

# ACTS

OF THE

*State Library*

EIGHTY-SECOND LEGISLATURE

OF THE

*July 1858*

## STATE OF NEW JERSEY,

ACCESSION No. 33006

AND

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FOURTEENTH UNDER THE NEW CONSTITUTION.



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ACTS  
OF THE  
EIGHTY-SECOND LEGISLATURE  
OF THE  
STATE OF NEW JERSEY.

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CHAPTER I.

A SUPPLEMENT to an act entitled "An act to alter and amend the charter of the borough of Bordentown, in the county of Burlington," approved February thirteenth, eighteen hundred and forty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of said borough shall have the sole and exclusive power of licensing all beer or oyster saloons, rooms, houses, or other places of refreshments within the limits of said borough, in the same manner as they are authorized to license oyster cellars and inns and taverns by their original charter.

Licenses for  
beer and  
oyster sa-  
loons, &c.

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

HENRY V. SPEER,  
*President of the Senate.*

DANIEL HOLSMAN,  
*Speaker of the House of Assembly.*

Approved January 29, 1858.

WILLIAM A. NEWELL.

## CHAPTER II.

A SUPPLEMENT to an act entitled "An act to authorize the inhabitants of the townships of Hanover and Pequannack, in the county of Morris, to vote by ballot at their town meetings."

Overseers of  
the high-  
ways, how  
elected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of the highways of the several road districts in the townships of Hanover and Pequannack, in the county of Morris, shall be elected by the legal voters of the several districts as they may be arranged from time to time by the township committee in said townships; and for the purpose of carrying this provision into effect, it shall be the duty of the township committee of the said townships to give public notice of the time and place of holding the first district road meetings under this act, and which meetings shall be held on the Saturday next previous to the annual town meetings in said townships; and shall cause notice thereof to be posted up in some conspicuous place in such district, at least five days before the time of holding any such meeting, which shall be some convenient place in the district, when and where the legal voters in the townships residing in such road district, shall assemble for the purpose of such election; and at which time and place such legal voters assembled, having been called to order by any legal voter of the road district, shall proceed viva voce, by the holding up of hands, or by count, to elect a moderator of such meeting, by plurality of votes; and being so organized, the meeting shall proceed as in the election of the moderator, to elect an overseer of the highway for such road district; the moderator of each district meeting shall notify the township committee at their first meeting after such election, in writing, of the election of such overseer; and in case of the failure of any district to elect an overseer, or of the person so elected to accept of the appointment, the township committee shall fill such vacancy, and shall fur-

Vacancies,  
how sup-  
plied.



nish a list of the names of said overseers of the highway so elected or appointed, to the clerk of the township, and it shall be his duty to publish the same, with the names of the officers and proceedings of said first town meeting after the election of said overseers.

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

Subsequent  
district road  
meetings,  
how called.

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

Approved January 29, 1858.

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## CHAPTER III.

AN ACT concerning firemen of the borough of Bordentown, and county of Burlington.

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

Firemen ex-  
empt from  
jury duty.

hose companies, which now are or hereafter may be organized under the direction of the corporate authorities of the said borough of Bordentown, shall be exempt from serving as jurors in any of the courts of this State; *provided*, that not more than thirty-five members shall be enrolled in any one company.

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

Approved February 1, 1858.

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## CHAPTER IV.

AN ACT to incorporate the Matavan and Keyport Bridge Company.

Names of  
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Obadiah Clark, Eusebius Walling, Thomas V. Arrowsmith, John E. Kuhns, and William Mincsesheimer and their associates and successors, are hereby constituted a body corporate, by the name of the Matavan and Keyport Bridge Company, for the purpose of building a draw or swing bridge over and across Matavan or Middletown Point Creek, at or near where the ferry of John E. Kuhns is now located.

First directors.

2. *And be it enacted*, That the stock, property, and concerns of said corporation shall be managed by five directors, being stockholders (one of whom shall be president), who shall hold their offices for one year, and until others are appointed; and a majority of the directors shall be a quorum for transacting the business of the company; and

that the said Obadiah Clark, Eusebius Walling, Thomas V. Arrowsmith, John E. Kuhns, and William Mincesheimer shall be the first directors of the said corporation, and shall hold their offices for one year, and until others are legally chosen; and that the time and manner of electing future directors, and of filling vacancies, and all other matters appertaining to the concerns of the said corporation, shall be managed, governed and regulated by the by-laws of the said corporation.

