and the state superintendent shall approve.

Expenses provided for.

2. *And be it enacted*, That for the purpose of defraying the expenses of said institute, the procuring of teachers and lecturers for said institute, and other necessary expenses, the state superintendent of public schools may draw upon the treasurer of this state for a sum not exceeding one hundred dollars for any one institute, and the said amount may be paid annually thereafter, in like manner, to one teachers' institute in any county, or in any two or more adjoining counties of this state, the same to be paid by the treasurer out of the annual income of the school fund.

Annual report to be made.

3. *And be it enacted*, That every such institute shall report annually to the said state superintendent an abstract of the

proceedings of said institute, together with the names of its officers and the names and residences of the teachers attending said institute.

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

Approved March 3, 1854.

CHAPTER XC.

AN ACT to provide for the temporary safe keeping of prisoners in the county of Passaic.

WHEREAS, the board of chosen freeholders of the county of Passaic have resolved to demolish the common jail of said county for the purpose of erecting upon the site thereof a jail and workhouse; therefore,

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 Passaic, to contract with the board of chosen freeholders of any other county in the state of New Jersey, for the safe keeping and maintainance in the common jail of such county, of all such persons as shall from time to time be in, or committed to the custody of the sheriff or keeper of the common jail of the said county of Passaic, until the jail and workhouse mentioned in the preamble to this act, shall be completed.

2. *And be it enacted*, That the sheriff of the county of Passaic, within ten days after notice given to him for that purpose by the board of chosen freeholders of said county, or any three of them, shall safely remove, or cause to be removed to the common jail of such county as shall be agreed upon, in pursuance of the first section of this act, all prisoners remaining in

his custody, and from time to time thereafter such as shall be committed to his custody, and there to deliver them into the custody of the keeper of such jail, whose duty it shall be to receive and keep such prisoners in the common jail of such county until discharged by due course of law, or returned to the custody of the sheriff of the county of Passaic; and the sheriff of the county of Passaic shall be entitled to receive such compensation for the services required of him by this act, as the board of chosen freeholders of the county of Passaic shall allow.

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

Approved March 3, 1854.

CHAPTER XCI.

AN ACT to incorporate the Freehold and Smithville Plank Road Company.

Style of incorporation.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That such persons and their successors as shall become subscribers to the capital stock of the corporation created by this act, and such as shall become associated with them, shall be and are hereby constituted a body corporate, by the name of "The Freehold and Smithville Plank Road Company."

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be twenty-five thousand dollars, and shall be divided into shares of twenty-five dollars each, which shall be deemed personal estate, and shall be transferable in such manner as the by-laws of said corporation shall direct.

Commissioners to open books for subscription.

3. *And be it enacted*, That James M. Smith, Horatio Ely, Benjamin Dubois, William H. Conover, Nathaniel S. Rue,

Henry Schenck and Levi Solomon, 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 for the capital stock of said corporation, at such time and place as they shall appoint, giving twenty days' previous notice thereof in a newspaper printed in the county of Monmouth, requiring two dollars and fifty cents to be paid in cash on each share subscribed at the time of subscribing.

4. *And be it enacted*, That whenever one-half of the capital stock shall have been subscribed, the said commissioners, or a majority of them, shall give public notice for ten days, in one of the newspapers of said county, of a meeting of the subscribers, for the purpose of choosing seven directors, which subscribers, when so met, shall elect by ballot, from among the stockholders, seven directors, a majority of whom shall be residents of this state, and hold their offices for one year, and until others are elected; each stockholder shall have one vote for each share, and may vote in person or by proxy.

5. *And be it enacted*, That a majority of the board of directors shall be a quorum for the transaction of business, and shall have power to call in the remainder of the capital stock by instalments of two dollars and fifty cents per share, by giving thirty days' notice thereof in a newspaper of said county, and upon default of payment of any of said instalments, to forfeit such share or shares, and all payments thereon, to the use of the company.

6. *And be it enacted*, That the said company shall pay over to said directors all money they shall have received for subscriptions, first deducting thereout their reasonable pay for their services and other reasonable expenditures; and that the directors shall cause an annual election to be held of directors, upon reasonable notice given thereof.

7. *And be it enacted*, That the corporation shall not be dissolved because the directors are not chosen when pursuant to this act they ought to have been chosen.

8. *And be it enacted*, That the president and directors of

Election of directors.

Payment of instalments.

Company to pay over money to directors.

Corporation not dissolved for failure to elect on day prescribed.

Company au-
thorized to
construct road

said company are hereby authorized and invested with all the rights and powers necessary and expedient to lay out and construct a plank road, not exceeding thirty feet wide, to commence in the village of Freehold, at the termination of the Monmouth Plank Road Company's road, and thence on the Mount Holly road, on the easterly side thereof, to Asher Smith's hotel, using for the purpose thirty feet in width of the easterly side of said Mount Holly road, and to construct, build and repair thereon a plank road, with all necessary bridges, embankments and appendage; *provided*, no steam power or iron rails, or other obstructions to common travel, shall be used or placed upon the same.

Proviso.

Rates of toll.

9. *And be it enacted*, That the said company may erect gates across said plank road whenever two miles or more of said road are completed, and demand and receive toll for each mile so made, but 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 of calves, sheep or hogs, and so in

proportion for a greater or less number,

five cents.

For every dozen of horses, mules or cattle, and so in

proportion for a greater or less number,

twenty cents.

And it shall be lawful for the toll-gatherer to stop all beasts from going through until the tolls have been paid.

Penalty for in-
juring works.

10. *And be it enacted*, That if any person shall wilfully cut down, destroy, or injure any gate, bridge, timber or plank of said road, or shall pass any gate without paying the legal toll, such person shall forfeit and pay twenty dollars, to be recovered in an action of debt, with costs, besides being subject to an action for damages; and if any person shall, with his team, carriage or horse, turn out of said plank road to pass a gate or gates, with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay twenty-five dollars, to be recovered by said company in an action of debt, with costs.

11. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any person passing by any gate, or shall receive more toll than allowed by this act, he shall forfeit and pay to such person twenty-five dollars, to be recovered in an action of debt, with costs. Penalty for taking illegal tolls.

12. *And be it enacted*, That all drivers of carriages, teams, sleighs or sleds, whether of burthen or pleasure, or persons on horseback, shall keep on the right hand of said plank road, in the passing directions, leaving one-half of the said thirty feet in width free and clear; and if any person shall offend against this provision, such person shall, besides being liable to make compensation in damages, forfeit and pay twenty dollars to any person so obstructed, to be recovered in an action of debt, with costs. Penalty for obstructing passage.

13. *And be it enacted*, That if at any time said company shall permit their said road to get out of repair, any person may serve a notice on said company's president or any one of its directors, ten days before the first day of the next term of the circuit court of said county of Monmouth, that he will apply to said court for an order to open the gates and prohibit any tolls being taken on said road, and said court shall proceed to hear the matter during the term, and if it shall appear to the court that said road is out of repair, the court shall order the gates thrown open, and no further toll demanded until the further order of the court; *provided*, that the judge of said court may at any time in term or vacation, rescind said order, upon its appearing that said road has been properly repaired; *and provided further*, that if said company shall permit their road to be out of repair, and said order to remain for two years successively, this charter and all their rights under it, to be void. Proceedings in case road is not kept in repair. Proviso.

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

Approved March 3, 1854.

CHAPTER XCII.

AN ACT to incorporate the Raritan and Delaware Bay Railroad Company.

Names of incor-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Haight and Samuel W. Jones, of the county of Monmouth; Washington McKean and William Torrey, of the county of Ocean; Thomas H. Richards and George McHenry, of the county of Burlington; Jonathan Pitney and Edward Taylor, of the county of Atlantic; Edmund L. B. Wales and Samuel S. Marcy, of the county of Cape May, and such other persons as may hereafter be associated with them, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name by the name of "the Raritan and Delaware Bay Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this incorporation.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be two and a half million of dollars, with liberty to increase the same to four millions of 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.

Commission-
ers to receive
subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place and places, as they or a majority of them may think proper, giving at least twenty days' notice of the same in three of the newspapers published in this state, and that at the time of subscribing ten per centum shall be paid upon each share subscribed for, to the commissioners or some one of them, and when one million of dollars are subscribed to the capital stock of the said corporation, the persons holding the same shall be and they hereby are incorporated

into a company as aforesaid; and the commissioners shall give like notice for a meeting of the stockholders to choose thirteen directors, a majority of whom shall be residents and citizens of this state, and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote, and the above named commissioners, 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 and moneys paid in to the said directors, deducting a reasonable compensation for their services; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners, or a majority of them.

4. *And be it enacted*, That the directors chosen at such meeting, and at the annual elections of said corporation shall, as soon as may be after every election, choose out of their number a president, who shall hold office until after the next succeeding election, and until another shall be appointed, and they shall have power to fill any vacancy which at any time may exist in their board, by death or otherwise, until the next succeeding annual election.

5. *And be it enacted*, That annual elections for directors shall be held at such times and places as the board of directors shall hereafter direct; of which elections public notice, as above mentioned, shall be given, and such elections shall be made as is hereinbefore directed; and in case it shall happen that an election of directors shall not be made when it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but the said election shall be held as soon thereafter as possible, and public notice shall be given as before directed, and the directors for the time being shall continue to hold their offices until others shall have been chosen in their places; five directors shall be a quorum to transact all business of the said corporation, and the directors shall be authorized to call in the remaining capital stock of said company by such instalments and at such times as they may direct;

Providg.

provided, that such payments shall not exceed ten dollars on each share per month, and in case of the non-payment of the said instalments, or any one of them, they shall have power to forfeit such share or shares upon which such default shall arise, to and for the use of said corporation; and also 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 to appoint such officers, clerks and servants, as to them shall seem meet, and to establish and affix such salaries to them, and also to the president, as to the said directors shall appear proper.

Company authorized to lay out road.

6. *And be it enacted*, That the president and directors of the said company be and they hereby are authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from some suitable point on the Raritan Bay, eastward of the village of Keyport, in the county of Monmouth, to the village of Tom's River, in the county of Ocean, and thence through the counties of Ocean and Burlington to May's Landing, in the county of Atlantic; thence through the counties of Atlantic and Cape May to Cape Island, on the Atlantic Ocean, the said road not to exceed one hundred feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, superintendents, engineers, and others in their employ, to enter at all times upon all land or water, for the purpose of exploring, surveying, leveling, or laying out the route of such railroad and of locating the same; and to do and erect all necessary work, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of 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 and take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, piers, wharves, ferries and all other works necessary to lay

rails, and to do all other things which shall be suitable or necessary for the construction, completion, or repair of the said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment or tender of the payment Proviso. of all damages for the occupation of land through which the said railroad may be laid out, be made; and if said owner of such land shall not see fit to receive such award, the amount of such award shall be paid into the circuit court of the county where the damages occur, before the said company, or any person under their direction, or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying or laying said road, unless the consent of the owner or owners of such lands be first had and obtained.

7. *And be it enacted*, That if the said company or its agents Proceedings in case company and owners cannot agree. cannot agree with the owner or owners of such required lands or materials 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 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 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 justices of the supreme court of this state, who shall cause the said corporation 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, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal three disinterested and judicious freeholders, resident in the county in which the lands or materials in controversy lie, commissioners to examine and appraise the said lands or materials, and to assess the damages upon notice not less than ten days, to be given to the persons interested, as shall be directed by the justice making such ap-

pointment ; and it shall be the duty of the said commissioners (having first taken an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding) to meet at the time and place appointed and proceed to view and examine the said lands or materials, and to make a just and equitable estimate or appraisal of the value of the same, and assessment of damages, which shall be paid by the company for such lands and materials and damages aforesaid ; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removal of the fencing on the line of the route of said road, through any improved lands over which the same may run ; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land, and the appointment and oaths and affirmations aforesaid, in the clerk's office of said supreme court, to remain of record therein ; which report, or a copy thereof, certified by the clerk of the said court, 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 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 said corporation, in the nature of a mortgage ; and the said justice of the said court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the said justice, commissioners, clerks and other persons performing any of the duties prescribed in this section of the act, as he shall think equitable and right, and direct to whom the same shall be paid by the said corporation.

8. *And be it enacted*, That in case the said corporation, or

owner or owners of the said land or materials shall be dissatisfied with the report of the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county wherein the lands or materials in controversy lie, at the first or second term after the filing of the said report, by proceeding in form of petition to the said court, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of the controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue, to be tried at the next term of said court to be holden in said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if they shall find a greater sum than the said commissioners 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 owner or owners, and shall find the same or a less sum than the company shall have offered, or the said commissioners awarded, then said costs 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 court shall direct; but such application shall not prevent the company from taking the said land or materials upon the filing of the aforesaid report, the value or 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.

9. *And be it enacted*, That it shall be the duty of the said corporation to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public or other road, now or hereafter laid, shall cross the same, so that passage of carriages, horses and cattle on the said road shall not be impeded thereby, and also where the said road shall intersect any farm or lands of any individual, to provide and keep

Parties aggrieved may appeal.

Company to construct bridges.

in repair suitable and convenient wagon ways over or under said railroad, and shall also construct and maintain suitable and proper cattle guards at all road crossings.

Rates for
transportation

Proviso.

10. *And be it enacted*, That the president and directors of the said corporation shall have power to have constructed, or to purchase with the funds of the corporation, and to place on the said railroad all machinery, engines, cars, wagons, carriages or vehicles, for the transportation of persons or property, and also suitable and safe boats at the several terminating points of the said road, and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and property thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than at the rate of three cents per mile for carrying each passenger, but no charge shall be required to be less in the aggregate than ten cents, nor shall said corporation charge more than six cents per ton per mile for the transportation of any description of property, nor shall more than one-half of the above rate be charged for carrying any fertilizing material; and the said railroad, with the appendages, and the lands over which the same shall pass, and all the works and improvements and all other property whatsoever belonging to the corporation, are hereby vested in the said corporation and their successors, for and during the continuance of their charter.

Dividends.

11. *And be it enacted*, That the president and directors shall declare and make such dividend of the nett profits thereof, as they may deem prudent and proper from time to time.

What real es-
tate may be
held.

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

rivers and streams as the road may cross, such piers or bridges as they may deem expedient; *provided*, that suitable and sufficient draws shall be made over any navigable streams, so as not to obstruct the navigation thereof. Proviso.

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

14. *And be it enacted*, That from and after the completion of the said road, it shall be the duty of the treasurer of the said corporation, under oath or affirmation, to make quarterly returns of the number of passengers and the number of tons of goods, wares and merchandise transported upon said road across the state, to the treasurer of this state, and thereupon to pay the said treasurer of the state the same impost or transit duties which are now or may be at any time hereafter paid by the Camden and Amboy Railroad and Transportation Company, and no more. Transit duties to be paid.

15. *And be it enacted*. That it shall not be lawful for the said corporation to run any passenger or freight cars upon any part of the said railroad upon the first day of the week, called Sunday. Cars not to be run on Sunday

16. *And be it enacted*, That at any time after the expiration of thirty-five years from the passage of this act, the legislature of this state may cause an appraisement of said railroad, with the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of the state for the time being, and the remaining three by the said corporation, who, or a majority of them, shall report the value thereof to the legislature within one year from the time of their appointment; or if they cannot agree, they shall choose a seventh, who, or a majority of them, shall report as aforesaid; or in case the said corporation shall neglect or refuse to appoint the said three persons on their part for two months after the said State may take road on payment of appraisement.

appointment by the said chief justice, then the said three persons, so appointed by him, shall proceed to make the said appraisal, which shall be binding on the said corporation; or in case the said six commissioners shall be appointed as aforesaid, and cannot agree upon the seventh man, then upon two weeks' notice to the said corporation, the said chief justice shall appoint such seventh man, as aforesaid; and thereupon the state shall have the privilege for two years of taking said road, and upon payment to the corporation of the amount of said appraisal within one year after electing to take said road; which report shall be filed in the office of the secretary of state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment to the said company of the amount so reported; *provided*, that the said valuation shall in no case exceed the first cost of said road, with the appendages thereof, and no person who is a stockholder or stockowner in said company shall be such commissioner.

Proviso.

Time for commencement and completion of road.

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

Public act.

18. *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.

Certain officers to pass free.

19. *And be it enacted*, That the governor, the chancellor, and the judges of the supreme court, the secretary of state, state treasurer, the attorney general, and the judges of the court of errors of this state, when traveling for the discharge of the duties of their offices, and the members of both houses of the legislature of this state, during or for ten days prior and subsequent to their annual or other sessions, shall pass and re-pass on the railroad of said corporation, in their cars, free of charge.

Approved March 3, 1854.

CHAPTER XCIII.

AN ACT to incorporate the Trenton Locomotive and Machine Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of corporators.} *the State of New Jersey*, That Aaron H. Vancleve, William R. McKean, Isaac Dripps and Joseph C. Potts, and their associates, shall be and they are hereby declared to be a body corporate and politic in fact and in law, by the name of "The Trenton Locomotive and Machine Manufacturing Company," for the purpose of manufacturing locomotives, steam engines, and all other articles of which iron forms the principal ingredient, railroad cars, trucks, carriages and other vehicles, and for that purpose may hold such real estate, water privileges, machinery and effects as may be needful to carry on the said business, or may accrue to them in the course thereof, and may sell, mortgage, lease or otherwise dispose of the same.

2. *And be it enacted*, That the capital stock of said company ^{Amount of capital stock.} shall be one hundred thousand dollars, divided into shares of five hundred dollars each, and the persons named in the first section of this act are hereby appointed commissioners to receive subscriptions to said capital stock, at such place in the city of Trenton as a majority of them may appoint, giving at least five days' notice in two newspapers published in said city; and as soon as the whole of said stock is subscribed and paid in, the said commissioners shall, by like notice, call the first meeting of the stockholders for the purpose of organizing said company.

3. *And be it enacted*, That the business of said corporation shall be managed by not less than three, nor more than five ^{Election of directors.} directors, all of whom shall be stockholders, and one of whom shall be president, who shall hold their office for one year, and until others are elected in their stead; and every year thereafter, at such time and place, and upon such notice as the by-laws may appoint, an election shall be held, at which election

every stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock he may own.

Duties and
powers of di-
rectors.

4. *And be it enacted*, That the directors of said corporation shall have power to make by-laws for its government, not inconsistent with the laws of this state or of the United States, and may appoint such subordinate officers as the business of the corporation may require.

Stock trans-
ferable.

5. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferred in such manner as the by-laws may prescribe, but no dividends shall at any time be made to the stockholders except from the nett profits of the corporation.

Capital stock
increased.

6. *And be it enacted*, That the said corporation may from time to time hereafter, increase the said capital to any sum not exceeding two hundred thousand dollars, giving ten days' notice of their intention to do so, in all the newspapers printed in Trenton, and within six months thereafter filing with the secretary of state, under the oath of the treasurer and a majority of the directors, a statement that the amount of the increased capital so proposed to be made has been paid in.

Books of ac-
count to be
kept.

7. *And be it enacted*, That regular books of account shall be kept in the office of said company in the city of Trenton, to which books every stockholder may have free access at all reasonable times, for the purpose of inspection.

Restrictions
and liabilities.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the general restrictions and liabilities set forth in "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable; and the legislature may at any time hereafter modify or repeal the same.

Approved March 3, 1854.

CHAPTER XCIV.

AN ACT to incorporate the Bordentown and Hornerstown 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 Bordentown and Hornerstown Turnpike Company shall be opened by Miller Howard, John W. Cox, Gilbert S. Lawrie, Richard Waln, Edward B. Woodward, Jacob M. Bunting, John L. McKnight, Whitall Stokes, Samuel Taylor, Joseph Woodward, and Edwin A. Shreve, or a majority of them, who are hereby appointed to receive subscriptions to said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least one of the newspapers published in the counties of Ocean and Burlington.

Commissioners to open books of subscription.

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 two hundred shares shall be subscribed for and taken, the persons holding the same shall be, and they are hereby incorporated into a company, by the name and style of "the Bordentown and Hornerstown Turnpike Company," and by that name and style shall have, enjoy, and exercise all the rights, powers, and privileges appertaining to corporate bodies and necessary to carry the objects of this act into effect.

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

Payment of instalments.

in the manner aforesaid; and upon failure of the payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of said company; *provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed for as aforesaid; *provided also*, that no subscription for less than six shares of said stock shall be reduced by such apportionment.

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

Act void if stock is not subscribed for in three years. 5. *And be it enacted*, That when three hundred shares of said stock be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as hereinbefore directed with regard to the opening of said books; at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, nine directors, a majority of whom shall be citizens of this state, to manage the affairs of the said company for one year, of which election the said commissioners, or a majority of them, shall be judges; and at the expiration of that term, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect, by ballot, the same number of directors, a majority of whom shall be citizens of this state, as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share, by the holder or holders thereof, either in person or by proxy; *provided nevertheless*, that no stockholder shall have more than twenty votes, although he or she may have a greater number of shares.

Election of directors.

Proviso.

6. *And be it enacted*, That within twenty days after the 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 Ocean or Burlington, who shall hold his office for one year and until another shall be elected, and receive such compensation for his services as a majority of said directors shall direct, and shall be presiding officer at all meetings of said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders, or, in case of his death, absence or inability so to do, the said directors shall appoint some other suitable person, who, for the time being, shall possess the same powers and authority, and perform all the duties herein prescribed.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections, by death, resignation, removal, or refusal to act of any president or director, and may appoint a treasurer, who shall be a citizen of this state and resident of the county of Ocean or Burlington, and all officers, agents, superintendents, and other servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls, and have the superintendence and direction of all receipts and disbursements, and all others affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient to regulate the transfers of the stock and the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution and laws of this state or of the United States.

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

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

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

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

Description of road. 11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Bordentown, in the county of Burlington, by way of Recklesstown and Arneytown, to Hornorstown, in the county of Ocean, beginning in the middle of the main public road at the point where the boundary line of the borough of Bordentown crosses said road; thence along the middle of said road, by the most direct and nearest route to Recklesstown; thence along the main public road, by the most direct route as now laid by way of Arneytown, to Hornorstown; which said turnpike road shall be at least thirty-two feet in width, and shall be sufficiently arched and drained to make and keep the same dry; and at least sixteen feet thereof shall be sufficiently bedded and faced with stone, gravel, or other material, to make a solid, firm, and even road at all seasons of the year; and it shall be so graded that in its progress no part of said road shall rise above an angle of five degrees with the plane of the horizon; and the said company shall construct, keep in repair,

maintain, and make good and sufficient bridges, along the line of said road, not less than twenty feet in width; *provided*, the Proviso. bridge over Crosswicks creek shall remain as now built until such time as it needs to be rebuilt, then to be made the width of the other bridges on the road; and whenever the said road shall be raised so much at the margin or side as to render carriages passing thereon liable to upset, the said company shall cause good and sufficient railings to be erected and maintained on the side, so as to prevent horses and carriages from running off; and the said company may, by their officers, agents, or other persons in their employ, enter, from time to time and at all times, upon all lands, to search for stone, gravel, sand, or clay for constructing or improving said road as aforesaid, doing no unnecessary damage to said land; *provided*, that be- Proviso fore the said company shall construct the said turnpike road, as aforesaid, they shall pay to the respective owners of the lands over which the same may pass, all damages which the said owners will sustain by reason of the construction of said turnpike road; and in case the said company and the said owners cannot agree upon the amount of said damage, then the damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners may sustain by the taking of stone or gravel from his lands for the construction or maintaining of said turnpike road.

12. *And be it enacted*, That it shall be lawful for the said Proceedings in case company and owners cannot agree. company, their officers, superintendents, engineers, and workmen, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they might make in the enclosures thereof; and to make all ditches and underdrains across and through such lands necessary for properly draining said road; and to take and carry away stone, gravel, clay, sand, earth, or other materials therefrom suitable for making or repairing said road; and that when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials,

for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of the said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state or to one of the judges of the court of common pleas of the county of Ocean or Burlington, as the case may be, 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 and materials, and to assess the damages, upon such notice to the persons interested as shall be directed by the justice or judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands and materials, and make a just and equitable appraisalment of the value of the same, and assessment of damages to be paid by the said company for such lands or materials and damages aforesaid; and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same, within ten days thereafter, together with the aforesaid description of the lands or materials and the appointment

and oaths or affirmations aforesaid, in the clerk's office of the county of Ocean or Burlington, as the case may be, 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 amount¹ of said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage; and the said justice or judge shall tax and allow such costs, fees, and expenses to the justice or judge, commissioners, clerks, and other persons performing any of the duties prescribed in this section; as he shall think equitable and right, which shall in all cases be paid by the company.

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

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

And it shall and may be lawful for the toll-gatherer to stop persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have paid the toll as above specified; *provided*, that nothing Proviso.

in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the Sabbath day, or to or from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other militia officer or soldier passing or repassing, when called to do duty by the laws of this state or of the United States.

Mile stones to
be erected.

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

Penalty for in-
juring works.

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

16. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveler passing at any of the gates or turnpikes, or shall demand and receive more toll than is by this act established, he shall for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or defrauded. Penalty for illegal tolls.

17. *And be it enacted*, That all the drivers of carriages, sleighs or sleds of every kind and description, whether of business or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs or sleds on the right hand of said road, in the passing directions, leaving the other side of the said road free and clear for other carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit. Penalty for obstructing passage.

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

pany ; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said road or bridge, and report as aforesaid, their opinion to the said judge, who shall, if authorized by the report of the said persons, or any two of them, by license under his hand and seal, directed to the toll-gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before ; and the said fees shall be allowed and paid as before directed ; but if on the first view, as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person or persons making the complaint.

When toll
gates may be
erected.

19. *And be it enacted*, That whenever the said company shall have completed any four consecutive miles of said road, according to the directions and true intent and meaning of this act, it shall be lawfully 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
road.

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

Commence-
ment and
completion of
road.

21. *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," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same is applicable.

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

Approved March 3, 1854.

CHAPTER XCV.

AN ACT authorizing the removal of certain milldams from Rahway river and its branches, within the limits of the townships of Rahway and Woodbridge, in the counties of Essex and Middlesex.

WHEREAS, the inhabitants of Upper and Lower Rahway and Leesville and their vicinity, in the counties of Essex and Middlesex, in the state of New Jersey, have by their petitions set forth that by reason of the numerous millponds in their neighborhood, and in their midst, they are and have been for many years past afflicted with autumnal fevers and agues, greatly to the annoyance and distress of the inhabitants, retarding the growth and prosperity of their villages and surrounding country; and whereas, they have by their said petitions requested the aid of the legislature of this state to remove certain milldams therein mentioned, and it appearing to the legislature that the owners of the mills and millponds referred to, have consented that the legislature should legislate on the subject, reserving and securing to them a fair and equitable consideration for their property taken; therefore

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the inhabitants of Upper and Lower Rahway, Leesville and their vicinity, by their trustees, agent or agents, by this act hereinafter appointed, at any time after the passage of this act, whenever it shall be deemed expedient by them so to do, to pull down and remove the following dams, or any of them, namely, the milldam of Isaac Jones, and the dam now or lately owned by John Bowne, on the south branch of Rahway river, the milldam owned by Ayres, Williams and Lufberry, and the dam now or lately owned by Jesse C. Hedenburgh, (known as Tannrino Factory dam,) both situate on the main stream of Rahway river, first having paid, or secured to be paid, to the several

Preamble.

Dams authorized to be removed.

mill owners or their assigns, the several sums of money awarded to them respectively as hereinafter provided for.

Commissioners to estimate and fix valuation.

2. *And be it enacted*, That the inhabitants aforesaid, by their agents hereinafter appointed, may apply to any one of the judges of the supreme court of this state, first giving ten days' notice in writing of such intended application, and of the time and place of such application, to the several owners of the mill sites, to appoint three suitable and disinterested persons as commissioners, to meet together, examine, estimate and fix a valuation on each of the water privileges of the respective mill sites above mentioned, and the said judge, when applied to as aforesaid, on due proof being made that said notice has been given according to law, on which the decision of the said judge shall be final and conclusive, is hereby authorized and required to appoint three suitable and disinterested persons as commissioners to examine, estimate and fix such valuation as aforesaid; and the said persons so appointed as aforesaid, shall meet at such time and place as the said judge shall direct, a copy of which appointment shall be served by the agent or agents of said inhabitants on each of the persons so appointed by the said judge as aforesaid, at least six days prior to the time of their meeting, and like notice shall be served upon the owner or owners of the milldam or milldams intended to be removed.

Copies of assessment of damages to be filed.

3. *And be it enacted*, That the persons so appointed as aforesaid, when met as aforesaid, on due proof being made to them that notice of their meeting has been served upon the person or persons entitled to such notice, according to law, upon which they shall decide, and their decision be final and conclusive, shall view the mill site or mill sites, as the case may require, and make an assessment of the damage the owner or owners of any dam or dams which may be removed or taken down, will sustain by reason of the removal of said dam or dams, which said assessment shall be in writing, and certified under the hands and seals of said commissioners appointed to assess said damages as aforesaid, or a majority of them, two copies of which said assessment shall be made and certified as aforesaid, one of which

said copies shall be filed in the clerk's office of the county of Essex, and the other in the clerk's office of the county of Middlesex; and which said assessment, so made and certified as aforesaid, shall be evidence of the several amounts to which the owner or owners of said dam or dams shall be entitled.

4. *And be it enacted*, That if either of the parties shall be dissatisfied with the assessment so made by said commissioners, ^{Parties aggrieved may appeal.} he or they may within fifteen days after the said assessment or assessments are filed as aforesaid, apply to the same or to some other judge of the supreme court, upon giving like notice as aforesaid, of such intended application, which said judge shall appoint three other competent and disinterested persons, not residing within the limits or boundaries hereinafter mentioned, to act as commissioners with the three commissioners first appointed, to examine said mill sites and review the assessments made by the commissioners first appointed, and lessen or increase the same, as to them, in their judgment, and under the circumstances of the case shall seem meet and just; and the report of the said six commissioners or a majority of them, made in writing, under their hands and seals, shall be filed in the offices of the clerks of the counties of Essex and Middlesex, and shall be final and conclusive to the parties interested.

5. *And be it enacted*, That after the assessment or assessments, as provided for in the third section of this act, shall have been made and confirmed, the inhabitants aforesaid and residing within the limits or boundaries hereinafter mentioned and specified, may by their agent or agents apply to one of the judges of the court of common pleas of either of the counties of Essex or Middlesex, first giving six days' notice of such intended application, and of the time and place of such application to the mill owner or owners, to appoint two discreet and intelligent persons, not interested in property which may be assessed by them, to assess upon the inhabitants residing within the district hereinafter mentioned and described, who are subject to taxation, an amount equal to the aggregate amounts of the assessments so made as aforesaid, and as hereinbefore provided for, together with such amount as shall be equal to the expenses necessarily attending their proceedings, said assessors ^{Assessment upon inhabitants.}

to enter upon and complete their assessments within one month from the time the valuations and assessments made by the commissioners shall be placed in the hands of said assessors; which said assessments shall be made in manner following, to wit: First, on all lands reclaimed by the removal of the milldams hereinbefore mentioned, their full value; second, on all lands in a wet and damp condition, but which will be improved and rendered valuable by the removal of said dams, the next rate of assessment; third, the remainder of the real estate in said district, hereinafter mentioned and described, shall be assessed by the said assessors, according to its value, and the benefits which in their judgment it will receive by the removal of said dams; and lastly, all persons subject to tax residing within the boundaries of said district, a poll tax of one dollar.

Collection of
assessments.

6. *And be it enacted*, That four copies of said assessment or assessments shall be prepared by said assessors, and certified under their hands, one of which said copies shall be filed in the clerk's office of the county of Essex, one in the clerk's office of the county of Middlesex, and one to be delivered to each of the collectors of taxes of the townships of Rahway and Woodbridge for collection; and the said collectors shall forthwith proceed to collect the same, and they are hereby invested with all the powers and authority, and shall be entitled to the same compensation which the law gives them for the collection of township and county taxes, and they and their securities are hereby made liable to all the penalties and liabilities, and subject to all the fines and forfeitures imposed by the laws of this state for the neglect or default in the performance of the duties imposed upon, or required of the collectors of taxes of township and county taxes; and in case the collector of either of the said townships of Rahway or Woodbridge should neglect, or refuse to perform the duties herein required of them, then and in such case the trustees or agents hereinafter appointed, by this act are hereby authorized and empowered to appoint other collector or collectors, as the case may require, who shall be and hereby are vested with all the powers of collectors of the several townships of this state, and shall be subject to the same penalties for the non-performance of the duties imposed

on them by this law, and shall give satisfactory security to said trustees or agents for the performance of the same; and said agents or trustees are hereby authorized to make compensation to sub-agents or collectors as to them may seem equitable and just; and the said collectors whenever they receive to the amount of twenty-five dollars and upwards, on account of the taxes herein imposed, shall deposit the same in the Farmers' and Mechanics' Bank of Rahway, in the name and to the credit of the inhabitants of Upper and Lower Rahway, Leesville, and their vicinity, taking the receipt of the cashier of said bank therefor, which said receipt or receipts shall be sufficient vouchers for the amounts deposited by said collector or collectors, and which said moneys so deposited as aforesaid may be drawn from said bank by the trustees or agents of said inhabitants appointed by this act, and they shall pay the same from time to time, or at one time, to the owner or owners of the dam or dams, to whom awards shall be made, or their legal representatives, taking receipts for the same, and release or releases, and conveyance or conveyances for the rights, privileges and property to be surrendered by them, and for which compensation is awarded.

7. *And be it enacted*, That all the inhabitants residing within the bounds or limits in this section hereinafter mentioned and particularly described, are subject to, and shall be liable to taxation for the purposes of this act, namely: beginning on Rahway river, at the east corner of Walter Fuller's farm, then following the east side of his farm to the Blazing Star road, thence southwesterly on a straight line to the southeast corner of Clarkson Edgar's farm, on the Woodbridge road; from thence southerly to a stone bridge on the country road near the dwelling of Charles M. Dally; from thence southwesterly to and including the farm of Thompson Edgar; from thence southwest, to and including the farm of George W. Brown, thence to the railroad bridge, over a small stream near the property late of John T. Marsh; from thence northerly following the road to a cross road near land late of William Marsh; from thence northerly and easterly to the bridge crossing the

Persons liable
to taxation.

Pumpkin-patch brook, near Henry Wood's farm; from thence northerly to the southeasterly line or corner of Jacob Flatt's farm, on the road leading from Rahway to Hartshorne's; from thence northerly to a road on a westerly side or corner of the farm of 'squire Wilcox, and thence northerly along and to a road leading from Westfield to Trussler's factory; from thence easterly to the west corner of the farm of Caleb Pierce, thence on a direct line to the east corner of said Pierce's farm, said farm in whole included; from said east corner of Pierce's farm, running southerly in a direct line to the house of David C. Styles, including his farm, thence southerly along the road till it intersects the Edgar road, thence on a direct line to the bridge over what is called Morris brook, thence following said brook to where it enters into Rahway river, thence up the river to the place of beginning.

Trustees on
the part of the
inhabitants.

8. *And be it enacted*, That the following named persons be and they are hereby appointed agents or trustees on the part of the inhabitants residing within the boundaries hereinbefore described, namely: David S. Craig and Joseph O. Lufberry, of the county of Essex, and Ezra Ayres, of the county of Middlesex, and that they be invested with all the powers and authority necessary to carry into full effect the provisions of this act; and the said trustees or agents are hereby authorized, in case moneys should be on hand not immediately needed for the uses and purposes herein provided, to place the same at interest on ample security, until wanted, and all moneys drawn from the bank shall be joint check or checks of the said trustees or agents.

Time for re-
moval of dams.

9. *And be it enacted*, That no mill dam shall be taken down or the water drawn off from any pond or ponds contemplated by this act before the first day of November, or later than the first day of February in any year.

Compensation
to officers.

10. *And be it enacted*, That the judge or judges granting any rule or making any appointment under and by virtue of this act, shall receive the sum of one dollar for every rule by him or them granted, or appointment by him or them made; the assessors, commissioners, and trustees shall be entitled to the sum of two dollars each for every day he or they shall be

engaged in the business imposed upon them by this act; and the clerks of said counties of Essex and Middlesex the sum of twenty-five cents each, for each paper by them filed.

11. *And be it enacted*, That from and after the passage of this act, no milldam or other obstruction shall ever be erected across the waters of the Rahway river below the milldam of John Florence, on any account or on any pretext whatever, nor shall any milldam or other obstruction be placed across the waters of the south branch of said Rahway river from its mouth to its source. No mill dams to be hereafter erected.

12. *And be it enacted*, That this act shall be known and taken as a public act, and shall go into effect immediately. Public act.

Approved March 3, 1854.

CHAPTER XCVI.

AN ACT to incorporate the Franklin Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David Gavin Scott, Thomas D. Hoxsey, David Ingliss, Lloyd Wells, William Donaldson Scott, or the survivors or survivor 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 declared a body politic and corporate, in fact and in name, by the name of "the Franklin Manufacturing Company," for the purpose of manufacturing woolen, silk, cotton, and flax, and dyeing, bleaching, and printing the same, and carrying on the business incident to such manufacture, at the city of Paterson, in the county of Passaic. Names of corporators.

2. *And be it enacted*, That the stock, property, and concerns of such corporation shall be managed and conducted by five Election of directors.

directors, being stockholders, one of whom shall be president, who shall hold their office for one year; and that the said directors shall be chosen on the first Monday in January, in each and 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 the time and place of holding every such election, not less than ten days previous, in one or more newspapers published in the city of Paterson, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy; and each stockholder shall be entitled, either in person or by power of attorney, to as many votes as he shall hold shares of the capital stock of the said company; and any person having the greatest number of votes, being a stockholder, shall be a director; 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 shall appoint clerks and superintendents, and assign such compensation as they shall think fit, not less than a majority of the whole number 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 named in this act, or those hereafter to be elected, such vacancy or vacancies shall be filled by such person or persons as a majority of them shall appoint, and until other directors are chosen from the stockholders; and the first directors shall be David Gavin Scott, Thomas D. Hoxsey, David Ingliss, Lloyd Wells, and William Donaldson Scott, and the survivors or survivor of them, who shall hold their office until the first Monday in January, eighteen hundred and fifty-five, and until other directors are legally chosen.

First directors

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall be one hundred and fifty thousand dollars, with liberty to increase the same to two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each; but as soon as the sum of fifty thousand dollars of said capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, it shall and may be lawful for the said company to commence their said business, and with that

capital to conduct and carry it on, until they shall deem it expedient to extend their operations; and it shall be lawful for the directors of said company to call and demand from the said stockholders all sums of money by them subscribed, at such time and in such proportions as they shall deem proper, not exceeding twenty 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 in thirty days after notice shall have been published for thirty days in one or more newspapers published in the city of Paterson aforesaid.

4. *And be it enacted*, That the subscription for the said stock shall be open for any number of days, not exceeding five, at Congress Hall, in the city of Paterson, under the direction of the said board of directors, or such of them as shall be designated for that purpose; and the said directors shall give due notice of the opening said books for the subscription to the capital stock of said company for three weeks, by publishing the same in one or more newspapers published in the said city of Paterson. Directors to open books of subscription.

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

6. *And be it enacted*, That in case it should at any time happen that an election should not be had on the day that pursuant to this act it ought to be made, the said corporation, for that cause, shall not 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 and may be prescribed by the by-laws and ordinances of said corporation. Corporation not dissolved for failure to elect on day prescribed.

7. *And be it enacted*, That a majority of the directors for the time being shall form a quorum for the transaction of the business of said corporation, and shall have full power to ordain, establish, and put into execution such by-laws, ordinances, and regulations as shall be necessary and convenient for the govern- Powers of directors.

Proviso.

ment and management of the stock, effects, profits, and concerns of said corporation; *provided*, that the same are not contrary to the constitution of the United States or of this state.

Books of account to be kept.

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

Corporation may be dissolved.

Proviso.

9. *And be it enacted*, That the said corporation may be dissolved at any meeting of the stockholders specially convened for that purpose; *provided*, that at least three-fourths in value of the stockholders shall be present and represented therein, and shall vote in favor of such dissolution; and, upon such dissolution, the directors for the time being, or the survivors or survivor of them, shall be trustees for the settling all the affairs of said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective shares or interests 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 that purpose, in which case the persons so appointed, or the survivors or survivor of them, shall be trustees for the purposes aforesaid.

Limitation.

10. *And be it enacted*, That this act shall continue in force for the space of thirty years, and shall take effect immediately.
Approved March 3, 1854.

CHAPTER XCVII.

AN ACT supplementary to the act entitled "An act respecting the orphans' court, and the power and authority of surrogates," approved April sixteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if complaint shall be made to any one of the judges of the orphans' court of any county, by any person who shall be security on the bond of any administratrix or female guardian having control of the estate of any minor, that such administratrix or guardian is married or likely to be married; and the said person or persons shall represent under oath his or their fear that the estate of said minor may be wasted or mismanaged by reason of such marriage, the said judge shall forthwith call an orphans' court, which court shall, on being satisfied of the reasonableness of such apprehension, order and direct such administratrix or guardian to give security to the minors or orphans by mortgage or bonds, in such sum and with such sureties as the said court shall think reasonable, conditioned as directed in the seventh section of the act to which this is a supplement, instead of the said administration or guardianship bond.

2. *And be it enacted*, That in case of the neglect or refusal of any administratrix or guardian as aforesaid, to comply with such order and direction, the said court shall proceed to revoke her letters of administration or guardianship, and to appoint some other fit person in the stead of the person so refusing, taking from the person so newly appointed, security for the faithful performance of his duties as is directed in the eighth section of the act to which this is a supplement.

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

Approved March 2, 1854.

CHAPTER XCVIII.

AN ACT authorizing the trustees of Camden Academy to release certain persons and lands from the payment of an annuity devised to said trustees by George Genge, now deceased.

Preamble.

WHEREAS, George Genge, in and by his last will and testament, bearing date the twenty-ninth day of September, Anno Domini, eighteen hundred and twenty-eight, and 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 for the time being, or their successors in office, legally appointed, forever, the sum of eighty dollars per annum, to be paid out of a ground rent reserved to him from certain lots, numbers five, eighteen, nineteen, twenty, six and seventeen, as described in the original plan of the town, now city of Camden, the payment thereof being secured to him, his heirs and assigns forever, reference to his deed to Abraham Browning for said lots had, may more fully appear, to be paid to them by instalments of twenty dollars each, quarterly, becoming due to him as specified in the aforesaid deed, that is, on the twenty-fifth days of March, June, September and December, in each and every year; and they, the said trustees, shall expend and appropriate the said bequest to the only and exclusive purpose of paying the education of poor children in the said academy or other school house erected on either of the lots, numbers one hundred and fifty-six and one hundred and fifty-seven, in said town, now city of Camden aforesaid, and to no other use whatever;" and whereas, the said trustees are desirous of having, in lieu of said annuity, a sum of money which at six per cent. would produce annually, the amount of said annuity, which sum of money the owners of said lots and ground rent reserved thereout, are willing to pay, provided they and said lots shall be released from all future payment of said annuity; now therefore,

1. BE IT ENACTED by the Senate and General Assembly of

the State of New Jersey, That it shall and may be lawful ^{Trustees authorized to execute release.} for the trustees of the Camden Academy for the time being, at any time hereafter, upon the payment to them of the sum of one thousand three hundred and thirty-three dollars and thirty-four cents, to make and execute to the said owners of said lots and ground rent reserved thereout, mentioned in the said last will and testament of George Genge, deceased, and numbered in the original plan of the town of Camden, five, eighteen, nineteen, twenty, six and seventeen, their heirs and assigns, a release or releases from all future payment or payments of the said annuity of eighty dollars, mentioned in said last will and testament, or any part thereof; and that such release or releases, executed under the hands and seals of said trustees, for the time being, shall be deemed good and sufficient in law and equity forever thereafter to release and discharge the said owners of said lots and ground rent reserved thereout, their heirs and assigns, from all future payment or liability to pay said annuity or any part thereof, to said trustees or their successors in office, or any other person or persons; and shall, forever thereafter, exclude and bar the said trustees and their successors in office, and all other persons from any action or actions, in law or equity, for the recovery of said annuity or any part thereof; nor shall the said owners of said lots and ground rent reserved thereout, nor any of them, their or any of their heirs or assigns, be in anywise liable, in law or equity, for the proper application of the said sum of money, or any part thereof, after the payment of the same to the said trustees or their successors in office; and the trustees of said Academy, having the possession and charge thereof, at the time of the execution of any such release or releases, shall be deemed and considered the legal and legally appointed trustees of said Academy.

2. *And be it enacted*, That it shall and may be lawful for ^{Disposition of money.} the said trustees or their successors in office to invest the aforesaid sum of one thousand three hundred and thirty-three dollars and thirty-four cents, or any part thereof, in stocks, or at interest upon bond and mortgage, and appropriate the interest and dividends thereof to the purposes specified in the aforesaid will of George Genge, deceased, of and concerning said an-

nuity; or they may expend all or any part thereof in the erection of an academy or school-house on both or either of the lots of ground, numbered one hundred and fifty-six and one hundred and fifty-seven, in the aforesaid original plan of Camden, and now known and called the Camden Academy lots.

Approved March 2, 1854.

CHAPTER XCIX.

AN ACT to incorporate the Cape May Turnpike Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard C. Holmes, John Wily, Eli B. Wales, George Bennett, Joseph Ware, Richard Thompson, and Clinton H. Ludlam, and such other persons as may subscribe to the stock hereby authorized, and their successors, shall be and they are hereby created a body politic and corporate in fact and in law, by the name of "the Cape May Turnpike Company."

Commissioners to receive subscriptions.

2. *And be it enacted*, That the said persons, named in the first section of this act, be appointed the first directors of the said company, and commissioners to receive subscriptions to the capital stock of said company, and who are hereby authorized to receive subscriptions to the said capital stock, at such times and at such places within the county of Cape May, as they or a majority of them direct, giving at least twenty days' notice thereof, in writing, set up in five or more public places in said county.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with the privilege of increasing the same from time to time to any sum not exceeding thirty thousand dollars, divided into shares of twenty dollars each, which shall be deemed personal property, transferable.

only on the books of the company, in such manner as the directors of the said company by by-laws or otherwise may direct, and which shall be paid in at such times, in such manner, and upon such notice as the said directors may appoint, and in case of failure by any stockholder to pay his or her instalments at the time and place appointed for the payment thereof, or (except in case of the first instalment directed to be paid at the time of the subscription) within thirty days thereafter, the stockholder so in default shall incur a forfeiture of his or her share or shares, and of all previous payments thereon, to the use of the company.

4. *And be it enacted*, That the affairs of said company shall be managed by a board of seven directors, to be chosen by the stockholders of the said company annually, at such time and in such manner as by the by-laws of the said company may be directed, who shall serve for one year, and until others shall be chosen in their stead; notice of which said election shall be previously given for two weeks at least, by writing, set up in two or more public places in said county of Cape May, one of which shall be in the city of Cape Island; the said directors shall from time to time elect a president out of their own body, and shall also elect and employ such other officers as may be convenient and necessary.

Election of
directors,

5. *And be it enacted*, That an annual meeting of the stockholders shall be held each year, at such time as by the by-laws of the company may be directed, for the election of directors as aforesaid, at which meeting the directors shall every year exhibit a full and complete statement of the affairs of the said company during the preceding year.

Annual state-
ment to be ex-
hibited.

6. *And be it enacted*, That it shall and may be lawful for said company to construct and make a turnpike road along what is known as the "old main sea road," provided a majority of the directors shall so determine, from the junction of said road with the Cape Island turnpike, near the city of Cape Island, in the county of Cape May, to Cape May Court House, with liberty to extend said road a distance beyond the said Court House, in any direction not exceeding ten miles; that

Description of
road.

the said turnpike road shall be constructed at least twenty feet in breadth, and shall be sufficiently arched and drained to make and keep the same dry, and at least twelve feet thereof shall be sufficiently bedded and faced with stone, plank or gravel to make a good, firm road; and it shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and said company shall make good and sufficient bridges along said road, not less than twenty 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 railing to be erected on the sides, so as to prevent horses and carriages from running off.

Proceedings in
case company
and owners
cannot agree.

7. *And be it enacted*, That it shall be lawful for said company, their agents, and all persons employed by them, with carts, carriages, and all necessary materials and implements, to enter upon all lands on or contiguous, or near to the said road, doing as little damage thereunto as possible, repairing any breach they may make in the enclosures of any land so entered upon, 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 materials cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or any judge of the court of common pleas of the county of Cape May, upon application by 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 persons, 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 to be sustained by reason of their removal, who shall, before they enter on the duties of their appointment, be duly sworn or affirmed, 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 equitable, having regard to the advantage of said turnpike road to the land through which it may pass, 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 Cape May, 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 and take such required land, and remove all such materials as have been appraised as aforesaid, and when by reason of any legal incapacity or the absence of the owners of such land or materials, no agreement can be made with the 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; and in case either party shall be dissatisfied by the decision of said commissioners, he, she, or said company may appeal to the circuit court of the county of Cape May, and the said appeal may be prosecuted in all respects as is provided in the eleventh section of the act entitled, "An act to incorporate the Cape Island Turnpike Company," approved March first, one thousand eight hundred and fifty-one. Parties aggrieved may appeal.

8. *And be it enacted*, That as soon as the said company shall have constructed said road, or any three miles thereof, according to the directions of this act, and the true meaning and intent thereof, it shall and may be lawful for the said company to erect gates or turnpikes across the same, and demand and receive toll for traveling each mile so continued, and all fractions of a mile of the said road, not exceeding the following rates per mile, to wit:

For every carriage, sleigh, or sled, drawn by one beast,
one cent.

| | |
|---|-------------|
| For every additional beast, | one cent. |
| For every horse or rider, or led horse or mule, | five mills. |
| For every dozen calves, sheep, or hogs, | five mills. |
| For every dozen horses, mules, or cattle, | two cents. |

And it shall 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 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 persons passing to or from public worship on the Sabbath day, or horses, carriages, sleigh or sleds carrying persons to or from a funeral, or from persons going to or from their ordinary work upon their farms.