3. *And be it enacted*, That the capital stock of said corporation shall be five thousand dollars, in shares of twenty-five dollars each, with the privilege of increasing the said capital stock to ten thousand dollars.

Amount of  
capital  
stock.

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

Books of  
subscription  
to be opened.

5. *And be it enacted*, That it shall be lawful and the duty of the said company to build said bridge at least twelve feet in width, with good and sufficient side rails, for the safety of travellers, and construct a convenient draw or swing therein, of at least forty feet opening, to be placed in the most convenient place for the navigation of said

Description  
of bridge.

creek, and the said company shall, for the safety of persons navigating said creek, cause to be kept near the said draw, one or more lamps, which shall be lighted every evening thereafter before it grows dark, and continue to be lighted, until daylight, and provide a suitable person to open the said draw at all times, for the passage of masted vessels, so that the full and free navigation of said creek shall not at any time be obstructed or impeded; and on failure to attend said draw and open the same for the free passage of such vessels on their arrival at the said bridge, the said company shall be liable to an indictment in the county of Monmouth, and, if convicted, to be fined, at the discretion of the court, in any sum not exceeding twenty-five dollars, and also liable to an action of damages at the suit of the party aggrieved.

Bridge to be kept in repair by company.

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

Rates of toll.

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

For every person on foot, two cents.

For every person on horse or mule, three cents.

For all wagons, carts, sleighs or sleds drawn by one horse, mule, or ox, five cents.

For all one horse pleasure carriages, five cents.

For all two horse pleasure carriages or stages, eight cents.

For all two horse, mule or ox wagons, carts, sleighs or sleds, eight cents.

For all four horse, mule or ox carriages of every kind, ten cents.

For all horned cattle or horses, two cents.

For all hogs, calves, and sheep, one cent.

And all other articles and things not herein enumerated, to be in equitable proportion; *provided always*, that said directors have power to reduce said rates. Proviso.

8. *And be it enacted*, That it shall be lawful for any toll-gatherer having charge of said bridge, to stop any person on foot, every person, horse or mule, with or without wagons, carts, sleighs or sleds, all pleasure wagons, and all horned cattle, horses, hogs, calves, and sheep from passing over said bridge until the toll as above specified shall have been paid. Persons may be detained until toll is paid.

9. *And be it enacted*, That if any person or persons having the command of any vessel shall intentionally do any damage to said bridge or draw, or keep it up more than fifteen minutes, when the same is not absolutely necessary for the passage of some masted vessel or boat, shall forfeit and pay the sum of twenty-five dollars, and also be liable for all damage that may be done to said bridge or draw, to be recovered in an action of debt, before any court having competent jurisdiction, with costs of suit. Penalty for injuring bridge or draw.

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, and the acts supplementary thereto and amendatory thereof, so far as the same are applicable. Restrictions and liabilities.

11. *And be it enacted*, That the said company may construct roads on the salt meadows on either side of said creek, from the said bridge to the upland, and put and keep the said roads in good condition and repair, in order to maintain a good and safe way for the passage of public travel. Company may construct roads.

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

Approved February 1, 1858.

## CHAPTER V.

AN ACT to change the name of the Independent Essex Brigade.

Name of  
Brigade  
changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the Independent Essex Brigade, of the militia of this State, be and the same is hereby changed to the Newark Brigade.

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

Approved February 2, 1858.

## CHAPTER VI.

AN ACT entitled an act incorporating the Young America Hook and Ladder Fire Company, of the city of Burlington.

Names of  
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Mitchell, Joseph F. Rowand, Aaron W. Haines, Ferdinand Brother, Joseph F. Bainbridge, William Limeburner, Edward F. Brother, George C. Burling, Richard B. Wilmot, Edward M. Walmsley, Joseph Butcher, A. J. Jordan, Henry M. Stowell, Allen Huffnagle, H. McDowell, H. B. Lippincott, and Joseph W. Martin, and all persons, not exceeding one hundred in number, as now are or hereafter shall become, associates of the Young America Hook and Ladder Fire Company of the city of Burlington, be and they are hereby con-

stituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Young America Hook and Ladder Fire Company, of the city of Burlington," 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, 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.

General powers.

2. *And be it enacted*, That the capital stock of the said company shall not exceed the sum of four thousand dollars, which shall be applied to the purchase and holding 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.

Amount of capital stock.

3. *And be it enacted*, That the said company shall have power to elect annually, or oftener, if necessary, a president out of their own body, and such other officers and assistants as they shall deem necessary for conducting their affairs, according to their constitution and by-laws, and 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.