Mile stones. 9. *And be it enacted*, That the said company shall cause mile stones to be erected and maintained, and on each stone shall be fairly and legibly marked the distance the said stone is from the city of Cape Island, and shall cause to be fixed at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll, which may be lawfully demanded, and also a board on which shall be printed in large letters "Keep to the right as the law directs."

Penalty for injuring works. 10. *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 of 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 costs of suit; and if any person with his or her carriage, team or horses, turn out of said road to pass a gate or gates, and again enter on the said road 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.

11. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveler passing through any of the gates or turnpikes, or shall demand more toll than is by this act established, he shall for every offence forfeit and pay the sum of ten dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered and defrauded. Penalty for illegal tolls

12. *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 Cape May, 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 shall 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 Cape May, who having been duly sworn or affirmed 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 or keepers of the gates or turnpikes to keep open the same until otherwise ordered, and if the said keeper or keepers shall, notwithstanding the order of said judge [to open said gates or turnpikes, exact toll of travelers, he shall for each offence forfeit and pay ten dollars to any person or persons from whom toll shall be illegally taken, to be sued for in an action of debt with costs of suit; and the said judge shall be allowed for his services one dollar, and the persons appointed one dollar each, to be paid by the company; and upon due proof before said judge that said company have repaired or

Proceedings in case road and bridges are not kept in repair.

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 fees shall be allowed as before prescribed, and be paid by the person or persons making the complaint.

When company may commence road.

13. *And be it enacted*, That this act shall take effect immediately, but the said company shall not be authorized to enter upon any lands, survey, lay out, construct or make said turnpike, until the public highway upon which it may be determined to locate the same shall be vacated according to law ; and in the proceedings of said vacation, the purpose shall be expressed, which vacation, unless said turnpike be built and completed within three years from the time when the said highway is vacated, shall become null and void, and the said road shall again become a public highway without any special proceedings therefor.

Approved March 3, 1854.

CHAPTER C.

A supplement to an act entitled "An act to incorporate the Belvidere and Water Gap Railroad Company," passed the twenty-first day of February, Anno Domini eighteen hundred and fifty-one.

Company may extend road.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the "Belvidere and Water Gap Railroad Company," to extend their railroad from the present terminus (five miles above the Delaware Water Gap,) up the valley of Delaware to the state line, or to

some point on the Delaware, south of the same; and by and with the consent of the state of Pennsylvania, to build a bridge across the Delaware river, (not interfering with the navigation thereof,) and to extend their road into said state, and connect with any road constructed, or to be hereafter constructed in said state.

2. *And be it enacted*, That for the purpose of carrying into effect the objects of this supplement, the said company shall be and hereby are invested with all the rights and privileges, powers and authority granted to them by their original act of incorporation, and the supplements thereto, subject, however, to all the restrictions and liabilities contained in said act and its supplement, except that the time of the completion of said road shall be computed from the passage of this act.

3. *And be it enacted*, That it shall be lawful for said company, at their option, either to make application, for the appointment of commissioners, to one of the justices of the supreme court, as is required by the seventh section of the act to which this is a supplement, or to one of the judges of the court of common pleas of either of the counties through which the road extends; and that the commissioners appointed to examine and appraise the lands and materials, and assess the damages for the taking thereof, may be residents of the county in which the said land and materials lie.

4. *And be it enacted*, That to enable the said "The Belvidere and Water Gap Railroad Company," to extend and construct said road, as authorized by this supplement, the directors of said company, by and with the consent of a majority of the stockholders, may increase the capital stock of the company, from time to time, to the amount necessary to complete said extension; or issue bonds and mortgages, and borrow money under the restrictions of the original act, to enable the company to complete the road, or so much thereof as they may deem advisable.

5. *And be it enacted*, That any railroad corporation authorized to build their road in Sussex or Warren counties, may subscribe for and hold the stock or bonds of this company.

Approved March 3, 1854.

CHAPTER CI.

A supplement to the act entitled "An act exempting independent military companies in the city of Paterson, in the county of Passaic, from jury service."

List of mem-
bers to be filed

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the captain or other head officer of each and every independent military company in the city of Paterson, to file a list containing the names of the members of their respective companies, with the clerk of the county of Passaic, on or before the first day of April in each and every year, and in default thereof the members of such company whose captain or other head officer shall make default shall not be exempted from jury service.

Number of
members not
to exceed one
hundred.

2. *And be it enacted*, That the number of members of each and every of the military companies in said city, shall not exceed one hundred; and the list of members so to be filed as aforesaid (provided they do not exceed one hundred) shall exempt all persons whose names are so filed from jury service in the courts of law in this state.

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

Approved March 3, 1854.

CHAPTER CII.

A supplement to the act entitled "An act to authorize the making of a road or causeway in Elizabethtown Great Meadows, leading from the Great Island to Oyster Creek."

Proceedings in
case of refusal
to pay assess-
ment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any owner or owners

of meadow referred to in the act to which this is a supplement, shall neglect or refuse payment of any assessment authorized by said act for the space of thirty days after notice given to them of the amount of such assessment, the commissioners referred to in the said act, or a majority of them, are hereby authorized and empowered to sell the grass and hay growing, cut or stacked on the said meadow, and to lease and sell the said meadow for the shortest period of time it can be leased or sold, for a sufficient sum to pay such assessment and the costs and expenses of selling the said grass and hay, and of leasing or selling the said meadow, and the surplus, if any, to be paid to the owner of said meadow.

2. *And be it enacted*, That the purchaser of any grass or hay aforesaid, shall have a right to enter upon the said meadow, and to cut and carry away the said grass and hay; and all persons who may purchase or lease any meadow from the said commissioners under the provisions of this act, shall be entitled to have, hold, possess, and enjoy the same during the term for which the same is leased or sold by the said commissioners, without any let, hindrance or denial of the owner or owners thereof, who may be guilty of the neglect or refusal aforesaid.

Purchasers
authorized to
cut and carry
away grass
and hay.

Approved March 3, 1854.

CHAPTER CIII.

A supplement to an act entitled "An act to provide for the construction of sidewalks along highways, for the accommodation of foot travelers," approved March fourteenth, eighteen hundred and fifty-one.

WHEREAS, by the provisions of said act it is made lawful "for Preamble.
any person or persons owning or occupying lands adjoining a public road or highway in any township, city or ward, to

construct sidewalks on said highway," not exceeding in width one-fifth of said road, on each side thereof; and whereas, many public roads or highways heretofore laid out are but two rods in width, and frequently require ditching at the sides thereof for the purpose of raising and draining the same, thereby leaving but a limited space for traveling purposes; therefore,

Provisions of
act not to ex-
tend to public
roads.

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 not apply to or be enforced on any public road or highway in this state which hath been or which shall hereafter be laid out of a less width than three rods, except in such place or places where they pass through cities, towns, or villages of the state.

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 and is contrary thereto, be and the same is hereby repealed.

Approved March 3, 1854.

CHAPTER CIV.

A supplement to an act entitled "An act to incorporate the New Germantown Railroad and Transportation Company," passed March first, eighteen hundred and forty-nine.

Time for com-
pletion ex-
tended.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the time limited for the commencement and completion of the railroad authorized to be built by the said act, to which this is a supplement, be and the same is hereby extended to the fourth day of July, eighteen hundred and fifty-seven, and that the Central Railroad Company of New Jersey may subscribe to the capital stock of the

said the New Germantown Railroad and Transportation Company, and hold the same as stockholders.

2. *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, when traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, during its annual or other sessions, shall pass and repass over the said railroad, in the cars thereof, free of charge. Certain officers to pass free.

3. *And be it enacted*, That so much of the act to which this is a supplement, as is inconsistent with or repugnant to the provisions of this act, be and the same is hereby repealed. Part of former act repealed.

Approved March 3, 1854.

CHAPTER CV.

Further supplement to the act entitled "An act to regulate the practice of the courts of law," 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 circuit courts and courts of common pleas in and for the several counties of this state, shall be open at all times for the presenting, allowance and return of writs of error and certiorari, and supersedeas thereon. Return of writs of error and certiorari.

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

Approved March 3, 1854.

CHAPTER CVI.

A further supplement to the act entitled "An act to incorporate the Morris and Essex Railroad Company," passed January twenty-ninth, eighteen hundred and thirty-five.

Width of road
may be in-
creased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Morris and Essex Railroad Company to increase the width of their road, now constructed, where the same passes through the county of Essex, and to construct the same to the Passaic river, to any width not exceeding six rods, wherever in the opinion of their chief engineer the proper construction of the same requires such width, and for the purpose of enabling the said company to acquire the lands necessary to make said road of such width, and for no other purpose, they are hereby invested with all the powers conferred by their charter and its several supplements, subject to all the other restrictions and limitations therein contained.

Approved March 3, 1854.

CHAPTER CVII.

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

Rate of inter-
est increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon all contracts hereafter made in the county of Hudson or in the county of Essex, and city of Paterson, 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 law-

ful 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 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 each one of the parties to such contract shall at the making thereof reside or be actually located either within the limits of the said two counties of Hudson and Essex, or the city of Paterson, county of Passaic, or out of the state.

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

Approved March 2, 1854.

CHAPTER CVIII.

AN ACT supplementary to "An act to incorporate the Hardwick, Knowlton and Independence Mutual Insurance Company, in the county of Warren," passed the ninth of November, eighteen hundred and forty-one.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Name of corporation changed.} *the State of New Jersey*, That the name of the Hardwick, Knowlton and Independence Mutual Insurance Company, in the county of Warren, be and the same is hereby changed to the name of the Hardwick Mutual Insurance Company.

2. *And be it enacted*, That this act shall take effect on the fourth day of July next.

Approved March 3, 1854.

CHAPTER CIX.

AN ACT to incorporate the Lambertville and Ringoes Turnpike Company.

Style of incorporation.

Commissioners to receive subscriptions.

Amount of capital stock.

Proviso.

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 are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "the Lambertville and Ringoes Turnpike Company," and that Nelson V. Young, John H. Wilson, John H. Anderson, Ferdinand S. Holcombe, John C. Fisher, William Servis, and Abraham T. Williamson, are hereby appointed commissioners to open the subscription books and receive subscriptions to the capital stock, at such times and places in the county of Hunterdon, as they or a majority of them may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in said county.

2. *And be it enacted*, That the capital stock of said company shall be twenty-five thousand dollars, with the privilege of increasing it to any sum not exceeding thirty-five thousand dollars, and shall be divided into shares of twenty-five dollars each; and that at the time of subscribing to said stock, the subscribers shall pay to the said commissioners, or any of them, one dollar and fifty cents upon each share subscribed for, which money shall be paid over to the treasurer of the company as soon as one shall be appointed; and the residue of said stock shall be paid in instalments, and at such times and places, and to such person or persons as the board of directors of said company shall from time to time direct, and give public notice thereof in manner as aforesaid; and upon failure of the payment thereof, as so directed, the said board shall have power to forfeit the 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 if the number of shares sub-

scribed for shall exceed the number of shares authorized by this act, the said commissioners, or a majority of them, shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed for as aforesaid ; but no subscription for less than four shares of said stock shall be reduced by such apportionment.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of five directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time ; and that when five hundred and fifty shares of said stock shall be subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of such meeting, as hereinbefore directed with regard to opening of said books ; at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, five directors for the term of one year, all of whom shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be judges ; and that at the expiration of said term, and annually thereafter, upon like notice, to be given by the board of directors for the time being, the stockholders shall elect by ballot five directors, who shall be citizens of this state ; and the judge of such election shall be appointed by said board ; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share, by the holder or holders thereof, either in person or by proxy ; *provided nevertheless*, Election of directors. *Proviso.* that no stockholder shall have more than thirty votes, although he or she may have a greater number of shares.

4. *And be it enacted*, That if five hundred shares of said stock shall not be subscribed for within two years, and at least three miles of said road completed within four years from the passage of this act, then this act shall be null and void ; and the said commissioners, after deducting the expenses incurred, shall return to the respective subscribers, or their representatives, the residue of the money paid by them, in proportion to the sums paid. Road to be completed within certain time.

Duties and
powers of di-
rectors.

5. *And be it enacted*, That as 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, and receive such compensation for his services as the board of directors may direct; he shall preside at all meetings of said board, and in case of his absence, the said board shall appoint some other of their number, who, for the time being, shall possess the same powers 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 think expedient; and special meetings of the stockholders may be called by the said board, or by the stockholders owning one-fourth of the whole stock of said company, by giving notice as aforesaid of the time and place of holding the same, and the object for which such meeting is called.

Annual state-
ment to be
made.

6. *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.

Description of
road.

7. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a stone turnpike road, from the town of Lambertville, in the county of Hunterdon, upon the old York road, through the villages of Mount Airy and Ringoes, to Pleasant Corner, in said county, at least thirty-two feet in width, which said turnpike road shall be sufficiently arched and drained to make and keep the same dry; and at least sixteen feet thereof shall be sufficiently bedded and faced with stone 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 five degrees with the plane of the horizon; and the said company shall construct, keep in repair, and maintain good and sufficient bridges along the line of said road, not less than twenty feet in width; and wherever the said road shall be raised so

much at the margin or side as to render carriages passing thereon liable to upset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses from running off; and the said company may by its officers, agents, or other persons in their employ, enter from time to time and at all times, upon all lands, for the purpose of making surveys and to search for stone, gravel, or other material for improving said road as aforesaid; doing no unnecessary damage to said lands; *pro-Provido.* *vided*, that before the said company shall construct the said turnpike road it shall pay to the respective owners of the land over which the same may pass, or be erected, 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 the owners cannot agree upon the amount of said damage, then the damage shall be ascertained, as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damage which any landowner or owners shall sustain by the taking of the land for said road, and for the taking of stone or gravel from his or her land for the constructing or maintaining of said turnpike road.

8. *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 dissolved, but such an election may be held at any other time; and the directors for the time being shall continue to hold their offices until others shall be chosen in their place. Corporation not dissolved for failure to elect on day prescribed.

9. *And be it enacted*, That if the owner or owners of any land on which said road shall be located, shall not be willing to give the same for such purpose, nor suffer the said company to take stone, clay or gravel from land adjacent, for the purpose of building said road, nor to enter adjacent land for the purpose of making such ditches or underdrains as may be necessary for properly draining said road, and the said company and such owner or owners cannot agree as to the amount of damage which said owner or owners will sustain by the taking Proceedings in case company and owners cannot agree.

of such land or materials, or by the making of such ditches, it shall be the duty of any justice of the supreme court of this state, or of any judge of the court of common pleas of the county of Hunterdon, who is disinterested in the premises, upon 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, citizens of the county of Hunterdon, to assess the amount of such damages, who shall be sworn before such justice or judge faithfully to execute the duties of such appointment; and after ten days' notice in writing to both parties, of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of said land, the quantity taken, by whom owned, and how situated and bounded, described in writing under their hands and seals, or the hands and seals of a majority of them, to the justice or judge who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of the county in which said land or materials doth lie, there to be recorded and kept as a public record, and copies taken, if required, by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the 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 a petition to the said court, with five days' notice in writing, to the opposite party of such appeal; which proceeding shall vest in said court full right and power to hear and adjudge the same, and if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the amount of all damages sustained, and for that purpose to view the land or materials in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with cost of suit, against said company, and

Parties aggrieved may appeal.

execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the cost shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution may issue therefor, as the court may direct; and upon payment of the sum so found by the commissioners, or by the jury, with cost, if any, the said company shall be deemed to be seized and possessed of all such lands and materials so appraised as aforesaid, to have and to hold the same during the existence of said corporation; and in case any owner or owners of such land or materials shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent his, her or their agreement with the said company, then it shall be the duty of the corporation to pay the amount of any award or report so made in behalf of any such person or persons, into the court of chancery, to the clerk thereof, subject to the orders of said court, for the use of said owner or owners, all which proceedings shall be at the proper cost and charges of the said corporation, except in cases of appeal, as above provided for.

10. *And be it enacted*, That the said corporation shall take and use so much of the highway or highways lying between the commencement and terminus of said proposed route, as may be deemed necessary and expedient by the said board of directors for the proper location of said turnpike road. Public highway may be used.

11. *And be it enacted*, That as soon as the said company shall have constructed the said turnpike road, or any three continuous miles thereof, commencing in the town of Lambertville aforesaid, then according to the directions of this act, and the true intent and meaning thereof, it shall and may be lawful for said company to erect gates or turnpikes across the same, and to demand and receive toll for traveling each mile of said road not exceeding the following rates, to wit:

| | |
|---|-------------|
| For every carriage, sleigh or sled, drawn by one beast, | one cent. |
| For every additional beast, | one cent. |
| For every horse and rider, or led horse or mule, | five mills. |
| For every dozen of calves, sheep or hogs, | one cent. |

For every dozen of horses, mules or cattle, four cents. And it shall and may be lawful for any toll-gatherer on said turnpike road to stop persons riding, leading or driving any horses, mules, cattle, calves, sheep or hogs, or carriages of burthen or pleasure from passing through 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 from any person passing to or from public worship, or to or from a funeral, or to or from such blacksmith shop as may be nearest to his place of residence, or any person passing to or from his common business on his farm, or lands occupied by himself as a part of his farm.

Proviso.

Mile stones to be erected.

12. *And be it enacted*, That before the said company shall demand or receive toll for traveling said road, they shall cause milestones 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 the commencement of said road in the town of Lambertville; and shall cause to be affixed and always kept up at the gates or turnpikes aforesaid, in some conspicuous place, a list of the rates of toll which may be lawfully demanded, and also a board, on which shall be painted in large letters, "Keep to the right as the law directs."

Penalty for injuring works.

13. *And be it enacted*, That if any person or persons shall wilfully break down, or deface any of said milestones or posts so erected on the said road, or shall wilfully cut, break down, destroy or deface, or otherwise injure any of the gates, turnpikes, bridges, machinery or timber that shall be erected, built, placed or laid down, pursuant to this act, or shall tear up the said road in any manner, or shall forcibly pass any of the gates or turnpikes without having paid the legal toll, 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 with his carriage, team or horse shall turn out of said road with intent to avoid the toll due by virtue of this act, such person shall forfeit and

pay three times as much as the legal toll would have been for passing through said gate or gates, to be recovered by the said company, to their use, in an action of debt with costs of suit.

14. *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 forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted and recovered for the sole use of the person so unreasonably hindered or defrauded. Penalty for illegal tolls.

15. *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, sleighs or sleds on the right hand of said road in the passing directions, leaving the other side clear for 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 over the same, and will sue for the same, to be recovered by an action of debt, with costs of suit. Penalty for obstructing passage.

16. *And be it enacted*, That if the said company shall not keep the said turnpike road and bridges thereon in repair, and complaint thereof shall be made to any justice of the peace of the county of Hunterdon, who is 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 a line between two townships, then of either township, 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 shall direct, and having taken an oath or affirmation to act impartially, shall proceed to view and examine the said road or bridge so complained of, and to report to the said justice, under the hands and seals of them, or any two of them, whether it be in such state as the law requires it to be kept; and if it be not, the said justice shall immediately, under his hand and seal, order Proceedings in case road and bridges are not kept in repair.

the keeper of said gate to keep the same open until otherwise ordered; and if the said keeper shall, notwithstanding such order, exact toll of travelers, he shall for each offence forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same in an action of debt, with costs of suit; and the 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 said persons so appointed or any two of them, on application from said company, again to view the said road or bridge, and report as aforesaid their opinion to the justice, who shall, if authorized by such report, by license under his hand and seal, directed to said toll-gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before; and the same fees shall be allowed and paid as before directed; 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 directed, and paid by the person or 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 as above prescribed, one or more respectable citizens 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.

Public act.

17. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times, and in all events and places whatever, be recognised as such, and shall be and continue in full force for the term of thirty years.

Act when to
take effect.

18. *And be it enacted*, That this act shall not take effect until the public highways upon which the said turnpike road is authorized to be located and made are vacated as public highways, according to law; and if the said road be not commenced within two, and completed within six years from the passage of this act, that then and in that case, this act shall be void; and the said corporation shall possess the several powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations,"

approved the fourteenth day of February, one thousand eight hundred and forty-six, as far as the same are applicable.

Approved March 3, 1854.

CHAPTER CX.

AN ACT to incorporate the Sterling Zinc Company.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Names of cor-
porators.</sup> *the State of New Jersey,* That James S. Green, William C. Squier, Henry Hopkins, Calvin L. Cole, Samuel T. Jones, James L. Curtis and John Brodhead, 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 Sterling Zinc Company," for the purpose of exploring for minerals, and of mining zinc and other ores, <sup>General pow-
ers.</sup> and cleansing and manufacturing the same, with power to lease, purchase and hold such mining rights and real and personal estates as may by said corporation be deemed necessary and advantageous for exploring, mining, conveying, cleansing and manufacturing iron 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 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.

2. *And be it enacted,* That the capital stock of this company <sup>Amount of
capital stock.</sup> shall be six hundred thousand dollars, with power to increase the same to twelve hundred thousand dollars, divided into shares of ten 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 instalments, not exceeding three dollars on each share, at any one time, not deemed or declared full stock ; and on failure to pay any instalment, 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 county of Sussex, and in the cities of Newark and New York.

First directors 3. *And be it enacted*, That James S. Green, William C. Squier, Henry Hopkins, Calvin L. Cole, Samuel T. Jones, James L. Curtis and John Brodhead shall be the first directors to organize and manage the affairs of said company, and shall continue in office until the second Tuesday in May, eighteen hundred and fifty-five, and until others are elected or appointed in their stead.

Officers of corporation. 4. *And be it enacted*, That the property and affairs of this company shall be managed and conducted by seven 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 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 second Tuesday of May in each year, commencing on the second Tuesday of May, eighteen hundred and fifty-five, 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 if from any cause an election of 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.

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 or 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. ^{Transfers of stock.}

7. *And be it enacted*, That the manufacture of zinc and other metals, from ores, under the authority of this act, may be carried on in the counties of Sussex, Essex, Morris and Hudson, in this state. ^{Places for manufacturing.}

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

Approved March 3, 1854.

CHAPTER CXI.

AN ACT to incorporate the Plainfield Fire Department.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the owners or proprietors of dwelling houses or other buildings, or of stores of goods, wares or merchandise of any description, liable to injury by fire, situate in the village of Plainfield, in the township of Plainfield, in the county of Essex, and in the township of Warren, in the ^{Department incorporated.}

Limits.

county of Somerset, within the following limits, viz: beginning at the house of Andrew A. Cadmus, in Warren township, thence to run in a straight line to the house lately occupied by Ziba Wooden, thence a straight course to Jephtha Clawson's house, thence in a straight line and across Green Brook to Jackson Pound's dwelling, thence to the dwelling of John White, thence in a straight line to Manning Stelle's dwelling, thence to Jonah F. Randolph's dwelling, and from thence to the place of beginning, be and hereby are created and declared to be a body politic and corporate, under the name and style of "The Plainfield Fire Department."

Amount in-
corporated.

2. *And be it enacted*, That the capital stock of said corporation, vested in real or personal estate, shall not in the aggregate exceed the sum of four thousand dollars, and shall be solely and exclusively applied to procuring, maintaining and repairing such engines, reservoirs of water, ladders, buckets, fire-hooks, and other implements for the extinguishment of fire, together with houses for storing and preserving all such fire apparatus, and to defraying such incidental expenses as shall, in the opinion of the board of managers, hereafter named, be necessary to effect the objects of this incorporation.

Amount paid,
how ascer-
tained.

3. *And be it enacted*, That the amount of capital stock at any time paid in shall be determined by the said board of managers by an inventory of the property on hand and belonging to the said corporation, at its actual cash value at the time of taking the inventory.

Property ves-
ted in corpo-
ration

4. *And be it enacted*, That the engines, engine-houses, and all other fire apparatus now in the possession of the fire companies in said village, shall be and are hereby made the property of said corporation.

Election of of-
ficers of corpo-
ration.

5. *And be it enacted*, That the members of this corporation shall assemble at Laing's Hall, in said village, on the second Monday of April next, at the hour of two o'clock in the afternoon, and at the same hour of the day on the second Monday in April of each succeeding year, at such place as the board of managers shall determine; and the said members so assembled shall at the first and each succeeding annual meeting elect by ballot, by plurality of votes, and not otherwise, a president, a

secretary, a treasurer, and two managers, who shall together constitute a board of managers, also one person as assessor, who shall hold their offices for one year, and until their successors are elected; and the said members, then and there assembled, shall also determine by ballot, by plurality of votes, what amount of money shall be raised by assessment for the use of the corporation during the ensuing year; *provided*, that the board of managers shall not appropriate any of the funds of the corporation to the payment of the salary of any officer of the corporation, or as a remuneration for services by such officer, unless the by-laws or resolution under which such appropriation is made, be first presented and approved by the members of the corporation at their annual meeting. Proviso.

6. *And be it enacted*, That the active power of the corporation shall be vested in the said board of managers, and they shall take charge of and keep in repair the property of said corporation; they shall also constitute a board of appeals, before and by whom all complaints with reference to assessments made by virtue of this act, shall be heard and determined; and the said board of managers shall have power to fill all vacancies in their own body, or in any office under this corporation, until the next annual meeting; and they shall give notice of each annual meeting, except the one in April next, ensuing, also of the sum which they deem it expedient to raise in the ensuing year, and of the purposes to which said sum is to be applied, not less than five or more than fourteen days before said meeting, in the newspapers published in said village, and by handbills posted up in five of the most public places within the limits aforesaid; *provided*, it shall not be lawful to raise in one year, for the purposes mentioned in this act, a sum exceeding one thousand dollars. Duties and powers of managers. Proviso.

7. *And be it enacted*, That within sixty days after the annual meeting, the assessor shall make and return to the board of managers a correct list of all buildings and stores of goods, wares or merchandise, as aforesaid, within said limits, with the value thereof, and the names of both the owners and occupants of the buildings, and owners of goods, wares and merchandise, together with an assessment upon each building or store, as Assessor to make return to managers.

aforesaid, of its equitable proportion of the sum voted to be raised by the corporation, making just allowances for the various degrees of hazard and liability to injury by fire to which said buildings and stores may be exposed.

Treasurer to notify members of amount of assessment.

8. *And be it enacted*, That within twenty days after the return of said list and assessment to the board of managers, the treasurer shall give to every resident member, whether an individual or a body politic or corporate, or in case of non-resident members, to the tenant in possession, a printed or written ticket, containing the amount of tax assessed upon the property owned or occupied by said member or tenant, together with the time and place of meeting of the board of appeals.

Meeting of board of appeals.

9. *And be it enacted*, That within forty days after the return of said assessment, as aforesaid, the board of appeals shall sit at such place in the village of Plainfield as they may determine, to hear and determine, as they shall deem equitable and just, the complaints of all persons who may feel aggrieved by the assessment so made as aforesaid.

Notice to be given of time of payment.

10. *And be it enacted*, That after the appeals to the board shall have been determined, the treasurer shall give public notice in the newspapers of the village, or by handbills posted up in five of the most public places within said limits, that if the taxes so assessed are not paid within sixty days from the date thereof, that the names of the delinquents will be returned to a justice of the peace for collection; and in case of non-resident members, the tenants in possession shall, in the same manner as the owners, be liable for, and they are hereby required to pay the taxes so assessed upon the property occupied by them; and they are hereby authorized to deduct such payment from the rent which they may have contracted to pay to the owners of said property; and in case of the non-occupancy of any building, the assessment shall remain as a lien upon it, and the future occupiers shall be liable for all arrearages of assessment upon said building.

List of delinquents to be delivered to justice.

11. *And be it enacted*, That in case of non-payment of taxes within the time specified in said notice, the treasurer shall make out a list of the delinquents, whether individuals or corporations, members of this incorporation, or tenants in possession,

with the sums payable by them respectively, thereto annexed; and he shall deliver the same to some justice of the peace, those residing in the county of Essex, to any justice residing in the county of Essex, and those residing in the county of Somerset, to any justice residing in the county of Somerset, accompanied with his oath or affirmation, that he has given the public notice required by the preceding section.

12. *And be it enacted*, That the justice of the peace, within five days after the reception of said list of delinquents, shall deliver to some constable or constables of the county, a warrant or warrants to levy the tax so in arrears, with costs; and the said justice or justices and constable or constables shall proceed in like manner, and under like penalties and liabilities, to levy the tax so in arrears, as is directed in an act entitled "An act concerning taxes," approved April fourteenth. eighteen hundred and forty-six, and they shall be entitled to like fees as for like services under said act; *provided always*, that the taxes so levied and collected shall be paid to the treasurer of said corporation. Justice to levy tax.

13. *And be it enacted*, That no person shall be qualified to vote or hold any office by virtue of this act, who is not a member of the corporation hereby created. Voters and officers to be members.

14. *And be it enacted*, That if any person shall vote at the said annual meeting who is not qualified as aforesaid, he shall be subject to a fine of five dollars, to be recovered with costs, before any justice of the peace of the county, in the name and for the use of the corporation; *provided*, that any body corporate or politic, being a member of the corporation, may vote through its presiding officer, whether he be a member of the corporation or not. Penalty for illegal voting.

15. *And be it enacted*, That the said corporation shall have power to raise and organize from among its members, and from other persons residing within said limits, one company of firemen, not exceeding thirty men, for each and every fire-engine that is or may be within its limits; and such firemen shall be exempt from jury duty so long as they shall belong to such company. Firemen exempt from jury duty.

16. *And be it enacted*, That the said company or companies

Companies may make by-laws. of firemen shall have power to make such by-laws for their regulation and government, not inconsistent with the constitution and laws of this state, as they may deem proper, and to enforce the same by fines, collectable by law in an action of debt with costs, before any justice of the peace of the counties of Essex or Somerset, in the name of the corporation and for the use of said company or companies respectively; *provided*, that such by-laws shall not be in force until approved of by the said board of managers.

Penalty for false alarms of fire. 17. *And be it enacted*, That any person who shall create or knowingly continue any false alarm of fire within said limits, shall, on due proof thereof before any justice of the peace of the counties of Essex or Somerset, be subject to be punished by fine in any sum not exceeding ten dollars, or by imprisonment in the county jail not exceeding five days; and all fines, arising under this and the preceding section, shall go one-half to the informant and one-half to the treasurer of the corporation.

Restrictions and liabilities. 18. *And be it enacted*, That the said corporations 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.

Public act. 19. *And be it enacted*, That this act shall be considered as a public act, and take effect immediately.

Approved March 3, 1854.

CHAPTER CXII.

AN ACT to incorporate Atlantic City.

Boundaries of city. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of Absecom Beach

lying and being in Atlantic county, in the state of New Jersey, beginning in the Atlantic Ocean, as far as the jurisdiction of said state extends, at a point on a line with the south side of California street; thence easterly along the boundary line of the state to a line at right angles with the east side, at high water, of Absecom inlet; thence westerly along the east side of said inlet, to a point opposite and at right angles with the west bank of Clam creek; thence southerly along the west bank of said creek to its first prominent fork; and thence on a line parallel with Atlantic street to the intersection of the aforesaid line on the south side of California street; thence along said line to the place of beginning, and all the freemen, citizens of this state, residing within the limits aforesaid, be and they are hereby ordained and constituted and declared to be, from time to time and forever hereafter, one body corporate and politic in fact and in name, by the name of Atlantic City.

2. *And be it enacted*, That there be and forever hereafter Officers of city shall be, in and for the said city, one mayor, one recorder, who, besides his duties as recorder, shall, in case of death, absence, or disability of the mayor, have, hold, use and execute the several duties annexed to the mayoralty, and every of them during such absence or disability, one alderman, six councilmen, one city clerk, one treasurer, one marshal, one assessor, one collector, two chosen freeholders, three commissioners of appeal, two constables, one overseer of the poor, two trustees of common schools, and one superintendent of common schools.

3. *And be it enacted*, That the mayor, alderman, and councilmen of the said city shall constitute the city council of Atlantic city, and shall hold an annual meeting in said city on the third Tuesday following the general election for state and county officers, yearly and every year, and such adjourned and special meetings as they shall see proper, or shall by ordinance direct and appoint, and shall meet at such place and at such times as they themselves shall agree upon or shall by ordinance appoint and fix; the mayor shall preside at the meetings of the city council, 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 recorder shall preside, pro tempore, and Meetings of city council.

when met, shall have power to make and adopt such rules, regulations and by-laws for their own government and the dispatch of business, as they shall think proper, and pass all such ordinances, by-laws, regulations and rules as are herein-after provided, and make all such appointments, and in general to do and perform all such other acts and things as are provided for and warranted by this act; *provided*, that no by-laws or ordinances shall be passed, amended, revoked or repealed without the concurrence of at least five votes, which number shall constitute a quorum of the said council.

Proviso.

Election of
city officers.

4. *And be it enacted*, That an election by ballot shall be held annually, at such time, place and manner as the election for members of the Senate and General Assembly may be held in said city, of which election the said city council shall cause public notice, either printed or written, to be set up in five public places in said city, at least one week previous to the day of such election, at which election, one mayor, one recorder, one alderman, six councilmen, one treasurer, one marshal, one assessor, one collector, two chosen freeholders, three judicious freeholders of good character, to hear and finally determine all appeals relative to unjust assessments in case of taxation in said city, two constables, one overseer of the poor, two trustees, and one superintendent of common schools, shall be annually chosen in said city, from among the citizens residing therein and entitled to vote at such election, which said several officers shall hold their respective offices for one year, and until others shall be chosen and legally qualified in their stead; the officers of said election shall be the same as those holding and conducting the general election, and the said election, in all things, shall be conducted, continued and concluded as nearly as may be according to the same rules and regulations, and under the same restrictions and penalties, as are prescribed by the laws regulating the elections of members of the Senate and General Assembly; and after the polls shall be closed, the said judges shall count the votes given for the several candidates, and make out and certify under their hands, two certificates of the result, with the number of votes given for every person who shall be voted for, one of which

certificates shall be filed and preserved by the clerk of the election, and the other enclosed, sealed and directed to the city council of Atlantic City, and within three days thereafter be delivered, sealed as aforesaid, to the city clerk, who shall lay the same before the city council, at their first annual meeting; and the city council, at their first annual meeting as aforesaid, when assembled, in a public manner proceed to open the same, and count 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 above mentioned several offices; and the number of votes each candidate received shall be entered upon the minutes of the said city council, and a certificate thereof shall be made and filed in the office of the city clerk; *provided*, that the first election held under and by Proviso. virtue of this act shall be held at the house of Ryan Adams, and the certificate of the result of said election shall be enclosed, sealed, directed and forwarded to the clerk of the county of Atlantic, who shall on the seventh day thereafter open the same in a public manner, count the number of votes given for the respective candidates, ascertain and declare in writing who shall be elected as aforesaid and file the same in his office.

5. *And be it enacted*, That in case a vacancy shall occur Vacancies, how supplied. either by a refusal to serve, death, removal, resignation, or from any other cause whatever, in any of the offices mentioned in the preceding section of this act, it shall and may be lawful for the city council to appoint others to fill such vacancies for the unexpired terms; and the person or persons so appointed to fill such vacancy or vacancies, shall, during the said term, perform the like services and be entitled to the same compensation, and subject to the like responsibilities and penalties as if elected at the annual election as aforesaid; and if any of the officers elected at the said annual elections, or who shall be appointed to fill any vacancy under this act, shall not qualify according to law within thirty days after any such election shall be held, or appointment made by the city council, the office to which he or they were elected or appointed, shall be deemed vacant, and said vacancy be filled as aforesaid.

6. *And be it enacted*, That the city council shall appoint

City council
to appoint
certain officers

some fit person, at their annual meeting each year, to be clerk of said city, who shall hold his office for the term of one year, and until his successor shall be appointed; and the said city clerk so appointed, shall be ex-officio clerk of the city council, and the said city council shall have power when assembled, from time to time to elect and appoint and prescribe their duties, and under such regulations, conditions and restrictions, as they shall think proper, such other and all other subordinate officers of said city, as well such as are in this act named, and whose appointments or elections are not provided for, as those who are not named hereib, and who may, in the opinion of the city council, be necessary for the better ordering and governing of the said city, for the preservation of its health, or for convenience, safety, and advantage of commerce and trade; *provided*, nothing herein contained shall be construed to prevent the city council from conferring the power on the mayor of the city to appoint the police officers and watchmen of the city; *and provided, also*, that the city council shall not appoint any person to fill any office provided for in this act, the compensation for which is paid out of the treasury of the city, from among themselves.

Proviso.

Proviso.

Duties and
powers of cer-
tain officers.

7. *And be it enacted*, That the assessor, collector, and commissioners of appeal in all cases of taxation, the constables, the overseer of the poor, and the chosen freeholders elected in the said city, as aforesaid, shall respectively possess the powers and perform the duties, and be entitled to receive the same fees and emoluments, and be liable to the same penalties of the like officer of any township of Atlantic county, to the same extent, and in the same manner, in all respects, as if the said city was constituted a separate township of Atlantic county, as far as such powers and duties shall be consistent with the provisions of this act; and that the members of the city council of 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.

8. *And be it enacted*, That all the officers appointed under

the authority of this act, shall, before they severally take upon themselves the execution of their respective offices, take and subscribe an oath or affirmation before the mayor, recorder, or alderman of said city, who are hereby authorized to administer the same, faithfully and impartially to execute the trust reposed in them, according to the best of their abilities and understanding, which said oath or affirmation, when so taken and subscribed, shall be filed and preserved by the clerk of the said city in his office. Officers to take oath.

9. *And be it enacted*, That the assessor of the said city shall assess upon the persons and property within the said city, and the collector of the said city shall collect the state and county taxes by law directed or required to be assessed and collected, within the said city, and also the taxes required to be assessed and collected for the use of the said city, and for the support of the schools of the city, in the same manner and within the same time as the assessors and collectors of the townships of Atlantic county are or may be required to assess and collect the state and county taxes in their respective townships; and the commissioners of appeal in cases of taxation shall meet at such place in said city as the city council shall appoint; and in case the city council shall neglect to appoint a place, then they shall meet at the place where the last annual election was held, and on the same day, and upon the like notice given, as now is or hereafter shall be by law prescribed for the meeting of the like officers of any township of this state, and when so met, shall have full power and authority to hear and determine all complaints of unjust taxation in said city, whether the same be assessed for the use of the state, county, city, or schools, in the same manner as the like officers of the townships of this state are authorized and required to do. Assessment and collection of damages.

10. *And be it enacted*, That all elections hereafter to be held in said city, for state and county officers, members of the House of Representatives of the United States, and the electors of the President and Vice President of the United States, shall be held in the said city, at the place therein appointed by the city council for holding elections, on the day which now is or Election for state and county officers.

hereafter may be designated for holding such elections, the polls to be opened and closed at the hours prescribed by the laws of this state, and in all things be conducted according to the laws which now are or hereafter may be in force regulating and prescribing the mode of holding and conducting such elections.

Notice of election.

11. *And be it enacted*, That the same notice in matters of election, that the clerk of Atlantic county is required to give to the clerks of the townships, shall be given to the clerk of election of said city.

Certain officers to give bond.

12. *And be it enacted*, That the treasurer of the city, and the collector and constables elected or appointed as aforesaid, before they enter upon the execution or duties of their respective offices, or to be qualified to serve, shall repair to the city council, and shall severally execute their respective bonds to Atlantic City, in such sums and with such freeholders as security, as the city council shall prescribe, direct and approve, conditioned for the true and faithful performance of all the duties of their offices respectively; the bonds of the constables shall be made to conform to the form prescribed by the first section of the act entitled "An act respecting constables," approved April sixteenth, eighteen hundred and forty-six, for constables of the townships of this state, as near as may be, making such alterations as may be necessary to make it conform to Atlantic City; which said bonds, after the same shall be approved by the city council, shall be delivered to the clerk of the city, who is required and directed hereby to record and file the same in his office, and may be sued and prosecuted in the same manner as the bonds of the like officers of this state are or may be sued and prosecuted.

Duties and powers of city council.

13. *And be it enacted*, That it shall and may be lawful for the city council, or a majority of them, in city council assembled, to pass such ordinances as they shall judge proper, for regulating, cleaning, and keeping in repair, the streets, highways and alleys of said city; for preventing the encumbering or obstructing the highways, streets, alleys and sidewalks in said city, and preventing and removing all encroachments in or upon the same; and for preventing persons from riding,

driving, or passing over or upon the sidewalks with beasts, wagons, carts, barrows, or carriages of any description; for preventing the immoderate driving or riding through or in any street, highway or alley of said city; for preventing or regulating the running at large of cattle, horses, dogs, swine, sheep, goats or geese, or imposing a reasonable tax on the owners or possessors of dogs; for abating or removing any nuisance in any street, alley, or any lot or lots, or enclosures, or other place or places in said city; and for causing common sewers or drains to be made, and granting permission to construct and regulate the construction of vaults in any part thereof; for grading, paving, flagging, curbing, graveling, or macadamizing the highways, streets and alleys of said city, and the sidewalks thereof, or any of them, and for protecting shade or ornamental trees in said city; for protecting public or private property, or property belonging to the corporation; for providing for a supply of water for said city, and for lighting the same; for preventing or restraining riots, routs, disturbances, or disorderly assemblages, noisy, disorderly or indecent conduct, and drunkenness in any street, house or place in said city, and for regulating, protecting and improving the public grounds in said city; preserving the aqueducts in said city, and sinking and regulating wells, pumps and cisterns in the streets thereof; for regulating the use of lights in stables; for the prevention or suppression of fires, and to appoint and remove firewardens, and by ordinance to prescribe the powers and duties of such firewardens, and of the fire-engineers and firemen; to pass ordinances for protecting goods from being purloined at fires; for compelling the cleaning of chimneys and licensing chimney sweeps; for appointing watchmen and police officers, and prescribing their powers and duties; for regulating petty grocers, keepers of ordinaries, victualing houses, and the vending of meats and vegetables; for establishing and regulating public pounds; for regulating hawkers, pedlers, petty chapmen and showmen, within the said city; for restraining vagrants, mendicants and street beggars; for regulating cartmen and cartage; for regulating the speed of locomotives and railroad cars within the limits of said city; for erecting,

maintaining and regulating one or more public markets in said city, and a city hall or townhouse, city prison or jail, together with such other public buildings as may be necessary for said city; and the said city council shall and may, from time to time, pass ordinances for the more effectual suppression of vice and immorality, for preserving peace and good order, for the prevention of forestalling and regrating, suppressing and restraining disorderly and gambling houses and groggeries, and such other by-laws and ordinances not repugnant to the laws of this state or of the United States, as they may consider calculated to promote the welfare, good order, government and prosperity of the said city and the inhabitants thereof, and to enforce the observance of all such laws or ordinances, by enacting penalties for the violation thereof, by a fine or imprisonment, or both; the fine in no case to exceed two hundred dollars, or the imprisonment thirty days; a copy of which laws and ordinances shall be set up in five public places in said city, for the space of three weeks.

Arrest of offenders against city ordinances.

14. *And be it enacted*, That the marshal, police officers, and constables of said city are hereby empowered to arrest and take into custody, without a warrant, any offenders against the laws and ordinances of said city, or any person or persons disturbing the peace or quiet of said city, and to carry such offenders immediately before the mayor, recorder, or alderman of said city, who are hereby empowered to hold courts and take cognizance of such offences; which said courts so held shall be courts of record; or in case such arrests shall be made during the night, or upon the Sabbath day, or when the mayor, recorder, or alderman, or either of them, cannot hear the same, or hold such courts, to confine such offender or offenders in the jail or in some other safe and convenient place in said city until the day following, or until such time as the same can be heard, and then without unnecessary delay carry such offender or offenders before the mayor, recorder, or alderman, as aforesaid; or the mayor, recorder, or alderman of the said city, may arrest and apprehend any such offenders for offences committed in their presence, or upon complaint made in writing, under oath or affirmation, may issue a warrant directed to the

marshal or one of the constables, or one of the police officers of said city, or any or either of them, commanding such officer to take such offender or offenders and bring him, her, or them before such person issuing said warrant; and when such offender or offenders shall be so arrested or brought before any such mayor, recorder, or alderman, as the case may be, to proceed in a summary manner to hear and determine the same, and punish the offender or offenders; and if he, she, or they, as the case may be, shall be sentenced to be imprisoned, then the said magistrate shall make out a warrant, commanding the officers aforesaid, or one of them, to convey such offender or offenders, as the case may be, either to the city jail or the jail of Atlantic county, specifying in said warrant which one of the said jails, there to remain until the term of his, her, or their imprisonment shall have expired, and the cost of conviction be paid; and in case the said offender or offenders shall be sentenced to pay a fine, then for the said mayor, recorder or alderman, as the case shall be, either to order the offender or offenders to be committed to one of the jails, as aforesaid, until the fine and costs be paid, or to issue a warrant directed to the marshal or one of the constables, or one of the police officers of the said city, or to any or either of them, commanding said officer to levy and make such fine and costs off the goods and chattels of such offender or offenders, as the case may be, and for want of sufficient goods and chattels, to take and convey such offender or offenders to one of the jails aforesaid, specifying to which one, there to remain until such fine or cost be paid or satisfied; which said fine, when paid or collected, shall be paid over unto the treasurer of the city for the use of the said city, unless otherwise directed by the city council; *provided always*, Proviso. that any such offender or offenders convicted as aforesaid, may appeal to the city council upon such terms and conditions as the said city council may by ordinance prescribe and impose, but such appeal shall be made within twenty days from such conviction,

15. *And be it enacted*, That the jailor of Atlantic county for the time being, shall receive and safely keep all such offenders as shall be committed to the jail of Atlantic county, by the Jailer of Atlantic county to keep prisoners.

mayor, recorder, or alderman of said city, as aforesaid, for the time of his, her, or their imprisonment; and all the expenses of keeping said offenders in said jail shall be borne and paid by the said city.

Records of ordinance to be received as evidence.

16. *And be it enacted*, That the book of records of the ordinances and by-laws of the said city council shall be taken and received as evidence of the due passage by the city council of all the ordinances and by-laws recorded therein; and further, that the publication, by authority of the city council, of their ordinances and by-laws, 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, in at least five public places in the said city according to law, shall in all cases be presumed to have been made, until the contrary shall be made to appear.

Inhabitants not incompetent witnesses in trials when city is a party.

17. *And be it enacted*, That upon the trial of any issue or upon the judicial investigation of any fact, to which issue Atlantic City shall be a party, or in which the said city is interested, no person shall be deemed an incompetent witness or juror, by reason of his being an inhabitant, freeholder, or freeman of said city.

City Council authorized to raise money by tax.

18. *And be it enacted*, That it shall be lawful for the city council of said city, by ordinance, to order the raising and cause to be raised by tax from year to year, such sum or sums of money as they shall deem expedient for defraying the expenses of lighting the streets of said city; supporting a night-watch therein; supplying the said city with water; for supporting the fire-engine department; maintaining and supporting the poor; purchasing a lot or lots in said city for the purpose of erecting market-houses, city hall, jail, and such other public buildings as may be necessary and convenient for the said city; and it shall be lawful for the city council to borrow money from time to time, in the corporate name of said city, for all purposes for which they are by this act authorized to raise money by tax, and to secure the payment thereof by bond, note, or other instrument of writing, under the common seal of the city and signature of the mayor, and to provide by tax for

the payment thereof; *provided*, that no loan shall be made ^{Proviso.} without the concurrence of at least a majority of the city council; and there shall not be a greater sum than fifteen hundred dollars raised by loan in any one year, and that the said city shall not owe over twenty thousand dollars at any one time.

19. *And be it enacted*, That from and after the passage of ^{Assessment of taxes.} this act, it shall be the duty of the assessor of Atlantic City, in assessing and raising the state, county, city, and school tax, which may be from time to time ordered to be raised in the said city, to estimate and rate all the lands, tenements, and real estate, lying and being in the said city, according to its value at the time of making the assessment; when the land is laid out in lots, valuing and rating it at so much per lot, but when the land has not been run out into lots, valuing and rating by the price per acre, as it then lies; and for the purpose of ascertaining what may be the true and real value of the different lots, tracts, and pieces of land and tenements, lying and being in the said city as aforesaid, the city council may appoint, from time to time, and as often as they shall think proper, one or more fit and judicious persons, residing in the said city, and acquainted with the value of real estate therein, to accompany the assessor, to assist him to value and estimate the real estate as aforesaid; which said person or persons, so as aforesaid appointed, before he or they proceed to execute the duties of his or their appointment, shall repair either to the mayor, recorder, or alderman of said city, who are hereby fully empowered to administer the same, and take and subscribe an oath or affirmation, truly, fairly, and impartially, and according to the best of his or their judgment and belief, to value and estimate the same.

20. *And be it enacted*, That it shall be the duty of the as- ^{Lands may be sold for payment of taxes.} sessor and collector of the said city to keep the amount of tax assessed against each lot or tract of land belonging to any individual, separate and distinct from the other tax which may be assessed against his person or other property, and to make out and return the amount due on each lot or tract of land and premises, and the street or streets, alley or alleys, whereon

the said lot, tract, or piece of land and premises is situated, with a short description of the same, and the owner or owners' name; and the taxes and assessments which shall be made upon any such real estate in said city, by virtue of this act, whether the same be state, county, city, or school tax, shall be and remain a lien thereon for the space of two years from and after the time when the same shall be assessed, notwithstanding any subsequent descent, devise, alienation, mortgage, or other encumbrances thereon; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed for the payment thereof, it shall and may be lawful for the city council to cause the lands, tenements, and real estate, or such part thereof as they may think proper, to be sold at public auction, for the shortest time for which any person or persons will agree to take the same, and pay such a tax or assessments, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges, and expenses, including justices' and constables' fees, costs of advertising, selling and executing the deeds, and to make and execute under the seal of the said city a declaration of such sale, and deliver the same to the purchaser or purchasers; and such purchaser or purchasers, his, her, or their executors, administrators, or assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements, or real estate, for his, her, or their own use, against the owner or owners thereof, and all persons claiming under him, her, or them, until his, her, or their said term shall be completed and ended; and shall be at liberty, at or before the end of his, her, or their term, to remove the buildings and materials erected and placed by him, her, or them thereon, taking care to leave the same in as good order and condition as the said premises were when they came into his, her, or their possession.

Sale to be advertised.

21. *And be it enacted*, That the said city council, before they shall proceed to sell any lands, tenements, or real estate, for the payment of taxes as aforesaid, shall cause advertisements to be put up in at least five public places in said city for the space of three weeks, which advertisements shall mention the street or streets on which said property is situate, the

amount of tax due, and the owner or reputed owner's name; and the said lands, tenements, or real estate, so sold, may be redeemed by the owner or owners thereof, or by the mortgagee or mortgagees thereof, within two years from the day of sale, on the payment of the purchase money, with interest at the rate of six per centum per annum, to be computed from the day of sale, and all the expenses and charges necessarily incurred thereon by the purchaser or purchasers aforesaid; and in case the same shall be redeemed, as hereinbefore provided, by the mortgagee or mortgagees, or if the said mortgagee or mortgagees shall have paid the tax or assessment, with the interest and costs thereon, to prevent the said premises from being sold to pay the same, then and in that case the whole amount of the payment shall be recovered under and by virtue of the mortgage which the said mortgagee or mortgagees may hold upon the said real estate, in the same manner, in all respects, as if the same were included in and intended to be secured by the said mortgage; and any mistake in the name or names of the owner or owners, or omission to name the real owner of any lands, tenements, or real estate, in assessing the taxes thereon, shall not invalidate the said assessment or the sale of real estate as aforesaid.

22. *And be it enacted*, That whenever within the said city any tax shall remain unpaid and be returned by the collector for want of payment, the same shall bear an interest at the rate of six per centum per annum from the day on which the same shall be so returned until paid; and it shall be the duty of the constable, or person authorized to collect and receive such tax, to charge, receive, and collect, in addition to the amount of tax, the interest thereon as aforesaid; and such interest shall be paid over and accounted for by the officer or person receiving the same to the said city, as part of the tax collected by him. Unpaid taxes to bear interest.

23. *And be it enacted*, That it shall be lawful for the city council of said city to pay unto the mayor of the city for his services as mayor, any sum not exceeding five hundred dollars per year; and to the treasurer, clerk, and all the other officers and agents of the said city, such compensation for their Compensation to officers.

services as the city council shall deem reasonable and proper.

City council
to regulate
streets.

24. *And be it enacted*, That the city council shall have exclusive control over all highways, roads, streets, and alleys of said city, and shall have power to compel the owners of real estate in said city, or in such parts thereof as they by ordinance shall direct, to grade, pave, gravel, flag, and curb the sidewalks thereof, along and opposite to such owner or owners' property; and whenever a majority in value of the landholders along any said street or alley, or of any part of such street or alley, shall desire the same, or any part thereof, to be paved, graveled, or otherwise permanently improved, the city council, on the petition of the said owners, may order and direct the same to be done, and may appoint one or more discreet and skillful persons to superintend the said work, and prescribe the manner in which the same shall be performed, and to enforce such ordinances and regulations concerning the same, by enacting fines or penalties for not complying therewith.

Proceedings
in case owners
neglect to
pave.

25. *And be it enacted*, That in case any owner or owners of any real estate in said city, as aforesaid, shall refuse and neglect to comply with the ordinances in the last section above mentioned, and not grade, pave, gravel, flag, or curb the street, alley, or sidewalks thereof, or grade the same, as may be by said ordinance directed, and in the manner prescribed, for the space of sixty days from the time when the same is required to be done, it shall be lawful for the city council to cause the same to be done, and paid for out of any moneys in the hands of the treasurer of the city, and when so done, they shall cause a particular statement and account of the cost and expense of doing said work to be filed with the clerk of said city; and the costs or expenses of performing the said work, as aforesaid, shall remain a lien upon the real estate as aforesaid, from the time of performing the said work until paid and satisfied; and the said city council may, at their option, sue for and recover the amount so paid as aforesaid, from the owner or owners of such real estate, or his or their legal representatives, with interest and costs of suit, in any court of this state having cognizance thereof, in an action on the case, in the name of "the Treasurer of Atlantic City," without specifying

the individual name of the treasurer for the time being, for so much money by them paid, laid out and expended to and for the use of such owner or owners, or his or their legal representatives; and in every such action the said statement or account, filed as aforesaid, with the proof of the amount paid, shall be conclusive evidence for the plaintiff; or cause the said real estate, or such part thereof as they think proper, to be advertised and sold for the shortest period of time that any person or persons will purchase the same, and pay the said amount with interest and all the costs and expenses of publishing notice, advertising, selling, and making a deed; and when sold, to execute, under the seal of the city, a declaration of such sale to the purchaser or purchasers as aforesaid, in the same manner, and under the same regulations and restrictions, and with the like effect in all particulars, and with the same privileges to the owner or owners, the mortgagee or mortgagees, to redeem, as is enacted and provided for selling land and real estate for the payment of taxes due thereon by this act; *pro-* Provided, *vided*, if any owner or owners of lots or real estate shall not reside in the city at the time when the said work is required to be done, then it shall be the duty of the city council before they shall proceed to do, or have the same done, to cause a written notice to be sent to such owner or owners, or reputed owners thereof, setting forth the street whereon the property is situate, and that unless the said owner or owners shall comply with said ordinance, and perform the said work within sixty days from the date of said notice, the city council will cause the same to be done at his, her, or their expense as the case shall be; *provided also*, that nothing in this section con- Provided, *tained*, shall be construed to affect any fines or penalties enacted for violating any such ordinance, in the last section above provided.

26. *And be it enacted*, That if the tenant of any lot or house, Tenant may deduct cost of paving from rent. or real estate whatever, within the said city, shall cause the street, alley, or sidewalks thereon in front of such property, to be graded, paved, flagged, curbed or graveled, in obedience to such ordinance or regulation, at his or her individual expense, or shall pay the amount thereof, with the interest and

costs that shall have accrued thereon, to the treasurer of said city, when the city council shall have performed the work as aforesaid, it shall and may be lawful for him or her to deduct the same out of the rent, or to sue for and recover the same from the landlord or owner, or his or her legal representatives with interest and costs, in an action on the case, in any court in this state having cognizance thereof, for so much money by him or her paid, laid out, and expended to and for his, her, or their use, as the case is; *provided*, that nothing in this section shall affect any contract or agreement made, or to be made, between landlord and tenant respecting such charges or expenses.

Proviso.

Commissioners to be sworn.

27. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall be sworn or affirmed before the mayor, recorder, or alderman of said city, to make the estimate and assessment submitted to them fairly and impartially, according to the best of their skill and judgment.

City council to grant licenses, &c.

28. *And be it enacted*, That the city council of Atlantic City, when assembled, by a majority of votes, shall have the sole and exclusive right and power of licensing and assessing every inn keeper and tavern keeper residing within said city, for such time or term as they may deem expedient, otherwise subject to the same restrictions and provisions, and in like manner in every particular, as the same is or may be lawfully done by the inferior court of common pleas in this state; and the said city council shall have the sole and exclusive power of licensing all interludes, farces, or plays of any kind, and all menageries or collections of beasts or animals, and all circuses, or other shows and exhibitions whatsoever, proposed to be performed or exhibited within the limits of the said city; which said power of licensing the said common council may by ordinance, delegate to the mayor or alderman of the said city; and any such license may be granted on such terms, and under and subject to such limitations and restrictions as the said common council may by ordinance prescribe; and all moneys which may be derived from granting any such license shall go to and for the use of said city; and if any person or

persons shall exhibit, or be concerned in exhibiting, or cause to be exhibited within the city, any matter or thing hereinbefore specified, without having first obtained 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, eighteen hundred and forty-six, or under and by virtue of the act entitled, "An act to regulate the exhibition of beasts or animals," approved April fifteenth, eighteen 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.

29. *And be it enacted*, That it shall be the duty of the city treasurer, once in each year to make out a statement of all moneys received and paid out during the year, showing the source from whence received and to what applied, the amount of indebtedness of the city, and the balance of funds, if any, in his hands; which statement shall be filed in the office of the clerk of the city, at least twenty days before the next annual election for city officers; and the city council shall cause copies of the same to be set up in five public places in the said city, at least two weeks previous to such election.

30. *And be it enacted*, That the mayor, recorder, and alderman of the said city, and each of them, shall have jurisdiction in all matters of a criminal nature, and in all matters of a civil nature, that the justices of the peace, or any of them of Atlantic county, now have, or hereafter may have such jurisdiction, to be limited within the bounds of Atlantic City, with full power to issue process and to hear, try, and determine all suits at law of a civil nature, within the said bound that are cognizable before any justice of the peace of Atlantic county, including cases in attachment, in the same manner and with the like effect, in every particular, and under the same rules and regulations, as are now provided and enacted in cases before justices of the peace, or which may be hereafter provided and enacted.

31. *And be it enacted*, That the said city shall be entitled to its just proportion of the annual appropriation of the school fund of this state, and to its just proportion and quota of the

Treasurer to
make annual
statement.

Duties and
powers of
mayor, recorder
and alderman.

Surplus revenue
and school
fund.

interest on the surplus revenue apportioned to and received, or to be received by the state of New Jersey, to be ascertained in the same manner as the proportion or quotas of the townships of this state now are, or hereafter shall be ascertained; which said moneys shall be paid immediately over to the treasurer of the trustees of the common schools for the time being, and be applied to school purposes in said city.

Act when to
take effect.

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

Approved March 3, 1854.

CHAPTER CXIII.

A supplement to the act entitled "An act concerning taxes," approved April fourteenth, eighteen hundred and forty-six.

Poll tax.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That a poll tax of fifty cents shall be assessed upon every white male inhabitant of this state of the age of twenty-one years and upwards.

Mode of as-
sessment.

2. *And be it enacted*, That all real and personal estate within this state, whether owned by individuals or by corporations, shall be liable to taxation, subject to the exemption hereinafter specified, and shall be assessed at the actual value thereof at such rate per dollar as will be sufficient to produce the sum required, after deducting the poll tax.

Real estate.

3. *And be it enacted*, That the term real estate, as used in this act, shall be construed to include all lands, all water-power thereon or appurtenances thereto, and all buildings or erections thereon affixed to the same, trees and underwood growing thereon, and all mines, quarries, and all fisheries.

Personal es-
tate.

4. *And be it enacted*, That the term personal estate, as used in this act, shall be construed to include goods and chat-

tels of every description, including steamboats and other vessels, money, debts due or owing from solvent debtors, whether on contract, note, bond or mortgage, public stocks and stocks in corporations, whether within or without this state.

5. *And be it enacted*, That the following persons and property shall be exempt from taxation, viz :

I. The property of the United States and of the state of New Jersey, and of all the counties, townships, cities and boroughs in said state. Property exempt from taxation.

II. All colleges, academies, or seminaries of learning, public libraries, school houses, and all buildings erected and used for religious worship, the lands whereupon the same are erected, the furniture thereof, and the personal property used therein ; pews in churches, grave yards not exceeding ten acres of ground, and all buildings erected and used exclusively for charitable purposes, with the lands on which they are erected, and the furniture used therein ; also the engines and apparatus of any individual or company used for extinguishing fires.

III. The polls of all revolutionary soldiers.

IV. So much of the property of incorporated companies represented by the capital stock thereof, as by virtue of this act is taxed in the hands of the stockholders ; *provided*, that nothing in this act or the acts to which this is a supplement, shall be construed to affect in any way the tax required to be paid by banking or other incorporated companies upon the amount of the capital stock, nor to exempt from taxation their real estate, unless so exempt by their charter. Proviso.

6. *And be it enacted*, That the personal tax shall be assessed upon each inhabitant liable to a personal tax in the township or ward where he resides at the time of the assessment ; and every person shall be assessed in the township or ward where he resides when the assessment is made, for all lands then owned by him within said township or ward, either occupied by him or wholly unoccupied ; and when the line between two townships or wards divides a farm or lot, the same shall be taxed, if occupied, in the township or ward where the occupant resides ; and if unoccupied, each part shall be assessed in Mode of assessment of real estate.

the township or ward in which the same shall lie, and this whether such division line be a township or ward line or also a county line.

Assessment of
personal es-
tate.

7. *And be it enacted*, That every person shall be assessed in the township or ward where he resides, when the assessment is made, for all personal estate owned by him, including also all personal estate in his possession or under his control as trustee, guardian, executor or administrator; and in case the owner or owners of personal estate shall be non-resident of this state; then and in that case the said personal estate shall be taxed in the township or ward where the same may be situate; that the personal estate of every incorporated company, liable to taxation, shall be assessed in the township or ward where the principal office shall be, or if such company have no principal office or place of transacting its financial concerns, then in the township or ward where the operations of such company are carried on; and where the tolls of any bridge, turnpike, railroad or canal company are collected in the several townships or wards, the personal estate of such company shall be assessed in the township or ward in which the treasurer or other officer authorized to discharge the general pecuniary obligations of said company resides; and the real estate of incorporated companies, liable to taxation, shall be assessed in the township or ward in which the same shall lie, in the same manner as the real estate of individuals; *provided*, that in all cases where the holder of a mortgage shall not reside in the same township or county where the mortgaged premises lie, the tax on the money secured by the said mortgage shall be assessed against and be paid by the mortgagor in the township where the lands lie, and the receipt of the collector shall be a legal payment for so much of the interest of said mortgage, and be allowed and deducted therefrom by the mortgagee; *provided*, that in such case the said mortgagee shall not be assessed for such mortgage in the township or county in which he or she resides.

Proviso.

Proviso.

Assessor's du-
plicate.

8. *And be it enacted*, That the assessor of every township or ward shall, between the days prescribed by law, annually, ascertain by diligent inquiry and according to the best of his

ability the names of all the taxable inhabitants in their respective townships or wards, and also all the taxable property, real and personal, within the same, and set down in his duplicate in four separate columns, and according to the best information in his power :

I. In the first column the names of all the taxable inhabitants in the township or ward, as the case may be.

II. In the second column the quantity of land to be taxed to each person.

III. In the third column the full value of such land according to the definition of the term real estate as given in the third section of this act.

IV. In the fourth column the value of all the taxable personal property owned by such person; and that from such valuation of real and personal estate there shall be deducted the whole amount of the debts due and owing by the owner thereof, excepting debts due and owing to creditors not residing in this state.

9. *And be it enacted*, That where a person is assessed as trustee, guardian, executor, or administrator, he shall be ^{Assessment of trustees, guardians, &c.} assessed as such with the addition to his name of his representative character, and such assessment shall be carried out on a separate line from his individual assessment; and in cases where the same property is held by several trustees, guardians, or executors, only one of them shall be taxed for the same; and such property shall be assessed in the hands of such one of said executors, or guardians or trustees, as have the actual possession or control of such property, or the bonds, mortgages or other securities by which the same is held.

10. *And be it enacted*, That if any person, whose real or ^{Affidavit of value of real estate before assessor.} personal estate is liable to taxation, shall at any time before the assessor hath completed his assessment, make oath or affirmation before the assessor, who is hereby authorized to administer the same, that the value of his real and personal estate, after deducting his debts due and owing, as before mentioned, does not exceed a certain sum, specifying the same, it shall be the duty of the assessor to value such real or personal estate,

or both, as the case may be, at the sums specified in the affidavit, and no more.

Affidavit of
value of real
estate before
commission-
ers of appeal.

11. *And be it enacted*, That when any person objecting to such assessments shall not previously have made affidavit concerning the value of his property as aforesaid, he shall be at liberty to make such oath or affirmation before the commissioners of appeal in case of taxation; and said commissioners, on such affidavit, shall reduce the assessment to the sum specified in the affidavit; and all affidavits, mentioned in this and the next preceding section, shall be filed in the office of the clerk of said township or ward.

Erroneous as-
sessment may
be altered.

12. *And be it enacted*, That if the person objecting to the assessment can show, by other proof than his own affidavit, to the satisfaction of the commissioners of appeals, or a majority of them, that such assessment is erroneous, the commissioners shall alter the same without requiring the affidavit of the person objecting.

Assessments
for county
purposes.

13. *And be it enacted*, That when any money shall be directed to be assessed for state or county purposes, it shall be the duty of the assessors of the several townships and wards in every county to meet at the time prescribed by law, in every year, at the place of holding the court of common pleas in such county, and then and there to ascertain the amount of the tax required by law, to be rated in the assessment to be made, and to compute the value of the real and personal estates liable to taxation, as taken by the assessor of each township or ward, and thereby, to fix and adjust the proportion or quota of tax to be levied and collected in each township or ward; and it shall be the duty of said assessors, at such meeting, to make out two abstracts of the value of taxable real and personal property in each township or ward, which shall be signed by every assessor present, and on the same day delivered to the county collector, who shall lay one of the said abstracts before the legislature of the state as now required by law; and the said assessors shall also, within fifteen days after such meeting, deliver to the township collector a true transcript or duplicate of said assessment as is now required.

Collection of
taxes.

14. *And be it enacted*, That all taxes assessed under this act

shall be collected in the manner provided in the act to which this is a supplement; and that all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

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

Approved March 3, 1854.

CHAPTER CXIV.

An additional supplement to an act entitled "An act to incorporate the Belleville Railroad and Transportation Company," passed February sixteenth, eighteen hundred and thirty-six.

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," shall have power to extend the railroad authorized by their act of incorporation, to Paterson, within one mile of the court house, or to any point or place in the townships of Acquackanonk, Pompton, and West Milford in the county of Passaic; that any railroad corporation, authorized to construct a railroad in the counties of Essex, Passaic, or Morris, by any existing law of this state, may subscribe for and hold the stock or bonds of this company, and endorse such bonds to any amount not exceeding the stock of said company, and that the period limited by the act to which this is a supplement, for the commencement and completion of the road, shall be computed from the passage of this supplemental act.

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

Approved March 3, 1854.

CHAPTER CXV.

A supplement to an act entitled "An act to protect fish in the waters of Black river, Rockaway river, and the Stanhope reservoir, within the boundaries of the counties of Morris and Sussex," approved March fourth, eighteen hundred and fifty-three.

Part of former
act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement, so far as it relates to the Rockaway river, below the boundary of the township of Rockaway, at Powerville, in the county of Morris, be and the same is hereby repealed.

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

Approved March 3, 1854.

CHAPTER CXVI.

AN ACT to incorporate the Independence Fire Company, Number Three, of Camden.

Names of cor-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Wallace, Albert V. Mills, William S. Frazier, Joseph Wagner, Thomas Stites, Jacob Prettyman, A. D. Brinneisholz, David Page, Restore Cook, Joseph B. Strafford, Michael Siebnitz, Robert S. Bender, Claudius Bradshaw, Adam Knauff, Lewis Yeager, Nicholas Yeager, William Howard, John W. Hoey, Thomas McCartney, Andrew J. Hoey, William Horneff, John S. Ross, William W. Bradshaw, and all such persons, not exceeding one

hundred in number, as now are, or hereafter shall become associates of the Independence Fire Company of Camden, be and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Independence Fire Company, Number Three, of Camden;" and by such name they shall have succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors may have a common seal, and shall have power to make, change, and alter the same at their pleasure, 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 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, as they shall think proper.

2. *And be it enacted*, That the capital stock of said company shall not exceed the sum of three thousand dollars, which shall be solely and exclusively applied to procuring, maintaining, and repairing such fire engine, hose carriage, hose, reservoirs of water, ladders, buckets, fire hooks, engine houses, and such implements and machines, 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 or destruction by fire.

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 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 twenty 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 March 7, 1854.

CHAPTER CXVII.

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

Boundaries of
southeast
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 at a point in the middle of Broad street, on the boundary line of the south ward, as at present constituted, thence running eastwardly along the boundary line of the east and south wards as at present constituted, the several courses thereof, to the boundary lines between the south and fifth wards, as at present constituted; thence southwardly along the boundary line of the said south and fifth wards, as at present constituted, to the junction of said line with the centre or middle of the Essex and Middlesex turnpike road; thence northwardly along the middle of said turnpike road, and up the middle of South Broad street to a point in the middle of Broad street; thence northwardly, along the middle of Broad street, to the place of beginning, shall be and the same is hereby erected into and constituted a new ward, to be called the south east ward of the said city.

Rights, privi-
leges, &c., of
inhabitants.

2. *And be it enacted*, That the inhabitants of the said 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 are or may be entitled or subject.

3. *And be it enacted*, That an election by ballot shall be held in the said ward hereby constituted, on the second Tuesday of October in every year hereafter, at such place as the common council shall appoint, of which the common council shall cause public notice to be given and published as prescribed in the fifth section of the act to which this is a supplement; at which election, two aldermen, (except as is hereinafter provided,) one assessor, one collector, one judge of election, two inspectors of election, one commissioner of appeal in cases of taxation, one person to be clerk of the ward, two commissioners of public schools, (except as hereinafter provided,) and three constables, shall be chosen in the said ward hereby created, from among the citizens residing therein and entitled to vote at such election; and the common council shall appoint a judge and two inspectors of election, and one person to be a clerk of such board of election 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 tenth section of the act to which this is a supplement shall apply and be extended to the judges and clerk of the board; for the first election to be held under this act, and the person appointed clerk of such board shall procure an election box for said ward in like manner as therein prescribed; 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.

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 members elected for the 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 of October, in the year eighteen hundred and fifty-five, 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.

Expiration of
the terms of
office of com-
missioners of
public schools

5. *And be it enacted*, That at the first or a 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 from and after the first Tuesday after the first day of January next, all the provisions of an act entitled "An act to establish public schools in the city of Newark," approved February thirteenth, eighteen hundred and fifty, and of an act entitled "An act to incorporate the board of education of the city of Newark," approved February third, eighteen hundred and fifty-three, shall be construed to extend and apply to the said ward hereby created, in like manner and to the same extent as to the other wards of the city of Newark.

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.

Organization
of ward and
conducting
elections.

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, in the year eighteen hundred and fifty-five, 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 the first election under this act; and the clerk of the board for such election shall also provide in due season, before the said second Tuesday of October next, a proper election box for the use of the said ward, as is hereinbefore enjoined.

8. *And be it enacted*, That for all the purposes of the election to be held on Tuesday next after the first Monday in November, eighteen hundred and fifty-four, 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 elections 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 by law required to do.

Approved March 7, 1854.

CHAPTER CXVIII.

AN ACT to incorporate the Ringwood Valley Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Abram S. Hewitt, Martin J. ^{Names of corporators.}

Ryerson, Edward Cooper, Philip R. George, James Hall, Edwin Post, Charles F. Johnson, John Board, and Peter M. Ryerson, and such other persons as shall hereafter be associated with them, are hereby constituted and declared to be a body politic and corporate, by the name of the Ringwood Valley Railroad Company.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with liberty to increase the same to one million of 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, by their by-laws, shall direct.

Commission-
ers to receive
subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of said corporation, at such time and place as they, or a majority of them, may think proper, giving notice thereof for at least twenty days prior to the opening of said books, by publishing the same in one newspaper published at Paterson.

Election of
directors.

4. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid upon each share subscribed for, to the said commissioners; and when five hundred shares of the capital stock shall be subscribed for, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders to choose seven directors, a majority of whom shall be residents in this state; the election shall be held at Ringwood, in the county of Passaic, by such of the stockholders as shall attend for the purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named corporators, or any two of them, shall be inspectors of said election of the first directors of said corporation, and shall certify under their hand the names of the directors duly elected, and deliver over to them the subscription books and money paid in, and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors, a majority of whom shall

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

5. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed 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 be elected in their places.

Corporation
not dissolved
for failure to
elect on day
prescribed.

6. *And be it enacted*, That four directors of said corporation shall be competent to transact all business thereof, and they shall have power to call in the remainder of the capital stock by instalments not to exceed five dollars on each share, by giving thirty days' previous notice in a newspaper published at Paterson; *provided*, that no two instalments shall be demanded within thirty days of each other; and in case of the non-payment of said instalments, or any of them, to forfeit the share or shares upon which such default shall arise.

Payment of in-
stalments.

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 the Ringwood mines in the county of Passaic, to some convenient and accessible point or points on the Morris canal, in the counties of Passaic or Morris, with the privilege of extending the said railroad northwardly to the line of the state of New York, in the county

Company au-
thorized to
construct road

of Passaic, and southwardly so far as may be necessary to connect with any other railroad or railroads, the construction of which may have been, or may hereafter be authorized through the counties of Passaic, Morris, or Essex, and of constructing such spurs or branch roads, as may be necessary to afford access to the adjacent mines in the said county of Passaic; and it shall be lawful for said company to lay out and locate the railroad and spurs, or branches, hereby authorized, sixty-six feet in width, with as many sets of tracks and rails as they shall deem necessary, and to take and appropriate all lands necessary for such purposes, upon making payment therefor as hereinafter provided; and for the purpose of cuttings, embankments, and procuring stone and gravel, may take as much more land, in the manner hereinafter provided, as may be necessary for the proper construction and security of the road; and said company are invested with all powers necessary or convenient to survey, locate, lay out, construct and maintain said road; 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 and waters for the purpose of exploring, leveling, surveying, and laying out the route of such railroad, and of locating the same, doing no unnecessary damage to private property; and when the route and location of said road, or the branches, or any portion thereof 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, engineers, superintendent, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy and excavate, any such lands, and to erect embankments, bridges, and all other necessary works thereon, and to lay rails, and do all other things which may be suitable and necessary for the completion and repairs of said railroad, and to carry into full effect the object of this act, subject to such compensation and upon such terms as are hereinafter provided for.

Proceedings in
case 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 lands for the use or purchase thereof, or if by reason of

the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands so required for the use of the said company in the construction of said road, shall be given in writing, under 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 justices of the supreme court, 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, 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 this state, commissioners to examine and appraise the said lands, and assess the price or value of the same, and the damages sustained by the owner thereof, arising from the removal, making and maintaining the fencing on the line of the said railroad, through any improved lands over which the same may run, upon such notice, not less than ten days, to be given to the persons interested, or to be published as aforesaid, 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 said lands, and to make a just and equitable appraisal or estimate of the value of the same, and an assessment of damages, which shall be paid by the company for such land 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, together with the afore-

said description of the land and the appointment and oaths and affirmations aforesaid, in the clerk's office of said county, to remain of record therein; which report, or in case of an appeal, the verdict of the jury and the judgment of the court thereon, and a copy thereof certified by the clerk of said county, the damages found or assessed, with the costs 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 land; and either of the justices of the said court shall, on application of either party, on reasonable notice to the others, 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 just, and to order and direct [by whom the same shall be paid; *provided always*, that if the owner or owners of the said land shall elect not to receive the sum awarded by the commissioners for the damages arising from the removal, making and maintaining the fencing as aforesaid, and shall notify the company thereof in writing, within ten days after said award, the company shall retain the said sum, and themselves remove, make, and forever thereafter maintain the said fencing.

Enacted.

Earliest aggrieved may appeal.

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

judgment thereon, with costs, shall be entered against the said company and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company shall have offered or the said commissioners awarded, then the said costs to be paid by said applicant or applicants, 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 or residing out of this state, the same being first paid into the court of chancery.

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

11. *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 run on said railroad all machinery, engines, cars, wagons, carriages or vehicles, for the transportation of persons or any species of property, as they may think reasonable, expedient or right; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than six cents per mile for each passenger, and eight cents per ton per mile for the transportation of every species of heavy merchandise and produce on said road, in the carriages of the company, and for dry goods and packages such reasonable rates as shall be fixed by the

Company to
construct
bridges.

Rates for
transportation

Proviso.

board of directors; or six cents per mile for every ton; or three cents per mile for every passenger carried on said road in the carriages of others, and five 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 hereby declared a public highway, and free for the passage of any railroad carriage thereon with passengers or property, upon the 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 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, are hereby vested in the said company and their successors, for and during the continuance of the charter.

Proviso.

Dividends.

12. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividend of the nett 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.

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 each of its depots, as may be necessary for the convenient transaction of business, not exceeding five acres in each place, and may erect and build thereon warehouses, houses, and such other buildings and improvements as they may deem expedient for the safety of their property, and other necessary uses appertaining to their business.

Penalty for injuring works.

14. *And be it enacted*, That if any person shall wilfully or maliciously injure the said road, or any buildings, machinery, or works of said corporation, such person or persons shall for-

feit and pay therefor to the corporation, the sum of fifty dollars in addition to 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 so as to be used from the Ringwood mines to the Morris canal, 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 whenever the nett proceeds of the road shall amount to seven per centum per annum upon its cost, the said corporation shall pay to the treasurer of this state, to be applied to the school fund, a tax of one-half of one per centum on the cost of said road, to be paid annually on the first Monday in January; *provided*, that no other tax or impost shall be levied or raised from said corporation by virtue of any law of this state. Annual statement to be made. Proviso.

16. *And be it enacted*, That the said company shall have the power to make such deviations from the line of said road as from time to time the directors thereof may deem expedient; *provided*, such deviations shall not extend beyond one mile from the line of the road as originally located, and the lands necessary therefor shall be acquired in the manner hereinbefore provided. Deviation from line of road. Proviso.

17. *And be it enacted*, That in case it shall at any time appear that by reason of any mistake or error in the proceedings for acquiring the title of lands for the road or roads hereby authorized, the title to any such lands shall fail, or it shall appear that the title to lands necessary for said roads has not for any reason been acquired, then it shall be lawful for said company to proceed anew in the manner hereinbefore provided and directed, to acquire the right and title to any such lands. Title of land for road.

18. *And be it enacted*, That it shall be lawful for the said company to make contracts and engagements with any other corporation, or with individuals, for transportation or conveying Company may make contract for transportation.

any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts.

Commence-
ment and
completion of
road.

19. *And be it enacted*, That if the said railroad shall not be commenced within five years, and completed and in use from the Ringwood mines to the Morris canal or the feeder thereof within ten years from the fourth day of July next, then and in that case this act shall be void.

Company au-
thorized to is-
sue bonds.

20. *And be it enacted*, That the said company shall have the power and they are hereby authorized to make their bonds, and for the purpose of securing their payment, to mortgage their real and personal estates, road or roads, and all the appurtenances, franchises, powers, privileges and rights belonging thereto, which they may possess under their act of incorporation, to such amount as they may deem expedient, and to sell or negotiate the same at such rate of interest or discount as they may deem best for the interest of the company, without invalidation thereof by virtue of any statute of this state, and the said bonds and mortgages so sold or negotiated, shall be valid and binding in law and equity, and the purchaser or purchasers, under a decree in equity, or foreclosure, founded upon any such bond or mortgage, shall be invested with all the estate, rights, franchises, powers and privileges which are or may be conferred upon or possessed by the said company under or by virtue of their act of incorporation, and the several supplements thereto, subject, nevertheless, to all the restrictions, conditions and limitations contained therein.

Certain offi-
cers to pass
free.

21. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court and of the court of errors of this state, when traveling for the purpose of discharging the duties of their offices, and the members of both houses of the legislature of this state, during its annual or other session, may pass and repass upon said railroad, in the cars of the company, free of charge.

Limitation.

22. *And be it enacted*, That this act shall continue in force for thirty years.

Public act.

23. *And be it enacted*, That this act is hereby declared to be a public act, and shall take effect immediately.

Approved March 9, 1854.

CHAPTER CXIX.

AN ACT to incorporate the "Peapack Plank Road Company."

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Names of cor-
porators.</sup> *the State of New Jersey,* That Henry Hillard, Cornelius W. Schomp, David N. Vanzant, William G. Steele and William Thompson, and such other persons as may be hereafter associated with them, shall be and are hereby constituted a body politic and corporate in law, by the name of "The Peapack Plank Road Company," and by that name they and their successors shall be known in law.

2. *And be it enacted,* That the capital stock of said corporation shall be fifty thousand dollars, and shall be divided into <sup>Amount of
capital stock.</sup> shares of ten dollars each, which shall be deemed personal estate, and shall be transferable in such manner as the by-laws of said corporation shall direct.

3. *And be it enacted,* That Henry Hillard, Cornelius W. Schomp, David N. Vanzant, William G. Steele and William Thompson, 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 in the county of Somerset, as they or a majority of them, shall appoint, giving twenty days' notice of such times and places in two of the newspapers published in the county of Somerset, and in such other newspapers as the said commissioners, or a majority of them, shall deem advisable; 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 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, one dollar on each share subscribed shall be paid to the said commissioners, in gold or silver, or legal and current bank notes, and the residue may be

called in and shall be paid in at such times, and in such amounts, by instalments, as is by this act hereinafter directed.

Election of directors.

4. *And be it enacted*, That whenever there shall be two thousand shares of said stock subscribed, and two 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 judges, which subscribers, when so met, shall proceed to elect by ballot, from among the stockholders, seven 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 each stockholder, at such election, and at all future elections of said corporation, shall have one vote for each share he, she or they shall own at the time of such election, and that such stockholders may vote at any election by proxy duly authorized for that purpose.

Payment of instalments.

5. *And be it enacted*, That a majority of the board of directors shall at all times be a quorum for the transaction of business, and may have power to call in the remainder of the capital stock of said corporation by instalments not exceeding two dollars on each share, by giving notice for thirty days of such required instalments, in one or more newspapers published in Somerset county; and if any stockholder shall neglect or refuse, for ten days after such instalment is due, to pay the same, he, she or they so neglecting or refusing shall forfeit their stock and all payments made thereon.

Commissioners to pay over money received.

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 persons as they or a majority of them shall direct, all money which they have received for the subscription to the said capital stock, first deducting therefrom all expenses which they have incurred for books, printing and other expenditures, and the sum of two dollars per day for each and every day they have been employed in the duties of their ap-

pointment; and the directors so chosen, and their successors, shall annually thereafter cause an election to be held at such time and place as their by-laws shall direct, for directors of said corporation.

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 others shall have been chosen in their places.

8. *And be it enacted*, That the board of directors so chosen as aforesaid, shall and may elect out of their own body, or from among the stockholders, a president, who shall be a resident of this state, and hold his office for one year; also a vice president, secretary and treasurer, who shall hold their offices for one year; also to appoint such subordinate officers, agents, engineers and workmen as the business of the corporation shall require, and fix their compensation; also make and establish such by-laws for the management of their property, regulation of their affairs, and for the transfer of their stock as they shall deem proper, provided they are not inconsistent with the constitution or laws of the United States or of this state.

9. *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 road not exceeding sixty feet in width, to be formed with one or two tracks of plank nine feet wide, of substantial plank or timber, laid down in a firm and workmanlike manner, and to keep the same at all times in good repair; so as to present a firm, smooth and even surface at all seasons of the year, to commence at some point at or near the village of Peapack, in the township of Bedminster, and thence passing in the most eligible route to its point of termination at or near the village of Somerville, in the township of Bridgewater, in the county of Somerset; 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 or water, for the purpose of exploring, surveying, 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 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 construct said road, and to do all other things which shall be suitable or necessary to carry into full effect the objects of this charter; *provided always*, that the said corporation shall pay or make tender of payment for all damages for the occupancy of lands through which the said road shall 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 the said route, unless the consent in writing of the owner or owners of such lands be first had and obtained.

Proviso.

Proceedings in case company and owners cannot agree.

10. *And be it enacted*, That if the owners of the land on which such road shall be located shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, who is disinterested in the premises, upon 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 and impartial commissioners, freeholders of this state, to assess the price or value of such land and all damages sustained, who shall be sworn before some officer authorized by law to administer an oath, faithfully to execute the duties of such appointment; and after ten days' notice in writing to both parties, of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of said land and the quantity taken, by whom owned, and how situate, bounded and

described, in writing, under their hands and seals, or the hands and seals of a majority of them, to the justice who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of the county in which said lands lie, there to be recorded and kept as a public record, and copies taken, if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county in which said lands lie, 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 proceedings shall vest in the said circuit court full right and power to hear and adjudge the same, and if required they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands and all damages sustained, and for that purpose to view the lands in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find the same or a greater sum than the said commissioners, then judgment shall be given, with costs, against said company, and issue execution, 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 of the land, 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 payment 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 of all such lands and real estate so appraised as aforesaid for the purposes of said road.

11. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report so made in behalf of

Parties aggrieved may appeal.

Proceedings in case of legal disability.

any such persons, into the court of chancery, to the clerk thereof, subject to the order 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 justice 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 whenever three miles of said plank road are completed, the said company may erect gates and turnpikes across the said road and demand and receive toll for each mile of the said road so made, not exceeding the rates following, 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 of calves, sheep or hogs, and so in proportion for a greater or less number, five cents.

For every dozen of horses, mules or cattle, and so in proportion for a greater or less number, five cents.

And it shall be lawful for any toll-gatherer to stop any horse, mule, calves, sheep, hogs, carriages of burthen or pleasure from passing through the said gates or turnpikes until the toll as above specified has been paid for them respectively.

Mile stones to be erected.

13. *And be it enacted*, That before the said company shall demand or receive toll for traveling said road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on said road, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from the point of the commencement of said road in Peapack; and shall cause to be affixed and always kept up at the gates 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 so erected on the said road, or shall wilfully cut, break down, destroy or deface or otherwise injure any gate, turnpike, bridge,

machinery, 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 gates or turn-pikes, 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, 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.

15. *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, 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 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 in an action of debt with costs of suit.

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

Approved March 9, 1854.

CHAPTER CXX.

AN ACT relative to the election of overseers of the highways in the township of East Windsor, in the county of Mercer, and the township of Hohokus, in the county of Bergen, and the township of South Brunswick, in the county of Middlesex.

Election of
overseers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the qualified voters of each road district in the township of East Windsor, in the county of Mercer, and the township of Hohokus in the county of Bergen, and the township of South Brunswick in the county of Middlesex, be and they are hereby authorized to elect an overseer of the highways for such district.

Time and
place of hold-
ing elections.

2. *And be it enacted*, That such elections shall be held annually in each road district on the Saturday next previous to the annual township meetings in said townships, at such time and place, and upon such notice as shall be determined upon at the previous annual meeting in such road district; and it shall be the duty of the town clerks of said townships respectively, to give the notice so determined upon, as aforesaid.

First election.

3. *And be it enacted*, That the first election shall be held on the Saturday previous to the annual election, at such time and place as shall be designated by the town clerk of said township, notice whereof shall be given by an advertisement for five days previous thereto in some public place in each district.

4. *And be it enacted*, That no overseer or overseers shall be elected in said townships except under the authority of this law.

Approved March 9, 1854.

CHAPTER CXXI.

A supplement to the act entitled "An act to incorporate the Newark Plank Road and Ferry Company," approved February the twenty-fourth, eighteen hundred and forty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at all future elections of directors of said company each stockholder shall be entitled to one vote, and no more, for each share he, she or they shall have held in his, her or their names at least fifteen days before the time of such election.

Approved March 9, 1854.

CHAPTER CXXII.

A further supplement to an act entitled "An act to incorporate the city of Paterson," approved March nineteenth, eighteen hundred and fifty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the city council or a major part of them, in council assembled, to choose for treasurer any resident of said city, and to appoint a controller of said city, whose duty shall be to keep an accurate account of all moneys due to the president and council of the city of Paterson, to audit all claims against the same, to examine into the correctness thereof, and the subject for which such claims are made, and to make a report thereon to said council, in writing, under his hand, as often as need be, and when such report is by said council approved by vote thereof, to give order in writing upon the treasurer of said city for the

payment of such claims, for which services he shall be entitled to such compensation as the said council shall determine.

Council to
pass ordinan-
ces regulating
streets.

2. *And be it enacted*, That the said council or the major part of them, in council assembled, may from time to time pass all such ordinances as they shall judge proper for lighting any street or streets in said city, for deepening, widening, arching and cleansing the brook known as the Dublin Spring Brook, from its source to its outlet, and for removing and preventing nuisances therein, and also for constructing sewers through said city, and to raise and collect the moneys necessary for defraying the expense of said improvements, in the mode and at the time directed in the seventeenth section of the act to which this is a supplement, for raising and collecting moneys for defraying the expenses of said city ; *provided however*, that the walls of said brook shall not be built higher than the grades of the streets through which the brook runs.

Proviso.

President and
council may
issue bonds.

3. *And be it enacted*, That for the purpose of constructing the sewers for said city authorized by the last preceding section, it shall be lawful for the president and council of said city for the time being to issue the bonds of said city for any sum of money not exceeding in the whole the sum of thirty thousand dollars ; *provided*, said bonds shall not be issued payable more than twenty years from date thereof, and it shall bear interest at six per cent. per annum.

Proviso.

Penalties for
violating ordi-
nances.

4. *And be it enacted*, That it shall be lawful for the said council to enforce the observance of the ordinances aforesaid, by enacting penalties for the violation thereof, either by imprisonment not exceeding fifteen days, or by fines not exceeding fifty dollars ; and that the proceedings for any such violation shall be conducted in all things as proceedings for violations of ordinances mentioned in the eleventh section of the act to which this is a supplement, and shall be had before a police justice of said city, who shall possess and exercise therein all the powers granted in like cases by the said act and the supplements thereto.

Assessment of
damages in
erection of
sewer.

5. *And be it enacted*, That whenever it shall be necessary in constructing any drain or sewer in said city to enter upon and cross lands not belonging to said city, the said council

shall apply to a justice of the supreme court of this state for the appointment of commissioners to assess the damages which each land owner will sustain by reason of the erection of such sewer or drain, giving each land owner ten days' notice of the time and place of such application, by writing or by publication in a newspaper published in said city, describing the route of such sewer or drain; and such justice, on due proof that such notice has been given, may proceed to appoint three disinterested commissioners, who shall, after being sworn to act faithfully and impartially in the discharge of said trust, view the premises and award the amount of said damages to each land owner, and shall make report thereof under their hands or the hands of a majority of them, within ten days after their appointment, to the said council, and file a copy thereof with the clerk of Passaic county, and thereupon it shall be lawful for each land owner to ask, demand, sue for and recover the amount of said award in his behalf of and from the president and council of the city of Paterson, with costs, in any proper form of action for so much money had and received; and it shall be lawful for the said council thereupon to erect the said drain or sewer, walling and covering the same in a safe, substantial and proper manner; *provided*, that either party may, Proviso. within twenty days after filing the said award, and on notice to the other party, make an appeal from the said award to the circuit court of said county, which court is hereby authorized to try said appeal as issues in fact are tried therein, and on like notice of trial, to render judgment and award execution thereon as in other actions pending in said court; *provided*, Proviso. that no costs shall be recovered by the party appealing when the verdict on the appeal is for a sum not greater than the award and interest; and that such justice shall receive from the applicant two dollars for making the order appointing said commissioners; and the said commissioners shall receive from said city one dollar each for every day employed in the said work; and that no drain or sewer shall be constructed so as to injure or disturb any dwelling or other permanent building of any such land owner.

6. *And be it enacted*, That each ward in the said city or

School districts.

any ward that may be hereafter erected, shall constitute one school district, and that every child in said city between the age of five and sixteen years may be admitted to the public schools of the district where such child resides, upon such conditions and under such regulations as the superintendent and school committeemen in said city may prescribe; and that the said officers may meet at such times and places as they or a majority of them shall appoint, of which meetings the superintendent shall be chairman.

Examination of public schools.

7. *And be it enacted*, That it shall be the duty of the said council, annually, and within ten days after their election, to appoint one resident of said city to be superintendent of public schools, who, together with three school committeemen, to be chosen in each ward of the city at each annual election for city officers, shall have the control, regulation and management of the public schools in said city; and it shall be the duty of said superintendent, with the committeemen of the respective districts to visit every public school under their charge at least once in every quarter, to examine into the condition of the same, to advise and consult with the teachers, and cause the result of such visit to be entered upon a book to be kept for that purpose in each ward; and the said superintendent shall make a report in writing, and transmit the same to the state superintendent of common schools on or before the fifteenth day of December in each year, of the state and condition of the public schools of said city, the number of scholars taught therein, the length of time the schools are kept open during the year, and such other matter as may be by law required of him; and for his services he shall receive one dollar for every day actually employed in the duties of his office, to be paid on the order of the city council out of the school moneys in the hands of the treasurer.

License to teachers of public schools.

8. *And be it enacted*, That the said council shall, at their first regular meeting in each year, appoint two citizens of said city to constitute with the said superintendent a board of examiners in said city, who shall meet at such times and places as they shall appoint, to examine and license by certificate under their hands and seals, suitable persons as teachers

of public schools within said city, having regard always to scholarship and moral character, which license may be revoked at pleasure; and the members of said board shall receive for their services the sum of one dollar for each day employed in the duties of their office, to be paid in the manner provided in the last section of this act for the payment of the superintendent of schools.

9. *And be it enacted*, That the said city shall be entitled to ^{Quota of school fund.} a full quota of the moneys appropriated by the trustees of the school fund to the county of Passaic.

10. *And be it enacted*, That the said council may appropriate and raise for the establishment, maintenance and support of public schools in said city, such sums of money as they shall deem advisable, to be assessed and collected as other taxes in said city, which, together with their quota of the school fund apportioned in said county, shall be divided by the said council among the said districts in proportion to the number of children therein between the ages of five and sixteen years, to be ascertained by the superintendent of schools, or under his direction; and that the taxable inhabitants of each district may, at the annual election in April, vote, raise and grant for the use of public school in such district any additional sum of money to be assessed and collected in said district as other taxes, which moneys shall be paid to the city treasurer, to be by him kept as a separate fund, and shall not be paid except as hereinbefore provided, to or for any person or use whatever, except for the use of public schools in the district to which or in which the same was appropriated, upon the order of the school committeemen elected in such district; *provided*, that no such ad- ^{Assessment of school tax.} ^{Proviso.} ditional sum shall be voted, granted, assessed or collected unless public notice be given by advertisement in two newspapers published in said city, and by printed notice put up at five public places therein, signed by the said committeemen, or a majority of them, at least ten days before such election, that it is advisable to vote and grant an additional sum of money for public schools in said district; and that every order given by the school committeemen by virtue of this act, shall state the purpose for which it is given, and be made payable to the

order of the person entitled to receive the money and endorsed by him.

Notice to be given of amount of money to be raised.

11. *And be it enacted*, That the city council shall, at least fifteen days before the election in April in each year, give notice in two of the newspapers printed in said city, of the sum which they deem it advisable to appropriate and raise for the use of public schools in said city.

Annual statement of moneys paid out for public schools.

12. *And be it enacted*, That the clerks of the wards shall, within three days after the result of the election shall have been ascertained according to law, notify the school committeemen elected in their respective wards, of their election; and that the treasurer shall, annually, on or before the fifteenth day of March, present to the city council, and also publish in two of the newspapers printed in said city, a full, accurate, and separate statement for each district, of all moneys by him received and paid out on account of public schools, and from whom said moneys were received by him, which statements the said council shall audit and examine.

School committeemen incorporated.

13. *And be it enacted*, That the said school committeemen to be elected in each ward of said city, and their successors in office are hereby constituted a body politic and corporate in law; and that the committeemen of the east ward shall be known by the corporate name of "The School Committeemen of the East Ward of the city of Paterson;" those of the west ward by the name of "The School Committeemen of the West Ward of the city of Paterson;" and those of the south ward by the name of "The School Committeemen of the South Ward of the city of Paterson;" and may purchase and hold in their corporate name, such real and personal estate as may be necessary for the purpose of establishing and maintaining public schools in said districts, respectively, and may erect one or more public school houses thereon, and with the concurrence of the city council may sell or exchange the same as may best promote said purpose, and may employ teachers for said schools who are duly licensed in said city; and may mortgage the said real and personal estate for the purpose of securing the moneys due for the erection, alteration or repairing the said school houses or any part thereof.

14. *And be it enacted*, That it shall and may be lawful for the special constables appointed in said city, for the collection of arrears of taxes, to pay the sums collected by them to the treasurer of said city, and that they shall severally render unto said council, as often as required, a separate report of collections made by them in each ward, setting forth therein the names of persons from whom such taxes have been collected with the amount collected from each. Collection of arrears of taxes.

15. *And be it enacted*, That it shall be lawful for the council of said city assembled, by ordinance, to authorize the laying of railways in the streets of said city, under the direction and superintendence of said council, or of an agent duly appointed by them, upon such terms and conditions and under such regulations as said council shall appoint; *provided*, that no person or persons shall be empowered to continue any track laid under the authority hereby conferred, for a longer period than twenty years. Railways may be laid in streets.

16. *And be it enacted*, That all acts and parts of acts relating to public schools in the township of Paterson, and all parts of the act to which this is a supplement, and of the supplements thereto inconsistent with the provisions of this act, are hereby repealed. Part of former act repealed.

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

Approved March 9, 1854.

CHAPTER CXXIII.

A supplement to the act entitled "An act for the relief of creditors against absent and absconding debtors," approved April sixteenth, A. D. eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That writs of attachment may be Return of writs.

made returnable in vacation, and all writs of attachment hereafter issued shall be made returnable within thirty days from the time of filing the affidavit upon which such writ of attachment may be issued.

Creditor may enter rule in minutes of court.

2. *And be it enacted*, That it shall be lawful for any creditor or creditors of any defendant in attachment, upon filing with the clerk an affidavit that the defendant or defendants in attachment owes unto him or them a certain sum, to be therein specified, which affidavit shall be made by such creditor or his agent, to enter at any time a rule in the minutes of the court out of which a writ of attachment may have been issued, admitting such creditor or creditors as creditor or creditors under such attachment, and which said rule shall have the same force and effect as though the same had been entered in open court.

Plaintiff may enter discontinuance in vacation.

3. *And be it enacted*, That the plaintiff in attachment, by and with the consent of any creditor or creditors who may have entered a rule to be admitted a creditor under any attachment as aforesaid, may enter a discontinuance of such attachment in vacation; and in case no creditor or creditors shall have entered a rule to be made creditor or creditors as aforesaid, the plaintiff in attachment shall discontinue all proceedings in attachment, upon settlement of his debt.