Officers of corporation.

4. *And be it enacted*, That this act shall take effect immediately, and shall be subject to be modified, altered, or repealed, at the pleasure of the legislature, at any time.

Act may be altered or repealed.

Approved February 2, 1858.

## CHAPTER VII.

AN ACT to confirm certain conveyances of land situate in the township of Greenwich, in the county of Gloucester, made by Joseph C. Gill and wife to Stephen H. Miller and others.

Preamble.

WHEREAS, a large number of lots or tracts of land, situate in the township of Greenwich, in the county of Gloucester, have been sold and the conveyances effected by the owners thereof, the same having been allotted among the purchasers by lot or ballot, or by the purchasers making partition thereof among themselves; and whereas, Joseph C. Gill, and Hannah his wife, did, by several deeds, convey to Stephen H. Miller and others, certain lots of land in the town plots of Mantua, in the said township of Greenwich; and whereas, it is desirable that the validity of the titles made in this manner be established and confirmed, therefore,

Sales and conveyances confirmed.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the grants, sales and conveyances heretofore *bona fide* made and executed by the said Joseph C. Gill and Hannah his wife, to the said Stephen H. Miller and others, of lots of land situate, lying and being in Mantua, in the township of Greenwich aforesaid, under and by virtue of, and in pursuance of an allotment in manner aforesaid, or in any other manner, shall not be deemed, held or adjudged invalid or defective or insufficient in law, or avoided, or in any manner prejudiced by reason of the said grants, sales and conveyances having been made as aforesaid, but shall be deemed as good, valid and effectual in law for transferring, passing and conveying the estate, right, title and interest of such grantors of, in and to the said lands, as if such grants, sales and conveyances had been made and effected without such allotment in manner aforesaid, or in any other manner inconsistent with any statute of this State.



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

Approved February 3, 1858.

## CHAPTER VIII.

AN ACT appointing Edward B. Freeman a trustee in the stead of Daniel Price.

WHEREAS, by an act of the Council and General Assembly Preamble.  
of the State of New Jersey, passed March twelfth, eighteen hundred and thirty-nine, Daniel Price was appointed a trustee to manage the property of Abby Freeman, devised to her in and by the last will and testament and codicil of Daniel Tichenor, deceased, and is now desirous of relinquishing said trust, therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel Price be released and discharged from the further execution of said trust, and that Edward B. Freeman be and he is hereby substituted in the place and stead of the said Daniel Price, and that the said property be and is hereby vested in the said Edward B. Freeman, in as full and ample a manner as the same was held by the former trustee, and the same shall be held to the uses and trusts in said last will and testament and codicil set forth and stated. E. B. Freeman appointed trustee.

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

Approved February 3, 1858.

## CHAPTER IX.

AN ACT relative to the will of Francis Miles, deceased, late of the township of Lower Penn's Neck, county of Salem, in the State of New Jersey.

Preamble. WHEREAS, the said Francis Miles, deceased, in and by his last will and testament, bearing date the seventeenth of February, Anno Domini one thousand seven hundred and sixty-eight, and duly proved the twenty-first of May, Anno Domini one thousand seven hundred and sixty-eight aforesaid, did amongst other things devise, order, and direct as follows: "And my will further is, that after my wife's marriage, the sole profits of the plantation whereupon I now live, with all the land and marsh thereunto belonging, saving to my wife her right of dower of said plantation, shall be taken and received by the magistrates of the township of Lower Penn's Neck, to be by them laid out and appropriated towards the education and schooling of the poor children of said township of Lower Penn's Neck, which said magistrates shall have full power and authority to lease said plantation and receive the rents thereof for the use of schooling poor children as aforesaid forever;" and whereas it is made to appear that the rents of said plantation, situated in said township, have been appropriated for the schooling purposes as aforesaid. And for the interest of said township, and for the more effectually carrying out the intention of the testator, and a judicious management of said estate, it is represented that the said magistrates should be controlled in regard to the period or time of leasing said plantation. And whereas it is the further desire of the inhabitants of said township that the said magistrates of said township should render an annual account to said township as trustees of said fund. Therefore,

1. BE IT ENACTED by the Senate and General Assembly of

*the State of New Jersey*, That the magistrates or said justices of said township, under the said will, &c., of Francis Miles, deceased, are hereby prohibited from leasing or letting the plantation aforesaid for any one period or term exceeding three years.