Officer may deliver property on execution of bond.

4. *And be it enacted*, That it shall be the duty of the officer by whom any writ of attachment shall be executed, to deliver any property attached by virtue of such writ to the person in whose possession the same is found, upon the execution, in the presence of the officer, of a bond to the plaintiff, by such person, with one or more sufficient sureties, in double the value of the property, conditioned that the defendant shall perform the judgment of the court in the action, or that the property or its value shall be forthcoming and subject to the order of the court for the satisfaction of such judgment.

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

Approved March 9, 1854.

CHAPTER CXXIV.

AN ACT to incorporate the borough of Woodbury.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Boundaries of borough.} *the State of New Jersey*, That all that part of the township of Deptford, known as the village of Woodbury, lying and being in the county of Gloucester, beginning in the middle of Woodbury creek, at a station twenty-five feet westerly (at right angles) of the course produced of the westerly line of Elizabeth Jones' lot, on the Red Bank turnpike road, and from thence northeasterly, the same course of and parallel with said line, running twenty-five feet westerly thereof, through lands of said Tatum, until it strikes the easterly line of said Tatum's land; thence along said line, still northeasterly, to the corner of Anna Howell's land; thence easterly along the southerly line of said Howell's land and E. Mann's lot, to the line of Samuel H. Ladd's land; thence southerly along the line between the lands of said Ladd and — Burson to a corner between said Ladd, Burson, and John Cloud; thence southwesterly along the line between said Burson, John and Josiah Cloud, to the line of land now or late E. Moore's; thence southerly along the line between said Moore and Josiah Cloud to a corner between them at the head of a branch; thence down the main water course of said branch to the middle of Woodbury creek, aforesaid, up the middle of said creek, crossing the Good Intent turnpike, to the corner of William Griscom's and Joseph Iszard's land; thence southwesterly along the line between said Griscom and Iszard, and continuing on the same course thereof through lands of said David Griscom and William Dickerson, crossing the Egg Harbor road, Kesther's branch and the Glassborough road to the line between said Dickerson and lands of Joseph Whittal, deceased; thence westerly along said line to the corner between Henry Garrigues and David B. Cooper; thence southerly along the line between said Garrigues and Cooper, and continuing the

same course through said Cooper's land, to a point in the old northerly line of formerly Paul Cooper's land; thence westerly along on said old line to a corner of William Knight's land, standing a little westerly or southwesterly of Allen L. Hillerman's house; thence northerly and westerly along the easterly and northerly lines of said Knight's land, and along the old line between said Knight and late A. Woodward's lands, till it comes in range of a certain line between the lands of William E. Cooper, Joseph Ogden, and lands now or late J. M. White's, on the one side, and Joseph Hatch, said Cooper, Thomas Glover, and Isaac Reeves, on the other side; thence on the course of and along said line northeasterly to Delaware street, and continuing on the same course, crossing said street, and through lands of George or Wm. Mickle, to the middle of Woodbury creek aforesaid; thence up the middle of said creek to the place of beginning; and all the freemen, citizens of this state residing within the limits aforesaid, be and they are hereby ordained, constituted, and declared to be from time to time and forever hereafter, one body corporate and politic, in fact and in name, by the name of "the Borough of Woodbury."

Officers of borough.

2. *And be it enacted*, That there be, and forever hereafter shall be, in and for the said borough, one mayor, six councilmen, one borough clerk, one treasurer, one marshal, one assessor, and one collector.

Meetings of city council.

3. *And be it enacted*, That the mayor and councilmen of said borough, who shall be residents of said borough, shall constitute a common council of said borough, and shall hold an annual meeting in said borough on the fourth Wednesday of March yearly, and every year, and such other meetings as they shall by ordinance 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 councilmen shall appoint one of their number to preside pro tempore; and when met shall have power to make and adopt 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 to do and perform all such other acts and things as are provided for and

warranted by this act ; and that four members shall constitute a quorum of said council.

4. *And be it enacted*, That an election by ballot shall be held annually on the third Wednesday in March, in said borough, at such place as the common council shall appoint, of which the said council shall cause public notice to be given by advertising the same two weeks in a newspaper published in said borough, or to set up such notice, either printed or written, in five of the most public places in said borough, at least two weeks previous to the day of such election ; and in default of such notice the election shall be held at the place where the last annual election was held, at which election one mayor, six councilmen, one borough clerk, one treasurer, one marshal, one assessor, one collector, and three commissioners of appeals in cases of taxation ; shall be annually chosen in said borough from among the citizens residing therein, and entitled to vote at such election, which said several officers shall hold their respective offices for one year, and until others shall be chosen and legally qualified in their stead ; the poll of such election shall be opened at nine o'clock in the morning and close at five in the afternoon ; two judges of election and one clerk of election shall be chosen from among and by a majority of the legal voters present, to be judges of said election, who shall conduct such elections in the same manner that elections for members of the General Assembly of the state of New Jersey are conducted, as nearly as may be, and at the close thereof shall count the votes cast for the several candidates, and shall make out and certify under their hands two certificates, one of which shall be filed and preserved by the clerk of election, and the other enclosed, sealed, and directed to the common council of said borough, and within five days delivered, sealed as aforesaid, to the borough clerk, who shall lay the same before the common council at their first annual meeting thereafter ; and the said council shall, at said meeting, 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 above mentioned several offices, the result of said canvass to be entered upon the

Election of officers of corporation.

minutes of said council, and a certificate thereof shall be filed by the borough clerk.

Vacancies,
how supplied.

5. *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 mentioned in the preceding section of 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, and be entitled to the like compensation, and be subject to the like responsibilities and penalties as if elected at the annual election aforesaid.

Duties and
powers of
officers.

6. *And be it enacted*, That the assessor, collector, judges and clerk of election, as aforesaid, shall respectively possess the powers and perform the duties, and be entitled to receive the same fees and emoluments, and be liable to the same penalties of the like officer of any township of the county of Gloucester, to the same extent and in the same manner in all respects as if the said borough was constituted a separate township of the county of Gloucester, as far as such powers and duties shall be consistent with this act, and that the members of the common council of said borough, 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.

Officers to
take oath.

7. *And be it enacted*, That all officers appointed under this act shall, before they take upon themselves the execution of their several offices, take and subscribe on oath or affirmation before the common council of said borough, who are hereby authorized to administer the same, faithfully and impartially to execute the trust reposed in them, according to the best of their abilities and understanding, and that the first officers elected under this act, shall be installed by the administration of said oath or affirmation by any justice of the peace of the county of Gloucester; said oath or affirmation shall be filed by the clerk of said borough.

8. *And be it enacted*, That the assessor of said borough shall,

by the direction of the common council, assess upon the persons and property within the said borough, and the collector of the said borough shall collect the taxes required to be assessed and collected for the use of said borough, in the same manner and within the same time as the assessors and collectors of the township of Deptford, in the county of Gloucester, are or may be required to assess and collect the ordinary taxes.

9. *And be it enacted*, That the treasurer of the borough, and the collector and marshal elected or appointed as aforesaid, before they enter upon the execution or duties of their respective offices, or be qualified to serve, shall repair to common council, and shall severally execute their several bonds to the borough of Woodbury, in such sums and with such freeholders as security as the common council shall direct, prescribe and approve, conditioned for the true and faithful performance of all the duties of their offices respectively; the bond of the marshal shall be made to conform to the form prescribed by the first section of the act entitled "An act respecting constables," approved April sixteenth, eighteen hundred and forty-six, for constables of the townships of this state, as near as may be, making such alterations as may be necessary to make it conform to the borough of Woodbury, which said bonds, after the same shall be approved by the common council, shall be delivered to the clerk of the borough, who is required and directed hereby to file the same in his office, and may be sued and prosecuted as the bonds of the like officers of this state are or may be sued and prosecuted. Certain officers to give bond.

10. *And be it enacted*, That it shall and may be lawful for the common council or a majority of them in council assembled, to pass such ordinances as they shall judge proper for regulating, cleaning and keeping in repair the streets, highways, lanes and sidewalks of said borough, and preventing and removing all obstructions or encroachments in or upon the same; *provided*, that nothing herein contained shall authorize the said common council to have any control over or in anywise to interfere with the laying or constructing of any railroad that shall be hereafter laid or constructed within the limits of said borough, under the authority of any law of this state, or to City council to regulate streets Proviso.

disturb the existing grades of the middle or graveled part of the road within said borough, upon which turnpikes have been laid ; 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 borough, not repugnant to the laws of the state or the United States, as they may consider calculated to promote the welfare, prosperity, good order and government of said borough and the inhabitants thereof, a copy of which laws and ordinances shall be published six weeks in a newspaper published in said borough, or set up in five public places in said borough.

Powers and
powers of
marshal.

11. *And be it enacted*, That the marshal of said borough is hereby empowered to arrest and take into custody, without warrant, any offenders against the laws and ordinances of said borough, or any person or persons disturbing the peace and quietness of said borough, and to carry such offenders immediately before the mayor, who is hereby empowered to take cognizance of such offences, and that the said marshal shall have all the powers within the said borough, of any constable of said county, and shall be entitled to receive the same fees as constables, in all cases where a constable is entitled to receive fees.

Jailer of Gloucester county
to keep prisoners.

12. *And be it enacted*, That the jailor of the county of Gloucester, for the time being, shall receive and safely keep all such offenders as shall be committed to the jail of the county of Gloucester by the mayor of said borough, 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 Gloucester.

Records of ordinance to be
received as
evidence.

13. *And be it enacted*, That the book of record of the ordinances and by-laws of the said borough shall be taken and received as evidence of the due passage by the borough council of all the ordinances and by-laws recorded therein, and further, that the publication, by authority of the borough council, of their ordinances and by-laws, 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 according to law, shall in all cases be presumed to have been made, until the contrary shall be made to appear.

14. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact, to which issue the borough of Woodbury shall be a party, or in which the said borough is interested, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant, freeholder or freeman of said borough.

Inhabitants not incompetent witnesses in trials when city is a party.

15. *And be it enacted*, That it shall be lawful for the common council to order the raising, and cause to be raised by tax from year to year, such sum or sums of money as they shall deem expedient, to defray the expenses of carrying into effect the laws and ordinances from time to time enacted by the said common council, and for defraying all other expenses authorized by said council, and it shall be lawful for the said council to borrow money from time to time, in the corporate name of said borough, for all purposes for which they are authorized by this act to raise money by tax, and to secure the payment thereof by bond, note, or other instrument of writing, under the common seal of the borough, and the signature of the mayor; *provided*, that no loan shall be made without the concurrence of at least a majority of the common council, and there shall not be a greater sum than five hundred dollars raised by loan in any one year, and that the said borough shall not owe over one thousand dollars at any one time.

Common council authorized to raise money by tax.

Proviso.

16. *And be it enacted*, That all assessments made by the assessor of said borough shall be made in accordance with law regulating the assessors of the county of Gloucester.

Assessment of taxes.

17. *And be it enacted*, That the mayor of said borough shall be and he is hereby clothed with the same powers as justices of the peace of the state of New Jersey, and entitled to receive the same fees which a justice of the peace is entitled to receive, but he shall receive no other compensation for his services as mayor of said borough, and that all the officers and agents of said borough shall receive such compensation for

Compensation to officers.

their services as the common council shall deem to be reasonable and proper.

Common
council au-
thorized to
open streets.

18. *And be it enacted,* That the common council of said borough shall have power to lay out and open any street, highway or alley, or vacate, alter, open or widen any street or alleys already laid out whenever they shall judge the public good requires the same to be done; and shall have exclusive control over all the highways, streets, roads and alleys of said borough, except as is otherwise provided in the tenth section of this act, and shall have power to compel the owners of real estate in said borough, or in such parts thereof as they shall by ordinance direct, to pave, grade, gravel, flag and curb the sidewalks along and opposite to such owner or owners' property, and may order and direct the same to be done, and may appoint one or more discreet persons to superintend the said work, and prescribe the manner in which the same shall be performed, and to enforce such ordinances and regulations concerning the same, by enacting fines and penalties for not complying therewith, and that the borough council shall appoint three disinterested persons, who shall estimate the value of the lands so taken, a majority of whom shall decide upon the value and report to the borough council, who shall proceed to vote upon the said valuation, and if the borough council shall decide it just, the borough shall pay for the same by regular assessment; if not, new commissioners shall be appointed until the same is decided.

Council
to grant li-
censes, &c.

19. *And be it enacted,* That the common council of the borough of Woodbury, when assembled, by a majority of votes, shall have the sole and exclusively right and 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 borough, which said power of licensing the said common council may by ordinance delegate to the mayor of the said borough; and any such license may be granted on such terms, and under and subject to such limitations and restrictions as the said common council may by ordinance prescribe; and all money which may be derived from granting any such

license, shall go to and for the use of the said borough ; and if any person or persons shall exhibit or be concerned in exhibiting, or cause to be exhibited within the borough any matter or thing hereinbefore specified, without having first obtained 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, eighteen hundred and forty-six, or under and by virtue of the act entitled "An Act to regulate the exhibition of beasts or animals," approved April fifteenth, eighteen 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.

20. *And be it enacted*, That it shall be the duty of the borough treasurer, once in each year, to make out a statement of all moneys received and paid out during the year, showing the source from whence received, and to what applied, the amount of indebtedness of the borough, and the balance of funds, if any, in his hands, which statement shall be filed in the office of the clerk of the borough at least twenty days before the next annual election for borough officers, and the borough council shall cause a copy of the same to be published in said borough, or to be set up in five public places in said borough, at least two weeks previous to such election.

Treasurer to
make annual
statement.

21. *And be it enacted*, That all lands in the borough which are now or may hereafter be denominated or held as farm lands, and not for building purposes, shall be valued and taxed as farm lands, the same as they are now or may be hereafter taxed for township purposes.

Farm lands
how taxed.

22. *And be it enacted*, That this act shall be submitted to the legal voters, residing within the limits defined in the first section of this bill, for their approval or disapproval, on the fourth Wednesday of March, one thousand eight hundred and fifty-four, at an election to be held in the court house in Woodbury, on said day ; which election shall be conducted in all respects, in the same manner, (except as is herein otherwise provided,) as is now directed by the laws of this state to regulate elections ; *provided*, that the publication of a copy of this

Act to be sub-
mitted to legal
voters.

act, in the Constitution, a newspaper printed and published in Woodbury, in the number of said paper issued next before the said day of election, shall be deemed sufficient notice of said election.

Election, how
conducted.

23. *And be it enacted*, That for the purpose of holding and conducting the said election provided for in the preceding section of this act, it shall be lawful for the legal voters who shall be present at the said time and place of holding said election, at the hour of nine o'clock in the forenoon of that day, to select from among themselves two judges and one clerk, who shall constitute the board of election, and shall be invested with the same powers, subject to the same provisions, and who shall perform the same duties, as far as the same are necessary for the purposes of this act, as are provided for and required by the act to regulate elections.

Description of
ballots.

24. *And be it enacted*, That at the said election, a ballot box shall be kept by the said judges thereof, for receiving the votes cast for and against the adoption of this act, and on the ballots shall be written or printed, or partly written and partly printed, the words, "Adoption of the act to incorporate the borough of Woodbury—yes;" or the words, "Adoption of the act to incorporate the borough of Woodbury—no;" or words of the like import.

Statement of
result to be
made.

25. *And be it enacted*, That as soon as the board of election shall have estimated and canvassed the votes received, in the manner required by law, they shall audibly and publicly announce the result thereof, particularly the number of names on the poll-book, the number of votes given for the adoption of the said act, and the number of votes given against the same; and they shall also make a statement of the result of said election in writing, certified under their hands, which statement shall set forth—

The whole number of names on the poll-list;

The whole number of ballots rejected;

The number of votes given for the adoption of the said act; and

The number of votes given against the same;

And shall be filed by the said board within three days after said election, in the office of the clerk of the county of Gloucester, there to remain of record.

26. *And be it enacted*, That if it shall appear from said estimate and statement that a majority of the votes have been given in favor of the adoption of the said act, in that case this act shall take effect on the Monday next subsequent to the said day of election, but if it shall appear that a majority of the said votes have been given against the adoption of the said act, then, in that case, this act shall take effect on the first Wednesday in March, eighteen hundred and fifty-five. Act when to take effect.

27. *And be it enacted*, That the first election under this act First election. shall be held on the first Wednesday in April next, after the day upon which this act shall, by the provisions of the preceding section of this act, take effect; which election shall be held at the same place, and for the same purposes, and shall be conducted in the same manner as is hereinbefore provided for the holding and conducting of the annual elections for officers in the said borough; and the officers elected thereat shall hold their offices until the first annual election thereafter, and until others shall be chosen in their stead; *provided always*, Proviso. that the like notice shall be given of the said election, as is required by the twenty-second section of this act, to be given of the election for the approval or disapproval of the same.

Approved March 10, 1854.

CHAPTER CXXV.

AN ACT to annex part of the township of Pemberton, in the county of Burlington, to the township of Westhampton, in said county.

1. BE IT ENACTED *by the Senate and General Assembly of* Boundaries of part annexed. *the State of New Jersey*, That all that part of the township of Pemberton, in the county of Burlington, included in the follow-

ing boundaries, to wit: beginning at Ewans' school house, (which stands on the main north road leading from Mount Holly to Pemberton, and where the same is intersected by the road leading from the Monmouth road to Vincentown,) and running thence along the middle of said last mentioned road until it strikes the north branch of the Rancocas creek; thence down the middle of said creek to where the public road from Jacksonville crosses the same near Shreveville; thence northwardly along the middle of said public road to where it intersects the line of the township of Springfield; thence along the line between the townships of Springfield and Pemberton, until it intersects the aforesaid road leading from the Monmouth road to Vincentown; thence southerly along the middle of said public road to the place of beginning, shall be and is hereby set off and annexed to the township of Westhampton, in said county.

Committees
to allot and
divide prop-
erty.

2. *And be it enacted*, That the township committees of the townships of Westhampton and Pemberton shall meet on the second Monday after the next annual town meeting in said townships, at the inn of Joseph J. Reeves, at Pemberton, in the township of Pemberton, at ten o'clock in the forenoon, and then and there by writing, signed by a majority of those present, allot and divide between the townships of Westhampton and Pemberton all property and moneys on hand or due, in proportion to the taxable property and rateables as valued and assessed by the assessor of the township of Pemberton, at the last annual assessment; and the inhabitants of the township of Westhampton shall be liable to pay their just proportion of debts, if any there be; and said township committees shall have power to adjourn from time to time, and to such place as they shall think proper; and their decision, or the decision of a majority of them, shall be final and conclusive.

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

Approved March 10, 1854.

CHAPTER CXXVI.

AN ACT to incorporate the "American Brass Band, No. One, of Camden."

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of corporators.} *the State of New Jersey,* That Richard G. Camp, Hiram Harding, Seth H. Browning, John M. Phillips, Van T. Shivers, Timothy C. Moore, Samuel H. Jenkins, Alexander T. Francisco, John R. White, Edward L. Garven, William Osgood, Samuel P. Cooper, Joseph P. Ross, Edmund G. Jackson, Thomas Taylor, Wesley P. Murray, George Fenner, and all such persons as now are, or hereafter shall become associates of the "American Brass Band, Number One, of Camden," be and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The American Brass Band, Number One, of Camden," and by such name they shall have succession and be persons in law, capable ^{General powers.} of 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 shall have power to make, change, and alter the same at their pleasure; 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 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 the United States, as they shall think proper.

2. *And be it enacted,* That the capital stock of said band ^{Amount of capital stock.} shall not exceed the sum of ten thousand dollars, which shall be solely and exclusively applied to procuring musical instruments, music, and for the building of a suitable place for the meetings of the band, and to such other incidental expenses as shall appear best calculated for the benefit of said band.

Officers of
corporation.

3. *And be it enacted*, That the said band 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 that the said president shall keep in his custody the common seal of the band, 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 band.

Limitation.

4. *And be it enacted*, That this act shall continue in force twenty 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.

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

Approved March 10, 1854.

CHAPTER CXXVII.

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

Limits of asso-
ciation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the limits of the Paterson Fire Association be and the same are hereby extended so as to include the whole of the territory now embraced within the city of Paterson, or that which may be hereafter included within said city.

Collectors of
fire taxes.

2. *And be it enacted*, That the board of fire-wardens of the Paterson Fire Association, be and they are hereby authorized

and required to appoint some proper person residing in the city of Paterson, collector, who shall be designated the collector of fire taxes; and all warrants hereafter issued by any justice in the city of Paterson by virtue of the act and the supplements to the act to which this is a further supplement, shall be delivered to the collector who shall have been appointed as aforesaid and to no other person.

3. *And be it enacted*, That every collector who shall have been appointed in pursuance of the provision in the preceding section, shall, before he enters upon the duties of his office, and within five days after he shall have received notice of his appointment by the board of wardens, enter into bond to "the Paterson Fire Association," with two or more good and sufficient freeholders as securities to be approved of by said board, in a sum not less than the whole amount which he shall be required to collect, conditioned that the said collector shall and will well and faithfully discharge and perform all the duties required of a constable or constables by the act and the supplements to the act to which this is a further supplement. Collectors to give bonds.

4. *And be it enacted*, That the powers, duties, privileges, liabilities, penalties, and fees that were heretofore vested in, given or granted to, enjoined and imposed upon and provided for or against any constable or constables by virtue of the said act and supplements thereto, be and the same are hereby vested in, given or granted to, enjoined and imposed upon, and provided for and against each collector hereafter appointed as hereinbefore provided for. Powers, duties, &c., of collectors.

5. *And be it enacted*, That so much of the aforesaid act and the supplements thereto, as contravene the provisions of this act, be and the same are hereby repealed. Part of former act repealed.

6. *And be it enacted*, That the president of said association shall file a true and correct list of all the members of each fire company in said city, within twenty days after his election, in the office of the clerk of the county, under a penalty of one hundred dollars for the neglect of such duty, and which said penalty may be recovered from such president in an action of debt in the name of the city of Paterson for the benefit of said city. List of members to be filed

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

Approved March 10, 1854.

CHAPTER CXXVIII.

AN ACT supplementary to the act entitled a supplement to an act entitled an act for the preservation of sheep, approved April fourteenth, eighteen hundred and forty-six.

Part of former
act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is supplementary, so far as relates to the township of Hardwick, in the county of Warren, be and the same is hereby repealed.

Act when to
take effect.

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

Approved March 10, 1854.

CHAPTER CXXIX.

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

Township offi-
cers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Lodi, in the county of Bergen, authorized by law to vote at

town meetings, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are now or may hereafter be fixed by law; that is, a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highway, three commissioners of appeal, one or two overseers of the poor, as many overseers of the highway as there are road districts, a town committee consisting of five persons, a superintendent of common schools, as many justices of the peace as the township may be constitutionally entitled to elect, one or more constables, one or more poundkeepers; and shall also, upon the same ballot, vote for the amount of money to be raised for the support of the poor, for school purposes, for the repairing of roads and for the place of holding the next annual town meeting, and the election of state and county officers.

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

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

4. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officers, or to fix the place of holding the town meetings or the state and county elections, but a majority Vacancies.

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

Clerk to keep minutes.

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

Overseer of the poor to make annual report.

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

Compensation to officers.

7. *And be it enacted*, That the reports of the town committee and the overseers of the poor shall be filed and preserved by the town committee; in posting up the list of officers elected, as required by law, the clerk shall add thereto the results of the election in other particulars; the first election under the act shall be held at the place appointed at the last town meeting, unless otherwise changed; and all special town meetings at the place of holding the last preceding annual town meet-

ing; the same ballot box shall be used at the town meetings, and provided by the clerk, which is used at the state and county elections; the judge of election and clerk shall receive the same compensation for attending any town meeting, as for attending a state or county election, and the town committee shall allow the clerk such compensation for additional duties required by this act, as they may deem reasonable.

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

Approved March 15, 1854.

CHAPTER CXXX.

A supplement to an act entitled "An act to incorporate the Newark and Clinton Plank Road Company.

1. BE IT ENACTED *by the Senate and General Assembly of* Amount of capital stock. *the State of New Jersey*, That the capital stock of said corporation shall be twelve thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal estate and shall be transferable in such a manner as the by-laws of said corporation shall direct; and that said corporation may increase the capital stock to any sum not exceeding twenty-five thousand dollars.

2. *And be it enacted*, That Samuel Baldwin, William G. Lord, Daniel Pierson, Enos Freeman, Samuel H. Gardner, William Hickok and Abraham H. Sherman, or a majority of them, shall be commissioners to receive subscriptions. Commissioners to receive subscriptions. 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 at least ten days' notice of such times and places in two or more of the newspapers published

at Newark; 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 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 at such times and in such amounts, by instalments, as by the act to which this is a supplement is directed.

Election of
directors.

3. *And be it enacted*, That when there shall be two hundred and forty shares of the said stock subscribed, and twelve hundred dollars paid in as above directed, the said commissioners, or a majority of them, shall give public notice for ten days in two or more newspapers of said city of Newark, 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, when so met, shall proceed to elect by ballot, from among the stockholders, thirteen directors, who shall be citizens and residents of this state, and hold their offices for one year, and until others are elected; and each stockholder at such election and at all future elections of said corporation, shall have one vote for each share he, she or they shall own, not exceeding five shares; and for every three shares above five, one vote, and that such stockholders may vote at any election by proxy duly authorized for that purpose.

Election of di-
rectors.

4. *And be it enacted*, That the said company may demand and receive tolls for 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, | two cents. |
| For every additional beast, | one cent. |
| For every horse and rider, or led horse or mule, | one cent. |
| For every dozen of calves, sheep or hogs, and so in proportion for a greater or less number, | one cent. |

Part of former
act repealed.

5. *And be it enacted*, That the second, third, fourth and

sixteenth sections of the act to which this is a supplement, and so much of the ninth section as is inconsistent with this act, be and the same are hereby repealed.

Approved March 15, 1854.

CHAPTER CXXXI.

AN ACT to authorize the trustees of the 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.

WHEREAS, a certain lot of land, situate at the corner of Sixth and Market streets, in the city of Camden, has heretofore been given or bequeathed, for the purpose of erecting a school house thereon; and whereas, the building known as the Camden Academy has been erected thereon by voluntary subscription; and whereas, the donors of said land, and the subscribers to the funds for the erection of said building, have, with few exceptions, departed this life, and the objects which they had in view in a great degree been frustrated; and whereas, it is considered that the same may be best promoted by securing said lot of land, and the building thereon, for the occupancy of the public schools of the city of Camden,

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the acting trustee or trustees, or persons having the control or possession of the lot of land and school house mentioned in the preamble to this act, be and they are hereby authorized and empowered, in their discretion, to make, execute and deliver a deed of conveyance for said lot of land and premises to the Board of Education of the city of Camden, which deed of conveyance shall vest in the said board a good and valid title to said real estate, as against said acting

Preamble.
Trustees authorized to make deed.

trustee or trustees, or any persons claiming title to the said premises, so long as the same are used by the said board exclusively for the purpose of education; and the said acting trustee or trustees are hereby further authorized and required to pay over to the said board of education all moneys which may come into their hands as such trustees, previous to the delivery of the aforesaid conveyance, to be expended by the said board in the erection of an academy or school house upon said real estate, or to be invested, and the interest thereof appropriated towards the maintenance of a public school in the aforesaid Camden Academy.

Approved March 15, 1854.

CHAPTER CXXXII.

AN ACT to incorporate the Absecom Beach Wharf and Building Association.

Preamble

WHEREAS, it is represented that Robert Barclay Leeds, Thomas Chalkly Leeds, Daniel J. Rhoads, and others, their associates, are owners of lands situated on Absecom Inlet and Beach, on Absecom Island, and have contracted to purchase other lands in the county of Atlantic, which they intend to divide into suitable building and other lots, and sell and dispose of the same for the benefit of the association, with the object as well of erecting wharves, slips, and other structures, as also improving the said property; and whereas, it is necessary for the success of the undertaking of the said associates that they shall be able to convey the said premises from time to time to such as may be desirous to purchase, notwithstanding death or other cause affecting the individuals owning, or who may own, the said lands; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of incor-}
the State of New Jersey, That Robert Barclay Leeds, Thomas
 Chalkly Leeds, Daniel J. Rhoads, Jacob Frick, John P. Rhoads,
 Ezra Cordray, and John H. Frick, their associates and all other
 persons who shall become subscribers to the capital stock hereby
 created, and their successors, shall be and they are hereby
 created a corporation and body politic and corporate, by the
 name of the Absecom Beach Wharf and Building Association.

2. *And be it enacted*, That the capital stock of the said ^{Amount of}
 company shall be seventy-five thousand dollars, with the liberty ^{capital stock.}
 to the said company to increase the same to one hundred thou-
 sand dollars, divided into shares of one hundred dollars each,
 which shall be subscribed and paid at such time and in such
 manner, in such instalments, and upon such notice as the di-
 rectors of said company by their by-laws or otherwise may di-
 rect and appoint; and in case of failure by any of the stock-
 holders to pay his or her instalments at the time and place
 appointed for the payment thereof, or within thirty days there-
 after, such stockholders shall incur a forfeiture of his or her
 share or shares, and all previous payments thereon, for the use
 of the company.

3. *And be it enacted*, That the capital stock of the said com- ^{Stock trans-}
 pany shall be deemed personal property, and the said shares ^{ferable.}
 shall be transferable only on the books of the company, in such
 manner as the board of directors by the by-laws may direct,
 and every share of said stock shall entitle the holder to one
 vote, either in person or by proxy.

4. *And be it enacted*, That the affairs of the said company ^{Election of di-}
 shall be managed by seven directors, to be chosen by the ^{rectors}
 stockholders of said company annually, at such time and in
 such manner as by the by-laws of the said company may be di-
 rected, who shall serve for one year, and until others shall be
 chosen in their stead, notice of which election shall be pre-
 viously given for two weeks at least, in some newspaper pub-
 lished in the city of Camden; the said directors shall from
 time to time elect a president from their body, and shall also
 elect and employ such other officers as may be convenient and
 necessary, and make such by-laws as they may deem necessary,

not inconsistent with the constitution and laws of this state, or of the United States.

First directors 5. *And be it enacted*, That Robert Barclay Leeds, Thomas Chalkley Leeds, Daniel J. Rhoads, Jacob Frick, John P. Rhoads, Ezra Cordray, and John H. Frick, shall be the first directors of said company, who, or a majority of them shall, as soon as convenient after the passage of this act, assemble and organize said company, and shall continue until others, as hereinbefore directed, shall be chosen in their stead.

Company authorized to receive conveyances of land. 6. *And be it enacted*, That so soon as the said company shall be organized, it shall be authorized to receive conveyances of the lands now owned as aforesaid, or which have been contracted for as aforesaid, and which it is intended to appropriate as aforesaid, from the owners of the same respectively, the said lands to be conveyed to the said company by its corporate name; and the said company are hereby authorized to build suitable wharves and landings at Absecom Inlet, and erect store houses, cottage buildings and other structures, and from time to time to sell and convey the said premises and improvements to such purchasers as may desire to purchase the same respectively.

Act may be repealed, &c. 7. *And be it enacted*, That this act shall not continue in force longer than twenty years, and the legislature may alter, modify and repeal the same whenever in their opinion the public good requires it.

Approved March 15, 1854.

CHAPTER CXXXIII.

AN ACT to incorporate the Fire Department of the township of Hoboken, in the county of Hudson.

Style of incorporation. 1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the male inhabitants of the

township of Hoboken, in the county of Hudson, between the ages of twenty-one and fifty-five years, be and are hereby created and declared to be a body politic and corporate, under the name and style of "The Fire Department of the township of Hoboken, in the county of Hudson."

2. *And be it enacted*, That the said inhabitants shall have power at any time hereafter to form such and so many fire engines, hose, hook and ladder companies, as they may deem desirable for the purpose of protecting the property of said township from damage or destruction by fire; *provided*, not more than one fire engine company be formed to every three thousand inhabitants of said township, and that every such company be composed of not more than fifty men; *and provided, also*, not more than one hook and ladder, or hose company be formed to every six thousand of said inhabitants, each to be composed of not more than twenty-five members.

3. *And be it enacted*, That the legal voters of said township shall, on the second Monday in April next, at the annual town meetings of said township, and annually thereafter elect, by plurality of votes, seven persons, as trustees of the corporation hereby created, who shall hold their office for the term of one year, and until others are chosen in their stead; and that the present trustees, elected under an act entitled "An act to incorporate Hoboken Fire Company, Number One," approved February twenty-eight, one thousand eight hundred and forty-nine, shall be the trustees of this corporation, until the first trustees are elected under this act, and the said trustees now elected, or hereafter to be elected, by a majority of their number shall have power to grant, or annul, a certificate of membership of either of said fire engine, hook and ladder, or hose companies, and that such certificate shall be necessary to constitute membership of any such company; no certificate shall be given at any time to honorary members.

4. *And be it enacted*, That the estate, both real and personal, now belonging to the corporation created by the act in the last section referred to, or hereafter to be acquired under this act, is hereby vested in the said trustees and their successors, in trust, always for the benefit of the said corporation

hereby created ; the said trustees may from time to time make and enforce such by-laws and regulations for the acquisition, management and control in furtherance of the objects of this incorporation, as they shall deem expedient ; *provided*, the same are not inconsistent with the constitution and laws of the United States or of this state ; a majority of said trustees shall constitute a quorum for the transaction of business.

Proviso.

Tax may be raised.

5. *And be it enacted*, That the inhabitants of the township of Hoboken aforesaid, be and they are hereby authorized at their annual town meeting to vote for, assess and collect, in the same manner that the other taxes of said township are voted for, assessed and collected, any sum of money not exceeding twenty-five hundred dollars annually, which money, when collected, shall be paid over by the collector of said township to the chairman of said board of trustees, and take his receipt for the same, as a sufficient voucher, which money shall be solely and exclusively applied by the said trustees to the procuring, repairing, maintaining and preserving the engines, engine houses, cisterns or reservoirs of water, ladders, buckets, fire hooks, and all necessary implements and machines, and to the purchase of real estate necessary for such houses, and to such other incidental expenses as shall to the said trustees appear best calculated to secure the property of said inhabitants from injury or destruction by fire.

General powers.

6. *And be it enacted*, That the said corporation shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever, and may have and use a common seal, and have power to make and alter the same at pleasure, and by their common seal may make, enter into and execute any contract or agreement, touching and concerning the objects of said corporation.

Election of chief engineer

7. *And be it enacted*, That duly constituted members of said department (of which the present members of said Hoboken Fire Company, Number One, duly commissioned, shall be members during the continuance of their present commission,) shall have power to elect, by plurality of votes, a chief engineer of said department, who shall hold his office for one year,

and until another shall have been chosen to succeed him, his election having first been confirmed by a majority of said trustees; *provided*, he may at any time be removed, if desired by ^{Proviso.} two-thirds of such members, in which case and upon the request of two-thirds of said members, a new election shall be held to supply his place.

8. *And be it enacted*, That vacancies in the said board of ^{Vacancies.} trustees, occasioned by death, removal, or refusal to serve, shall be filled by the remaining trustees.

9. *And be it enacted*, That all persons, during the period of their actual membership of either of the companies organized ^{Firemen exempted from jury duty.} in and by the said department, shall be exempt from serving as jurors in all courts of Hudson county, and also from all militia duty and military tax in time of peace; and all persons having served as a member of said department for the period of ten years, and having received a certificate from said trustees of such service, shall be forever exempt from such duty and tax in said county.

10. *And be it enacted*, That the said act entitled "An act to incorporate Hoboken Fire Company, Number One," and an act entitled supplement to an act entitled "An act to divide the township of North Bergen, in the county of Hudson, and to establish in said county a new township, to be called the township of Hoboken," approved March eighteenth, eighteen hundred and fifty-two, and all other acts or parts of acts inconsistent with this act, be and the same are hereby repealed. ^{Former acts repealed.}

11. *And be it enacted*, That the president of said trustees shall file a true and correct list of all the members of each fire company in said township, within twenty days after his election, in the office of the clerk of the county, under a penalty of one hundred dollars for neglect of such duty, and which said penalty may be recovered from such president in action of debt in the name of the township of Hoboken, for the benefit of said township. ^{List of members to be filed}

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

Approved March 15, 1854.

CHAPTER CXXXIV.

AN ACT to incorporate the Point Breeze Ferry and Improvement Company.

Preamble.

WHEREAS, Jacob M. Merseles and others, his associates, now own certain tracts of land in the township of South Bergen, in the county of Hudson, which they intend to divide into suitable building and other lots, and to lay out parks therein, and to use, sell and dispose of the same, and to establish a ferry from Point Breeze to the city of New York—therefore,

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob M. Merseles, Joseph W. Hancox, Stephen Vreeland, Cortland Smith, and Thomas Anderson, and such other persons as they may associate with them, and their successors, shall be, and they are hereby incorporated and made a body corporate and politic, in fact and in law, by the name of “the Point Breeze Ferry and Improvement Company.”

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be two hundred thousand dollars, divided into shares of one hundred dollars each, which shall be subscribed and paid in at such times, upon such notice, and in such manner and instalments, as the directors of the said company, by their by-laws or otherwise, may direct; that such payment shall be made either in money or in land situated in the county of Hudson, contiguous to the tracts above mentioned; and in case such payment shall be made in land, the value of said land shall be appraised by the said board of directors; and in case of the failure of any stockholder to pay his or her instalments at the place and within thirty days of the time appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her share or shares, and of all previous payments thereon, for the use of said company.

Shares transferable.

3. *And be it enacted*, That the capital stock of the said com-

pany shall be deemed personal property ; and the said shares shall be transferable only on the books of the company, in such manner as the board of directors, by by-laws, may direct ; and every share shall entitle the holder to one vote, either in person or by proxy.

4. *And be it enacted*, That the affairs of the company shall be managed by five directors, to be chosen by the stockholders annually, at such time and in such manner as the by-laws of the company may direct, who shall serve for one year and until others are chosen in their stead, notice of which said election shall be previously given for two weeks in a newspaper published in the county of Hudson ; the said directors shall, from time to time, elect a president from their number, and shall also elect and employ such other officers as may be convenient or necessary, who shall receive such compensation as the by-laws may direct. ^{Annual election of directors.}

5. *And be it enacted*, That Jacob M. Merseles, Joseph W. Hancox, Stephen Vreeland, Cortland Smith, and Thomas Anderson, shall be the first directors of the said company, a majority of whom shall, as soon as convenient after the passage of this act, assemble and organize such company, and shall continue in office until others, as hereinbefore directed, shall be chosen in their stead. ^{First directors}

6. *And be it enacted*, That the said company be, and they are hereby authorized to receive conveyances of the land now owned as aforesaid, and to execute all instruments and conveyances necessary in the purchase and sale of such property, and to purchase and hold, sell and dispose of, any lands adjoining or near the above mentioned tracts, not exceeding in amount one hundred and fifty acres, which they may deem necessary to improve or enlarge the said property, and to pay for all lands with the shares of its capital stock, at not less than par value ; and the said company are hereby authorized to improve all said lands held or purchased by them, by erecting buildings, laying out said land into lots, streets, lanes, alleys, squares, parks, or other divisions ; and to level, grade, raise, or tunnel said land, streets, lanes, or alleys, and to enclose such squares and parks, and to employ such other means as the directors ^{General powers.}

may deem necessary to prevent trespasses and injury to said squares or parks; and to construct all such docks, piers, wharves, bulkheads, ferry slips, and ferry houses, and such other improvements as they may deem necessary, in front of the said land so owned or occupied as aforesaid, sufficient for the accommodation of a ferry, as hereinafter authorized; *provided*, that in carrying out the provisions of this section, they shall not interfere with the navigation of the Hudson river or the legal rights and privileges of others; *and provided further*, that nothing in this act shall be construed to authorize or empower said company to make any improvement, of any description whatsoever, in front of any land on the shore to which they shall not have acquired the title previously to the commencement of such improvements; *and provided further*, that the said company shall pay for the oysters planted, if any there may be, upon any land under water which they may improve under the provisions of this act, to such person or persons by whom they were planted, or shall give said parties at least one year's notice to remove the same; and in case the value of such oysters cannot be fixed and agreed upon by and between said persons, then, in that case, application may be made by either party to the court of common pleas of Hudson county for the appointment of three disinterested freeholders to appraise the same, whose report, under their hands made to such court, shall determine the value thereof.

Ferry authorized.

7. *And be it enacted*, That the said company are hereby authorized to establish a steam or other ferry between Point Breeze aforesaid and the city of New York, and to purchase and hold the necessary boats for the transportation of passengers and freight. The said company shall not charge more than six cents for each passenger, eighteen cents for each one-horse team, and thirty-seven cents for each two-horse team, conveyed on their boats; and the board of directors shall fix and establish such other rates of ferriage as may be reasonable and proper in their opinion.

Limitation.

8. *And be it enacted*, That this act shall continue in force twenty-five years; and the legislature may alter, amend, or

repeal the same, whenever, in their opinion, the public good may require.

Approved March 16, 1854.

CHAPTER CXXXV.

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 township of Union, in the said county of Bergen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to prevent horses, cattle, sheep and swine from running at large in the townships of Hackensack and Harrington, in the county of Bergen," approved February twelfth, eighteen hundred and fifty-two, and all the benefits and provisions of said act, be and the same are hereby extended to the township of Union, in the said county of Bergen.

Provisions of
former act ex-
tended.

Approved March 16, 1854.

CHAPTER CXXXVI.

AN ACT to prevent peddlers and auctioneers of goods, wares and merchandise, not the growth, product or manufacture of this state, from exercising their business in the township of Phillipsburg, in the county of Warren.

Peddlers not
to vend goods
in Phillips-
burg.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person being a non-resident of this state, shall follow, use or exercise the business or calling of a hawker, peddler, petty chapman or itinerant auctioneer, in the township of Phillipsburg, in the county of Warren, in this state, carrying, selling or exposing either at private or public sale, or delivering any goods, wares or merchandise not the growth, product or manufacture of this state.

Penalty for
vending goods

2. *And be it enacted*, That if any person, not a resident of this state, shall be found hawking, peddling or traveling from house to house, or place to place, to vend either at public or private sale, or to deliver any goods, wares or merchandise hereinbefore mentioned and described, such person shall forfeit the sum of twenty dollars for each offence, to be recovered in an action of debt, by any person who shall sue for the same, the one half to the prosecutor, who shall be a competent witness in such case, and the other half to the use of the state, before any justice of the peace of any of the counties in this state, with the costs of prosecution.

Former act
not to apply to
Phillipsburg.

3. *And be it enacted*, That the act entitled "An act relating to hawkers, peddlers and petty chapmen," approved April tenth, eighteen hundred and forty-six, shall not apply to the township of Phillipsburg in the county Warren.

Act not to ap-
ply to licenses
previously
granted.

4. *And be it enacted*, That this act shall not be so construed as to apply to any person or persons now licensed to peddle, or any person engaged in selling books in said state during the term of such license therein specified.

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

Approved March 16, 1854.

CHAPTER CXXXVII.

AN ACT to protect fish in waters of the Wallkill and its tributaries, in the county of Sussex, in this state.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Penalty for taking fish.} *the State of New Jersey*, That from and after the passage of this act, if any person or persons whatsoever, shall take, catch, kill, or otherwise destroy any fish in the waters of the Wallkill and its tributaries, within the boundaries of the county of Sussex, in this state, by means of any seine, pike net or other net, by setting the same in or across said Wallkill or its tributaries, there to remain stationary, every person or persons so offending shall forfeit and pay for each and every offence, the sum of ten dollars, to be recovered by action of debt in any court of competent jurisdiction, with costs of suit, by any person who shall prosecute for the same, the one moiety thereof to the use of the prosecutor, and the other moiety for the use of the poor, to be paid to the overseer of the poor of the township in which the offence was committed.

2. *And be it enacted*, That in any action or suit for the recovery of any forfeiture, fine or penalty, given or created in ^{Penalty, how recovered.} 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 where 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 nothing in this act contained shall be construed to prohibit the owners of lands lying along ^{Owners of land not prohibited.} said streams within the limits aforesaid, from setting any seine, pike net, or other net upon his or their own lands.

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

Approved March 16, 1854.

CHAPTER CXXXVIII.

A supplement to the act entitled "An act concerning promissory notes, inland bills of exchange, and notaries public," approved April sixteenth, eighteen hundred and forty-six.

Proceedings in
cases of notes
payable on fast
days, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where bills of exchange and promissory notes shall from and after the fourth day of July next, become due on any day appointed by the governor of this state for a day of solemn fast, or for a day of thanksgiving, or on Christmas day, or on the first day of January, or on the fourth day of July, the same shall be payable on the day next preceding such day of fast, or day of thanksgiving, or Christmas day, or the first day of January, or the fourth day of July, respectively; and in case of non-payment, may be noted and protested on such preceding day, and that as well in such cases as in the cases of bills of exchange and promissory notes becoming due and payable on the day preceding such day of fast, or day of thanksgiving, or Christmas day, or the first day of January, or the fourth day of July aforesaid; and it shall not be necessary for the holder or holders of such bills of exchange and promissory notes to give notice of the dishonor thereof until the day next after such day of fast, or day of thanksgiving, or Christmas day, or the first day of January, or the fourth day of July aforesaid; and that whensoever such day of fast, or day of thanksgiving, or Christmas day, or the first day of January, or the fourth day of July, shall be appointed or happen on Monday, it shall not be necessary for the holder or holders of such bills of exchange or promissory notes as shall be payable on the preceding Saturday, to give notice of the dishonor thereof, until the Tuesday next after such day of fast, or day of thanksgiving, or Christmas day, or the first day of January, or the fourth day of July, respectively; and that every such notice so given as aforesaid, shall be valid and effectual to all intents and purposes.

Approved March 16, 1854.

CHAPTER CXXXIX.

AN ACT to incorporate "the Eatontown Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Names of corporators.} *the State of New Jersey*, That John P. Lewis, Joseph E. White, Benjamin C. White, Gabriel West, Robert Wardell, Ethan A. Fay, Samuel Algor, John C. Edwards, Charles J. Videto, John B. Morris, Charles L. Little, William P. Lafetra, Joseph Richmond, Francis Corlies, Thomas P. Anderson, James Anderson, Charles Howeland, and D. and L. Parker, Thomas Curtis, Benjamin Wolcott, Longstreet Harvey, E. A. Fay, Junior, D. F. Wolcott, Benjamin B. Pearce, and A. D. Thompson, their associates and successors, are hereby constituted a body corporate and politic in law, by the name of "the Eatontown Manufacturing Company," for the purpose of manufacturing paper, and carrying on the business incident to such manufacture.

2. *And be it enacted*, That the said corporation may purchase and hold such real estate as may be required for the purposes of the said corporation, not exceeding in value the sum of ten thousand dollars, and may dispose of the same, and shall have all the powers enumerated and be subject to the liabilities contained in the act entitled "An act concerning incorporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same are applicable. ^{What real estate may be held.}

3. *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 reside in this state, who shall hold their offices for one year; and the said directors shall be chosen at an election to be held on the first Tuesday in May in every year, at such place as shall be directed by the by-laws of the said corporation; and public notice shall be given of such elections not less than ten days previous thereto, in one or more newspapers printed in the county wherein the manufactory of said company is located, and each ^{Election of directors.}

stockholder shall be entitled, in person or by proxy, to as many votes as he or she shall hold shares of the capital stock of said company; and the persons 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

Vacancies.

if it shall at any time happen that any vacancy or vacancies occur by death, resignation, or otherwise, 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, until other directors shall be

First directors

chosen by the stockholders; the first directors shall be Ethan A. Fay, William P. Lafetra, John C. Edwards, Samuel Algor, John P. Lewis, Charles L. Little, Charles J. Videto, and Joseph E. White, and the survivors or survivor of them, who shall hold their offices until the first Tuesday in May, eighteen hundred and fifty-five, or until others are legally chosen.

Amount of capital stock.

4. *And be it enacted*, That the capital stock of said company shall not exceed the sum of thirty thousand dollars, which shall be divided into shares of twenty-five dollars each; but as soon as the sum of eight thousand dollars of the said capital stock shall have been subscribed and paid in, it shall and may be lawful for the said company to commence business, and with that capital conduct and carry it on, until they shall deem it expedient to extend their operations; and it shall be

Payment of installments.

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, not exceeding five 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 notice of such call and demand shall have been published for the space of thirty days in one or more newspapers published in the county of Monmouth.

Subscription to stock.

5. *And be it enacted*, That the subscription for the said stock shall be open for any number of days not exceeding thirty,

under the direction of the board of directors, or such of them as shall be designated for that purpose.

6. *And be it enacted*, That in case it should at any time 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 dissolved, but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the by-laws of said corporation.

Corporation
not dissolved
for failure to
elect on day
prescribed.

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

Books of ac-
count to be
kept.

8. *And be it enacted*, That the stock of the said corporation shall be deemed personal estate, and be transferable in such manner as shall be prescribed by the by-laws of said corporation; *provided*, that no dividends shall be made among the stockholders, except out of the nett profits of the said corporation.

Transfers of
stock.

Proviso.

9. *And be it enacted*, That the said company may be dissolved at any general meeting of the stockholders, specially convened 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 survivors and survivor of them, shall be 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 interests in the stock, unless the stockholders representing at least one half the stock, at such general meeting, shall appoint other persons, not less than three nor more than five in number, for such purpose, in which case the persons so appointed, and the survivors or survivor of them, shall be trustee and trustees for the purpose aforesaid.

Company may
be dissolved.

Proviso.

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

Approved March 16, 1854.

CHAPTER CXL.

AN ACT to incorporate the New Jersey Paint Company.

Names of cor-
porators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George H. Nelden, Theodore F. Anderson, Luther Hill, Joseph N. Taylor, John McCarter, Junior, John Townsend, Daniel S. Anderson, John Linn and Andrew A. Smalley, their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic in fact and in law, by the name of "The New Jersey Paint Company," for the purpose of exploring for and mining minerals and ores, and cleansing and manufacturing the same, with power to lease, purchase, hold, mortgage and convey such mining rights, and real and personal estate as may by said corporation be deemed necessary and advantageous for the purposes aforesaid, 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.

General pow-
ers.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be three hundred thousand dollars, with the power to increase the same to five hundred thousand dollars, divided into shares of ten dollars each; and it shall be lawful for said company to grant certificates of shares in full, or part payment, for the real or personal estate and mining rights that

may be purchased or leased, and by the by-laws to compel the payment of instalments on the shares not deemed or declared full stock, not exceeding two dollars on a share at any one time, and on failure to pay any instalment, to forfeit the stock and all previous payments made thereon, giving at least thirty days' previous notice of such call and demand in a newspaper published in the county of Sussex, and in the cities of Newark and New York.

3. *And be it enacted*, That the property and affairs of this company shall be managed by nine directors, being stockholders, a majority of whom, together with the secretary, shall be residents of this state; and the secretary shall keep an office wherever the manufacturing business is carried on; the directors shall appoint a president from their own body, and shall have power to appoint such other officers and agents as may be necessary, and to make all needful by-laws not inconsistent with the laws of this state or of the United States; and the persons named in the first section of this act shall be the first directors to organize and manage the affairs of said company, and shall continue in office until the second Tuesday in May, eighteen hundred and fifty-five, and until others are chosen in their stead. Officers of corporation.

4. *And be it enacted*, That the election of directors shall be held on the second Tuesday of May, eighteen hundred and fifty-five, and on the second Tuesday of May in each year thereafter, at some convenient place in Newton, in the county of Sussex, or in the city of Newark, between the hours of twelve o'clock, noon, and three o'clock in the afternoon; all elections shall be by ballot, each share shall be entitled to one vote, and the vote may be in person or by proxy, and two weeks' previous notice shall be given in a newspaper published in each of the counties of Sussex and Essex; 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 shall be ordered in conformity to the by-laws of said corporation. Election of directors.

5. *And be it enacted*, That no transfer of the stock of said corporation shall be valid until registered in the transfer book. Transfer of stock.

of the said company, and no transfer shall be registered for fifteen days next before each election of directors, and no person shall be allowed to vote upon any stock unless the same has been transferred and registered in said book at least fifteen days before the election at which such person may offer to vote; and all the books of said corporation shall be open to the inspection of the stockholders.

Place of business.

6. *And be it enacted*, That the manufacture of paint may be carried on under the authority of this act in the counties of Sussex and Essex, in this state.

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

Approved March 16, 1854.

CHAPTER CXLI.

AN ACT authorizing Isaac Z. Peterson, Benjamin Acton, jr., Robert Newell, Richard C. Ballinger, Henry Freas, James M. Hannah, John Johnson and Alpheus Bilderback, to extend their wharf in front of their property, in the town of Salem, New Jersey.

Isaac Z. Peterson and others authorized to build dock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Isaac Z. Peterson, Benjamin Acton, jr., Robert Newell, Richard C. Ballinger, Henry Freas, James M. Hannah, John Johnson and Alpheus Bilderback, of the town and county of Salem, their heirs and assigns, to extend the wharf now being in front and at either end of their grain store at the foot of "Broadway," in Salem aforesaid, to such a distance as may be necessary to make it a good and sufficient landing place for vessels, and from time to time to rebuild and repair the same,

and to demand and receive wharfage therefor, from all persons using the same; *provided*, that in so doing they shall not interfere with the rights of other persons, or obstruct in anywise the navigation of Salem creek. Proviso.

2. *And be it enacted*, That if any person or persons shall in any way injure the said wharf, such person or persons shall be responsible therefor, and shall pay the amount of damage done, recoverable in any court having jurisdiction thereof. Penalty for injuring wharf.

Approved March 16, 1854.

CHAPTER CXLII.

AN ACT for the relief of school districts, numbers twelve, thirteen, seventeen and eighteen, in the township of Morris, in the county of Morris.

WHEREAS, school districts numbers twelve, thirteen, seventeen and eighteen, in the township of Morris, in the county of Morris, have by their request been consolidated into one union district, and contemplate the erection of a large and expensive building for educational purposes, within said district; and whereas, it is deemed essential, in order to secure the success of said enterprise, that said district shall have the power of electing more trustees than are permitted by the act entitled "An act to establish public schools;" therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the taxable inhabitants of said district, when assembled in pursuance of the provisions of the act entitled "An act to establish public schools," and the supplements thereto, to elect by a plurality of votes, nine discreet persons, residents and tax payers in said district, to be the trustees of said district for the year ensuing Election of trustees.

their election, three of whom shall be elected to hold their office for one year, three to hold their office for two years, and three to hold their office for three years, or until others are elected, and afterwards three trustees shall be elected at each annual meeting, to hold their office for three years; and in case of any vacancy the same shall be filled at first annual meeting thereafter, by the election of a trustee or trustees, as the case may require, to hold for the unexpired term; *provided*, that the trustees may, if they deem it advisable, fill any such vacancy by choosing a trustee to hold until the next annual meeting.

Proviso

Title to property vested in trustees.

2. *And be it enacted*, That as soon as said new district shall elect its trustees and become incorporated, in pursuance of the laws of this state, the title to all property now owned by the said several districts hereinbefore mentioned, or any of them, or which may be held by any of said districts for school purposes, under any deed or deeds of conveyance made to such district or districts, or to any persons as trustees of such district or districts, in whatever name said district or trustees may be described in such deed or deeds; and whether such district or districts have been incorporated or not, shall at once vest, and the same is hereby declared to vest in the trustees of said new district, who shall have full power to sell the said property at public or private sale, and make all necessary conveyances therefor, and appropriate the proceeds of such sale towards the erection of a suitable building for educational purposes within said new district; and such conveyance or conveyances shall vest in the purchaser or purchasers, the same title which the original deed to such district or its trustees was intended to convey to them.

Public meetings may be called.

3. *And be it enacted*, That a public meeting of the taxable inhabitants of said new district may be called at any time by two-thirds of its trustees, which notice shall specify the time and place of meeting, and the purpose for which it is called.

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

Approved March 16, 1854.

CHAPTER CXLIH.

AN ACT to authorize Thomas D. Broadway, Charles B. Newell and Jacob M. Mitchell, to build, maintain, and keep in repair, a dock or wharf in front of their lands, in the township of Lower Penn's Neck, in the county of Salem.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Thomas D. Broadway, Charles B. Newell and Jacob M. Mitchell, their heirs and assigns, to build, maintain, rebuild and keep in repair, docks, wharves, piers and other appliances, in front of their lands at Pennsville, in the township of Lower Penn's Neck, in the county of Salem, and to extend the same into the river Delaware, a sufficient distance for the accommodation of vessels navigating the said river; *provided*, this act shall not effect the legal rights of any other person or of this state; *and provided further*, that nothing in this act shall be construed to confer any right of ferry, or claim of right of ferry upon the owners of said dock or docks, wharf or wharves, nor to authorize the extension of such docks or wharves so far into said river as to injure or impede the navigation of the same.

2. *And be it enacted*, That the said Thomas D. Broadway, Charles B. Newell and Jacob M. Mitchell, their heirs and assigns, shall be entitled to demand and receive the following rates of dockage or wharfage, to wit: for each vessel under fifty tons, fifty cents per day; for each vessel of fifty tons or over, and under one hundred tons, seventy-five cents per day; for each vessel of one hundred tons or over, and under one hundred and fifty tons, one dollar per day; and for each vessel of one hundred and fifty tons and over, one dollar and fifty cents per day; and each vessel which shall be fastened to any other vessel that shall be fastened to the dock or wharf, shall pay one half the rates above mentioned; and all vessels making fast to said dock or wharf for the purpose of laying up, shall pay half dockage or wharfage.

Collection of
wharfage.

3. *And be it enacted*, That all persons unloading their cargoes on said dock or wharf, or laying the same thereon for the purpose of being loadèd, shall pay for every day the same may lay thereon, the same rates of dockage or wharfage as is hereinbefore provided.

Rates for un-
loading at
dock.

4. *And be it enacted*, That all vessels not belonging in the state of New Jersey, which shall lay at said docks or wharves over twenty-four hours, shall pay the same rate of dockage as is hereinbefore mentioned; and on demand thereof being made by the said Thomas D. Broadway, Charles B. Newell and Jacob M. Mitchell, or either of them, their heirs or assigns, if the master, owner, or person having charge of such vessel shall refuse to pay the wharfage due by said vessels, it shall be lawful for any justice of the peace of said county, upon filing the affidavit of the owners of said wharves or docks for the time being, or either of them, of the amount due and of such demand and refusal, to issue a warrant under his hand and seal, authorizing such owners or any constable of said county to distrain any of the goods and chattels found on board of said vessel, and sell and dispose of the same for the purpose of raising such wharfage and costs, in the same manner as is provided in the act entitled "An act concerning distresses," approved April sixteenth, eighteen hundred and forty-six.

Approved March 16, 1854.

CHAPTER CXLIV.

AN ACT to authorize the construction of an hospital for the State Prison.

Commission-
ers for erect-
ing wing.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William B. Vanderveer, Keeper, and John L. Taylor, Physician of the New Jersey

State Prison, be and are hereby appointed commissioners for the purpose of erecting by contract, to be approved by the inspectors of said prison, so much of an additional wing to the present state prison building as may be necessary for two hospitals, one thereof for male convicts and one thereof for female convicts, with bath rooms attached, one reception room, with bath room attached, a dispensary, and cells corresponding thereto, with fixtures complete, according to the plan and specifications proposed by J. C. Hoxie, architect, and reported to this legislature by said keeper and physician under a joint resolution of the last legislature, excepting that the exterior walls of said wing may be composed of hammer-dressed stone.

2. *And be it enacted*, That for the purpose aforesaid, the said commissioners shall have power to draw the surplus earnings of the prisoners, not needed for the ordinary expenses of the prison, and if such surplus earnings shall not be sufficient to pay the expenses incurred under this act, the said commissioners shall be authorized to draw upon the treasurer of the state for such additional sums as may be necessary ; *provided*, Payment provided for. that the whole expense incurred under this act shall not exceed the sum of fifteen thousand dollars ; and the secretary of state shall audit the accounts of said commissioners, and the accounts of said commissioners shall be entered in a book from day to day, which book shall be subject at all times to the inspection of the inspectors of said prison.

3. *And be it enacted*, That the said commissioners shall each receive in compensation for their services under this act the Compensation to commissioners. sum of one hundred dollars.

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

Approved March 16, 1854.

CHAPTER' CXLV.

AN ACT to authorize the Easton Gas Company to supply the inhabitants of the village of Phillipsburg, in the county of Warren, with Gas Light.

Gas company
authorized to
supply gas.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "the Easton Gas Company," incorporated by an act of the legislature of the state of Pennsylvania, approved the fourteenth day of March, one thousand eight hundred and fifty, be and they are hereby authorized to supply with gas light, such inhabitant or inhabitants of the village of Phillipsburg, in the county of Warren, or companies exercising their corporate powers in said village, as may desire a supply of the same; and to enter into and execute contracts, agreements, or covenants in relation to the authority hereby granted, and the said Easton Gas Company in all courts of law in this state shall be deemed and taken to be an existing corporation of this state, for the purposes aforesaid, and for the purpose of enforcing the performance of such contracts, agreements, and covenants as shall be made in pursuance of the provisions of this section, and for no other purpose whatever.

Approved March 16, 1854.

CHAPTER CXLVI.

AN ACT to alter the Christian name of John Grant, of the city of Trenton, to John Cumming Grant.

Preamble.

WHEREAS, John Grant, of the city of Trenton, has represented that there are several persons having the same Christian

and surname with himself residing in his vicinity, and that by reason thereof mistakes are of frequent occurrence in his business correspondence ; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Name changed} *the State of New Jersey,* That the name of the said John Grant be changed to that of John Cumming Grant.

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

Approved March 16, 1854.

CHAPTER CXLVII.

AN ACT to incorporate the Sparta Iron Company.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Names of cor-
porators.</sup> *the State of New Jersey,* That James S. Green, George H. Nelden, Benjamin Hamilton, Junior, Thomas D. Edsall, Jonathan Trotter, Silas M. Stillwell and Samuel Brooks, 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 Sparta Iron Company," for the purpose of mining, distilling, smelting, and manufacturing zinc, copper, and other ores, with power to lease, purchase and hold mining rights and real estate in the county of Sussex, and sell the same or any part thereof, with all the powers and privileges, and subject to such restrictions, limitations and conditions as are specified in the act entitled "An act concerning corporations," approved February the fourteenth, eighteen hundred and forty-six, except when otherwise granted in and by this act of incorporation, and this act shall continue in force for the term of twenty years.

2. *And be it enacted,* That the capital stock of said com- <sup>Amount of
capital stock.</sup> pany shall be five hundred thousand dollars, with privilege to

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

First directors

3. *And be it enacted*, That James S. Green, George H. Nelden, Benjamin Hamilton, jr., Thomas D. Edsall, Jonathan Trotter, Silas M. Stillwell and Samuel Brooks shall be the first directors to organize and manage the affairs of said company, and shall continue in office until the first Tuesday of June, eighteen hundred and fifty-five, and until others are elected and appointed in their stead.

Election of directors.

4. *And be it enacted*, That the annual election for directors of this company shall take place on the first Tuesday of June in each year, beginning on the first Tuesday of June, eighteen hundred and fifty-five, at some convenient place in the county of Sussex, between the hours of twelve o'clock, at noon, and three o'clock in the afternoon of that day; all elections shall be by ballot, and each share be entitled to one vote, to be given in person or by proxy, of which election two weeks' previous notice shall be given in some newspaper published in the county of Sussex; 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.

Officers of corporation.

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

inconsistent with the laws and constitution of this state, or of the United States.

6. *And be it enacted*, That no transfer of stock of said corporation shall be valid until entered or registered in the book or books to be kept by the corporation for that purpose, which book shall at all times be open to the inspection of the stockholders, but shall be closed against transfers for fifteen days before any election of directors; and no person shall be allowed to vote upon any stock, at any such election, transferred to him during the said fifteen days. Transfers of stock.

7. *And be it enacted*, That the manufacture of iron and other metals, from ores, under the authority of this act, may be carried on in the counties of Sussex, Essex and Hudson, in this state. Place of business.

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

Approved March 16, 1854.

CHAPTER CXLVIII.

AN ACT to incorporate the Stockton Mining and Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William H. Bell, Andrew Shiner, Edward C. Moore, Peter C. Osborne, Alpheus Gustin, John L. Allen and James H. Struble, 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 Stockton Mining and Manufacturing Company," for the purpose of mining in said county, together with the smelting of ores, with power to lease, purchase and hold Names of corporators.

mining rights and real estate in the county of Sussex, and sell the same, or any part thereof, with all the powers and privileges, and subject to such restrictions, limitations and conditions as are specified in the act entitled "An act concerning corporations," approved February the fourteenth, eighteen hundred and forty-six, except when otherwise granted in and by this act of incorporation; and this act shall continue in force for the term of twenty years.

Amount of
capital stock.

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

First directors

3. *And be it enacted*, That William H. Bell, Andrew Shiner, Edward C. Moore, Peter C. Osborne, Alpheus Gustin, John L. Allen and James H. Struble, shall be the first directors to organize and manage the affairs of said company, and shall continue in office until the first Tuesday of June, eighteen hundred and fifty-five, and until others are elected and appointed in their stead.

Election of
directors.

4. *And be it enacted*, That the annual election for directors of this company shall take place on the first Tuesday of June in each year, beginning on the first Tuesday of June, eighteen hundred and fifty-five, at some convenient place in the county of Sussex, between the hours of twelve o'clock at noon, and three o'clock in the afternoon of that day; all elections shall be by ballot, and each share shall be entitled to one vote, to be given in person or by proxy, of which election two weeks' previous notice shall be given in some newspaper published in

the county of Sussex ; 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.

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

6. *And be it enacted*, That no transfer of stock of said corporation shall be valid until entered or registered in the book or books to be kept by the corporation for that purpose, which books shall at all times be open to the inspection of the stockholders, but shall be closed against transfers for fifteen days before any election of directors ; and no person shall be allowed to vote upon any stock at any such election, transferred to him during the said fifteen days. Transfers of stock.

7. *And be it enacted*, That the manufacture of iron and other metals, from ores, under the authority of this act, may be carried on in the counties of Sussex, Essex and Hudson, in this state. Place of business.

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

Approved March 16, 1854.

CHAPTER CXLIX.

AN ACT to authorize the Easton Water Company to supply the inhabitants of the village of Phillipsburg, in the county of Warren, with water.

Company authorized to supply water.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That “the Easton Water Company,” incorporated by an act of the legislature of the state of Pennsylvania, passed March twenty-fourth, eighteen hundred and seventeen, be and they are hereby authorized to supply with water, such inhabitant or inhabitants of the village of Phillipsburg, in the county of Warren or companies exercising their corporate powers in said village as may desire a supply of the same; and to enter into and execute contracts, agreements, or covenants in relation to the authority hereby granted, and the said Easton Water Company in all courts of law in this state shall be deemed and taken to be an existing corporation of this state, for the purposes aforesaid, and for the purpose of enforcing the performance of such contracts, agreements, and covenants as shall be made in pursuance of the provisions of this section, and for no other purpose whatever.

Approved March 16, 1854.

CHAPTER CL.

AN ACT authorizing commissioners and others to execute deeds to the heirs or devisees of deceased purchasers.

Commissioners authorized to execute deed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any person who hath

heretofore purchased or may hereafter purchase real estate at any commissioners', executors', administrators' or guardians' sale, shall have died, or may hereafter die, after such sale has been confirmed by the proper court, and before the deed for such real estate has been delivered, it shall and may be lawful for such commissioners, executors, administrators or guardians, to execute and deliver to the heirs or devisees of the purchaser a deed for the real estate so sold, which deed, when delivered to the heirs of a purchaser dying intestate, or to the devisee or devisees of a purchaser leaving a will, who by said will would be entitled thereto, shall have the same force and effect as if delivered to the purchaser when living; *provided*, the said heirs or devisees shall perform the conditions of sale, subscribed and agreed to by the purchaser. Proviso.

2. *And be it enacted*, That this act shall not take effect where real estate has been heretofore resold by reason of the death of the first purchaser. Act when to take effect.

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

Approved March 16, 1854.

CHAPTER CLI.

AN ACT relative to the Lunatic Asylum.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the managers of the lunatic asylum are authorized to build two wings, one on each side of the present building, to correspond with the main edifice, and according to the plans submitted to this legislature; and that for the purpose of defraying the expense thereof, the treasurer of this state is authorized to pay out of the state treasury the sum

Proviso. of twenty thousand dollars; *provided*, that the contracts for building said wings, with all the necessary fixtures, heating apparatus and furniture to complete the said wings, specified in the estimates accompanying said plans, shall not in the whole exceed the sum of forty-three thousand dollars.

Commission-
ers to superin-
tend erection.

2. *And be it enacted*, That the said managers shall appoint two of their number, who, together with the superintendent of said asylum, shall be commissioners to superintend the erection of said building, under the direction of the managers aforesaid, and said commissioners shall receive for their services the sum of one hundred dollars each.

Appropriations.

3. *And be it enacted*, That the sum of five thousand six hundred dollars be paid by the treasurer, out of the state treasury, to defray the current expenses of the lunatic asylum, and the sum of two thousand dollars for water tanks and necessary repairs to the asylum.

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

Approved March 16, 1854.

CHAPTER CLII.

A supplement to the act entitled "An act to incorporate the Millstone and New Brunswick Railroad," passed February twenty-seventh, eighteen hundred and thirty-seven.

Road may be
extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the railroad authorized by the act to which this act is a supplement, may be extended to any point or points in the township of Bedminster, in the county of Somerset.

Approved March 16, 1854.

CHAPTER CLIII.

A further supplement to the act entitled "An act relative to the Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Companies."

WHEREAS, by reason of the existing contracts between the Preamble. state of New Jersey and the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies, as set forth in their acts of incorporation and the other acts in relation to the said companies, they are possessed of certain exclusive privileges which prevent the construction, except by their consent, of any other railroad or railroads in this state, which shall be intended or used for the transportation of passengers or merchandise between the cities of New York and Philadelphia, or to compete in business with the railroads of the said companies, and the extinguishment of those exclusive privileges is an object of great public importance, that can be attained only by the state's purchasing the railroads and appendages of the said companies, or by their consent; and whereas, to increase the rapidity and safety of traveling upon the said railroads, the same should be made as straight as practicable; now therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the first day of January, in the year eighteen hundred and sixty-nine, it shall be lawful, without the consent of the said Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies, to construct any railroad or railroads in this state, for the transportation of passengers and merchandise between the cities of New York and Philadelphia, or to compete in business with the railroads of the said joint companies, without thereby in anywise impairing the right of the state to its stock in the said joint companies, or either of them, or to the dividends thereon, or to the transit duties which the said joint companies are now required to pay to the state; and that it shall not be lawful

Railroads between New York and Philadelphia may be constructed after certain time.

before the said first day of January, eighteen hundred and sixty-nine, to construct any other railroad or railroads in this state, without the consent of the said joint companies, which shall be used for the transportation of passengers or merchandise between the cities of New York and Philadelphia, or to compete in business between the said cities with the railroads of the said joint companies, or that may in any manner be used, or intended to be used, for the purpose of defeating the true intent and meaning of the act passed March the second, eighteen hundred and thirty-two, and entitled "A supplement to an act entitled 'An act relative to the Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Companies,' " or of this act, which intent and meaning are hereby declared to be fully and effectually to protect, until the first day of January, eighteen hundred and sixty-nine, the business of the said joint companies from railroad competition between the cities of New York and Philadelphia.

Part of former
act amended.

2. *And be it enacted*, That the twenty-second section of the act entitled "An act to incorporate the Camden and Amboy Railroad and Transportation Company," passed February the fourth, eighteen hundred and thirty, be and the same is hereby so amended as to postpone the time for the state's purchasing the railroads and appendages of the said company, so that the said purchase may be made at the same time that is now fixed by law for purchasing the canal and feeder, with the appendages of the Delaware and Raritan Canal Company, and not sooner; and the time for appointing the appraisers provided for in the twenty-fifth section of the act incorporating the said canal company, and in the twenty-second section of the act incorporating the said railroad company, is hereby fixed and declared to be in the year of our Lord one thousand eight hundred and eighty-eight.

Route may be
altered.

3. *And be it enacted*, That it shall and may be lawful for the said companies, and they are hereby authorized, out of their joint funds, to alter the route or routes of their railroads, so as to reduce the curves as much as a due regard to the situation of the ground over which the same may pass, will admit of, and after filing in the office of the secretary of state a sur-

vey of the route or routes, so to be altered, the said companies, for the purpose of enabling them to construct their road or roads on the said route or routes, shall be and they are hereby invested with all the powers, authority, privileges, and emoluments, to which they are now entitled under and by virtue of their act of incorporation, and the other acts in relation to the said companies, and shall be subject to all the provisions, conditions, liabilities, limitations and restrictions to which they are now subject by virtue of the said acts, except so far as the same may be altered by this act.

4. *And be it enacted*, That after the acceptance of this act Rates of transportation. by the said joint companies, it shall not be lawful for them to charge more than at the rate of two and a half cents a mile for the carrying of passengers on any of their railroads, except in the mail and express trains, the number of which shall not exceed half the whole number of trains which may be run daily between the cities of New York and Philadelphia.

5. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, the judges of the court of errors, Certain officers to pass free. the attorney general, the treasurer and secretary of this state, when traveling for the purpose of discharging their official duties, and the members of the legislature of this state, during its annual or other sessions, shall pass and repass over the railroads of the said companies in the cars thereof, free of charge, subject to the rules and regulations of the said companies.

6. *And be it enacted*, That so much of the acts incorporating said companies, and of all other acts of the legislature in relation to the said companies as is inconsistent with the provisions of this act, be and the same is hereby repealed. Part of former acts repealed.

7. *And be it enacted*, That this act shall take effect as soon Act when to take effect. as the joint board of directors of the said two companies, and the board of directors of each of the said companies respectively, shall certify their acceptance of this act as a supplement to and part of the charter of the said companies, under the hands of the president and secretary, and the corporate seal of the said joint companies, and of each of the said companies, respectively, and file the same in the office of the secretary of state of this state, who, in such case, shall cause a certified

copy of such certificate of acceptance to be published in connection with this act, among the laws of this state, which publication shall be deemed competent and plenary evidence of such acceptance; and in case such certificate of acceptance be not filed within three months from the passage of this act, then this act shall be void.

Approved March 16, 1854.

CHAPTER CLIV.

A supplement to an act entitled "An act to incorporate the Camden Gas Light Company," approved February seventeenth, eighteen hundred and forty-eight.

Capital stock
may be in-
creased.

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 board of directors of the "Camden Gas Light Company," at any time or times hereafter to increase the capital stock of said company to any sum not exceeding in the whole three hundred thousand dollars; and to extend their works, gas pipes and appurtenances, without the corporate limits of the city of Camden, into and light with gas, any place or places in the neighboring townships of Delaware, Newton or Union; and for that purpose the said company shall have the same powers and privileges in said townships, and be subject to the same restrictions, limitations and conditions as they now are within the said city of Camden.

Company au-
thorized to
borrow money

2. *And be it enacted*, That the said company shall have power to borrow money at any time or times not exceeding one half their capital actually paid in; and to secure any money so borrowed, by bond or bonds or other evidence or evidences of debt, and mortgage upon their property, franchises and

privileges; or by such other assurance or assurances as they may deem expedient.

Approved March 16, 1854.

CHAPTER CLV.

A supplement to an "Act to incorporate Jersey City," passed the fifteenth of March, eighteen hundred and fifty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the forty-fourth section of the act as limits the common council to raise by tax not exceeding five mills on a dollar of the actual value of property assessed, be and the same is hereby repealed; and that it shall be lawful for said common council to raise by tax every year so much money as they may deem expedient for the purposes in said section indicated; *provided*, such tax shall not exceed in any one year, seven mills on a dollar of the actual value of property assessed. Part of former act repealed.

2. *And be it enacted*, That so much of the fifty-second section as required the common council from time to time, upon propositions for improvements, to appoint three commissioners to ascertain and assess the expenses of such improvements, be and the same is hereby repealed; and it shall be the duty of said common council, in lieu of the said commissioners, as indicated in said section, to appoint a board of commissioners for assessments, which board shall consist of four commissioners, one from each ward of the city, who shall be a resident and freeholder in the ward from which he is appointed; who shall take and subscribe the oath required by the said charter of other city officers, and who shall hold their offices for one year, and upon which board shall devolve the Board of commissioners for assessments.

Proviso.

duties which were enjoined upon the commissioners, in whose stead said board is hereby constituted; *provided*, that in case any one or more of the said board of commissioners shall be interested in any assessment which may from time to time be ordered by the common council, then said common council shall, in such case, appoint some discreet and impartial freeholder or freeholders residing in said city, to serve with such board on such assessment, in lieu of the commissioner or commissioners so interested; said vacancy or vacancies to be filled from the ward in which the same shall occur.

Common council authorized to borrow money

3. *And be it enacted*, That for the purpose of acquiring a suitable site for and erecting a city hall and other public buildings, it shall be lawful for the common council of Jersey City to borrow the sum of fifty thousand (50,000) dollars, and to issue the bonds of the city therefor, in such parcels or sums as to them may be deemed expedient, and at such rate of interest per annum, not exceeding six per cent., as may be considered by them for the best interest of the city, one half of the amount of which bonds shall be payable in fifteen years, and the residue in twenty years after the issuing thereof, anything in the act to which this is a supplement to the contrary notwithstanding.

Amount to be raised by loan.

4. *And be it enacted*, That so much of the forty-third section of the act to which this is a supplement as heretofore amended as limits the common council to raise by loan in any one year no greater sum than ten thousand (10,000) dollars, and as limits the city to a debt of seventy-five thousand (75,000) dollars at any one time, be and the same is hereby repealed; and that it shall be lawful for the said common council to raise by loan, in any one year, any sum not exceeding twenty thousand (20,000) dollars, the payment of which shall not be provided for, from the taxes to be raised in said city in any such year, and that the said city shall not owe more than one hundred thousand (100,000) dollars at any one time, over and above the loan, for the purpose of the city hall and other public buildings hereinbefore provided for.

Fees of city clerk.

5. *And be it enacted*, That in all cases in which persons shall bring writs of certiorari to remove the proceedings of the common council, it shall be lawful for the city clerk to charge

and receive from the parties bringing such certiorari on presenting the same at the rate of ten (10) cents per folio for the necessary return thereto in lieu of his other charges.

6. *And be it enacted*, That the common council may by a resolution passed by nine concurring votes, and approved of by the mayor of the city, order any side-walk to be filled, re-filled or repaired; in case the owner or owners of the same shall refuse or neglect to do so for ten days after the approval by the mayor of the city of such resolution, and that the expenses of such repair, filling or refilling shall be assessed and collected in the same manner as of other improvements provided for in the charter of the city; and that all acts or parts of acts conflicting in any way with this section, be and the same are hereby repealed.

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

Approved March 16, 1854.

CHAPTER CLVI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assessors of the several wards of the city of Newark shall meet annually on the last Tuesday of June of each year, and may from time to time adjourn, and when so met they shall constitute a board of assessors for 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 ap-

Board of assessors to review assessments.

proved by the said board, shall be the assessments for the several wards of the city of Newark, subject, as heretofore, to the action of the commissioners of appeal in cases of taxation.

Assessments,
how made.

2. *And be it enacted,* That only one assessment shall be made on any improved lot, together with unimproved lands adjacent thereto, and connected therewith, and belonging to the same owner; and that the said assessors of the said city shall, when maps are for that purpose provided by the common council, make their assessments, as nearly as may be, according to such maps.

Taxes and as-
sessments to
be recorded.

3. *And be it enacted,* That a complete record of all taxes and assessments shall be kept in the office of the clerk of the common council of said city, which record shall contain the time when such assessments and taxes were laid, the time when they were paid, and if the property has been sold therefor, the time of said sale, and to whom sold, and if redeemed, when and by whom; it shall be the duty of the clerk of the common council to record in a book, to be called "Records of Sales," all sales of property under city assessments and taxes, to give certificates of search, in relation to liens, to any person or persons applying for the same, and to cancel the evidence of such sales so recorded, when the property for which they were given shall be redeemed, on certificate of the treasurer of such redemption, and to file said certificate 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 clerk of the common council.

Common
council autho-
rized to make
loans.

4. *And be it enacted,* That it shall be lawful for the common council of the said city of Newark 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, altering or widening any street, road, highway or alley, and for the construction of sewers and the paving of streets and sidewalks, and shall not exceed the amount of such anticipated assessments and taxes, and for such purpose may authorize the issue of assessment and tax certificates of loan, anything in the act, entitled "A further supplement to the act entitled an act to in-

corporate the city of Newark," approved March tenth, eighteen hundred and fifty-three, to the contrary notwithstanding.

5. *And be it enacted*, That the proviso annexed to and forming part of the thirtieth section of the act to which this is a supplement, be and the same is hereby repealed; and that all the provisions of the act to which this is a supplement, and its supplement, relating to the altering or widening any street, road, highway 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 third section of an act entitled "A further supplement to the act entitled an act to incorporate the city of Newark," approved March twenty-sixth, eighteen hundred and forty-five, and of the twenty-first section of an act entitled "A further supplement to an act entitled an act to incorporate the city of Newark," approved March thirteenth, eighteen hundred and fifty-one.

6. *And be it enacted*, That whenever any street, or part of any street, in the city of Newark, 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 act to which this is a supplement and its supplements, it shall be lawful for the commissioners appointed under said act and its supplements, and whose duty it may be to make a just and equitable assessment of the whole amount of the damages and expenses of such altering or widening among the owners and occupants of all the houses and lots intended to be benefitted thereby, to assess such portion of said damages and expenses upon the corporation or company owning or using said railroad track, as shall to them seem equitable and just, and such assessment shall be a lien upon any property of said corporation or company in the city of Newark, and may also be enforced in the same manner as the assessment upon said owners and occupants of houses and lots intended to be benefitted thereby.

Part of former
act repealed.

7. *And be it enacted*, That the twelfth section of an act entitled "A further supplement to the act entitled an act to incorporate the city of Newark," approved March fourth, eighteen hundred and fifty-three, be and the same is hereby repealed.

Part of former
act repealed.

8. *And be it enacted*, That this act shall take effect immediately, and that so much of the act to which this is a supplement and the supplements thereto, or of any other act, as is inconsistent with or repugnant to the provisions of this act, be and the same is hereby repealed.

Approved March 16, 1854.

CHAPTER CLVII.

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

Part of former
act repealed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That so much of the act to which this is a supplement, as requires the inhabitants of the township of Randolph to elect at their town meetings as many constables as there are justices of the peace in said township, be and the same is hereby repealed.

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

Approved March 16, 1854.

CHAPTER CLVIII.

A supplement to an act entitled "An act concerning streets in the new manufacturing town of Elizabethport," approved March twelfth, one thousand eight hundred and fifty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the owner or owners of lots sold under the act entitled "An act concerning streets in the new manufacturing town of Elizabethport," approved March twelfth, one thousand eight hundred and fifty-two, may redeem the same at any time not exceeding two years from the date of such sale, upon paying to the purchaser thereof the principal and interest of the purchase money, with ten per centum per annum added thereto. Owners of lots may redeem the same

2. *And be it enacted*, That so much of the eighth section of the act to which this is a supplement, as conflicts with or modifies the foregoing enactment is hereby repealed. Part of former act repealed.

Approved March 16, 1854.

CHAPTER CLIX.

A supplement to the act entitled "An act to establish public schools," 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 from and after the passage of this act the district meetings in Paulsborough school district, number two, in the township of Greenwich, county of Gloucester, for the election of trustees for said district, shall be held Annual election for trustees.

annually on the first Monday of March, of which meetings the same notice shall be given as is required by the act to which this is a supplement.

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

Approved March 16, 1854.

CHAPTER CLX.

A supplement to an act entitled "An act for suppressing vice and immorality," approved April fifteenth, eighteen hundred and forty-six.

Transportation of freight on Sunday prohibited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no transportation of freight, excepting milk, on any public highway, railroad, or canal, shall be done or allowed by any person or persons within this state, on the first day of the week, commonly called the Christian Sabbath; *provided*, that nothing in this act contained shall be construed so as to prevent the transportation of the United States mail by railroad or on the public highways, or to the regular trips of ferry boats within the state or between this and another state.

Proviso.

Penalty for offending in the premises.

2. *And be it enacted*, That every person, being of the age of fourteen years or upwards, offending in the premises, shall for every such offence forfeit and pay to the use of the public schools of the township where such offence shall be committed, the sum of twenty dollars; and if any person offending in any of the premises, shall be thereof convicted before any justice of the peace for the county where the offence shall be committed, upon the view of the said justice, or confession of the party offending, or proof of any witness or witnesses, on oath

or affirmation, then the said justice before whom the said conviction shall be had, shall direct and send his warrant, under his hand and seal, to some constable of the county where the offence shall have been committed, commanding him to levy the said penalty or penalties, by distress and sale of the goods and chattels of such offender, and to pay the money therefrom arising to the collector of the township where the said offence or offences shall have been committed, for the use of the public schools thereof.

3. *And be it enacted*, That in case no such distress can be had, then every such offender shall, by a warrant under the hand and seal of the said justice, be committed to the common jail of the said county, city or town corporate, within the same, for a term not exceeding ten days, to be certainly expressed in said warrant. Offender may be imprisoned

4. *And be it enacted*, That every justice of the peace in this state is hereby empowered and required, upon his personal knowledge or view, or other due information, of any canal boat, or railroad car, transporting freight through any part of this state as aforesaid, he shall be authorized and required to stop and detain the same, or order the same to be stopped and detained, at the cost and expense of the proprietor or proprietors of such canal boat or railroad car, until the following day, and then to be dealt with as hereinbefore is directed. Justices of the peace authorized to stop cars, &c.

5. *And be it enacted*, That this act shall apply also to cattle, sheep and hogs, being driven to market on the sabbath day. Act to apply to cattle, &c.

Approved March 16, 1854.

CHAPTER CLXI.

A further supplement to an act entitled "An act to incorporate the Passaic Mining and Manufacturing Company," approved March the eighth, eighteen hundred and forty-eight.

Capital stock
may be in-
creased.

Proviso.

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 Passaic Mining and Manufacturing Company, whenever a majority of the directors thereof may determine so to do to increase its capital stock; *provided*, such increase shall not exceed one hundred and seventy-five thousand dollars, and that the said increased stock shall be divided into shares of the same amount each as the present stock of the said company, and shall be issued, subscribed and paid for, in the same manner, and under the same restrictions, conditions and limitations, as is now provided with regard to the existing capital stock of the said company.

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

Approved March 16, 1854.

CHAPTER CLXII.

A further supplement to the act entitled "An act to incorporate societies for the promotion of learning," approved April sixteenth, eighteen hundred and forty-six.

Corporate
name changed

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of "Pennington Semi-

nary of the Methodist Episcopal Church," is hereby changed to that of the "Pennington Seminary and Female Collegiate Institute of the Methodist Episcopal Church."

2. *And be it enacted*, That the trustees of the said association are hereby authorized to confer degrees and grant diplomas in the female department of the said institution upon such conditions and under such rules and regulations as they may deem proper. Trustees may confer degrees

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

Approved March 16, 1854.

CHAPTER CLXIII.

A 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 several public officers hereinafter named shall respectively be entitled to receive the annual salaries and pay hereinafter mentioned—that is to say: the chancellor at the rate of twenty-five hundred dollars by the year; the chief justice of the supreme court at the rate of twenty-one hundred dollars by the year, and each of the associate justices of the said supreme court at the rate of two thousand dollars by the year; the physician of the state prison at the rate of three hundred dollars by the year; the keeper of the state prison at the rate of twelve hundred and fifty dollars by the year; the judges of the court of common pleas of the several counties of the state each two dollars per diem for Salaries of certain officers.

every day's attendance, all of which salaries shall be paid in the manner now provided by the existing laws of this state.

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

Approved March 16, 1854.

CHAPTER CLXIV.

A supplement to the act entitled "An act relating to hawkers, pedlers, and petty chapmen," approved April tenth, eighteen hundred and forty-six.

Pedlers not
to vend ar-
dent spirits.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That no person shall be authorized by virtue of any license granted under the authority of the act to which this is a supplement, to carry, sell or expose, either at private or public sale any wine, gin, rum, brandy, whiskey, cider spirits or other ardent spirits, or any composition of which any of the said liquors shall form the chief ingredient.

Penalty for
vending
liquors.

2. *And be it enacted*, That if any person or persons shall be found hawking, pedling or traveling from house to house, or place to place, to vend either at public or private sale any wine, gin, rum, brandy, whiskey, cider spirits or other ardent spirits, or any composition of which any of the said liquors shall form the chief ingredient, such person shall forfeit and pay the sum of fifty dollars, to be recovered in an action of debt by any person who may sue for the same, before any justice of the peace of any of the counties of this state, together with the costs of prosecution.

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

Approved March 16, 1854.

CHAPTER CLXV.

A further supplement to "An act to authorize the construction of works for the supplying of Jersey City and places adjacent, with pure and wholesome water," approved March twenty-fifth, eighteen hundred and fifty-two.

WHEREAS, the "Water Commissioners of Jersey City" were Preamble.
by law instructed to cause such surveys and examinations to be made as should be found necessary to enable them to decide upon and recommend a suitable plan for a general system of sewers for the district proposed to be supplied with water, and to estimate the probable cost of such sewers, and the said surveys and examinations having been made, and the plan and estimates of the proposed works having also been made and submitted to the mayor and common council of Jersey City, and been by them approved; and they having asked for the enactment of a law to authorize the construction of works for draining Jersey City, and for other purposes; therefore,

1. BE IT ENACTED by the Senate and General Assembly of Commissioners authorized to construct works.
the State of New Jersey, That the "Water Commissioners of Jersey City," appointed by and elected in conformity with the provisions of "An act to authorize the construction of works for supplying Jersey City and places adjacent with pure and wholesome water," approved twenty-fifth of March, eighteen hundred and fifty-two, and their successors in office, are hereby authorized and empowered to construct the canal and locks and sewers and drains described in the beforementioned plan and report, with such changes or alterations as may be found convenient or necessary in the progress of the work, and at such times as the mayor and common council shall decide that the several parts are required for the benefit or convenience of the citizens or the promotion of the public health.

2. *And be it enacted*, That for the purpose of constructing the canal and locks, or any other works required for the drain-

Commissioners authorized to take lands by appraisal.

age of Jersey City by the beforementioned plan, except such as may be constructed in the streets, avenues, lanes or alleys, or in public grounds belonging to the corporation of said city, the water commissioners shall have the right to take by appraisal and hold any lands or other real estate in their opinion required therefor, in the same manner and upon the same terms and conditions that they were authorized to acquire and hold the lands necessary for the Jersey City water works.

3. *And be it enacted*, That when application shall be made to the mayor and common council of Jersey City to have a sewer or drain made or constructed in any street, avenue, lane or alley in said city, the same preliminary proceedings shall be had in relation thereto as are now authorized and directed by the charter, when applications are made for the construction of sewers; and if the mayor and common council, after considering the application and objections thereto, if any are made, shall decide that the sewer or drain applied for ought to be constructed, they shall give notice in writing of such decision to the water commissioners, who shall thereupon proceed and construct the said sewer or drain, and connect therewith the drain pipes required for draining the adjacent streets, the whole to conform in all essential particulars to the beforementioned plan.

Assessment of
works.

4. *And be it enacted*, That when any sewer and the drain pipes and other work connected therewith shall be completed, the water commissioners shall ascertain the whole cost thereof, and the number and sizes of all lots or separate parcels of ground drained thereby, and shall fix the amount to be paid for each, in proportion to their dimensions, without reference to their situation or value; and to the whole ascertained cost the commissioners shall add interest at the rate of seven per cent. per annum upon all payments made on account of the work during its progress, from the time of payment until thirty days after the first publication of the notice hereinafter directed, and such interest shall be added to and constitute a part of the cost of the work; and when the proportion of the whole cost chargeable to each lot or parcel of ground is ascertained in the manner before directed, public notice shall be given by an ad-

vertisement, containing a full statement thereof, which shall be inserted one week in each newspaper printed in Jersey City, and notice shall also be given in the same manner of the place where payment will be received, if tendered within thirty days next succeeding the date of such notice.

5. *And be it enacted*, That if any part of the assessment directed in the preceding section shall remain unpaid for a longer time than thirty days after the publication of the notice above directed, the water commissioners (if they shall deem such proceeding proper) may, at the request of the owner or owners of the whole or any part of the property affected by said canal, or by any sewer or drain or works connected therewith, divide the sum assessed, for the cost of constructing the same into any number of equal sums or parts not exceeding five; one of which sums or parts, together with interest accrued thereon, at the rate of seven per cent. per annum, shall become due and payable at the end of each succeeding year after the expiration of said thirty days, until the whole amount be paid; and they shall make a record of the whole matter in a book to be provided and kept for that purpose in their office, and shall furnish to the owner or occupant of the premises thus charged, a written statement thereof; the cost and interest thus ascertained shall constitute a lien upon the property affected thereby; and if any one of the aforesaid parts or sums due upon any lot or parcel of ground, shall remain unpaid thirty days after the same is due and payable, the 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 and assessments to proceed and collect the amount due in the same manner that arrears of taxes and assessments are collected, and with interest thereon at the same rate; *provided however*, Payment of assessments. that the whole amount of assessment due upon any lot or parcel of property, may be paid at any time previous to the expiration of the term fixed by said commissioners, in which case an abatement equal to seven per cent. per annum for the unexpired terms of the several amounts outstanding, shall be allowed. Proviso.

Canal to be a
public high-
way.

6. *And be it enacted*, That the canal hereinbefore mentioned, and which forms a part of the plan for the drainage of Jersey City, shall, when made, be held to be a navigable canal and public highway for the transportation of passengers, goods, wares, merchandise and produce, or freight of any kind whatsoever, on payment of the tolls and conforming to the regulations made or authorized to be made by this act; and the water commissioners of Jersey City shall have power to employ engineers, collectors, lock tenders and all such officers and agents as they may find necessary for the proper management thereof, and shall have power to charge and collect tolls or rates for the passage of all boats or vessels into the same, and for the transportation of all passengers, goods, wares, merchandise or produce or freight of any kind transported thereon; and the said commissioners shall have power, at their pleasure, to charge such tolls or rates, and to enact such rules and regulations for levying and collecting the same and for the preservation and management of the canal and works connected therewith, as they may deem necessary and proper; *provided*, the tolls so levied and collected shall not in any case exceed five cents per ton for the burthen of each boat or vessel, and five cents per ton for the freight transported thereon, or landed upon or shipped from its banks.

Proviso.

Commission-
ers to erect
bridges.

7. *And be it enacted*, That wherever the said canal shall cross any railroad, turnpike road, street or public highway, it shall be the duty of said water commissioners to cause good and sufficient bridges to be erected and maintained whenever by them deemed necessary; *provided*, that if said canal shall be cut through or under any existing railroad; the plan or plans for that part of the work affecting the road, shall be submitted to and approved by the directors of the company owning such road, and when so approved the same shall be built in accordance with the plan so approved and agreed upon, and said water commissioners shall pay to said company all damages and expenses which may be occasioned by building said canal; *and provided further*, that nothing herein contained shall authorize, without the consent of such railroad company, the erection of any drawbridge through the road.

Proviso.

Proviso.

now owned by the New Jersey Railroad and Transportation Company.

8. *And be it enacted*, That if any person or persons shall in any manner wilfully or maliciously destroy, injure, or obstruct said canal or the navigation thereof, or any of its parts, or any works connected with the same or with the drainage of Jersey City, or shall unnecessarily or maliciously open any gates belonging thereto, or otherwise let off or waste the water, to the injury of any part of the said works, or shall in any way hinder or impede any of the operations intended to be accomplished thereby, he; she or they so offending shall be considered guilty of a misdemeanor, and on being convicted thereof shall be punished by fine or imprisonment, or both, at the discretion of the court in which such conviction shall be had; *provided*, such fine shall not exceed the sum of fifty dollars, nor the imprisonment the term of one year; and such criminal prosecution shall in no wise impair the right of action for damages by a civil suit which may be brought by the water commissioners of Jersey City.

Penalty for
injuring works

Proviso.

9. *And be it enacted*, That before the canal which forms a part of the aforesaid plan for draining Jersey City shall be made or commenced, the water commissioners of Jersey City shall cause the route for the same to be carefully surveyed and distinctly marked, and a correct map made thereof, and shall obtain detailed estimates of the probable cost of constructing the same; and the said water commissioners shall give public notice by an advertisement published at least two weeks in all the newspapers printed in the county of Hudson, of the time at which they will present certified copies of the said map and estimates to the circuit court, at a regular session thereof, to be held in and for the county of Hudson, and ask for the appointment of the commissioners hereinafter directed; and the said court, after receiving and considering the said map and estimates, and hearing the parties interested in the matter, shall appoint three judicious, disinterested men, not residents of the county of Hudson, as commissioners to apportion and assess the estimated cost of said canal upon all such real estate lying

Survey of
route of canal
to be filed.

in Jersey City, or adjacent thereto, as will in their opinion be benefitted thereby.

Commission-
ers to give no-
tice of meet-
ing.

10. *And be it enacted*, That the commissioners so appointed shall give public notice to all concerned of the time and place at which they will meet for the purpose of performing the duties herein directed, by causing the same to be published at least two weeks in each newspaper printed in the county of Hudson; and they shall personally examine the route of the proposed canal surveyed and marked as hereinbefore directed; and after hearing such parties as claim to be interested therein, and considering all matters relating thereto, shall make out and present to said court a report, in writing, containing a list of all such lands as in their opinion ought to be assessed for the payment of the cost of the said canal, and the proportion of the whole cost which ought to be charged to each separate parcel thereof.

Collection of
assessments
for canal.

11. *And be it enacted*, That if the report so made and presented shall be approved and confirmed by the said court, the county clerk of the county of Hudson shall give notice thereof to the water commissioners of Jersey City, by delivering to them a certified copy of said report, with the action of the court in relation to the matter endorsed thereon; and the said water commissioners shall, on a receipt thereof, be authorized to proceed and construct the said canal; and when completed shall ascertain the whole cost of the same, and collect the amount so ascertained from the owners of the land described in the report of the commissioners of appraisement, and in the proportions fixed therein, together with the legal interest accruing thereon from the time the amount is ascertained until the day of payment; and if the whole, or any part of the sum or sums so ascertained and assessed, shall remain unpaid for a longer time than thirty days after the date of a notice to be published by said water commissioners that the canal is completed and payment is due therefor, the same measures shall be pursued to enforce the payment thereof, as are directed in the fourth and fifth sections of this act, to enforce the payment of assessments due for the construction of sewers.

12. *And be it enacted*, That for the security and proper

management of the Jersey City water works and drainage works, and to prevent the waste or improper use of water, the water commissioners of Jersey City shall have power to make such by-laws, rules and regulations respecting the introduction of Passaic water into houses, tenements and manufactories, or other places where the same may be required, and may from time to time regulate the use thereof in such manner as shall seem to them necessary and proper; and also to fix and determine of what sizes and forms and of what materials and in what manner private drains shall be laid and connected with the sewers or drain pipes in the streets or thoroughfares in the city, and may fix the penalties to be recovered for breaches or evasions of all such rules; *provided*, such rules, regulations and by-laws are not inconsistent with the constitution and laws of the state of New Jersey, or of the United States, and that the penalty imposed in any one case shall not exceed the sum of fifty dollars.

Commissioners to regulate use of water.

Proviso.

13. *And be it enacted*, That the water commissioners of Jersey City and all engineers, superintendents or inspectors in their service are hereby authorized and directed to enter at all seasonable hours any dwelling or other place where Passaic water is taken or used, and where unnecessary waste thereof is known or suspected, and examine and inquire into the cause thereof; and the said commissioners, engineers, superintendents and inspectors shall have full power to examine all service pipes, stop-cocks and other apparatus connected with the water supply, or drainage 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 examinations, 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 water commissioners may impose, and the supply of water shall also be shut off until the required examination is made and such alterations and repairs are completed as may be found necessary.

Commissioners may enter dwellings, &c. in case of waste.

14. *And be it enacted*, That if any person shall place any

Penalty for
placing ob-
structions.

stones, bricks, lime, sand, lumber, or any other article, in such situation in any street, avenue, lane, or alley, as to prevent access to any water pipe, stop-cock or fire hydrant belonging to the Jersey City water works, or to any man-hole, side culvert, or gully of any sewer, or drain, or in such situation as to interfere with the regular action of such works, the owner or owners of such materials shall forfeit and pay for each offence the sum of twenty-five dollars, and ten dollars for each day such articles are suffered to remain in such situation after written notice from the water commissioners to remove the same.

Fines, how re-
covered.

15. *And be it enacted*, That all fines, forfeitures and penalties imposed by or under authority contained in this act, may be sued for and recovered by an action of debt, instituted in the name of the "Water Commissioners of Jersey City," before any justice of the peace in and for the county of Hudson, or in any other court having cognizance in similar cases.

Commission-
ers authorized
to borrow
money.

16. *And be it enacted*, That for the purpose of constructing the drainage works hereinbefore mentioned, and extending the Jersey City water works from time to time as may be required within the corporate limits of Jersey City, the water commissioners of Jersey City shall have authority to borrow at such time or times as they may deem expedient, the sum of one hundred thousand dollars, such loan or loans to be made on the same terms and conditions and under the same limitations as are prescribed in the eleventh section of the "Act to authorize the construction of works for supplying Jersey City and places adjacent with pure and wholesome water," approved twenty-fifth March, eighteen hundred and fifty-two, and an amendment thereto, approved eighteenth January, eighteen hundred and fifty-three.

Disposition of
moneys re-
ceived.

17. *And be it enacted*, That all tolls received for the use of the beforementioned canal, and all interest, rents, fines, forfeitures, and all profits and income of every description had or received from or on account of said canal, or any of the works for the drainage of Jersey City, and all sums received for the construction of sewers, or for drain pipes or other work connected therewith, shall be applied by the water commissioners,

first, to the payment of salaries, wages, the cost of repairs and other expenses necessary for keeping the whole in good order and successful operation; next, to the payment of interest upon the debt created for the construction of the works; and such balance as may remain after paying the current expenses and interest, as above directed, shall be appropriated to the purchase of bonds authorized by the sixteenth section of this act; *provided*, the same can be obtained at reasonable rates, Proviso: or if that cannot be effected, then to be safely invested and allowed to remain as a sinking fund, to be applied to the redemption of the bonds at their maturity; and after all the script, or bonds, or other evidences of debt, issued on account of said canal and drainage works, shall be fully paid and cancelled, all moneys remaining after making the payments above specified, shall, by the said water commissioners, on the first Tuesday of each and every month, be paid to the treasurer of Jersey City; and such payments shall be accompanied by written statements showing the whole amount of money received during the preceding month, specifying from whom and for what the same was received; and also an account of all moneys paid during the month, specifying to whom and for what they were paid.

18. *And be it enacted*, That the commissioners shall keep regular books of sewerage accounts, and books for recording the whole of their official proceedings in relation to the drainage works; and all such books and records shall be open to the examination of any person or persons appointed for that purpose by the mayor and common council of Jersey City; and the commissioners shall also on the first Tuesday in January, and the first Tuesday in July of every year, make a written report to said mayor and common council of the condition of the drainage works under their charge, together with a statement of their receipts and expenditures on account of the same. Books of account, &c., to be kept.

19. *And be it enacted*, That for the purpose of effectually executing and carrying out the plan of sewerage and drains, adopted as hereinbefore indicated, that so much of the twenty-second section of the act to authorize the construction of Parts of former act repealed.

works for supplying Jersey City and places adjacent with pure and wholesome water, approved twenty-fifth of March, eighteen hundred and fifty-two, as directs the manner in which the cost of constructing sewers shall be assessed and collected, and all such parts of the charter of Jersey City, approved March eighteenth, eighteen hundred and fifty-one, and all such amendments thereto as relates to the alteration of the grade of streets, and all other parts of said charter or the amendments thereto, as contravene or are inconsistent with the true intent and meaning of the provisions of this act, be and the same are hereby repealed; but such repeal shall not affect any proceedings had or commenced under the same, nor any right or remedy accrued or accruing in virtue thereof at the time this act takes effect.

Public act. 20. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 16, 1854.

CHAPTER CLXVI.

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

Company may
construct
branch road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for "The Sussex Railroad Company," and the said company is hereby authorized and empowered to construct a branch railroad from some suitable point in the line of their present railroad, in the township of Newton, in the county of Sussex, to the Delaware river, in the county of Warren, with power to construct a bridge across said river, by and with the consent of the state

of Pennsylvania, so as not to cause any obstruction or impediment to the free navigation of said river; *provided*, that the Proviso. said branch railroad shall be constructed as near to the towns of Hope and Belvidere, in the county of Warren, as a due regard to the nature and situation of the country will admit of; and the said railroad company may connect their said branch railroad with that of any other railroad company in said county of Warren, upon such terms as may be agreed upon by said companies.

2. *And be it enacted*, That for the purpose of constructing the said branch railroad, the said Sussex Railroad Company shall be and hereby are invested with all the rights, powers, privileges, authority and franchises given and granted to them by their original act of incorporation and the several supplements thereto, and subjected to all the duties, restrictions and limitations contained therein, and may increase its capital stock to an additional amount of five hundred thousand dollars, to be subscribed for and paid at such times and places, and in such manner as the said company may deem best. Capital stock may be increased. §

Approved March 16, 1854.

CHAPTER CLXVII.

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 Carpentersville Delaware Bridge Company," approved the twenty-seventh day of February, one thousand eight hundred and fifty-four.

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 con- Assent of state to act of legislature of Pennsylvania.

tained in an act of the legislature of the state of Pennsylvania, approved the twenty-seventh day of February, A. D. eighteen hundred and fifty-four, entitled "An act to incorporate the Carpentersville 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.

Commission-
ers.

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 Jacob Carpenter, Amos Davis, John F. Tinsman, John Sherrer, and John Hixson.

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

Approved March 17, 1854.

COMMONWEALTH OF PENNSYLVANIA.

AN ACT to incorporate the Carpentersville Delaware Bridge Company.

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 Carpentersville Delaware Bridge Company shall amount to twenty thousand dollars, and that 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 proportions as the directors of said company may determine.

Section 2. That Abraham Arndt, Daniel Raub, Peter Shirely, ^{Commissioners to receive subscriptions.} Anderson Calvin, and Luther Calvin, 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 said capital stock, at such times and places as they or a majority of them shall direct, giving notice thereof in two of the newspapers printed in the county of Northampton, in the state of Pennsylvania, and in two of the newspapers printed in the county of Warren, in the state of New Jersey, for at least twenty days, of the times and 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 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 the subscriptions shall be paid in such instalments, and at such times and places, and to such persons as the president and directors of the said company shall from time to time direct and give public notice 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 instalments, or any of them, to and for the use of said company; *provided*, that if the number of shares ^{Proviso.} 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.

Section 3. That when two hundred shares are subscribed ^{General powers.} for, the persons holding the same shall be and they are hereby incorporated into a company, by the name of the "Carpentersville Delaware Bridge Company," and by that name shall have perpetual succession, and shall be capable of taking and holding their said capital stock 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 shall be found necessary to fulfil the intent of this act; *provided*, such in- ^{Proviso.}

crease shall not, with the original subscription, exceed the aforesaid capital of twenty thousand dollars, and the increase and profits accruing thereon; shall have authority to erect and maintain a good and sufficient bridge over the river Delaware, at Carpenter's Ferry, in the township of Williams, in the county of Northampton, and shall be capable 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 for them in the prosecution of their works, and the same to sell and dispose of at their pleasure, and of suing and being sued, pleading and being impleaded, in all courts of justice or any other place whatever.

Election of
officers.

Section 4. That as soon as two 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 Northampton, in the state of Pennsylvania, and in the county of Warren, 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, 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 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 amount to twenty.

Proviso.

Meetings of
stockholders.

Section 5. That the stockholders shall meet on the first Monday in November in every succeeding 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
transferable.

Section 6. That the president and directors first to be chosen as aforesaid, shall issue certificates of stock to the sev-

eral stockholders, respectively, signed by the president, and countersigned by the treasurer of the said company; which certificates shall be transferable at his or her pleasure, in person or by attorney, subject, however, to the payments due and that may become due thereon; and the assignee holding any 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 equal proportion of the said capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the meetings thereof.

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; and a quorum being met, they shall have full power and authority to agree with and appoint such engineers, agents, superintendents, and artists and other officers as they shall think necessary to erect and complete the said bridge and conduct the business of 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 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 as by the by-laws or regulations of the said company shall be lawful.

Section 8. That before the said president and directors shall proceed to erect the said bridge, it shall and may be lawful for the president and directors to contract and agree with the owner or owners of any lands and materials for the purchase of so much thereof as shall be necessary for the purpose of erecting and completing the said bridge, and making and establishing all the necessary work 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, or in case any such owner or owners thereof shall

Duties and powers of president and directors.

Proceedings in case company and owners cannot agree:

be feme covert, or under age, non compos mentis, or reside out of the state, then it shall and may be lawful for the said president and directors to apply to one of the judges of the court of common pleas of the county in which the said estate is situate, not being a stockholder or otherwise interested, who, upon such application, is hereby authorized and directed to appoint three discreet and disinterested citizens of such county, 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 the said banks, and all such lands and tenements as shall be necessary for the purpose of erecting and completing the the 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 materials 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 materials, to the court of common pleas of the proper county, at the term next after they shall have agreed upon and signed the same; and the said report having been confirmed by the said 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 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 said business, the said company shall be entitled to have and to hold to them and their successors and assigns forever, the said lands and materials as fully and effectually as if the same had been granted to them by their respective owners thereof; and in case any owner or owners of such land so appraised, shall be feme covert, under age, non compos mentis, or out of the state, then and in such case the said company shall pay the amount which has been awarded to such owner or owners, respectively,

into the court of common pleas of the proper county, to the clerk thereof, subject to the order of said court, for the use of the said owner or owners, all which proceedings shall be had at the proper costs and charges of said company, to be determined by the said court; *provided always*, that should the owner or owners of any such lands, or the said company, feel himself or themselves aggrieved by the decision of the arbitrators aforesaid, he or they may appeal to the next court of common pleas in the county where the land lies, reserving to either party the right of trial by jury in said court, and the decision of the said court in the premises shall be final and conclusive; but the party so appealing shall in no case be entitled to costs, unless the award of the arbitrators shall be reversed or altered in favor of the party so appealing; and it shall and may be lawful thereupon, and not before, for the said president and directors to enter upon the said lands and materials, and to commence and to complete the erection of the said bridge.

Parties aggrieved may appeal.

Section 9. 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 stock, and of the amount of the profits or 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 the 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.

Books of account to be kept.

Section 10. That when a good and complete bridge shall have been 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:

Rates of toll.

For every coach, landau, chariot, phaeton, or other pleasure

carriage, with four wheels, drawn by four horses, the sum of seventy-five cents;

For every such pleasure carriage, with two horses, fifty cents;

For every farm or market wagon, with four horses, sixty-three cents;

For every wagon of the same description, drawn by two horses, fifty cents;

For every chaise, riding chair, sulkey, cart, or other two wheel carriage, or a sleigh or a sled, with two horses, thirty-one and a fourth 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, half a cent;

Proviso. *Provided*, that all persons going to and returning from funerals, persons going to or returning from meeting or church, children going to or returning from school, shall pass free of toll;

Proviso. *provided, also*, that in 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 no wise to injure, stop or interrupt the navigation of the said river, or prevent boats or rafts from passing, or persons from fording the said river.

Penalty for
injuring
bridge.

Section 11. 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 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 with costs of suit, by action of debt, before any justice of the peace having cognizance thereof, by any person who shall sue for the same.

Penalty for
taking illegal
toll, &c.

Section 12. That if the said company, their successors and assigns, or whoever 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 described and 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, one-third thereof for the use of the poor of the county of Northampton, in the state of Pennsylvania, and one-third thereof for the use of the poor in the county of Warren, in the state of New Jersey, and the other third for the use of the person or persons who may sue for the same in manner aforesaid; *provided always*, that no Proviso. suit or action shall be brought unless within sixty days after such offence may have been committed.

Section 13. That the said president and directors shall have power to agree with any owner or owners of ferries or Company to agree with owner of ferries. shad fisheries that may be injured by the erection of the said bridge, and to compensate them for any damages they may thereby sustain; and if they cannot agree with such owner or owners, then and in such case the said damages shall be ascertained and paid in the same manner as is provided for in the eighth section of this act; *provided*, that no person shall receive any Proviso. compensation for ferriage at any ferry which shall have been purchased and paid for by the said company after the said bridge shall have been completed.

Section 14. That the said president, directors, and company, Semi-annual dividends. shall keep 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 increase thereof, among all the stockholders of said company, deducting first therefrom all contingent costs and charges, and such proportions of said income as may be deemed necessary for a growing fund, to provide against the decay, and for rebuilding and repairing the said bridge, and shall, on every first Monday in May and November, 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.

Section 15. That the president and all such officers as the

Officers to
take oath.

managers shall direct, shall, before he or they act as such, take and subscribe an oath or affirmation for the due and faithful execution of the duties of his or their office.

Act when to
take effect.

Section 16. 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, and vesting like powers and authority in the subscribers to said capital stock, to erect a bridge at the place aforesaid, and to extend the same from shore to shore, with as full and ample powers, privileges, franchises and emoluments as to the said company are hereby given.

Commence-
ment and
completion.

Section 17. That if the said bridge shall not be commenced within five years, and completed within ten years from the passing of this act, the charter hereby granted, shall be void.

Debts not to
exceed certain
amount.

Section 18. That it shall not be lawful for the company created by this act, to contract debts or issue notes or other obligations for the payment of money to an amount exceeding at any one time, three-fourths the amount of its capital actually paid in; and for any violation of this section, the persons who acted as president and directors at the time when such excess of debts was contracted, or such excess of notes or other obligations was issued, shall severally and jointly be responsible for all the debts and contracts of the said company.

Not to engage
in banking.

Section 19. That nothing in this act contained shall be so construed as to authorize the said bridge company to exercise any banking privileges whatsoever, or to issue any notes in the nature of bank notes, and the legislature reserves the right of altering, amending, or annulling this charter whenever they think proper.

E. B. CHASE,

Speaker of the House of Representatives.

M. McCASLIN,

Speaker of the Senate.

Approved the twenty-seventh day of February, one thousand eight hundred and fifty-four.

WM. BIGLER.

SECRETARY'S OFFICE.

Pennsylvania, ss.:

I do hereby certify that the foregoing and annexed is a true and correct copy of the original act of the General Assembly of the Commonwealth, entitled "An act to incorporate the Carpentersville Delaware Bridge Company," 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, at Harrisburg, this twenty-eighth day of February, in the year of our Lord one thousand eight hundred and fifty-four.

E. S. GOODRICH,
Dep. Sec. Com'th.

CHAPTER CLXVIII.

AN ACT to improve the navigation of Cooper's creek.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{J. Troth authorized to make canal.} *the State of New Jersey,* That it shall be lawful for Jacob Troth, his heirs and assigns, to improve the navigation of Cooper's creek, by cutting a canal about twenty-five yards in length, across his marsh, on the farm where he now dwells, situate in the township of Delaware, in the county of Camden, so as to divert the main channel of said creek, which now flows around said marsh, directly through said canal; which canal shall not be less than twenty-five feet wide and two feet deep, throughout that width, at low water of said creek; and shall, when constructed, be a public stream and highway, in the same sense that said creek now is.

Approved March 17, 1854.

CHAPTER CLXIX.

AN ACT relative to the journal of the Senate and the minutes of the General Assembly.

Former acts
repealed;

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled a supplement to the act entitled an act relative to the laws of this state, the proceedings of the legislature, and the distribution thereof, and the laws of the United States, approved April sixth, one thousand eight hundred and forty-six, which supplement was approved March thirtieth, eighteen hundred and fifty-two, be and the same is hereby repealed.

Journals to be
deposited in
office of secre-
tary of state.

2. *And be it enacted*, That the secretary of the Senate and the clerk of the House of Assembly for the seventy-seventh session of the legislature of this state, be and they are hereby authorized to prepare and deposit in the office of the secretary of state the original journals of their respective houses for the said seventy-seventh session, in like manner as they would have been required to do had the act to which this is a supplement not been passed.

Compensation
to secretary
and clerk.

3. *And be it enacted*, That there shall be allowed to the secretary of the Senate and clerk of the House of Assembly the sum of six cents by the sheet of one hundred words, and no more, for the enrolled copy of the journal authorized by this act and the act entitled "An act relative to the laws of this state, the proceedings of the legislature, and the distribution thereof, and of the laws of the United States," approved April sixteenth, eighteen hundred and forty-six.

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

Approved March 17, 1854.

CHAPTER CLXX.

AN ACT to repeal an act entitled "An act to authorize the inhabitants of the township of Elizabeth, in the county of Essex, to raise money by tax or otherwise, at their annual town meetings, for school 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 act entitled "An act to authorize the inhabitants of the township of Elizabeth, in the county of Essex, to raise money by tax or otherwise, at their annual town meeting, for school purposes," approved March second, eighteen hundred and forty-nine, be and the same is hereby repealed. ^{Former act repealed.}

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

Approved March 17, 1854.

CHAPTER CLXXI.

AN ACT to restore the navigation of Little Timber creek, 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 Little Timber creek is hereby declared to be a public highway in all respects as fully as it was before the said creek was dammed, at the mouth or entrance thereof into the river Delaware, and the township committee of said township are hereby authorized and required, at the expense of said township, to remove the said dam, and thereby open the navigation of the said Little Timber creek on the first day of September, eighteen hundred and fifty-four. ^{Township committee to remove dam.}

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

Approved March 17, 1854.

CHAPTER CLXXII.

AN ACT to regulate fishing in Shark river, in the county of Monmouth.

Penalty for
fishing in
Shark river.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act no person shall fish in Shark river, in the county of Monmouth, with any net or seine, the meshes of which are less than one inch square, and if any person shall offend against this act, he shall, for every offence, forfeit the sum of twenty-five dollars, to be recovered by action of debt, in the name and for the use of any person who will prosecute for the same.

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

Approved March 17, 1854.

CHAPTER CLXXIII.

AN ACT relative to the time of holding annual town meetings in the township of North Bergen, in the county of Hudson.

Time for hold-
ing town
meetings.

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

tants of the township of North Bergen, in the county of Hudson, who are or shall be qualified by law to vote at town meetings, shall have full power and they are hereby directed and required to assemble and hold town meetings, in said township on the second Wednesday in April annually, instead of on the second Monday of April, as heretofore.

2. *And be it enacted*, That all laws heretofore passed relative to the holding of annual town meetings in said township, contravening the object and intent of this law, be and the same are hereby repealed. Former acts repealed.

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

Approved March 17, 1854.

CHAPTER CLXXIV.

AN ACT to repeal an act entitled, "An act to authorize the inhabitants of the township of Freehold, in the county of Monmouth, to vote by ballot at their town meetings."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to authorize the inhabitants of the township of Freehold, in the county of Monmouth, to vote by ballot at their town meetings," be and the same is hereby repealed. Former act repealed.

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

Approved March 17, 1854.

CHAPTER CLXXV.

AN ACT to change the time for the collection of taxes in the township of Rahway, in the county of Essex.

Duties of assessors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the duty required of the assessors of the several townships, by the third section of the act entitled "An act concerning taxes," shall be performed by the assessor of the township of Rahway within fifteen days after the second Monday in July hereafter; and the commissioners of appeal in cases of taxation in said township shall meet annually on the fourth Tuesday of September, instead of the fourth Tuesday of November, as heretofore.

Duties of collectors.

2. *And be it enacted*, That the duty which the collector of said township is now required to perform by the tenth section of the act aforesaid, shall be performed on the first day of August, instead of the first day of October, in each year hereafter; and the time of payment of moneys to the collector of the county of Essex, shall be the twenty-second day of October, instead of the twenty-second day of December, in each year; and the duty required of the collector of said township by the twelfth section of said act, shall be performed on the twentieth day of October, instead of the twentieth day of December, in each year.

Duties of assessors and township committees.

3. *And be it enacted*, That the duties required of the assessors and township committees of the several townships by "a supplement to an act for the preservation of sheep," which supplement was approved March twenty-fourth, eighteen hundred and fifty-two, shall be performed by the assessor and committee of the township of Rahway, on the first Monday of July, instead of the first Monday of October, in each year hereafter.

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

Approved March 17, 1854.

CHAPTER CLXXVI.

AN ACT to make taxes a lien on real estate, and to authorize sales for the payment of the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the assessors of the several townships in this state, in making their assessments, as now provided by law, to assess all lands, tenements, hereditaments, and real estate, in the names of the owners thereof, respectively, and to designate the same by some short description as will be sufficient to ascertain the location and extent thereof.

2. *And be it enacted*, That any assessment of taxes made in this state against any person or persons residing out of this state, or foreign corporation residing out of the county in which the land is located, on account of any lands, tenements, hereditaments, or real estate of such person or persons, or corporation, shall be and remain a lien on all the lands, tenements, hereditaments or real estate on account of which said assessment shall be made, with lawful interest thereon accruing, and all costs and fees in relation to said assessment and collection thereof, for the space of two years from the time when the taxes, so as aforesaid assessed were payable.

3. *And be it enacted*, That in any case any assessment of taxes, as specified in the last preceding section, together with the interest thereon, and costs and fees aforesaid, shall remain unpaid for the space of one year, after the said taxes were payable, then and in every such case it shall be lawful for the township committee of the said township, or a majority of them, to issue their warrant, under their respective hands and seals, directed to any constable of the said township, therein and thereby commanding him to make said taxes, with the interest, and costs and fees, as aforesaid, of the lands, tenements, hereditaments or real estate, on account whereof the same were assessed as aforesaid, and of which the assessors' description shall be therein set forth by selling the same, or any part

Real estate to
be assessed in
name of owner

Taxes against
non-residents
to be a lien on
lands, &c.

Collection of
taxes remain-
ing unpaid.

thereof, as will be sufficient for that purpose for the shortest term for which any person or persons will agree to take the same, and pay such taxes, with the interest thereon, and all costs, fees, charges and expenses; and further directing the said constable to pay the money or moneys raised by such sale to the said township committee of said township, and to make return of said warrant and his proceedings thereunder, to said township committee of said township, to be filed by the clerk of said township among the other papers of said township.

Warrant to be
recorded.

4. *And be it enacted*, That the warrant specified in the last preceding section, shall, before the execution thereof, be recorded by the clerk of said township, in a book to be provided for that purpose; which said record thereof shall be received as evidence in the several courts of this state.

Constable to
give notice of
sale.

5. *And be it enacted*, That it shall and may be the duty of the constable to whom such warrant shall be directed as above specified, before he sells by virtue thereof, to give notice of the time and place of the sale of any lands, tenements, hereditaments or real estate, under this act, by advertisement, signed by said constable, and inserted in a newspaper printed and published in said township, or in the county where the sale is to take place, for at least sixty days, once in each week, before the time appointed for such sale; and also set up for the same period in five of the most public places in said township, one of which shall be at or near the lands, tenements, hereditaments, or real estate to be sold; *provided however*, such sale may be adjourned from time to time, not exceeding ninety days in the whole.

Proviso.

Manner of sel-
ling lands.

6. *And be it enacted*, That it shall and may be lawful for the said constable, to whom such warrant shall be directed at the time and place specified in the above required notice, or at the time and place to which he shall adjourn, as provided for in the last preceding section, to sell and strike off such lands, tenements, hereditaments, or real estate, as may be set forth in said warrant or any part thereof, to such person or persons as will agree to take the same for the shortest term and pay such taxes as may be assessed as aforesaid on account thereof and the interest thereon, and all costs, fees, charges, and expenses,

and thereupon to execute and deliver to any such person or persons a deed for the same, under his hand and seal, and such person or persons, and his, her, or their legal representatives, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements, and hereditaments, or real estate, during the term for which he, she, or they shall have purchased the same, for his, her, or their own proper use and benefit, against the owner or owners thereof, and all and every person or persons claiming under him, her, or them, until said term shall be fully completed and ended, and shall be at liberty at or before the expiration of the said term, to remove any building or buildings and materials erected and placed by him, her or them, thereon, and when said term shall have been ended, shall peaceably and quietly yield up the same to the lawful owner or owners thereof, in as good condition as when he, she or they took possession of the same, damage resulting from ordinary use and the elements excepted.

7. *And be it enacted*, That notwithstanding any mistake in the name or names of the owner or owners, or omission to name the real owner or owners of any lands, tenements, hereditaments and real estate in the said township, in assessing the taxes on account thereof as aforesaid, such assessment shall be valid and effectual in law against such lands, tenements, and hereditaments, or real estate; and the same may be proceeded against and sold in the manner prescribed herein.

8. *And be it enacted*, That the constable to whom such warrant as aforesaid shall be directed, shall be entitled to receive the sum of one dollar for executing the same, and in addition thereto, two cents on each dollar by him collected and paid over to the township committee of said township for advertising the sale of any lands, tenements, hereditaments, or real estate for each delinquent, the same fees which the sheriffs of the counties are entitled to for the like services; and for a deed to the purchaser, the sum of two dollars; and the township committee of said township shall be entitled to receive for said warrant the sum of fifty cents; and the clerk of said township for recording and filing said warrant, shall be entitled to receive the sum of twenty-five cents.

Mistake in
name, &c.,
not to invali-
date assess-
ment.

Fees of con-
stable.

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

Approved March 17, 1854.

CHAPTER CLXXVII.

AN ACT to incorporate the Hopewell and Ewing Turnpike Company.

Style of incorporation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "the Hopewell and Ewing Turnpike Company," and that the following named persons, viz.: Samuel D. Ingham, Henry P. Welling, George Woolsey, John H. Phillips, Ephraim Woolsey, Stephen B. Smith, Elijah L. Hendrickson, E. W. Lanning, Thomas F. Howell, William B. Brittain, and William R. McIlvaine, or a majority of them, are hereby appointed commissioners to open the subscription books and receive subscriptions to the capital stock at such times and places as they or a majority of them may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in at least two of the Trenton newspapers.

Commissioners to open books of subscription.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be thirty thousand dollars, with power to increase the same to forty thousand dollars, and shall be divided into shares of fifty 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 instalments, 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 instalments, or any of them, to and for the use of said company.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of seven directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; 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 newspapers aforesaid, at which meeting the subscription books shall be laid before the stockholders, who shall therefore proceed to elect, by ballot, seven directors for the term of one year, a majority of whom 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 directors, the stockholders shall elect, by ballot, seven directors, a majority of whom shall be citizens of this state; and the judge of such election 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.

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

Election of
directors.

Duties and
powers of di-
rectors.

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 such 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.

Company authorized to construct road.

6. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road along what is known as the Pennington road, from its junction with the corporation line of the city of Trenton to the village of Pennington ; and also to construct a turnpike road along what is known as the Scotch road from its junction with the said Pennington road to where it is crossed by the road leading from Ewingville to Birmingham ; and the said company may by their officers, agents, or other persons in their employ, enter from time to time and at all times upon all lands to search for stone, gravel, sand or clay, for constructing and keeping up said road, doing no unnecessary damage to said lands ; *provided*, the said company as soon as they shall construct the said turnpike road, shall pay to the respective owners of the land over which they may pass, all damages which the said owners will 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

Proviso.

the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners may sustain by taking off stone, gravel, sand, and-so-forth, from his or her lands for the constructing or maintaining of said turnpike road.

7. *And be it enacted*, That the said turnpike road, from Trenton to Pennington shall be constructed at least thirty-two feet in breadth, along the middle as near as may be of the said Pennington road, 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, plank 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 six degrees with the plane of the horizon; and said company shall make good and sufficient bridges along said road, not less than eighteen 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 sides so as to prevent horses and carriages from running off.

Description of
road from
Trenton to
Pennington.

8. *And be it enacted*, That the portion of the said turnpike road that shall be constructed upon the Scotch road shall be made at least sixteen feet in breadth along the middle, as near as may be, of said road, and that eight feet of it shall be bedded and faced with stone, plank or gravel, and that in all other respects it shall be constructed in the same manner as the afore-said Pennington road.

Description of
road on Scotch
road.

9. *And be it enacted*, That it shall be lawful for the said company, their agents, superintendents, engineers, and all persons employed by them, with carts, wagons and other carriages, and with beasts of burden 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 thereunto 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

Proceedings in
case company
and owners
cannot agree.

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 materials as may be required by said company, and all damages to be sustained by reason of their removal, who shall, before they enter on 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 equitable, 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 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 and 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 orders of said court, for the use of said owner or owners.

Rates of toll.

10. *And be it enacted*, That as soon as the said company shall have constructed three consecutive miles of said road according to the directions of this act, and the true meaning and intent thereof, it shall and will be lawful for said company to erect gates or turnpikes across the same, and to demand and receive toll for traveling each mile and all fractions of 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 calves, sheep, or hogs,

five mills.

For every dozen horses, mules, or cattle,

two cents.

And it shall and may be lawful for the toll-gatherers to stop all persons riding, leading, or driving any horses, cattle, mules, sheep, calves, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes until they shall have paid the toll as above specified; *provided*, that Proviso. 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.

11. *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 city of Trenton; 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."

12. *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 person 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 costs of suit; and if any person with his or her carriage, team, or horses turn out of said road to pass a gate or gates upon private grounds adjacent thereto, and again enter on the said

Mile-stones to be erected.

Penalty for injuring works.

road, 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 the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for
illegal tolls.

13. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveler passing through any of the gates or turnpikes, or shall demand more toll than is by this act established, he shall for every such offence forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or defrauded.

Proceedings
in case road
and bridges
are not kept
in repair.

14. *And be it enacted*, That if the said company shall not keep the 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 shall 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 parts 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 to keep open the same until otherwise ordered, and if the said keeper shall, notwithstanding the order of said judge to open said gates or turnpikes, 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 costs 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 fees shall be allowed as before prescribed, and be paid by the person or persons making the complaint.

15. *And be it enacted*, That if at any time after thirty years from the completion of said road, the freeholders of the county of Mercer shall desire to take the same and make it free, they may do so by paying to the stockholders thereof the original cost of constructing said road. Road may be made free on payment of cost.

16. *And be it enacted*, That before the company hereby incorporated shall be entitled to collect the tolls authorized to be collected by the tenth section of this act on the last three miles of the said road, the president thereof shall file under oath or affirmation, in the office of the clerk of the county of Mercer, a full and perfect statement of the cost of construction of said road. Statement of cost of construction to be filed.

17. *And be it enacted*, That if the said road shall not be commenced within three years from the passage of this act, or shall not be completed within six years, this act shall be void. Commencement and completion of road

18. *And be it enacted*, That this act shall be taken and construed as a public act, and shall take effect immediately, but said company shall not construct their said turnpike along said highway until the same shall be vacated as a public highway according to law. Road not to be constructed until highway is vacated.

Approved March 17, 1854.

CHAPTER CLXXVIII.

A further supplement to the act entitled "An act to incorporate the Hillsborough Mutual Fire Assurance Association of the county of Somerset," passed March fourth, eighteen hundred and forty-four.

Company authorized to borrow money

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the directors of the said "the Hillsborough Mutual Fire Assurance Association" for the time being, to borrow money for and on behalf of the said company to pay losses for which the said company have or may hereafter become liable, not exceeding the sum of eight thousand dollars; and to raise moneys by assessments to pay such loan or loans in the same manner as they are now directed to raise money to pay losses.

Mode of assessment.

2. *And be it enacted*, That it shall be lawful for such directors, and they are hereby authorized, from time to time, when they shall make any assessments, in order to have a fund in the hands of their treasurer to pay small and inconsiderable losses, to assess over and above the losses and liabilities due at the time of such assessment at their discretion, any sum not exceeding the sum of two thousand and five hundred dollars.

Bond valid against directors.

3. *And be it enacted*, That any bond, note or guarantee given by said directors to any person or persons who shall make such loans or advance any moneys for the use of the said company, at their request, shall be good and valid against such directors, individually and personally.

Payment of liabilities.

4. *And be it enacted*, That it shall be the duty of such directors whenever the liabilities of the said company for loans, losses, or otherwise, howsoever, shall amount to the sum of eight thousand dollars, to raise money by assessment as aforesaid, to pay the same, and on neglect or refusal so to do, after sixty days' notice from the treasurer that the said liabilities amount to the said sum of eight thousand dollars; they, the said directors, so neglecting and refusing, shall be personally

liable to pay the same to the person or persons to whom it may be due.

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

Approved March 17, 1854.

CHAPTER CLXXIX.

A further supplement to the act incorporating the city of Trenton, approved March seventh, eighteen hundred and thirty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of the city of Trenton may by ordinance establish fire districts in said city, and may direct from time to time special taxes to be assessed on and collected of the owners of buildings and their contents, within said districts, for the expense of furnishing said districts with sufficient fire plugs or tanks, together with a supply of water for protection from fire, and the expense of assessing and collecting the same, which assessment and collection may be made by the regular assessors and collectors, or by special assessors and collectors, as the council may think best; and said taxes shall be a lien on the property so assessed, to the same extent as other city taxes now are.

2. *And be it enacted*, That it shall not be lawful for said common council to direct, or for the clerk to draw, or for the treasurer to accept or pay, any order that shall not be on its face, payable on presentation. Orders to be made payable on presentation.

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

Approved March 17, 1854.

CHAPTER CLXXX.

A supplement to an act entitled "An act to incorporate the Camden and Pemberton Agricultural Railroad Company."

Extension of
road author-
ized.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Camden and Pemberton Agricultural Railroad Company are hereby authorized to extend their road from the present terminus, at or near the village of New Egypt, in the county of Ocean, to or near the village of Freehold, in the county of Monmouth, according to the provisions of the original act to which this is a supplement; *provided*, that the said railroad company as soon as their said road shall be finished, shall pay to this state, instead of the transit duty imposed by the act to which this is a supplement, the sum of eight cents for each passenger and ten cents for each ton of freight carried over the whole length of said road.

Approved March 17, 1854.

CHAPTER CLXXXI.

A supplement to the act entitled "An act to incorporate the city of Cape Island."

Process by
mayor, recorder
and alder-
man.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor, recorder and alderman of the said city, and each of them, in all cases within their jurisdiction, shall be authorized to issue process, which may be served by the constables of the said city in any and every part of the county of Cape May, anything in the act to which this is a supplement to the contrary notwithstanding.

2. *And be it enacted*, That so much of the act to which this ^{Part of former act repealed.} is a supplement, as restricts the amount which the city may raise by loan in one year to fifteen hundred dollars, and the indebtedness to three thousand dollars, be repealed, and that the said city may and is hereby authorized to raise by loan any sum required for the use of the said city; *provided*, the said ^{Proviso.} city shall not owe over fifty thousand dollars at any one time.

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

Approved March 17, 1854.

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CHAPTER CLXXXII.

A supplement to the act entitled "An act to incorporate the Medford and Tuckerton Turnpike Road Company," approved March twenty-fifth, one thousand eight hundred and fifty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said the Medford and Tuckerton Turnpike Road Company, be and they are hereby authorized to construct and make a turnpike or plank road, on or near the present mail route from the village of Medford, in the county of Burlington, to the village of Tuckerton in the same county, not more than four rods wide, which said turnpike or plank road shall be sufficiently arched and drained to make and keep the same dry; and at least fourteen feet thereof shall be sufficiently bedded and faced with stone, gravel, plank, or other material, to make a solid, firm and even road at all seasons of the year; and the said company shall construct, keep in repair, maintain and make good and sufficient bridges along the line of said road not less than fourteen feet in width. ^{Company authorized to construct road}

Toll may be
demanded.

2. *And be it enacted*, That as soon as the said company shall have constructed six miles of the said turnpike road, it shall and may be lawful for the said company to erect gates or turnpikes across the same, and to demand and receive toll for traveling each mile thereof at the rates prescribed in the act to which this is a supplement.

Part of former
act repealed.

3. *And be it enacted*, That so much of the act entitled "An act to incorporate the Medford and Tuckerton Turnpike Road Company," as is inconsistent herewith, be and the same is hereby repealed.

Approved March 17, 1854.

CHAPTER CLXXXIII.

A supplement to an act entitled "An act respecting apprentices and servants," approved April tenth, eighteen hundred and forty-six.

Indentures
may be made
to firms.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the binding by indenture mentioned in the first section of the act to which this is a supplement, may lawfully be made to two or more persons constituting a firm or co-partnership; and all such indentures, if in other respects conformable to the provisions of said act shall be deemed and held to be valid and effectual in law; *provided*, that nothing herein contained shall be so construed as to render valid any indenture of apprenticeship made to any incorporated company.

Proviso.

Indentures
not void by
death of one
of firm.

2. *And be it enacted*, That in all cases of an indenture, whereby an apprentice or servant is or shall be bound to serve several persons, constituting a firm or copartnership, and one or more of such persons shall die before the expiration of the

term of apprenticeship or service mentioned in any such indenture, then the covenants and agreements contained therein, on the part of the parent or guardian of such apprentice or servant, and on the part of such apprentice or servant, shall accrue and be performed to the survivors or survivor, and such survivors or survivor shall perform and fulfil to the apprentice or servant, all the covenants and agreements contained in any such indenture on the part of the persons to whom such apprentice shall be bound, to be performed, fulfilled and kept.

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

Approved March 17, 1854.

CHAPTER CLXXXIV.

A supplement to an act to protect fish in the Colver's or Round Pond, and in the Long Pond, and in Lake Hopatcong, in the counties of Sussex and Morris.

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 lake Hopatcong, in the counties of Sussex and Morris, in this state, between the first day of March and the first day of May in each and every year, under the penalty of ten dollars for each and every offence, to be recovered in an action of debt in any court of competent jurisdiction, 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 in said township. Penalty for taking fish in certain sea sons.

2. *And be it enacted*, That so much of the act to which this is a supplement that conflicts with the provisions of this act, 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 17, 1854.

CHAPTER CLXXXV.

A supplement to the act entitled "An act authorizing the removal of certain milldams from Rahway river and its branches, within the limits of the townships of Rahway and Woodbridge, in the counties of Essex and Middlesex."

Assessments
to be a lien
upon lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any assessment or tax made or imposed against any person or persons, by virtue of the act authorizing the removal of certain milldams from Rahway river and its branches, within the limits of the townships of Rahway and Woodbridge, in the counties of Essex and Middlesex, approved March third, eighteen hundred and fifty-four, to which this act is a supplement, shall be and remain a lien on all the lands, tenements, hereditaments and real estate so assessed, of such person or persons within the limits of the townships of Rahway and Woodbridge, for the amount of such assessment or tax, with interest thereon, and all costs and fees, for the space of two years from the time such assessment was made.

Proceedings in
case of non-
payment of as-
sessments.

2. *And be it enacted*, That in case any assessment made as aforesaid shall not have been complied with by payment of the sums thereby assessed to the township collectors, as provided for in the said act to which this is a supplement, within one month from the time of demand being made, then it shall be the duty of the said collectors to make returns to David S. Craig, Joseph O. Lufbery and Ezra Ayres, agents or trustees appointed by said act to which this is a supplement, a list of the said delinquents, with the amounts assessed against each

respectively; and upon the receipt of such return of delinquents, it shall be lawful for said agents or trustees to cause the same to be advertised in one or more public newspapers printed in the township of Woodbridge, for two months, thereby requiring the owners of such lands, tenements, hereditaments and real estate, respectively, to pay the sums at which such lands, tenements, and hereditaments, and real estate shall have been assessed to them, the said agents or trustees; and that if default shall be made in such payments, such lands, tenements, hereditaments and real estate will be sold at public auction, at a day and place to be specified therein, for the shortest term of years at which any person will offer to take the same in consideration of paying the sum assessed on the same, with the interest thereof, and the expenses of such advertisement and sale; and if, notwithstanding such notice, the owners shall refuse or neglect to pay such assessment and the interest and cost thereon, and the expenses of such advertisement, then it shall be lawful for the said agents or trustees to cause such real estate to be sold at public auction for a term of years, for the purpose and in the manner expressed in the said advertisement, and to give a declaration in writing of such sale, to the purchasers thereof, under their hands and seals; and such purchaser, his executors, administrators or assigns, shall, by virtue thereof, and of this act, lawfully hold and enjoy the same, for his and their own proper use, against the owner or owners thereof, until his term shall be completed and ended; and such purchaser shall be at liberty, at or before the end of the term, to remove the building and materials erected and placed by him thereon.

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

Approved March 17, 1854.

CHAPTER CLXXXVI.

AN ACT to incorporate companies to erect buildings for the use of lyceums, public libraries, scientific, charitable, and benevolent associations.

Mode of incorporation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any number of persons, exceeding four, to associate together for the erection of any building or buildings in this state, for the use of lyceums, public libraries, scientific, charitable, and benevolent associations, and for that purpose they shall become incorporated, with all the rights, powers and privileges, and subject to all the restrictions and liabilities contained in the act entitled "An act concerning corporations," upon making a certificate under their respective hands and seals, duly proved and acknowledged, setting forth their corporate name, the place where, the purpose for which the building is to be erected, the capital stock, and the shares into which the same is divided, and the name, residence, and number of shares of each stockholder, and file the same in the clerk's office of the county where the building is to be erected.

Part of building may be leased.

2. *And be it enacted*, That it shall be lawful for every such company to rent for any lawful purpose any part or parts of such building, not wanted for the specific purpose of its erection.

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

Approved March 17, 1854.

CHAPTER CLXXXVII.

Supplement to an act entitled "An act to regulate fees."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey* That the crier of the several county courts of the county of Morris, shall be entitled to receive for attendance on said courts, while they or any of them are in actual session, the sum of one dollar for each day's attendance on said courts, to be paid by the county collector, on certificate of the clerk of said courts of the time he shall have so attended.
2. *And be it enacted*, That this act shall take effect immediately.

Approved March 17, 1854.

CHAPTER CLXXXVIII.

A further supplement to the act entitled "An act relative to commissioners for taking the acknowledgments and proofs of deeds," approved March twenty-sixth, eighteen hundred and fifty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state is hereby authorized, by and with the advice and consent of the senate, to name, appoint, and commission two commissioners in the city of New York, in the state of New York; and one in the city of Brooklyn, and one commissioner in the city of Philadelphia, in the state of Pennsylvania, in addition to those now authorized by law, which said commissioners shall have the same powers and fees, and perform the like duties, and be sub-

ject in all respects to the same provisions and restrictions of the commissioners authorized to be appointed by the said original act and the supplement thereto.

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

Approved March 17, 1854.

CHAPTER CLXXXIX.

AN ACT relative to the election of overseers of highways in the township of Maurice River, in the county of Cumberland, and in the township of Randolph, in the county of Morris.

Election of
overseers

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the qualified voters of each road district, for the time being, in the township of Maurice River, in the county of Cumberland, and in the township of Randolph, in the county of Morris, be and they are hereby authorized to elect overseers of the highways for said districts, respectively.

Time of hold-
ing election.

2. *And be it enacted*, That such elections shall be held in each district on the Friday next preceding the second Tuesday in March, annually, at such time and place and upon such notice as shall be determined upon at the previous annual meeting in each road district, respectively, and it shall be the duty of the town clerk of the said townships to give the notice so determined upon as aforesaid.

First election.

3. *And be it enacted*, That the first election shall be held on the Friday next preceding the second Tuesday in March next, at such time and place as shall be designated by the town clerk of the said township, of which the said town clerk shall give notice by advertisement set up in some public place in each district at least five days previous thereto.

4. *And be it enacted*, That no overseer or overseers shall be elected in said township except under the authority of this law.

Approved March 17, 1854.

CHAPTER CXC.

AN ACT to provide for ascertaining the boundaries between the county of Ocean and the counties of Burlington and Monmouth.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John L. Corlies, of the county of Monmouth, Stacy B. Read, of the county of Burlington, and Joseph Woodward, of the county of Ocean, be and they are hereby appointed commissioners to run, mark, and ascertain the lines of partition between the said county of Ocean and the counties of Burlington and Monmouth, agreeably to the acts of the legislature constituting the said counties, and describing their boundaries. Commissioners to run line

2. *And be it enacted*, That the said commissioners, before they enter upon the execution of their appointment, shall take and subscribe an oath or affirmation before some person qualified by law to administer the same, that they will faithfully and impartially perform all the duties of their appointment. Commissioners to take oath.

3. *And be it enacted*, That the said commissioners, or any two of them, shall cause the said lines of partition to be run, surveyed, marked and ascertained, in conformity, as nearly as may be, with the said acts of the legislature constituting the said counties, which survey, certified under their hands or the hands of any two of them, shall be annexed to their oath or affirmation of office, and filed in the office of the secretary of Survey to be filed.

this state ; and the line so surveyed, marked, ascertained and certified, shall be and is hereby declared to be the boundary and line of partition between the said county of Ocean and the said counties of Monmouth and Burlington.

Compensation
to commis-
sioners.

4. *And be it enacted*, That each of the said commissioners shall be entitled to receive, in addition to their necessary expenses, the sum of three dollars for each and every day they shall be occupied in the duties of said office ; shall have power to employ such surveyors and assistants, teams, drivers and workmen, as shall be by them deemed necessary for the speedy, accurate, and permanent survey and establishment of said line, and all the charges and expenses of executing the duties of said appointment, shall be equally paid by the said counties, the collectors of which said counties are hereby respectively directed and required to pay the same ; *provided*, that the amount received by each commissioner, for his own personal services, shall in no case exceed the sum of one hundred dollars.

Proviso:

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

Approved March 17, 1854.

CHAPTER CXCI.

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

Vacancies,
how supplied.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case of any vacancy in the board of trustees of any school district, the same may be filled by the taxable inhabitants of said district ; *provided*, that the election to fill such vacancy is held on or before the first Monday of March.

Proviso.

2. *And be it enacted*, That the election to fill such vacancy shall be held upon ten days' notice of the time and place thereof, to be given by the town superintendent of the township in which said district is situate, by advertisement in three of the most public places in said district. Notice of election to be given.

3. *And be it enacted*, That it shall be the duty of said superintendent to give notice as aforesaid within three days after he shall be notified of such vacancy, in writing, signed by ten or more of the taxable inhabitants of said district. Superintendent to give notice

4. *And be it enacted*, That nothing contained in this supplement shall be construed to alter or repeal the provisions of any act providing for or regulating public schools, or taxation for public purposes, in any particular city, borough, township, ward, or district of this state. Provisions of former act not altered.

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

Approved March 17, 1854.

CHAPTER CXCH.

A further supplement to the act entitled "An act to ascertain the times and places of holding certain courts," approved April eighteenth, eighteen hundred and forty-six.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That from and after the fourth day of July next, the several regular terms of the respective courts, in and for the counties hereinafter named, shall be held at the times following, and not otherwise, that is to say :

I. In the county of Bergen on the first Tuesday of April, Bergen the first Tuesday of September, and the first Tuesday of December, respectively.

Essex.

II. In the county of Essex on the second Tuesday of May, the second Tuesday of October, and the first Tuesday of February, respectively.

Passaic.

III. In the county of Passaic on the third Tuesday of April, the third Tuesday of September, and the first Tuesday of January, respectively.

Burlington.

IV. In the county of Burlington on the third Tuesday of April, the third Tuesday of September, and the third Tuesday of December, respectively.

Part of former acts 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.

Approved March 17, 1854.

CHAPTER CXCIH.

AN ACT supplemental to and explanatory of an act entitled an act relative to freight and transit duties on railroads in this state, approved March twenty-fourth, eighteen hundred and fifty-two.

Term small packages, how construed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the term small packages in the third section of the said act, shall not be held to include bundles and packages where more than five bundles or packages are delivered at one time, and where such bundles and packages so delivered can be, in the aggregate, readily weighed, either as light or bulky goods, or as ordinary freight.

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

Approved March 17, 1854.

CHAPTER CXCIV.

Supplement to the "Act to provide for the incorporation of insurance companies," approved March tenth, eighteen hundred and fifty-two.

WHEREAS, by the act to which this is a supplement it is de- Preamble.
 clared that no company organized for the purposes mentioned therein shall be organized with a smaller capital stock than fifty thousand [dollars,] nor shall any company formed for the purpose of doing the business of marine, or fire, or inland navigation insurance, on the plan of mutual insurance, commence business until agreements have been entered into for insurance, the premiums on which shall amount to twenty thousand dollars, and notes have been received in advance for the premiums on such risks, payable at the end of or within twelve months from date thereof, which notes shall be considered a part of the capital stock, and shall be deemed valid and shall be negotiable and collectable for the purpose of paying any losses which may accrue or otherwise; and whereas, there is no provision in said act for the manner in which the residue of the said capital stock, over and above the said notes of twenty thousand dollars, is to be paid in and secured; therefore

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the time of subscribing the capital stock of such company, as provided in the fourth section of the act to which this is a supplement, the whole of such subscription, to the full amount of thirty thousand dollars, shall be paid in cash, which, in addition to the said premium notes of twenty thousand dollars, shall form the capital, and it shall and may be lawful for the said company to invest the said cash capital in the stocks of the incorporated cities of this state, the stocks of this state, or of the United States, or the states of Massachusetts, New York, Ohio, Kentucky, Virginia, or Pennsylvania, or in bonds and mortgages on unincumbered real estate within this state, worth, exclusive of buildings, double the amount invested therein; which said stocks or

Payment of subscriptions.

Cash capital may be invested.

bonds and mortgages shall be deposited with the treasurer of this state, together with a true list of the names and residence of the persons whose notes are held by said company, with the dates and amounts thereof; and the president of said company shall present therewith to the treasurer his affidavit in writing that the mortgages, and each of them, were taken bona fide and in good faith for so much money loaned by said company, and that the premises thereby mortgaged are worth, exclusive of buildings thereon, double the amount of the mortgage thereon, and thereupon the said treasurer shall prescribe such regulations at the expense of said company for ascertaining the title and value of the said real estate, as he may deem proper, and when the said treasurer is satisfied with the title and value of said mortgaged premises and the sufficiency of the said securities, he shall certify his receipt of the said securities as the capital stock of said company to the secretary of state, and thereupon the attorney general and secretary of state shall then proceed as directed in the thirteenth section of the original act.

Trustees and
corporators
released from
liability in
certain cases.

2. *And be it enacted*, That when any company shall be formed under the provisions of the said act and the supplements thereto, the capital stock of which by the terms of its charter shall exceed the sum of fifty thousand dollars, the trustees and corporators of such company, and those entitled to a participation of the profits of the same, shall be relieved from the joint and general liability in the twenty-first section of the said act mentioned, when capital to the amount of fifty thousand dollars shall be paid in and invested as required by the provisions of the said act or any supplement thereto.

Approved March 17, 1854.

CHAPTER CXCV.

A further supplement to the act entitled "An act respecting conveyances," 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 when any deed or conveyance, hereafter recorded in any office in this state, shall not be recorded in ten years after the date thereof, as mentioned in the first section of a supplement to said act, approved March twenty-fifth, eighteen hundred and fifty-two, and such deed or conveyance shall embrace lands lying in more than one county of this state, it shall and may be lawful, and it is hereby declared to be the duty of the clerk of the county, or other officer recording such deed, if the grantee or grantees in such deed or conveyance, or other person interested therein, shall request the same recorded in the other county or counties where the lands lie, for the clerk or other officer, at the proper cost and expense of the party requesting the same, to transmit said deed or conveyance to the clerk of the other county wherein the lands, or some part thereof, are situated; and such deed, after being recorded as provided in said first section of said supplement, shall be carefully kept by said clerk or other officer in manner therein stated.

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

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

Approved March 17, 1854.

CHAPTER CXCVI.

A further supplement to the act entitled "An act to ascertain the times and places of holding certain courts," approved April eighteenth, eighteen hundred and forty-six.

Special terms
of court.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the judges of the court of common pleas of the counties of Hudson, Passaic and Morris, for the time being, or any three or more of them, are hereby authorized and directed to hold a special term of the court of general quarter sessions of the peace, in and for the said counties respectively, at the court house in said county, on the first day of the terms of said courts respectively as the same were appointed before the alteration thereof by the act entitled "A further supplement to the act entitled an act to ascertain the times and places of holding certain courts," approved April eighteenth, eighteen hundred and forty-six, which supplement was approved January twenty-fifth, one thousand eight hundred and fifty-four.

Authority of
courts at spe-
cial terms.

2. *And be it enacted*, That the said court of general quarter sessions of the peace in and for the counties of Hudson, Passaic and Morris, at the special term held in pursuance of the foregoing section, shall have full power and authority to receive all process that has been made returnable to, and all recognizances that have been taken for the appearance of persons before the court of oyer and terminer and general jail delivery, or the court of general quarter sessions of the peace in and for said counties respectively, at the said several terms before the alteration thereof, to take cognizance of all indictments pending in either of said courts, and to make all such orders and direct all such proceedings upon such process, recognizances and indictments, except the trial or final disposition of said indictments, which either of said courts of oyer and terminer and general jail delivery or general quarter sessions of the peace could have lawfully made or directed, if the time of holding the stated terms thereof had not been changed from the said second Tuesday of April next.

3. *And be it enacted*, That all writs and process in civil suits which are returnable to the said term of the said court before the alteration thereof, shall be returnable to the first day of the next succeeding terms of the said court, as the same are now appointed, and the same proceedings shall be had thereon as if the time of holding the stated terms thereof had not been changed. Return of writs and process.

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

Approved March 17, 1854.

CHAPTER CXCVII.

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.

WHEREAS, certain practitioners of physic and surgery in this state, labor under certain disabilities in the practice of their profession, owing to existing laws, by which they are unable to collect their dues, and are liable to pains and penalties in the pursuit of their profession; therefore, Preamble.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That it shall be lawful for all persons of good moral character, who have diplomas from any medical college, or from the medical department of any university of any state of the United States, which, before conferring diplomas, require those upon whom they are conferred to be twenty-one years of age; to have studied physic and surgery three full years with a respectable and lawful practitioner of medicine, including two full courses of lectures of not less than twelve weeks each, in which shall be taught the principles of materia Diploma to be deposited with county clerk.

medica, pharmacy, chemistry, anatomy, physiology, and the practice of physic, surgery and midwifery, to practice physic and surgery in this state, after depositing a copy of such diploma, translated in the English language, or other evidence of graduation, with the clerk of the county in which such practitioner may reside; and until such copy shall be so deposited, those practitioners who shall neglect the same shall be liable to the penalty of the act to which this is a supplement; and it shall be the duty of the said clerk to file such copy in his office, for each of which he shall receive twelve and a half cents; and no more, from the practitioners who may deposit the same.

Parts of former act repealed.

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

Approved March 17, 1854.

CHAPTER CXC VIII.

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

Names of wards changed

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the following wards of the city of Newark, as the same are now or may hereafter be constituted, shall henceforth be called and known by the following names, respectively: the north ward shall be called and known by the name of the first ward; the west ward shall be called and known by the name of the second ward; the south ward shall be called and known by the name of the third ward; the east ward shall be called and known by the name of the

fourth ward; the southeast ward shall be called and known by the name of the ninth ward; and that all offices, provisions, proceedings, matters and things whatsoever, shall be and continue in the said wards under their new names, respectively, in the same manner and to the same extent, except as regards the alteration of the names of the said wards, as if this act had not been passed.

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

Approved March 17, 1854.

CHAPTER CXCIX.

Supplement to an act entitled "An act authorizing the trustees of Camden Academy to release certain persons and lands from the payment of an annuity devised to said trustees by George Genge, now deceased."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the release or releases authorized to be made by the first section of the act to which this is a supplement, shall, when executed in accordance with the requirements of said section, be deemed good and sufficient in law and equity forever thereafter, to release and discharge the said lots mentioned in said section from all future payment on or liability to pay said annuity or any part thereof to said trustees or their successors in office, or any other person or persons. Releases made valid.

2. *And be it enacted*, That the said act to which this is a supplement, as well as this supplement, shall be deemed and taken as public acts, and shall take effect immediately upon the passage thereof. Public act.

Approved March 17, 1854.

CHAPTER CC.

AN ACT to incorporate the Newark and Elizabethtown Plank Road Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard T. Haines, Francis B. Chetwood, Joseph Cross, Isaac M. Ward, J. M. Jaques, Charles Davis, Keen Pruden, Stephen B. Alling, John Young, John C. Beardsley, Henry Meeker, William H. Earl, Jun., Thomas McKirgan, John S. Peshipe, and Caleb H. Earl, and such other persons as may hereafter be associated with them, shall be and are hereby constituted a body politic and corporate, in law, by the name of "The Newark and Elizabethtown Plank Road Company," and by that name, they and their successors shall be known in law.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be fifteen 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 the said corporation may increase the capital stock to any sum not exceeding forty thousand dollars.

Commissioners to receive subscriptions.

3. *And be it enacted*, That Richard T. Haines, Joseph Cross, John C. Beardsley, Thomas McKirgan, and John S. Peshine, 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 time and places, as they, or a majority of them shall appoint, giving at least two weeks' notice of such times and places in two of the newspapers published in Newark and in one newspaper published in the township of Elizabeth, and at such times and places so fixed, the said commissioners or a majority of them, shall attend and re-

ceive subscriptions to the capital stock, and if more shall be received, than by this act is authorized, the said commissioners, or a majority of them, shall apportion the same, as to them shall seem fair, equitable, and just; and at the time of subscribing for said stock, 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 at such times, and in such amounts, by instalments, as is by this act hereinafter directed.

4. *And be it enacted*, That when there shall be three hundred shares of the said stock subscribed, and fifteen hundred dollars paid in, as above directed, the said commissioners or a majority of them, shall give public notice for ten days in two or more newspapers of said city of Newark and in one newspaper printed in the township of Elizabeth, 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, when so met, shall proceed to elect, by ballot, from among the stockholders, thirteen directors, who shall be citizens and residents of this state, and hold their offices for one year, and until others are elected, and each stockholder, at such election, and all future elections of said corporation, shall have one vote for each share, he, she, or they shall own not exceeding five shares, and for every five shares above five one vote, and that such stockholders may vote at any election by proxy duly authorized for that purpose.

Election of
directors.

5. *And be it enacted*, That the said board of directors, so to be chosen as aforesaid, shall and may elect, out of their own body, or from among the stockholders, a president, who shall be a resident of this state, and such other officers, with such salaries as they may deem proper, and shall and may employ such artificers, engineers, agents, 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 in their employ, as shall from time to time be necessary to effectuate this charter; and a majority of the said

Duties and
powers of
directors.

board, at all times, be a quorum for the transaction of business ; and may have power to call in the remainder of the capital stock of said corporation, by instalments, not exceeding five dollars on each share, by giving thirty days' notice of such required instalments, in one or more newspapers circulating generally in the neighborhood where such stockholders reside ; and if any such stockholder shall neglect or refuse, for ten days' after such instalment is due, to pay the same, he, she, or they, so neglecting or refusing, shall forfeit their stock, and all payments made thereon ; and the said board of directors shall and may require from the treasurer such security as to them shall seem just ; *provided always*, that no by-laws or regulations of said company shall be inconsistent or repugnant to the constitution or laws of this state, or of the United States, or of this charter.

Proviso.

Subscription books and money to be delivered to directors.

6.. *And be it enacted*, That when the said board of directors are so elected and chosen, said commissioners are hereby authorized and required to pay over to the said board of directors, or to such persons as they or a majority of them shall direct, all moneys which they have received for the subscriptions to such capital stock, first deducting therefrom all expenses to which they have been exposed for books, printing, or other necessary expenditures, and the sum of one dollar per day for each and every day they have been employed in the duties of their appointment ; and the directors, so chosen, and their successors, shall annually thereafter cause an election to be held at such time and place as their by-laws shall direct, for directors of said corporation, and such directors, so annually chosen, shall in like manner have power to elect their president and other officers, agents, engineers, workmen, and artificers, as is by the fifth section of this act herein provided ; and shall and may have power, at all times, to remove their officers and other persons appointed, to appoint others in their stead, if the interest of the company shall require it, and, also, have power to fill vacancies in the offices of said corporation, which may happen by death, resignation, or otherwise.

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.

8. *And be it enacted*, That the said president and directors of the said company, are hereby authorized and invested with all the rights and powers necessary and expedient to construct a plank road on the present public highways from Newark to Elizabethtown, commencing at some point in Broad street, at or near the line dividing the township of Clinton and the city of Newark, and terminating in Elizabethtown at or near the crossings of the New Jersey Railroad and Transportation Company and the Central railroad, by constructing thereon, in the middle of said road a special, artificial plank road, of not less than eighteen feet in width, continuous, or two tracks nine feet wide each, of substantial plank or timber, laid down in a firm and workmanlike manner, so as to present a smooth and even surface, in order to secure 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 roads, not less than twenty feet in width, and whenever the said roads, in passing over low ground, shall be raised so much at the margin or side as to render carriages passing thereon liable to upset, the said company shall cause good and sufficient railing to be erected and maintained on the sides so as to prevent horses and carriages from running off; *provided always*, that no steam power shall be used on said road, nor iron rails, or other obstructions to common travel placed thereon.

9. *And be it enacted*, That the said company may erect gates and turnpikes across the said road, and demand and receive tolls for 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, | two cents. |
| 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, and so
in proportion for a greater or less number, one cent.

For every dozen of horses, mules or cattle, two cents.

Proviso

And it shall and may be lawful for the toll-gatherers to stop persons riding, leading or driving any horses, cattle, mules, calves, sheep, hogs or carriages of burthen or pleasure, from passing through the said gates until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be construed so as to entitle 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 or carriages, sleighs or sleds, carrying persons to or from a funeral, or any person passing to or from his common business to his homestead farm, or any militiaman passing to or from any training on muster day appointed by law, or any other military officer or soldier passing or repassing when called to do duty by the laws of this state or of the United States.

Mile stones to
be erected,

10. *And be it enacted*, That before the said company shall demand or receive toll for traveling said road; they shall cause mile stones, or posts, to be erected and maintained, one for each and every mile on said road, and on each stone [or] post shall be fairly and legibly marked the distance the said stone or post is from the point of the commencement of said road in Newark, and shall cause to be affixed, and always kept up at the gates aforesaid, in some conspicuous place, a list of the rates of toll which may be lawfully demanded, and also a board on which shall be printed in large letters "Keep to the right as the law directs."

Penalty for
injuring
works.

11. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones so erected on the said plank road for the information of the people traveling the same, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars,

besides being subject to an action of 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 costs of suit; and if any person, with his carriage, team or horses, turn out of the said plank road to pass a gate or gates on private grounds adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gate, to be recovered by the said company for the use thereof, in an action of debt, with costs of suit.

12. *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 delayed or hindered.

Penalty for
taking illegal
toll, &c.

13 *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, sleighs or sleds on the right hand of said road in the passing direction, leaving the other side of the road free and clear for other carriages or persons on horseback to pass, and if any person shall offend against this provision, such person or persons shall, beside being liable to make compensation for all damages occasioned thereby, forfeit and pay the sum of five dollars to any person or persons who shall be obstructed by his or her passage and will sue for the same, to be recovered by an action of debt with costs of suit.

Penalty for
obstructing
passage.

14. *And be it enacted*, That if the said company shall not keep the said plank road and bridges which now are or may hereafter be erected thereon in repair, and complaint thereof shall be made to any judge of the court of common pleas of the county in which the subject matter of said complaint is situated, who may be disinterested, the said judge 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

Proceedings in
case road and
bridges are not
kept in repair.

said townships, which three persons, being disinterested in the said plank 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 judge may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine said plank road or bridge so complained of, and report to the said judge in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such a state as the law requires it to be kept; and if the report be unfavorable to the said plank road, the said judge 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 judge 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 shall prosecute for the same, in an action of debt with costs of suit; and the judge shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company, and it shall be the duty of the persons so appointed, or a majority of them, on application of the said company, again to view the said plank road or bridge, and report as aforesaid their opinion to the said judge, who shall, if authorized by the report of the said persons, or any two of them, by license under his hand and seal, directed to the toll-gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the same fees shall be allowed and paid as before directed; but if on the first view as before mentioned, the report of the persons, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said judge shall appoint in the same manner as above described, 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.

15. *And be it enacted*, That the said company may from

time to time make and declare such dividends from the tolls, ^{Dividends.} as they may think proper; and that when the board of chosen freeholders of the county of Essex shall desire so to do, they may, by paying to the stockholders the cost of constructing said plank road as aforesaid, make the same free; and that nothing in this act shall be construed to affect the title of the owners to the lands on which the said plank road passes.

16. *And be it enacted*, That the inhabitants residing in any ^{Owners to as-} district through which said plank road shall pass, shall not be ^{sess road tax.} assessed for the maintenance and repair of any part or portion of road in their several districts, during its occupancy by the said plank road company; but the legal voters in such districts may and are hereby authorized to meet annually, as the law directs, and elect overseers of the highways, and the said overseers are hereby authorized and empowered to make a just and equitable assessment of road tax upon the inhabitants residing, and owning property in their several districts; and persons so assessed shall be entitled to the same privileges, and subject to the same penalties as are set forth in the act concerning roads, approved April sixteenth, eighteen hundred and forty-six; and if any person or persons so assessed shall neglect or refuse to pay such road tax, the same shall be recovered with cost by action of debt by the overseer of such district, in any court of record having cognizance of such sum, the same when recovered to be applied to the object for which such assessment was made.

17. *And be it enacted*, That the said corporation shall pos- ^{Restrictions} sess the several powers, and be subject to the restrictions and ^{and liabilities.} liabilities contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Approved March 17, 1854.

CHAPTER CCI.

AN ACT for the incorporation of companies to navigate lakes, ocean, and inland waters.

Certificate to
be filed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any time hereafter, any five or more persons who may desire to form a company for the purpose of building for their own use, equipping, furnishing, fitting, purchasing, chartering or owning steam, sail, or other boats, ships, or vessels, or property to be used in lawful business, commerce, trade, or navigation upon ocean or inland waters, and for the carriage, transportation, storing, or lading of freight, mails, property or passengers, may make, sign, and acknowledge before some officer competent to take the acknowledgment of deeds, and file in the office of the clerk of the county in which the principal office for the management of the business of the company shall be situated, and a duplicate thereof in the office of the secretary of state, a certificate in writing, in which shall be stated the corporate name of such company, and the specific objects for which the company shall be formed, stating particularly the amount of capital stock of said company, which shall not be more than one million dollars, nor less than fifty thousand dollars; the term of its existence not to exceed twenty years; the number of shares of which the said stock shall consist, the number of directors and their names, who shall manage the affairs of such company for the first year, and the name of the city or town and county in which the principal office for managing the affairs of such company is to be situated.

General pow
ers.

2. *And be it enacted*, That when the certificate shall have been filed as aforesaid, and twenty per cent. of the capital named paid in, the persons who shall have signed and acknowledged such certificate, and all others who thereafter may be holders of any share or shares of the capital stock, and their successors, shall be a body politic and corporate, in fact and in name, by the name stated in such certificate, and by that name

shall have succession, and shall be capable of suing and being sued in any court of law or equity; and they and their successors may have a common seal, and may make and alter the same at pleasure; and they shall by their corporate name be capable in law of purchasing, holding, owning, hiring, leasing, and conveying any real or personal estate or property whatever, which may be necessary to enable such company to carry on the operations and business mentioned in such certificate, and all other real or personal estate or property which shall have been bona fide mortgaged or pledged to such company, by way of security, or conveyed to such company in satisfaction or part satisfaction of any debt or debts previously contracted in the course of the transaction of the business of such company, and all other real or personal estate or property which shall be purchased by such company at sales upon judgments, orders or decrees which shall be obtained for such debts or in the course of the prosecution thereof.

3. *And be it enacted,* That the stock, property, affairs, and concerns of such company shall be managed by not less than ^{Election of directors;} three or more than thirteen directors, who shall respectively be stockholders of such company, a majority of whom shall be residents of this state, and who shall, except those for the first year, be annually elected by the stockholders of such company, at such time and place as shall be directed by the by-laws of such company; public notice of the time and place of holding such election shall be published not less than thirty days previous thereto, in a newspaper printed in the city or town in which the principal office for the management of the affairs of such company, shall be situated; and if there be no newspaper published in such city or town, then in the newspaper the principal office of publication of which is nearest to such principal office of such company; such elections shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and such elections shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of stock in such company; and the persons receiving the greatest number of votes shall be directors; and when any vacancy shall happen among the directors, occasioned by death;

incapacity, resignation, the sale of stock or otherwise, it shall be filled for the remainder of the year in such manner as may be provided for by the by-laws of such company; the directors named in the certificate aforesaid shall appoint inspectors of the first election from among stockholders who are not directors.

Corporation
not dissolved
for failure to
elect on day
prescribed.

4. *And be it enacted*, That in case it shall happen at any time an election of directors shall not be made on the day designated by the by-laws of such company, when it ought to have been made, the company for that reason shall not be dissolved, but it shall be lawful on any other day to hold an election for directors in such manner as shall be provided for by the said by-laws; and all acts of directors shall be valid and binding as against such company until their successors shall be elected.

Duties and
powers of
directors.

5. *And be it enacted*, That the directors of such company shall have power to appoint a president, and to appoint or employ such other subordinate officers as the by-laws of such company may designate, and to require any or all of such president and other officers to give such security for the faithful performance of their respective duties as such directors may require; and the directors shall have power to remove such president and other officers respectively, at pleasure; such officers shall respectively have such powers and perform such duties in the management of the property, affairs, and concerns of such company, subject to the control of the directors, as the by-laws of such company shall prescribe; a majority of the directors for the time being shall constitute a quorum for the transaction of business.

Payment of in-
stalments.

6. *And be it enacted*, That it shall be lawful for the directors to call in and demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such payments or instalments as the directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for, and all previous payments made thereon, if payment shall not be made by stockholders within sixty days after demand or notice requiring such payment shall have been published three successive weeks, as is prescribed in section three; but the collection by action of any instalment shall preclude the

company from forfeiting any stock by reason of the non-payment of such instalment.

7. *And be it enacted*, That the directors shall have power to make such reasonable by-laws not inconsistent with the laws of this state or of the United States; as they shall deem proper for the management and disposition of the property, affairs, and concerns of such company, for prescribing the powers and duties of the officers of such company, for the appointment of such officers, and for the transaction and carrying on the business of such company. Directors to make by-laws.

8. *And be it enacted*, That the stock of such company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of such company, but no shares shall be transferable until all previous calls thereon shall have been fully paid in; and it shall not be lawful for any such company to use any of its funds in the purchase of any stock in any other corporation formed under the laws of this state, or to hold the same, unless the same shall have been bona fide pledged, hypothecated or transferred to such company by way of security for, or in satisfaction or part satisfaction of a debt or of debts previously contracted in the course of the transaction of the business of such company, or unless the same shall be purchased by such company at sales upon judgments, orders or decrees which shall be obtained for such debts or in the course of the prosecution thereof. Stock transferable.

9. *And be it enacted*, That the copy of any certificate of incorporation filed in pursuance of this act, certified by the county clerk in whose office the same is filed, under his official seal to be a true copy of and of the whole of such certificate, shall be received in all courts and places as presumptive legal evidence of the matters therein stated. Certified copy of certificate to be legal evidence.

10. *And be it enacted*, That the stockholders of such company shall be jointly, severally and individually liable to the creditors of such company to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by such company, and for all claims and demands against such company, until the whole amount of capital stock fixed and limited by such company shall have been paid in, and a Stockholders liable for debts

certificate thereof shall have been made and recorded as prescribed in the following section; and the capital stock so fixed and limited shall all be paid in, at least one half thereof within one year, and the remainder within two years from the incorporation of such company, or such company shall be dissolved.

Statement to
be made of
amount of
capital paid.

11. *And be it enacted*, That the president and a majority of the directors of such company, within thirty days after payment of the last instalment of the capital stock so fixed and limited by such company, shall make a certificate stating the amount of the capital stock of such company so fixed, limited and paid in, which certificate shall be signed and sworn to by the president and a majority of the directors of such company; and they shall within the said thirty days procure the same to be recorded in the office of the clerk of the county in which is located the principal office of such company.

Actions
against stock-
holders for
liability.

12. *And be it enacted*, That no stockholder shall in any case be personally liable for the payment of any debt contracted by or claim or demand against such company, unless an action for the collection of such debt, claim or demand shall be brought against such company within two years after the same shall have become due or shall have accrued; and no action or proceeding shall be brought or maintained against any stockholder in such company for any such debt, claim or demand, until an execution against the property of such company therefor shall have been returned unsatisfied in whole or in part.

Dividends not
to be made
when company
is insolvent.

13. *And be it enacted*, That if the directors of any such company shall declare and pay any dividend when such company is insolvent, or any dividend, the payment of which would render it insolvent or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of such company then existing, and for all claims and demands against such company then existing, and for all debts, claims and demands thereafter contracted or incurred while they shall respectively continue in office; *provided*, that if any of the directors shall object to the declaring of such dividend, or to the payment of the same, and shall at any time before the time fixed for the payment thereof, or within thirty days after such dividend is declared, file a certificate of his or

Proviso.

their objection in writing, with the secretary of such company, if there be such an officer, and if not, then with the president thereof, and with the clerk of the county in which the principal office of such company shall be situated, the director or directors so objecting and so filing such objection, shall be exempt from such liability.

14. *And be it enacted*, That if any certificate made in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same shall be jointly and severally liable for all the debts and liabilities of the company contracted or incurred while they are stockholders or officers thereof. Penalty for false certificates.

15. *And be it enacted*, That no person holding stock in any such company as executor, administrator, guardian or trustee, and no person holding such stock as collateral security shall be personally subject to any liability as stockholder of such company, but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estate and funds in the hands of such executor, administrator, guardian or trustee, shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in such trust fund would have been if he had been living and competent to act and hold the same stock in his own name. Executors, administrators, &c., not personally liable.

16. *And be it enacted*, That the stockholders of such company shall be jointly, severally and individually liable for all debts that may be due and owing to all the laborers and mechanics of such company for services performed for such company; which debts so due shall be paid out of the first assets realized from said company or said stockholders; but no action or proceeding shall be brought or maintained against any stockholder for any such debt until an execution against the property of such company shall have been returned, unsatisfied in whole or in part. Stockholders liable for debts due to laborers, &c.

17. *And be it enacted*, That any company which may be formed under this act may increase or diminish its capital stock by complying with the provisions of this act, but such increase shall not be to a sum more than the larger sum specified in the Capital stock may be increased or diminished.

first section, and such diminution shall not be a sum less than the smaller sum specified in said first section ; before such company shall be entitled to diminish the amount of its capital stock, if the amount of its debts and liabilities shall exceed the amount of capital stock to which it is proposed to be reduced, such amounts of debts and liabilities shall be satisfied and reduced so as not to exceed such diminished amount of such capital stock.

Meeting to be called for increasing or diminishing stock.

18. *And be it enacted*, That whenever any such company shall desire to call a meeting for the purpose of increasing or diminishing the amount of its capital stock, it shall be the duty of the directors to publish a notice signed by at least a majority of them, at least six successive weeks, as is prescribed in section three, previous to the day fixed upon for holding such meeting, specifying the object of such meeting, the time and place when and where such meeting shall be held, and the amount to which it shall be proposed to increase or diminish the capital stock ; a vote of at least two thirds of all the shares of stock shall be necessary to an increase or diminution of the amount of the capital stock.

Certificate of increase, &c., to be filed.

19. *And be it enacted*, That if at any time and place specified in the notice provided for in the last preceding section, stockholders shall appear in person or by proxy, in numbers representing not less than two-thirds of all the shares of the stock of the company, they shall organize by choosing one of the directors chairman of the meeting, and also a suitable person for secretary, and proceed to a vote of those present, in person or by proxy, and if on canvassing the votes it shall appear that a sufficient number of votes has been given in favor of increasing or diminishing the amount of capital, a certificate of the proceeding, showing a compliance with the provisions of this act, the amount of capital actually paid in, the whole amount of debts and liabilities of the company, and the amount to which the capital stock shall be increased or diminished shall be made out, signed, and verified by the affidavit of the chairman, and be countersigned by the secretary, and such certificate shall be acknowledged by the chairman and filed as required by the first section of this act ; and when so filed, the capital stock

of such company shall be increased or diminished to the amount specified in such certificate.

20. *And be it enacted*, That it shall be the duty of the directors of every such company to cause a book to be kept by the treasurer or secretary thereof, containing the names of all persons, alphabetically arranged, who are or shall within six years have been stockholders of such company, and showing their places of residence, the number of shares of stock held by them respectively, and the time when they respectively became owners of such shares, and the amount of stock actually paid in; which book shall, during the usual business hours of the day, on every day except Sunday, the fourth day of July, the twenty-fifth day of December and the first of January, be open for the inspection of stockholders and creditors of the company and their personal representatives, at the principal office of such company; and any and every such stockholder, creditor or representative shall have a right to make extracts from such book; and no transfer of stock shall be valid for any purpose whatever, except to render the person to whom it shall be transferred liable for the debts and liabilities of the company, according to the provisions of this act, until it shall have been entered therein as required by this section, by an entry showing to and from whom transferred; such books shall be presumptive evidence of the matters therein stated in favor of the plaintiff, in any action or proceeding against such company or against any one or more stockholders; every officer or agent of such company whose duty it shall be to keep such book, who shall neglect any proper entry in such book, or shall refuse or neglect to exhibit the same or allow the same to be inspected or extracts to be taken therefrom as provided by this section, shall be deemed guilty of a misdemeanor, and the company shall forfeit and pay to the party injured a penalty of fifty dollars for every such neglect or refusal, and all damages resulting therefrom; and every company that shall neglect to keep such book open for inspection as aforesaid, shall forfeit and pay the sum of fifty dollars for every day it shall so neglect, to be sued for and recovered in the name of the collector of the county in which the principal

List of stockholders to be kept.

office for the transaction of the business of such company shall be located, and when so recovered, the amount shall be paid into the treasury of such county for the use thereof.

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

Approved March 17, 1854.

CHAPTER CCII.

AN ACT to incorporate the Vincentown and Tabernacle Turnpike Company.

Commission-
ers to open
books of sub-
scription.

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 Vincentown and Tabernacle Turnpike Company shall be opened by Joshua S. Burr, Franklin Hilliard, Franklin K. Brown, Joseph Wells, Samuel Butterworth, Josiah J. Pricket, Thomas E. Morris, Barclay Haines, Charles Boke r John S. Irick, Joseph H. Lippincott, Charles S. Kemble, Isaiah Haines, Westly Decou, Nicholas S. Thompson, and Westly Willetts, or a majority of them, who are hereby appointed to receive subscriptions to said stock, at such times and places as they or a majority of them may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least one of the newspapers published in the county of Burlington.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be twelve thousand dollars, with liberty for the said company to increase the same to eighteen thousand dollars, and shall be divided into shares of twenty-five dollars each, and that when one hundred shares shall be subscribed for and taken, the persons holding the same shall be and they are hereby incorporated into a company by the name and style o

"The Vincentown and Tabernacle Turnpike Company," and Style of incorporation. by that name and style shall have, enjoy, and exercise all the rights, powers, and privileges appertaining to corporate bodies and necessary to carry the objects of this act into effect.

3. *And be it enacted*, That at the time of subscribing for Payment of instalments. said stock, two dollars shall be paid upon each share subscribed for to the said commissioners, or any of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed; and the residue of the subscriptions shall be paid in instalments at such times and places, and to such persons as the president and directors of the company shall from time to time direct, and give public notice thereof in the manner aforesaid; and upon failure of the payment thereof as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of said company; *provided*, that if the number of shares Proviso. 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; *pro-* Proviso. *vided, also*, that no subscription for less than six shares of said stock shall be reduced by such apportionment.

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

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

directors, a majority of whom shall be citizens of this state, to manage the affairs of the said company for one year, of which election the said commissioners, or a majority of them, shall be judges; and at the expiration of that term, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect, by ballot, the same number of directors, a majority of whom shall be citizens of this state, as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share by the holder or holders thereof, either in person or by proxy.

Duties and
powers of pre-
sident.

6. *And be it enacted*, That within twenty days after the 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 Burlington, who shall hold his office for one year and until another shall be elected, and receive such compensation for his services as a majority of said directors shall direct, and shall be presiding officer at all meetings of said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders, or, in case of his death, absence, or inability so to do, the said directors shall appoint some other suitable person, who, for the time being, shall possess the same powers and authority, and perform all the duties herein prescribed.

Duties and
powers of di-
rectors.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections, by death, resignation, removal or refusal to act of any president or director, and may appoint a treasurer, who shall be a citizen of this state and resident of the county of Burlington, and all officers, agents, superintendents and other servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they think expedient; they shall regulate the tolls, and have the superintendence and direction of all receipts and disburse-

ments and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient to regulate the transfers of the stock and the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution and Proviso. laws of this state or of the United States.

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

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

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

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from the terminus of the Hainesport and Vincentown turnpike road, in the village of Vincentown, in the township of Southampton, and along the public road to Red Lion, and still along the same to the Tabernacle, in the township of Shamong, in the county of Burlington; which said turnpike road shall be at least thirty-two feet in width, and shall be sufficiently arched Description of road.

and drained to make and keep the same dry ; and at least sixteen feet thereof shall be sufficiently bedded and faced with stone, gravel, or other material, to make a solid, firm, and even road at all seasons of the year ; and it shall be so graded that in its progress no part of said road shall rise above an angle of five degrees with the plane of the horizon ; and the said company shall construct, keep in repair, maintain, and make good and sufficient bridges, along the line of said road, not less than twenty feet in width ; and whenever the said road shall be raised so much at the margin or side as to render carriages passing thereon liable to upset, the said company shall cause good and sufficient railings to be erected and maintained on the side, so as to prevent horses and carriages from running off ; and the said company may, by their officers, agents, or other persons in their employ, enter, from time to time and at all times, upon all lands, to search for stone, gravel, sand, or clay, for constructing and improving said road as aforesaid, doing no unnecessary damage to said land ; *provided*, that before the said company shall construct the said turnpike road, as aforesaid, they shall pay to the respective owners of the lands over which the same may pass, all damages which the said owners will sustain by reason of the construction of said turnpike road ; and in case the said company and the said owners cannot agree upon the amount of said damage, then the damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners may sustain by the taking of stone or gravel from his lands for the construction or maintaining of said turnpike road.

Proviso.

Proceedings in
case company
and owners
cannot agree.

12. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers, and workmen, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they might make in the enclosures thereof ; and to make all ditches and underdrains across and through such lands necessary for properly draining said road ; and to

take and carry away stone, gravel, clay, sand, earth, or other materials therefrom suitable for making or repairing said road; and that when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of the said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state or to one of the judges of the court of common pleas of the county of Burlington, as the case may be, 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 and materials and to assess the damages, upon such notice to the persons interested as shall be directed by the justice or judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands and materials, and make a just and equitable appraisement of the value of the same, and assessment of damages to be paid by said company for such lands or materials and damages aforesaid; and to make a report

thereof, under the hands and seals of the said commissioners, or any two of them, and file the same, within ten days thereafter, together with the aforesaid description of the lands or materials and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county of Burlington, to remain of record therein, and shall be recorded by the said clerk; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land or materials, after payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage; and the said justice or judge shall tax and allow such costs, fees, and expenses to the justice or judge, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company.

Rates of toll.

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

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

And it shall and may be lawful for the toll-gatherer to stop persons riding, leading, or driving any horses, cattle, mules,

calves, sheep, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have paid the toll as above specified; *provided*, that Provided. nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the Sabbath day, or to or from any mill to which he may usually resort for grinding of grain for his family's use, or horses, carriages, sleighs, or sleds, carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other militia officer or soldier passing or repassing when called to do duty by the laws of this state or of the United States.

14. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause mile stones Mile stones to be erected. or posts to be erected and maintained, one for each and every mile in use on said road, and on each stone or post shall be clearly and legibly marked the distance the said stone or post is from Vincentown, 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."

15. *And be it enacted*, That if any person shall wilfully break, Penalty for injuring works. throw down, or deface any of the mile stones or posts so erected on the said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down, or destroy, or otherwise injure, any gates, 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 of 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 said road to pass a gate or gates, or private ground adjacent thereto, and again enter on said

road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for illegal tolls.

16. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveler passing at any of the gates or turnpikes, or shall demand and receive more toll than is by this act established, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or defrauded.

Penalty for obstructing passage.

17. *And be it enacted*, That all the drivers of carriages, sleighs, or sleds, of every kind and description, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs, or sleds, on the right hand of said road in the passing directions, leaving the other side of the said road free and clear for other carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Proceedings in case road and bridges are not kept in repair.

18. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any judge of the court of common pleas of the county of Burlington, who shall immediately appoint by writing three disinterested freeholders of said county, who shall view the said road, and report, in writing under their hands and seals, or under the hands and seals of two of them, whether the said road so complained of be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road, the said judge shall immediately, under his hand and seal, order the keeper of the gates or turnpikes to keep open the same until otherwise ordered, and if the said keeper shall, notwithstanding the order of the said judge, refuse to open the said gate or turnpike, and exact toll of tra-

velers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same in an action of debt, with costs of suit; and the judge shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said road or bridge, and report, as aforesaid, their opinion to the said judge, who shall, if authorized by the report of the said persons, or any two of them, by license under his hand and seal, directed to the toll-gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before; and the said fees shall be allowed and paid as before directed; but if on the first view, as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person or persons making the complaint.

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

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

21. *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," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same is applicable. Commencement and completion of road

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

Approved March 17, 1854.

CHAPTER CCIII.

AN ACT to incorporate the "Crosswicks and Trenton Turnpike Company."

Commission-
ers to receive
subscriptions.

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 are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "The Crosswicks and Trenton Turnpike Company," and that the following named persons, viz: Josiah Busby, Robert C. Hutchinson, Jacob L. Harned, Ephraim O. Abbott, Gershom Rusling, Joseph W. Bond, Philip S. Phillips and Elijah Mount, or a majority of them, are hereby appointed commissioners to open the subscription books and receive subscriptions to the capital stock at such times and places as they or a majority of them may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in at least two of the Trenton newspapers.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be twenty thousand dollars, with power to increase the same to thirty thousand dollars, and shall be divided into shares of fifty dollars each; that at the time of subscribing to said stock, two dollars and fifty cents 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 instalments, 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 instalments, or any of them, to and for the use of said company.

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 two 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 newspapers 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, a majority of whom 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 directors, the stockholders shall elect, by ballot, nine directors, a majority of whom shall be citizens of this state; and the judge of such election 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 directors.

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

Duties and powers of directors.

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 such 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.

Company authorized to construct road

6. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike along what is known as the White Horse road, from North Crosswicks to the Delaware and Raritan Canal, in South Trenton ; and the said company may, by their officers, agents, or other persons in their employ, enter from time to time and at all times upon all lands to search for stone, gravel, sand or clay, for constructing and keeping up said road, doing no unnecessary damage to said lands ; *provided*, the said company as soon as they shall construct 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, and-so-forth, from his or her lands for the constructing or maintaining of said turnpike road.

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7. *And be it enacted*, That the said turnpike road, shall Description of road. be constructed at least thirty-two feet in breadth, along the middle as near as may be of the said White Horse road, 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 good and sufficient bridges along said road, not less than twenty 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 sides so as to prevent horses and carriages from running off.

8. *And be it enacted*, That it shall be lawful for the said Proceedings in case company and owners cannot agree. company, their agents, superintendents, engineers, and all persons employed by them, 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 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 materials as may be required by said company, and all damages to be sustained by reason of their removal, who shall, before they enter on 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 equitable, 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 and 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 orders 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 directions of this act, and the true meaning and intent thereof, it shall and will be lawful for said company to erect 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, | five mills. |
| For every dozen calves, sheep, or hogs, | five mills. |
| For every dozen horses, mules, or cattle, | two cents. |

And it shall and may be lawful for the toll-gatherers to stop all persons riding, leading, or driving any horses, cattle, mules, sheep, calves, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes until they shall have paid the toll as above specified; *provided*, that

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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 to or from any mill to which he may usually resort for grinding of grain for his family's use, or any person passing to or from his common business on his farm.

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 city of Trenton; and shall cause to be fixed at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board, on which shall be printed in large letters, "Keep to the right as the law directs." Mile-stones to be erected. Penalty ten dollars.

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 person 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 costs of suit; and if any person with his or her carriage, team, or horses turn out of said road to pass a gate or gates upon private grounds adjacent thereto, and again enter on the said road, with the intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay 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 injuring works

12. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveler passing through any of the gates or turnpikes, or shall demand more toll than is by Penalty for illegal tolls.

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 and defrauded.

Penalty for
obstructing
passage

13. *And be it enacted*, That all the 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, carriages, sleighs or sleds on the right hand 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 shall also be subject to an action for damages for every such offence, to be recovered with cost of suit.

Divisions of
road.

14. *And be it enacted*, That the said road shall be divided into two divisions, that part from North Crosswicks to the White Horse to be called the eastward division, and that part from White Horse to Trenton to be called the western division, and by such shall be known in all proceedings against the company, and any defect in one division shall not affect the right to collect toll on the other, but shall apply to that division only.

Proceedings
in case road
and bridges
are not kept
in repair.

15. *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 shall 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 said gates or turnpikes, 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 costs 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 fees shall be allowed as before prescribed, and be paid by the person or persons making the complaint.

16. *And be it enacted*, That this act shall be taken and construed as a public act, and shall take effect immediately, but said company shall not construct their said turnpike along said highway until the same shall be vacated as a public highway according to law.

Road not to be
constructed
until highway
is vacated.

Approved March 17, 1854.

CHAPTER CCIV.

AN ACT to incorporate the Jersey City and Bergen Point Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Andrew Clerk, John S. Fox, David Gould, Abraham Morrell, John Brinkerhoff, Samuel Griffins and Peter D. Vroom, and such other persons as may be hereafter associated with them, 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 Jersey City and Bergen Point Railroad Company, and shall be capable of purchasing, holding, and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this incorporation.

Amount of capital stock.

2. *And be it enacted*, That the amount of the capital stock of said company shall be one hundred 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 open books of subscription.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places as they or a majority of them may think proper, giving at least twenty days' notice of the same in some newspaper published in Jersey City, and that 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 fifty 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

Election of directors.

them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, and at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their own number a president; 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.

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

Corporation
not dissolved
for failure to
elect on day
prescribed.

5. *And be it enacted*, That five 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 said company by such instalments and at such times as they may direct; and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper touching the management and regulation of the stock, property, estate and effects of said corporation, and also 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.

Payment of
Instalments.

6. *And be it enacted*, That the president and directors of said company be and they are hereby authorized and invested

Company au-
thorized to
construct road

with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from some point on the Hudson river, within the limits of Jersey City, and south of Railroad Avenue, on the most eligible route through said city and the township of South Bergen to Bergen Point, in the county of Hudson, not exceeding sixty 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 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, 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 route or routes 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 road 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, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment, or tender of payment, of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such lands be first had and obtained; *and provided also*, that nothing contained in this act shall be construed as authorizing or empowering the said company to construct any portion of their road within the corporate limits of Jersey City, without the consent of the mayor and common council of

Proviso.

Proviso:

said city first had and obtained; *and provided further*, that Proviso. horse power, and no other, shall be used by the company in running their cars or carriages.

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 Proceedings in case company and owners cannot agree. reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of the said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company; and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the 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 such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, non-resident in the county in which the lands or materials 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 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 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 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 damage, 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 land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein ; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company, in the nature of a mortgage ; and the said justice of the supreme court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fee 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 said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next circuit court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried and it shall be the duty of the said jury to assess the value of the said land or materials, and damages sustained ; and if the

shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor ; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company shall have offered or the said commissioners awarded, then the said costs to be paid by said applicant or applicants 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 afore-said 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.

9. *And be it enacted*, That the said company may purchase, ^{What real estate may be held.} 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 five acres 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 property, and the construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof ; and shall have the privilege and authority to erect, build and maintain over such creeks or streams as the road may cross, such piers, bridges and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act.

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

11. *And be it enacted*, That if any person shall wilfully ^{Penalty for injuring works.} impair, injure, destroy or obstruct the use of any railroad enjoyed under the provisions of this act, or of 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 com-

petent jurisdiction in an action of debt, and further shall be liable for all damages.

When company may commence running.

12. *And be it enacted*, That when two miles or more of said road shall be completed, the said company may commence running cars for the transportation of passengers and freight, enjoying all the privileges and subject to the restrictions created by this act.

Commencement and completion of road.

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

Statement of cost of construction to be filed.

14. *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 the 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 proceeds of said road on the first day of January after it shall be used, and annually thereafter; and as soon as 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 of January of each year, provided that no other tax or other impost shall be levied or assessed upon the said company.

Limitation.

15. *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.

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

Approved March 17, 1854.

CHAPTER CCV.

AN ACT to incorporate the Woodbury and Swedesboro' Railroad Company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That John W. Mickle, Joshua S. Thompson, Amos J. Peaslee, John Burk, Joseph Franklin, David C. Ogden, John B. Jessup, Joseph Reeves and William Griscom, and such other persons as may be hereafter associated with them, shall be and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name, by the name of the "Woodbury and Swedesboro' 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 corporation. Names of corporations.

2. *And be it enacted*, That the amount of the capital stock of said company shall be one hundred thousand dollars, with liberty to increase the same to one hundred and fifty thousand, 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. Amount of capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places as they or a majority of them, may think proper, giving at least twenty days' notice of the same in a newspaper published in the county of Gloucester; and that 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 twenty-five thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the stockholders, to choose seven directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the Commissioners to open books of subscription. Election of directors.

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

Corporation
not dissolved
for failure to
elect on day
prescribed.

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

Payment of in-
stalments.

5. *And be it enacted*, That four directors of the said corporation shall be competent to transact all business of said corporation, and shall have power to call in the capital stock of said company by such instalments and at such times as they may direct; and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock,

property, estate and effects of the said corporation, and also shall have power to appoint 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.

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 at or near the village of Swedesboro', in the county of Gloucester, and intersecting the West Jersey railroad, at or near Woodbury in said county, not exceeding one hundred feet wide, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, superintendents, engineers, 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 of such railroad and locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment or tender of the payment of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such lands be first had and obtained.

Company authorized to construct road.

Proviso.

Proceedings in
case company
and owners
cannot agree.

7. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of said company in the construction of said road, shall be given in writing under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if 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, resident in the county in which the land or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said land or materials and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein not less than ten days; and it shall be the duty of said commissioners, (having first taken or 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 to proceed to view and examine the said land or materials, said commissioners at the same time taking into consideration all the benefits to be derived from, or in consequence of the said railroad, to the said owner or owners, and to make a just and equitable estimate or appraisal of the value of the same, and assessment of damages as shall be paid by the company for such lands or mate-

rials and damages aforesaid, which report shall be made in writing under the hands and seals of the said commissioners or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein; which report or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with 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 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; *pro-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 lands or materials may lie.

8. *And be it enacted,* That every appeal from the decision of commissioners appointed under the preceding section shall be made in writing, and in the form of a petition, to said court, and filed with the clerk of the said circuit court of the county wherein the lands or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy, to be formed between the said parties, and to order a jury to be struck and a

Proceedings in
case of appeal.

view of the premises to be had, and the said issue to be tried at the next term of said court, to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land 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 said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered or the said commissioners shall have awarded, then said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct, but such application shall not prevent the company from taking the said land, upon filing the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons, for the purpose of actually constructing said railroad, or of making any erection or improvements whatever, or otherwise appropriating said lands to the use of said company until they have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners as the value of such lands or damages; in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case of appeal, shall refuse, upon tender thereof being made to receive the same, or shall be out of this state, or under any legal disability, then the payment of the amount assessed or found as aforesaid, into the circuit court of the county where the said lands lie, shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners, may, upon tender thereof being made, receive the same without being barred thereby from his, her, or their appeal, from the report of the commissioners.

Proviso.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient bridges or passages over or under the said railroad, where any public road shall intersect and cross the same, so that the passage of carriages, horses and cattle along the said road shall not be obstructed ; and likewise when the said railroad shall intersect any farm or lands of any individuals, to provide and keep in repair suitable and convenient wagon ways over or under the said road. Company to construct bridges.

10. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and termination of their railroad, and at any intermediate depot upon the line of the same, not exceeding six acres at each place, and may erect and build thereon houses, warehouses, stables, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property and the construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build, and maintain over such rivers, creeks, or streams as the road may cross, such piers, bridges, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act ; *provided*, the said company, whenever it may become necessary to cross any navigable river or creek with their road, shall construct a bridge or bridges, with suitable and sufficient draws, so as not to obstruct the navigation thereof. Company may hold real estate. Proviso.

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 nett profits of the said railroad. Dividends.

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, all machines, engines, wagons, carriages or other vehicles, for the transportation of persons or any species of property on the railroad as they may think fit, reasonable, expedient or right ; *provided*, they shall Rates of transportation. Proviso:

not charge more than at the rate of three cents per mile for carrying each passenger on said railroad, or at the rate of six cents per ton per mile for the transportation thereon of every species of merchandise, produce, property and freight.

Company may contract with other corporations.

13. *And be it enacted*, That it shall be lawful for the said company, at any time during the continuance of its charter, to make contracts and engagements with any other corporation or with individuals for transporting or conveying any kinds of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts.

Penalty for injuring works.

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

Annual tax to be paid.

15. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file under oath or affirmation a statement of the amount of the costs of said road, including all expenses 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 nett income of said road shall amount to seven per centum upon the amount of its costs; and as soon as the nett proceeds of said road shall amount to seven per centum upon its cost, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost of said road, to be paid annually thereafter, on the first Monday of January in each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company.

Proviso.

Company may borrow money

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 corporation with all the necessary engines and machinery for the uses and objects of said company, and to secure the payment thereof by bond and mortgage, or otherwise, on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum ; *provided*, Proviso. that it shall not be lawful for the said company to plead any statute or statutes of this state against usury in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section.

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

Proviso.

pany ; and it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of said road, and of the receipts and disbursements of the company ; *provided always*, that the aforesaid valuation shall be made without any reference to the receipts or disbursements of the company, or advance of stock ; and the said valuation shall in no case exceed the first cost or valuation of said road, with the appendages thereof.

Commencement and completion.

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

Certain officers to pass free.

19. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors of this state, whilst traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, during their annual or other sessions, shall pass and re-pass on the railroad of said company, in their cars, free of charge.

Approved March 17, 1854.

CHAPTER CCVI.

AN ACT to authorize John W. Mickle to build wharves in front of his lands in the township of Newton, in the county of Camden.

J. W. Mickle authorized to build dock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for John W. Mickle, his heirs and assigns, to build, maintain and keep in repair such docks, wharves or other works, as may be

required for the construction of a marine railway, sectional floating and dry dock, on or in front of the lands of the said John W. Mickle, on the river Delaware, in the county of Camden, and from time to time to rebuild and repair the same, and to lay vessels at said docks or wharves, and take and receive dockage or wharfage for the use thereof; *provided, that* Proviso. nothing in this act shall affect the legal rights of any other person.

2. *And be it enacted*, That if any person or persons shall wilfully injure, impair, destroy or obstruct said docks, wharves or any other works hereby authorized, the person or persons so offending shall forfeit and pay a sum not exceeding one hundred dollars, at the discretion of any justice of the peace in this state; and shall also be liable to pay double the amount of damages sustained thereby, to be recovered in an action of trespass or by any other proper form of action in any court of competent jurisdiction. Penalty for injuring works.

Approved March 17, 1854.

CHAPTER CCVII.

AN ACT to incorporate the United States Glass Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of* Names of corporations. *the State of New Jersey*, That John Capewell, James G. Capewell, Edward Austin, Hewling Haines, Joseph K. Githins, Charles B. Austin, Ferdinand Lober, James Tuthill, Henry C. Fox and William Capewell, their associates and successors, are hereby constituted a body corporate and politic in law, by the name of "The United States Glass Manufacturing Company," for the purpose of manufacturing glass and carrying on the business incident to such manufacture.

What real estate may be held.

2. *And be it enacted*, That the said corporation may purchase and hold such real estate as may be required for the purposes of the said corporation, not exceeding in value the sum of fifty thousand dollars, and may dispose of the same, and shall have all the powers enumerated, and be subject to the 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.

Election of directors.

3. *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 reside in this state, who shall hold their offices for one year; and the said directors shall be chosen at an election to be held on the first Tuesday in September in every year, at such place as shall be directed by the by-laws of the said corporation; and public notice shall be given of such election not less than ten days previous thereto, in one or more newspapers printed in the county wherein the manufactory of said company is located; and each stockholder shall be entitled in person or by proxy, to as many votes as he or she shall hold shares of the capital stock of said company; and the persons 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 if it shall at any time happen that any vacancy or vacancies occur by death, resignation or otherwise, 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, until other directors shall be chosen by the

Vacancies.

First directors

stockholders; the first directors shall be John Capewell, James G. Capewell, Edward Austin, Hewling Haines, James Tuthill, and the survivors or survivor of them, who shall hold their offices until the first Tuesday in September next, or until others are legally chosen.

Amount of capital stock.

4. *And be it enacted*, That the capital stock of said company shall not exceed the sum of one hundred and fifty thousand dollars, which shall be divided into shares of one hundred

dollars each; but as soon as the sum of seventy-five thousand dollars of the said capital stock shall have been subscribed and paid in, it shall and may be lawful for the said company to commence business, and with that capital conduct and carry it on, until they shall deem it expedient to extend their operations; 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, 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 notice of such call and demand shall have been published for the space of thirty days, in one or more newspapers published in the county of Camden.

5. *And be it enacted*, That the subscription for the said stock shall be open for any number of days not exceeding thirty, under the direction of the board of directors, or such of them as shall be designated by the board for that purpose. Subscription for stock.

6. *And be it enacted*, That in case it should at any time 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 by-laws of said corporation. Corporation not dissolved for failure to elect on day prescribed.

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 of the said corporation, or their legal attorney or attorneys; and further, that no transfer of stock shall be valid or effectual until such transfer shall have been entered or registered in the books to be kept by the president and directors for that purpose. Books of account, &c., to be kept.

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

Proviso.

tion; *provided*, that no dividends shall be made among the stockholders, except out of the nett profit of the said corporation.

Corporation
may be dis-
solved.

Proviso.

9. *And be it enacted*, That the said company may be dissolved at any general meeting of the stockholders, specially convened 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 survivors and survivor of them, shall be 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 interests in the stock, unless the stockholders representing at least one-half the stock, at such general meeting, shall appoint other persons, not less than three nor more than five in number, for such purpose, in which case the persons so appointed, and the survivors or survivor of them, shall be trustee and trustees for the purpose aforesaid.

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

Approved March 17, 1854.

CHAPTER CCVIII.

A further supplement to an act to incorporate the New York Bay Cemetery Association, approved March fifth, eighteen hundred and fifty.

Part of lot au-
thorized to be
sold.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the New York Bay Cemetery Company be and they are hereby authorized to sell and dispose of thirty acres of their cemetery ground, in the township of Bergen, in the county of Hudson, to be cut off from the wes-

terly part of the said cemetery, by a line drawn parallel to their most westerly boundary line, at such distance therefrom as to include thirty acres; and the same, when so sold, shall be free and discharged from all provisions and regulations contained in the act to which this is a supplement, and shall be vested in the purchaser or purchasers thereof absolutely, in the same manner as if the same had never been set apart or devoted to the purpose of a cemetery.

Approved March 17, 1854.

CHAPTER CCIX.

A further supplement to an act entitled "An act concerning idiots and lunatics."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a guardian or guardians of any idiot or lunatic shall have sold heretofore, or shall hereafter sell, any lands or real estate pursuant to "A supplement to an act entitled 'An act concerning idiots and lunatics,' " approved February twenty-six, eighteen hundred and fifty-two, and it shall become necessary to apply any of the proceeds of such sale (other than the interest thereof) to the support of such idiot or lunatic, it shall be lawful for the said guardian or guardians, by petition in writing, setting forth the facts showing such necessity, and verified by the oath of such guardian or guardians, to apply to the orphans' court of the county in which such guardian or guardians reside, which court is hereby authorized and empowered, on due proof being made before them in addition to the oath of such guardian or guardians, to their satisfaction, that it is necessary and proper to appropriate a portion of the principal of said proceeds to the support of such idiot or lunatic, to order and direct the said

Part of proceeds of sale may be appropriated for support of lunatic.

guardian or guardians to appropriate so much thereof as shall be necessary for such support from time to time, and to defray the expenses of said application, specifying in their order the amount per year, which said guardian or guardians may appropriate as aforesaid; and also, what amount he shall be allowed to appropriate thereof to defray the expenses of said application.

Fees on application to court

2. *And be it enacted*, That the same fees shall be allowed to said orphans' court on such application as are now allowed by law in similar cases; and that such guardian or guardians shall be allowed by said court such reasonable costs and expenses of making such application, as said guardian or guardians shall have actually incurred; the items of which shall be stated by said guardian or guardians, in writing, and verified by oath, to said court, and filed therein.

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

Approved March 17, 1854.

CHAPTER CCX.

Supplement to the act incorporating the Gloucester and Salem Turnpike Company.

Property of company may be mortgaged.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president and directors of said company or a majority of them, shall have power to make and execute a bond and mortgage, binding and conveying the turnpike and property of said company, for any sum not exceeding ten thousand dollars, that may be necessary for the payment of the debts and liabilities of said company.

Bond and mortgage to bind property.

2. *And be it enacted*, That the bond and mortgage so made and executed shall bind and convey all the property of said

company to the mortgagee in the same and as full a manner as bond and mortgage on any property real or personal in this state.

Approved March 17, 1854.

CHAPTER CCXI.

A supplement to the act entitled "An act to incorporate the Protestant Foster Home Society of the city of Newark," approved February twenty-eighth, eighteen hundred and forty-nine.

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 overseer of the poor of the city of Newark, by the consent of said society, to place any poor child who is or shall become chargeable to said city, and for any mother or guardian of any poor child whose father is dead, or whose father has for the space of one year neglected to support the said child or make provision therefor, to place such poor child in the care and custody of said society, by writing, under his or her hand and seal; and if any person or persons shall entice away, or take or cause to be taken away from such care and custody, any child heretofore placed or which shall hereafter legally be placed therein, (except such children for whose support money is paid to such society,) without the written consent of such society through its proper officers, every such person so offending shall, on due proof thereof, before any justice of the peace of the county of Essex, be punished by fine not less than twenty nor more than fifty dollars, or by imprisonment in the county jail not less than three nor more than six months; and

Overseer may place child in custody of society.

all fines imposed under the provisions of this act shall be paid to the treasurer of said society for its use; and such child so enticed or taken away, shall be restored to the care and custody of the said society.

Approved March 17, 1854.

CHAPTER CCXII.

A supplement to an act entitled "An act to authorize the inhabitants of the townships of North Bergen, Hoboken, Bergen and Van Vorst, in the county of Hudson, to raise money by tax, or otherwise, for the support of free schools, and for building, repairing and furnishing school houses," approved March fifth, eighteen hundred and fifty.

Part of former
act repealed.

I. 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, so far as they relate to the township of North Bergen, in the county of Hudson, be and the same are hereby repealed.

Approved March 17, 1854.

CHAPTER CCXIII.

Supplement to an act entitled "An act to regulate the practice of the courts of law," 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 it shall be lawful for the plaintiff in any action at law, to file his declaration therein, and serve upon the defendant a notice in writing of the filing thereof, and a copy of the schedule annexed to his declaration as hereinafter provided, before the return day of the summons; and if the summons shall be returned by the sheriff or other officer, "served," or "summoned," then the said declaration shall have the same effect as if filed, and the said notice shall have the same effect as if served, on or after the return day of the summons; *provided*, that the said notice and copy of the schedule exhibiting the claim of the plaintiff in every such action, shall be served upon the defendant at least six days before the return day of the summons in such action. Declaration may be filed before return day.
Proviso.

2. *And be it enacted*, That in case the plaintiff in any action at law in debt or assumpsit shall annex to his declaration therein a schedule exhibiting the real amount claimed to be due to him in said suit, with a copy of any note, bill, draft, bond, deed or other instrument of writing, or a copy of the account or bill of particulars of the demand on which such action is founded, with an affidavit annexed that the amount so claimed by him is justly due to him from the defendant, and shall, with the notice in writing of the filing of the declaration, also serve a copy of such schedule and affidavit on the defendant or his attorney, then the defendant, at the time of filing his plea to any declaration to which such schedule and affidavit are annexed, shall file therewith an affidavit that such amount so claimed, or some part thereof, particularly specified in such affidavit, is not due and owing by him to the plaintiff; or that he has a just and legal set-off to make thereto, specifying the amount of such set-off, and annexing thereto a schedule thereof. Plaintiff may enter judgment for amount claimed, unless affidavit is filed.

as aforesaid; and in case no such affidavit is filed, the plaintiff may, at the expiration of the time for pleading, without any assessment, enter judgment final for the amount claimed in the schedule to his declaration; and in case the affidavit filed by the defendant denies part only of the plaintiff's claim, or claims a set-off less than the whole amount, the plaintiff may enter such judgment in manner aforesaid, for the residue thereof.

Part of former
act repealed.

3. *And be it enacted*, That the third section of an act entitled "Supplement to an act entitled 'An act to regulate the practice of the courts of law,'" approved April fifteenth, eighteen hundred and forty-six, which supplement was approved March seventeenth, eighteen hundred and fifty-two, be and is hereby repealed.

Approved March 17, 1854.

CHAPTER CCXIV.

A supplement to an act entitled "An act for the relief of persons imprisoned on civil process," approved April sixteenth, one thousand eight hundred and forty-six.

Debtors not
entitled to dis-
charge in cer-
tain cases.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That if upon the hearing before the court or jury, as the case may be, of any person who has heretofore made or who shall hereafter make application for the benefit of the act to which this is a supplement, as an insolvent debtor, it shall appear to the satisfaction of such court or jury that the object of such application was or shall be to be discharged from arrest or confinement, or to get rid of liability to arrest or confinement on mesne or final process heretofore issued or hereafter to be issued for any cause of action, or for damages recovered for the seduction of any female, or for any act done or omitted, for which, according to the laws of this

state an indictment will lie, then and in such case the said debtor so applying shall not be entitled to his discharge, and the decision of the said court or the verdict of the said jury and the consequences thereof, shall be in all respects the same as though the said decision or verdict had rested on any of the grounds mentioned in the said act to which this is a supplement.

2. *And be it enacted*, That if any applicant for the benefit of the said insolvent laws shall be refused a discharge for any of the causes aforesaid, provided for by this act, he shall not be entitled to use or take advantage of the provisions, or any of them, of the act entitled "A supplement to the act entitled 'An act for the relief of persons imprisoned on civil process,'" approved February first, one thousand eight hundred and fifty-three.

3. *And be it enacted*, That no person who shall be under arrest on mesne or final process heretofore or hereafter to be issued for any cause of action or for damages recovered against him for the seduction of any female, or for any act done or omitted, for which, according to the laws of this state, an indictment will lie, shall be entitled, upon giving bond pursuant to the act to which this is a supplement, to have liberty to walk within the prison bounds, nor shall he have or be entitled to any of the benefits of the act to which this is a supplement, or any of the supplements thereto.

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

Approved March 17, 1854.

CHAPTER CCXV.

A further supplement to the act entitled "An act to regulate elections," approved April sixteenth, eighteen hundred and forty-six.

Assembly dis-
tricts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the eighth ward of the city of Newark, in the county of Essex, shall be included in and constitute part of the fifth assembly district in the said county; and that the ninth ward of the said city of Newark shall be included in and constitute part of the seventh assembly district in said county; and that the township of Mantua, in the county of Gloucester, shall be included in and constitute part of the first assembly district in said county; and that the township of Union in the county of Hunterdon, shall be included in and constitute part of the third assembly district in said county; and that the north ward of the city of Paterson in the county of Passaic, shall be included in and constitute part of the third assembly district in said county.

Approved March 17, 1854.

CHAPTER CCXVI.

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.

Company au-
thorized to
build wharves.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Central Railroad Company of New Jersey to erect, build, or extend such wharves, docks or piers, opposite to and adjoining

any lands owned by them in the township of Elizabeth, as far in the sound or bay as may be necessary for the purposes of facilitating the transshipment of coal and their general transporting business; and also to have and hold whatever wharves, piers, lands or lots, steamboats, sailing vessels, and such other facilities, in the city of New York or elsewhere, as may be necessary or for the management of their business.

2. *And be it enacted*, That the said company may from time to time, with the assent of a majority in interest of the stockholders, increase their capital stock to any sum not exceeding five millions of dollars; and may also change the value of shares by issuing one share of the value of one hundred dollars in place of every two shares of the value of fifty dollars.

3. *And be it enacted*, That it shall be lawful for the said company to purchase or lease, or operate any railroad which may connect with or intersect their road, or to guarantee the bonds of such company, or to consolidate the stock of such company with their own, on terms to be mutually agreed on; *provided*, such purchase or consolidation shall not be made without the assent of three-quarters in interest of the stockholders; *and provided also*, if any stockholder or stockholders shall refuse his or their assent, or if by reason of absence or legal inability, such assent cannot be obtained, application may be made by such stockholder or stockholders within three months from the time that the purchase or consolidation shall take effect, to one of the justices of the supreme court of this state, for the appointment of three disinterested, impartial persons, well acquainted with the value of railroad property, as commissioners to appraise the value of the shares held by such stockholder or stockholders; *provided*, the appraisement shall in no case be less than the par value thereof, whereupon such proceedings shall be had as are provided in section seven of the act of incorporation for appraising and taking lands, so far as the same is applicable.

4. *And be it enacted*, That when such purchase or consolidation shall have been made, the railroad so purchased or consolidated, if in this state, shall be and become a part of the railroad authorized to be constructed by the act of incorpora-

Capital stock
may be in-
creased.

Company may
lease other
roads.

Proviso.

Proviso.

Proviso.

Provisions of
former act ex-
tended.

tion; and in its further construction and completion, maintenance, use and enjoyment shall be regulated and governed by the provisions of the said charter and its supplements; and for that purpose all and every provision of the said acts of incorporation and supplements thereto, shall extend and be applicable to the railroad so purchased or consolidated, in every respect, as if the same had been authorized to be made and had been made under the said act to which this is a supplement.

Proviso in former act, how to apply.

5. *And be it enacted*, That the proviso in section ten of the act of incorporation shall be held to apply only to property usually freighted by the ton, and to passengers carried more than one mile.

Provisions in article six of former act how to apply.

6. *And be it enacted*, That the provisions of article six of the act of incorporation shall apply to land exceeding one hundred feet in width, in any places where, from the depth of the excavation or the height of the embankment, it is necessary to take more land for the slopes and protection of the side banks of the said railroad or its branches; in which case so much land as may be necessary for the purpose, and no more, shall be taken.

Location of road may be changed.

7. *And be it enacted*, That it shall be lawful for the said company to change or alter the location of their said railroad or to locate new lines when additional tracks shall be required at any point or points between Phillipsburg and Elizabethport not varying in any case over one mile from the line as located and filed, after filing in the office of the secretary of this state a survey of such location as varied from the original location; and shall be invested with all the powers and privileges, and subject to all the conditions and restrictions in taking possession of and using the land required, which by their act of incorporation they might exercise, and to which they are subject respecting lands required for the road; *provided*, that in all cases where the said company shall locate any new line or lines of tracks within the township of Bridgewater, and shall not be the owners of all the land lying between the old line or lines and the new line or lines that may be located as aforesaid, the old lines shall be vacated and the land upon and over which the same have been constructed, shall revert to the original

Proviso.

owners thereof, so soon as such new lines shall be completed and used ready for the use of said company.

8. *And be it enacted*, That it shall be the duty of the treasurer of said company on the first Monday of January of each and every year hereafter to pay to the treasurer of this state, a tax of one-half of one per centum upon the cost of said road, as shown by the annual report of such cost made the year preceding the said first Monday of January in which such payment as aforesaid shall be made; *provided*, that no other tax or impost shall be levied or assessed upon the said company, and section fourteen of the act of incorporation is hereby repealed. Annual tax to be paid.
Proviso.

9. *And be it enacted*, That if the said company shall within six months from the passage of this act, file in writing their assent to and acceptance of all the provisions of this act, then the said act shall take effect immediately thereafter, but in case the said company shall refuse or neglect so to do within the time specified, then this act shall be null and void. Act when to take effect.

Approved March 17, 1854.

CHAPTER CCXVII.

A further supplement to the act entitled "An act to incorporate the Jersey City Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for said company hereafter, within the corporate limits of Jersey City, to lay down street mains at any point east of a line drawn parallel with Hudson street, and four hundred and fifty feet east of said street. Company not to lay down pipes within certain limits.

2. *And be it enacted*, That the directors of said company shall have power to increase the capital stock thereof one hun- Capital stock may be increased.

dred thousand dollars over and above the amount now authorized by law.

Approved March 17, 1854.

CHAPTER CCXVIII.

A supplement to the act entitled "An act to incorporate the Westville and Glassborough Turnpike Company," approved March twenty-fourth, eighteen hundred and fifty-two.

Company may
erect gates
and receive
toll.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the turnpike road authorized by the act to which this is a supplement, shall be finished as directed by said act, from the Woodbury and Good Intent turnpike road to Westville, it shall and may be lawful to erect thereon gates or turnpikes, and collect toll for traveling on that portion of said road so finished, and that for that purpose the distance between said Woodbury and Good Intent turnpike and Westville, shall be deemed and considered three miles.

Approved March 17, 1854.

CHAPTER CCXIX.

A further supplement to "An act to incorporate the Flemington Copper Company," approved February second, eighteen hundred and forty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of* Corporate name changed
the State of New Jersey, That the corporate name of said company shall be "the Raritan Consolidated Mining Company."

2. *And be it enacted*, That the said company shall have New stock to be issued.
 power to issue fifty thousand shares of stock, of the par value of five dollars, in lieu of their present stock.

3. *And be it enacted*, That the said company shall be re- Company responsible for claims.
 sponsible for all claims against said Flemington Copper Company.

4. *And be it enacted*, That so much of the act to which this Part of former acts repealed.
 is a supplement, as conflicts with the provisions of this act, be and the same is hereby repealed.

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

Approved March 17, 1854.

CHAPTER CCXX.

A supplement to the act entitled a supplement to an act entitled an act to incorporate the Somerville and New Brunswick Railroad Company, approved one thousand eight hundred and fifty-two.

1. BE IT ENACTED *by the Senate and General Assembly of* Former act amended.
the State of New Jersey, That the second section of the act

to which this is a supplement be and the same is hereby so amended, that the time for the commencement of said railroad be extended to the fourth day of July, eighteen hundred and fifty-eight, and that the time for the completion of said railroad be extended to the fourth day of July, eighteen hundred and sixty-two.

Approved March 17, 1854.

CHAPTER CCXXI.

Supplement to an act entitled "An act to incorporate the Raritan and Delaware Bay Railroad Company."

Company authorized to borrow money 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case the whole of the capital stock authorized by the act to which this is a supplement is not subscribed, then the president and directors of the said corporation shall have power to borrow the remainder from time to time for the construction of said road, and for furnishing the necessary engines, cars, machinery, boats and buildings, for the uses and objects of the said corporation, and to secure the repayment thereof with interest, by executing bonds and mortgages, or otherwise, on the said road, lands, personal property, privileges, franchises, and appurtenances of or belonging to said corporation, at an interest not exceeding seven per centum per annum, and it shall not be lawful for the said corporation to plead any statute or statutes of this state against usury, in any suit in law or equity instituted to enforce the payment of any bond or mortgage executed under this section.

Approved March 17, 1854.

CHAPTER CCXXII.

AN ACT to defray incidental expenses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of this state to pay the several persons hereinafter named the following sums, viz :

Certain incidental expenses ordered to be paid.

1. To Charles Brearley, for articles furnished for state arsenal, seventeen dollars and nine cents, (\$17.09.)

2. To Charles Brearley, for articles furnished for repairs to state house, twenty-eight dollars and thirty-six cents, (\$28.36.)

3. To Charles Parker, William Grant and William Willis, for making appraisement at the New Jersey State Prison, thirty-six days, at three dollars (\$3.00) per day, one hundred and eight dollars, (\$108.00)

4. To Morton A. Stille, for advertising governor's proclamation relative to fires at Rancocas, one dollar and fifty cents, (\$1.50.)

5. To Charles Brearley, for stationery furnished for the legislature, four hundred and twenty-eight dollars and seventy-five cents, (\$428.75.)

6. To Edward Williams, for repairing portrait of General Washington, forty-four dollars and thirty-eight cents, (\$44.38.)

7. To W. G. & E. Cook, for lumber furnished for state house, forty-four dollars and sixty-nine cents, (\$44.69.)

8. To Isaac Fowler, plasterer, for work done upon the state house, twenty-six dollars, (\$26.00.)

9. To William Watts, slater, for roof on state house, eleven dollars and sixty-seven cents, (\$11.67.)

10. To Charles Potts, for setting the letters on dome of state house, to the cardinal points, two dollars, (\$2.00.)

11. To Caleb E. Pitman, for carriage hire for the joint committee at inauguration, six dollars and fifty cents, (\$6.50.)

12. To B. W. Titus & Company, for toweling for governor's room, three dollars and twenty cents, (\$3.20.)

13. To James W. Cain, for stones and fixing grates in state house, twenty-two dollars, (\$22.00.)

14. To Morgan Scudder and William Napton, for appraising stock at the state lunatic asylum, thirty-six dollars, (\$36.00.)

15. To H. W. Sanford, for traveling expenses to make an estimate for curtains for the Senate chamber, two dollars and fifty cents, (\$2.50.)

16. To Lewis & Gummere, for manure for state house yard, four dollars and fifty cents, (\$4.50.)

17. To William A. West, for ice furnished for use of state house, thirteen dollars and ninety-one cents, (\$13.91.)

18. To Joseph G. Brearley & Company, for stationery furnished for state house, for the House of Assembly and librarian, eleven dollars and five cents, (\$11.05.)

19. To Joseph W. Vancleve, for two engravings furnished for executive chamber, eight dollars and fifty cents, (\$8.50.)

20. To Thomas Morrell, for stationery furnished for the use of the Senate and House of Assembly, one hundred and thirty-six dollars and forty-cents, (\$136.40.)

21. To S. Vansickel, for chairs furnished for the supreme court and chancery office, eleven dollars, (\$11.00.)

22. To Parham & Brother, for repairing gas fixtures in state house, twenty-eight dollars and sixty-two cents, (\$28.62.)

23. To Joseph H. Hough, for services rendered the chancellor as engrossing and assisting in revision of the rules of the court of chancery and prerogative court, and the court of errors and appeals, twenty-five dollars, (\$25.00.)

24. To Phillips & Boswell, for printing rules of the court of chancery, prerogative court, and the court of errors and appeals, and presswork, one hundred and thirty-six dollars and three cents, (\$136.03.)

25. To William W. Norcross, for candles furnished for the state treasurer's office, twelve dollars and sixty cents, (\$12.60.)

26. To James Murphy, for soap and brushes to clean state offices with, two dollars and twelve cents, (\$2.12.)

27. To Samuel R. Smith, for mats furnished for state house, eight dollars and twenty-five cents, (\$8.25.)

28. To Anthony Rowley, for brooms, mats and sundries furnished for use of the state house, thirty dollars and seventy-five cents, (\$30.75.)

29. To M. W. King & Son, for chairs furnished for the Senate chamber, thirty-seven dollars, (\$37.00.)

30. To David S. Anderson, for putting up and furnishing flag staff and repairs to executive chamber, one hundred and fifteen dollars, (\$115.00.)

31. To John Miller, for manure furnished for top dressing state house yard, fourteen dollars, (\$14.00.)

32. To Ralph Green, for stands furnished for state treasurer's office, one dollar and fifty cents, (\$1.50.)

33. To William I. Shreve, for services as private secretary to the governor, one hundred and fifty dollars, (\$150.00.)

34. To Titus H. Stout, for making fires in state house and attending flag, one hundred dollars, (\$100.00.)

35. To Camden and Amboy Railroad Company for freight for state arsenal, eight dollars and fifty-seven cents, (\$8.57.)

36. To William Taylor, for carting for state arsenal, six dollars and fifty cents, (\$6.50.)

37. To Samuel R. Hamilton, for stationery furnished to him as quartermaster-general, fourteen dollars and sixty-two cents, (\$14.62.)

38. To John Lanning, for carting for state arsenal, one dollar and fifty cents, (\$1.50.)

39. To J. S. Fish & Company, for coal furnished to state arsenal, fifteen dollars, (\$15.00.)

40. To John H. Tindal, for cleaning state house, nine dollars and twenty-five cents, (\$9.25.)

41. To Thomas Gethers, for carrying boxes from state house to the members' rooms, seven dollars and twenty-five cents, (\$7.25.)

42. To John C. Reed, for services upon requisition to arrest certain fugitives from justice, thirty-eight dollars and twenty-five cents, (\$38.25.)

43. To Dennis Lane, for omnibus fare for committees on state prison and state arsenal, eighteen dollars, (\$18.00.)

44. To A. W. Vandever, John Traverse, Felix McGuire and Charles Shaffer, as police, on the day of inauguration of the governor, ten dollars, (\$10.00.)

45. To C. J. Ihrle, for making fires in state library, and incidental expenses, twenty-three dollars and two cents, (\$23.02.)

46. To the president and directors of the Trenton water works, for use of water for one year, ending April first, eighteen hundred and fifty-four, twenty-five dollars, (\$25.00.)

47. To Trenton Gas Light Company, for gas used in state house and grounds, sixty dollars and forty cents, (\$60.40.)

48. To Benjamin S. Disbrow, for repairs to and office furniture, one hundred and fifty-seven dollars and thirty-seven cents, (\$157.37.)

49. To David Clark, for stationery furnished as per contract, six hundred and seventy dollars and forty-six cents, (\$670.46.)

50. To David Clark, for record books furnished for the chancery office, ninety-five dollars, (\$95.00.)

51. To David Clark, for stationery furnished for the supreme court and chancery office, forty-four dollars and eighty-seven cents, (\$44.87.)

52. To David Clark, for stationery furnished for House of Assembly and Senate, one hundred and twenty-eight dollars and fifty cents, (\$128.50.)

53. To Charles Scott, for stationery furnished to the Senate and House of Assembly, to the governor, to the librarian, and to the several executive offices, the sum of two thousand and seventy-five dollars and thirty-eight cents, (\$2,075.38.) viz :

Furnished by contract with the secretary and treasurer \$1412.80

| | | |
|----|--|--------|
| do | to secretary of Senate, by order of the Senate, | 228.74 |
| do | to clerk of the House, by order, | 64.87 |
| do | to the executive chamber, | 10.50 |
| do | to Governor Fort, while in office, | 51.18 |
| do | to S. Vansyckle, for library, | 7.90 |
| do | to clerk of supreme court, | 19.43 |
| do | to court of chancery, | 41.50 |
| do | to treasurer, for stationery, | 17.50 |
| do | to binding of Zabriskie's Reports, and Revised Statutes, | 140.00 |
| do | to court of errors and appeals, | 29.80 |
| do | to secretary of state for record books and stationery, | 18.66 |

Furnished for binding and interleaving rules of court of
chancery, prerogative court and court of
errors and appeals, 32.50

\$2075.38

54. To Robert Whible, for repairing desk locks in both houses of the legislature, twenty-eight dollars and thirty-seven cents, (\$28.37.)

55. To Griffen & Hicks, for pitchers and spittoons furnished for state house, thirteen dollars and fifty cents, (\$13.50.)

56. To Stephen H. Blackwell, agent, for stoves and other articles furnished for use of state house, one hundred and eighty dollars and fifty-four cents, (\$180.54.)

57. To Upton & Miller, for fixing heater in state house, twenty dollars and forty cents, (\$20.40.)

58. To Camden and Amboy Railroad and Transportation Company for freight, for paint and other materials for state house, fifteen dollars and eighty-five cents, (\$15.85.)

59. To Henry M. Lee, for repairing gate at the state house yard, two dollars and fifty cents, (\$2.50.)

60. To William D. Lanning, for wheel barrow, five dollars, (\$5.00.)

61. To A. S. Stone, for painting done at state house, forty-eight dollars, (\$48.00.)

62. To William A. Benjamin, postmaster, for stamps and envelopes, seven hundred and fifty-seven dollars, (\$757.00.)

63. To John Lanning, to carting, eleven dollars and fifty cents, (\$11.50.)

64. To Charles E. Pitman, for carriage hire for joint committee to visit the asylum, ten dollars, (\$10.00.)

65. To Charles Scott, for stationery furnished for engrossing clerk of House and Senate, fifty-six dollars and fifty cents, (\$56.50.)

66. To Fish & Green, for plank, planing, joining, and grooving, nineteen dollars and fifty cents, (\$19.50.)

67. To D. W. Dellicker, for six bottles of paste, one dollar and seventy-five cents, (\$1.75.)

68. To Newark Daily Advertiser for advertising governor's proclamation for eighteen hundred and fifty-one, eighteen hundred and fifty-two, and eighteen hundred and fifty-three, fifteen dollars, and for advertising proclamation for special election to fill vacancy occasioned by death of Mr. Searles, and also advertising said special election, thirteen dollars and twenty-five cents, (\$28.25.)

Side walks on Delaware street to be paved.

2. *And be it enacted*, That the secretary and treasurer of this state, are directed to have the side walks on Delaware street graded and paved along the line of the state house lot, conformably to the ordinance of the city of Trenton, and the bills therefor, when duly audited, shall be paid by the said treasurer.

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

Approved March 17, 1854.

CHAPTER CCXXIII.

AN ACT to incorporate the "Orange Savings' Bank."

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel Babbit, Samuel Hurlbut, Philander J. Bodwell, Charles R. Day, Simeon Harrison, Cyrus Baldwin, Charles H. Bell, Moses B. Canfield, William Cleveland, Abraham Mandeville, Moses Reynolds, William H. Vermilye, Abiathar Harrison, Charles Williams, Samuel Smith, Jesse Williams, Joseph A. Condit, William Pierson, junior, George Lindsley, Isaac J. Everitt, William M. Babbitt, Andrew Britton, Abraham C. Taylor, Napoleon Stetson, William L. Wells and Charles A. Lighthipe, of the township of Orange; Andrew Teed, of the township of Livingston; Jonathan Provost, of the township of Caldwell, Jonathan T. Squier, of the

township of Clinton; and Albert D. Traphagan, of the township of Springfield, in the county of Essex, and their successors, shall be and hereby are constituted a body corporate and politic, by the name of the "Orange Savings' Bank," to be located in the said township of Orange.

2. *And be it enacted*, That the business of the said corporation shall be conducted by thirty managers, five of whom shall constitute a quorum; and when the seat of any member of the board shall become vacant by death, resignation or otherwise, the other members of the board may fill such vacancy by the vote of two-thirds of their number; the persons named in the first section of this act shall constitute the first board of managers of the corporation; and the said board shall hereafter meet annually, upon the second Monday in April, and choose from their number a president and vice-president, and appoint a secretary and treasurer, and any subordinate officers or agents as may to them appear necessary for conducting the business of the corporation; which officers, so chosen and appointed, shall continue in office for one year, and until others are chosen or appointed in their places, and shall be under oath for the faithful performance of the duties of their respective offices.

3. *And be it enacted*, That the board of managers shall have power from time to time to make, ordain, and establish such by-laws and regulations as they shall judge proper for the transacting, managing and directing the affairs of the corporation; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this state or of the United States, and shall not, at any time, be altered so as to affect any deposit of money previously made.

4. *And be it enacted*, That the said corporation may receive on deposit all sums of money which may be offered therefor, in such amounts, and at such times, and upon such terms, as the by-laws shall prescribe; which moneys shall be invested in the manner hereinafter directed, and be repaid to the depositors, or their legal representatives, at such times and with such interest, and under such regulations, as the board of managers may from time to time order; and the said corporation may accept and execute all such trusts, of every kind, as may be committed to

them by any person or persons whosoever, by will or otherwise, or be transferred to them by the order of any court.

Money may be invested.

5. *And be it enacted*, That the said corporation may invest the money left with them on deposit in no other public stocks than such as are created under the laws of the United States, or the states of New Jersey, New York, Pennsylvania and Massachusetts, nor upon bond and mortgage, except on unincumbered real estate worth at least double the amount so invested.

Managers to regulate rate of interest.

6. *And be it enacted*, That it shall be the duty of the board of managers to regulate the rate of interest allowed to depositors, so that they shall receive a just proportion of the profits upon the business of the said corporation, after deducting therefrom all necessary expenses, and a reasonable surplus or contingent fund; *provided*, that the said rate of interest may, at the discretion of the managers, be so regulated as that the interest allowed any depositor having more than five hundred dollars on deposit, shall be at least one per centum per annum less than the rate allowed to other depositors; *and provided also*, that the said corporation shall not be required to allow interest upon any deposit until it amounts to five dollars, nor upon the fractional part of five dollars, nor upon the fractional parts of a month; and that no interest or dividend on account of any surplus or contingent fund shall be allowed for moneys which have been withdrawn from deposit.

Proviso.

Proviso.

Officers not to receive compensation.

7. *And be it enacted*, That no president, vice president, or manager of the said corporation, as such, shall be entitled to or receive any emolument or compensation for his services; and that no officer or manager shall, directly or indirectly, become the hirer or borrower, or surety for any hirer or borrower of the funds of the corporation, and also, that the corporation shall not take nor hold the bond, mortgage, or other security for the payment of money, which may be drawn or endorsed by, or may exist against, any officer or manager of the corporation.

Deposits may be paid to minor.

8. *And be it enacted*, That it shall be lawful for the said corporation, at their discretion, to pay to any depositor, being a minor, such sum, not exceeding five hundred dollars, as may

be due to such depositor, in cases where no guardian shall have been appointed in his or her behalf; and that the receipt or acquittance of such minor shall be as valid as though the same were executed by his or her guardian duly appointed; *provided*, such deposit shall have been made personally by such Proviso. minor, and not by any other person, for his or her benefit.

9. *And be it enacted*, That in case the said corporation Deposits by married females. shall receive any deposit or deposits from any married female, or from any single female who may afterwards marry, it shall be lawful for the said corporation to hold the same, together with the interest or dividends which may accrue thereon, as the sole and separate property of such female, as though she were single, not subject to the control nor liable for the debts of her husband; and to repay the same, and the interest and dividends thereon, or any part thereof, upon her check, order, receipt or demand, without the concurrence of her husband; and such payment shall exonerate and discharge the said corporation from any further liability by reason thereof.

10. *And be it enacted*, That a book shall be kept at the office of the said corporation, in which any depositor shall be at Payments in case of death of depositor. liberty to appoint any person or persons to whom, in the event of his or her death, the amount of such deposit, together with the interest or dividends thereon, shall be paid, if not otherwise disposed of by will; and all payments made to such persons so appointed, shall be a full discharge to said corporation; but should no such appointment be made, then such deposit, with the interest or dividends thereon, shall be paid to the legal representatives of the deceased.

11. *And be it enacted*, That the said corporation may purchase and hold, in fee simple or otherwise, any real estate of which Corporation may hold real estate. the clear annual income shall not exceed one thousand dollars, in addition to such as may be conveyed to the said corporation for the securing or paying of loans; and that the said corporation may sell, lease or otherwise dispose of the said real estate, or any part thereof, at their will and pleasure.

12. *And be it enacted*, That it shall be the duty of the said Annual report to be made. corporation to make an annual report of its affairs, and the state of its funds, to the legislature of this state, which report

shall be verified by the oaths or affirmations of the president and treasurer of the said corporation.

Public act.

13. *And be it enacted*, That this act is hereby declared to be a public act, and that the same shall be construed in all courts favorably and benignly, for every beneficial purpose therein intended; and that the same shall take effect immediately.

Approved March 21, 1854.

JOINT RESOLUTIONS.

NUMBER I.

Authorizing "the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies" to purchase an additional number of shares of the capital stock of "the Flemington Railroad and Transportation Company."

WHEREAS, the "Flemington Railroad and Transportation Com-
pany" now own about eight hundred shares of the capital stock of said company, and have made great effort to sell the remaining shares of said stock but have failed so to do, and whereas the speedy completion of said railroad would be highly advantageous to a large agricultural district—therefore

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies be and they are hereby authorized to purchase any additional number of shares of the capital stock of the said "the Flemington Railroad and Transportation Company," not exceeding eight hundred; *provided*, that the state of New Jersey shall not be compelled to take said stocks or works at the expiration of the charter of joint companies.

Preamble.

Joint Companies authorized to purchase shares of capital stock.

Proviso.

Approved February 2, 1854.

NUMBER II.

Authorizing the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies to subscribe to the capital stock of the "West Jersey Railroad Company."

Preamble.

WHEREAS, the construction of the West Jersey Railroad from the city of Camden, through the counties of Camden, Gloucester, Salem, Cumberland, and Cape May to Cape Island, with branches to Salem and Bridgeton, would be greatly advantageous to the large and important agricultural and manufacturing interest of West Jersey, and is urgently desired by the people of that section of the state, who have been heretofore entirely destitute of railroad facilities; and whereas, after the most diligent efforts for the past year, a sufficient amount of the capital stock has not been subscribed for the construction of the road—therefore

Joint Companies authorized to purchase shares of capital stock.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies, be and they are hereby authorized to subscribe for and take any portion of the capital stock of the West Jersey Railroad Company not to exceed in amount eight hundred thousand dollars: *provided*, that the state of New Jersey shall not be compelled to take said stock or works at the expiration of the charters of said joint companies.

Proviso.

Approved February 2, 1854.

NUMBER III.

Authorizing the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies to endorse the bonds of certain railroad companies.

WHEREAS, it has been found by experience to be difficult to Preamble.
raise the amount of funds required for the construction of railroads by the ordinary method of mortgage upon the road; and whereas, in order to induce capitalists to furnish the means, and to seek such investments, it is advisable and necessary to render all the bonds issued by said companies so entirely good that perfect confidence can be placed in their undoubted security; therefore

1. BE IT RESOLVED *by the Senate and General Assembly of* Joint Companies authorized to endorse bonds.
the State of New Jersey, That the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies be and they are hereby authorized to endorse the bonds that may be issued by the West Jersey Railroad Company, and also the bonds of any other company (for the construction of any railroad) in this state, of which the said the Delaware and Raritan Canal and Camden and Amboy Railroad Companies may hold at the time one half of the capital stock; *provided,* that the state of New Jersey shall not be Proviso.
compelled to take said bonds or works at the expiration of the charter of the joint companies.

Approved February 2, 1854.

NUMBER IV.

Relative to the officers and soldiers of the war of eighteen hundred and twelve.

1. BE IT RESOLVED *by the Senate and General Assembly of*
the State of New Jersey, That the senators of this state in

Application
for relief of
soldiers of
the war of
1812.

the senate of the United States be instructed, and that the representatives of this state in congress be requested, to use their best efforts to procure the passage of a law granting to the officers and soldiers who were in the service of the United States in the war of eighteen hundred and twelve, the same privileges and grants of land as have been granted to the soldiers in the more recent wars of the United States.

Governor to
forward copies

2. *And be it resolved,* That the governor be requested to forward a copy of these resolutions to each of our senators and representatives in congress.

Approved February 9, 1854.

NUMBER V.

For the appointment of commissioners to report amendments of the system of jurisprudence of this state, and provide for the election of certain officers by the people.

Preamble

WHEREAS, it has been represented that the citizens of this state are desirous that such changes should be made in its entire system of legal and equitable jurisprudence as will render the administration of justice more simple, speedy, and economical, and also that the appointing power so far as practicable be restored to the people,

Commission-
ers to prepare
amendments
to constitu-
tion.

1. *BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey,* That the governor be and he is hereby authorized to nominate and appoint, with the advice and consent of the Senate, three discreet commissioners, whose duty it shall be to prepare such acts and such amendments to the constitution of this state as may be proper and necessary to carry into effect the objects expressed in the preamble to these resolutions, and submit the same to this or the next legislature.

2. *And be it resolved*, That the said commissioners shall receive the sum of five dollars each for every day they are actually employed in the performance of the duties hereby imposed upon them, and payment of such necessary traveling expenses as they may actually incur therein, to be paid to the said commissioners respectively, by the treasurer of this state, upon an appropriation being made for that purpose by law.

Compensation
to commis-
sioners.

Approved March 3, 1854.

NUMBER VI.

To authorize the payment of certain moneys for state house repairs.

1. *BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey*, That the bill of expenses incurred for furnishing the Senate chamber with carpet, desks, curtains and chairs, pursuant to resolutions adopted at the last and present sessions of the Senate; and also for carpets and other necessary furniture in the Assembly chamber, in the executive room, and in the public offices, under the superintendence of the secretary of state and treasurer, shall be submitted to the governor, and if approved by him the same shall be paid on his warrant, by the state treasurer.

Payment of
furniture of
State House
provided for.

Approved March 3, 1854.

NUMBER VII.

Relative to the improvement of the navigation and the protection of the harbors along the seaboard of New Jersey.

1. *BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey*, That the senators of this state in the

Application
for appropriation
for improvement of
navigation.

senate of the United States be instructed, and that the representatives of this state in congress be requested, to use their efforts to procure from congress an appropriation, of two hundred thousand dollars for the improvement of the navigation and the protection of the harbors along the sea board of this state, from the point of Sandy Hook to Cape May.

Governor to
transmit
copies.

2. *And be it resolved*, That the governor be requested to transmit to each of our said senators and members of the house of representatives, a certified copy of these resolutions.

Approved March 3, 1854.

NUMBER VIII.

Relative to cheap ocean postage.

Preamble

WHEREAS, the present rates of ocean postage operate as a serious restriction upon the commercial and friendly correspondence between the United States and foreign countries, cramping the interchange of sympathy and intelligence between religious, benevolent, literary and scientific societies, thus impeding the diffusion of knowledge, and checking the legitimate influence of the institutions of this country upon the other nations of the world, while they are an oppressive burden upon the foreign born inhabitants of the United States, aggravating the bitterness of their separation from relatives and friends in the old world, and often sundering the most sacred relations of life; therefore,

Reduction of
ocean postage

1. *BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey*, That our senators be instructed, and the representatives of this state, in congress, be requested to exert their influence to secure a reduction of the present rates of ocean postage to the uniform charge of two cents, for the mere transportation of a single letter from any port of the Uni-

ted States to any port beyond the sea at which the American mail packets may regularly touch.

2. *And be it resolved*, That the governor of this state be requested to forward a copy of the foregoing resolution to our senators and representatives in congress. Governor to forward copies.

Approved March 15, 1854.

NUMBER IX.

In relation to the public domain.

WHEREAS, the public domain is the property of the whole people of the Union and ought of right to be held for the equal benefit, in limited quantities, for all the citizens thereof; and whereas, also, large tracts of millions of acres are being alienated from the whole people, and conferred upon overgrown railroad companies, thereby creating monopoly in lands as well as in railroads, whose future power, by means of these grants of the public domain, may hereafter be injuriously felt in both the state and national councils of the Union; and whereas, also, the true policy of American institutions require that the great mass of the American people should be identified with the soil by the unqualified and indefeasible ownership of a reasonable, but limited, amount thereof; and whereas, also, the holding of large tracts either by individuals or corporations, thereby creating a landed aristocracy, will bring upon the American people that inequality in the conditions of men, which has proved the bane of European society; therefore, Preamble.

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 procure the passage of a law in the congress of the United States, by Grants of public domain.

which the public domain shall be conferred in limited quantities free of charge to actual settlers, and for confirming the title of such settlers thereto free from compulsory alienation, or shall be granted to the different states for educational purposes.

Amount to be held by one person.

2. *And be it resolved*, That our senators and representatives be further requested to use all proper means to limit the amount of the public domain to which any one person may hereafter acquire title, to one hundred and sixty acres.

Governor to forward copies.

3. *And be it resolved*, That the governor is hereby requested to forward an attested copy of these resolutions, to our senators and representatives, that the same may be presented to the consideration of the national legislature.

Approved March 16, 1854.

NUMBER X.

Relative to appropriations by congress for the insane.

Donation of lands for lunatic asylum.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our senators in congress be instructed, and representatives requested, to obtain a law from congress granting to the different states a donation of the public lands for maintaining lunatic asylums and to promote the recommendation of Miss D. L. Dix.

Governor to forward copies.

2. *And be it enacted*, That the governor of this state be requested to forward a copy of this resolution to each of our senators and representatives.

Approved March 17, 1854.

NUMBER XI.

Relative to the early records of the supreme court.

WHEREAS, the judgments of the supreme court, anterior to the Preamble.
year seventeen hundred and ninety-nine, are separately of
record upon parchment rolls, which have never been indexed
or properly arranged for reference; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of* Records to be indexed.
the State of New Jersey, That the clerk of the supreme court
be authorized to employ some competent person to arrange and
index said judgments so as to facilitate reference to them, and
to preserve them from loss or decay; and the expense thereof
shall be paid by the treasurer, upon the certificate of said clerk;
provided, that the whole expense shall not exceed the sum of Proviso.
two hundred dollars.

Approved March 17, 1854.

NUMBER XII.

For more effectually protecting the state capitol from injury
by fire.

1. BE IT RESOLVED *by the Senate and General Assembly of* Erection of fire plugs and hydrants authorized.
the State of New Jersey, That the secretary of state and state
treasurer be and they are hereby authorized to have hydrant
water introduced into the state capitol grounds and buildings,
and to cause to be erected such fire plugs and hydrants as may
be needed to preserve said buildings and the property therein
from injury by fire.

Approved March 17, 1854.

NUMBER XIII.

To authorize the treasurer to borrow money.

Treasurer au-
thorized to
borrow money

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be authorized to borrow, from time to time, for the use of this state, such sum or sums of money as may be necessary to meet the expenses authorized by law, not exceeding thirty thousand dollars, at a rate of interest not exceeding six per cent. per annum; and that he be instructed to repay the whole, or as much thereof, before the first day of January next, as the condition of the treasury will allow.

Approved March 17, 1854.

ACCEPTANCE BY THE JOINT COMPANIES OF THE LAW OF 1854.

In compliance with the requisitions of the seventh section of the act entitled "A further supplement to the act entitled 'an act relative to the Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Companies,'" the following certified copy of the acceptance of the provisions of said law by the said companies is here published :

WHEREAS, the legislature of the state of New Jersey did on the sixteenth day of March, in the year of our Lord eighteen hundred and fifty-four, pass an act entitled "A further supplement to the act entitled 'an act relative to the Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Companies,'" and whereas, the seventh section of the said act enacts "that this act shall take effect as soon as the joint board of directors of the said two companies, and the board of directors of each of the said companies, respectively, shall certify their acceptance of this act as a supplement to and part of the charter of the said companies, under the hands of the president and secretary and the corporate seal of the said joint companies, and of each of the said companies respectively, and file the same in the office of the secretary of state of this state, who in such case shall cause a certified copy of such certificate of acceptance to be published in connection with this act, among the laws of this state, which publication shall be deemed competent and plenary evidence of such acceptance; and in case such certificate of acceptance be not filed within three months from the passage of this act, then this act shall be void."

BE IT THEREFORE HEREBY CERTIFIED, that the Delaware and Raritan Canal Company, and the Camden and Amboy Railroad and Transportation Company, do accept this said act as a supplement to and part of the charter of said companies.

Witness the hands of the president and secretary and the seal of the said joint companies, and the hands of the president and secretary, and the seal of the Delaware and Raritan Canal Company, and the hands of the president and secretary, and the seal of the Camden and Amboy Railroad and Transportation Company, this seventeenth day of April, one thousand eight hundred and fifty-four.

JOHN L. MCKNIGHT, [L. S.]

President of the Joint Board

JAS. S. GREEN, *Secretary of Joint Board.*

R. F. STOCKTON, [L. S.]

President Del. and Raritan Canal Co.

J. R. THOMSON, *Secretary D. & R. Canal Co.*

ROBT. L. STEVENS, [L. S.]

President C. & A. R. R. & Transportation Co.

SAMUEL J. BAYARD, *Sec. C. & A. R. R. & Tr. Co.*

Endorsed,

Filed June 1, 1854.

THOS. S. ALLISON, *Secretary of State.*

STATE OF NEW JERSEY,

I, THOMAS S. ALLISON, secretary of state of the state of New Jersey, do hereby certify that the foregoing is a true copy of the certificate of acceptance by the Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Companies of the law of said state passed the sixteenth day of March, A. D. one thousand eight hundred and fifty-four, entitled "A further supplement to the act entitled 'an act relative to the Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Companies,' " as taken from and compared with the original now on file in my office.

In testimony whereof I have hereunto set my hand and affixed my seal of office, at the city of
[L. S.] Trenton, in said state, this first day of June,
A. D. one thousand eight hundred and fifty-four,
(1854.)

THOS. S. ALLISON, *Secretary of State.*

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