Plantation  
not to be  
leased be-  
yond certain  
time.

2. *And be it enacted*, That the said magistrates or justices of the peace, and their successors in office, shall, on or before the twenty-fifth day of April, yearly and every year, render a true and perfect account, and make a settlement as trustees as aforesaid, under the said will, with the township superintendent of schools of the said township of Lower Penn's Neck, of all moneys received by them under said will, and shall faithfully apply and expend the moneys so received towards and for said schooling purposes as set forth in said will.

Trustees to  
render annu-  
al account.

3. *And be it enacted*, That in case said magistrates or justices of the peace aforesaid refuse to make the settlement, or render the account, as required by the preceding section of this act, it shall be lawful for said township superintendent of schools, in the name of the inhabitants of said township, to prosecute the official bonds of said justices, or either of them, pursuant to the directions of the act entitled "An act relative to justices of the peace," approved April seventeenth, one thousand eight hundred and forty-six; or, and in addition to such remedy as above provided, if he shall deem it advisable or necessary, to institute an action or actions of trespass on the case, against said justices, or any or either of them, to recover the amount in the hands of such justice or justices respectively, with interest and costs, before any judge of the Court of Common Pleas of the county of Salem, who is hereby authorized and required to hear and determine the said action, in a summary manner, and immediately upon the entry of judgment against such justice or justices, the said judge shall issue his warrant, directed to the sheriff of said county, and commanding him to levy and make the sum so adjudged, with costs, by distress and sale of the goods and chattels, lands and real estate of such justice or justices

Proceedings  
in case of  
refusal to  
render ac-  
count.

of the peace, which said sheriff shall return the said warrant, with his proceedings thereon, to the said judge at the time therein specified, and shall pay over the moneys by him collected or made to such justice or justices of the peace, in said township, to be by him or them expended for the purposes mentioned in said will, as shall not have been in default in rendering such account, in making such settlement, as are provided in and by the second section of this act, upon his or their receipt therefor; and in case there shall be no such justice or justices of the peace not in default as aforesaid, when the said moneys shall be received or made by such sheriff, then to the said township superintendent of schools for the time being, who shall expend the same for the purposes mentioned in said will, until such time as a new justice or justices of the peace shall be elected and duly qualified by law to act in and for the said township, and upon such new justice or justices of the peace being so elected and qualified, the said township superintendent shall at once pay over to him or them all such moneys in his hands, with an account of all moneys by him received, and of his expenditure thereof, which said new justice or justices shall expend the sum so received by him or them for the purposes in said will provided.

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

Approved February 3, 1858.

## CHAPTER X.

AN ACT SUPPLEMENTARY to an act entitled "A supplement to an act entitled 'An act concerning the Firemen of Jersey City, in the county of Hudson,'" passed January twenty-seventh, one thousand eight hundred and fifty-three, which said supplement was approved February twenty-sixth, eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "A supplement to act entitled 'An act concerning the firemen of Jersey City, in the county of Hudson,'" passed January twenty-seventh, one thousand eight hundred and fifty-three, which said supplement was approved February twenty-sixth, eighteen hundred and fifty-five, shall apply to such persons as have been firemen at any time heretofore within the limits known as the present limits of Jersey City, and that such persons shall be entitled to the benefits of said act to which this is a supplement, the same as if they had been actual residents of Jersey City during the time required by said act.

Provisions  
of former act  
extended.

Approved February 3, 1858.

## CHAPTER XI.

AN ACT to incorporate the Trenton Boat and Dockyard Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Garret Schenck, William H.

Names of  
corporators.

Norcross, Thomas P. Johnston, William I. Shreve, and Robert C. Belville, and their associates and successors, are hereby created a body politic and corporate in law, by the name and style of "The Trenton Boat and Dockyard Company," to be located in the city of Trenton, for the purpose of carrying on the business of building, constructing, altering, and repairing boats or vessels, and erecting and constructing buildings, basins, and such other improvements on their lands as may be useful or necessary for the purpose aforesaid; and for such purpose the said company shall or may raise by subscription, a capital stock of fifteen thousand dollars, to be divided into shares of twenty dollars each.

Amount of capital stock.

What property corporation may hold.

Proviso.

When company may commence business.

Payment of instalments.

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

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

4. *And be it enacted*, That it shall be lawful for the directors of the said corporation to call for, collect and demand of the stockholders respectively, all such instalments due

on such stock subscribed for as may have been agreed upon previous to subscribing, under penalty or forfeiture of the shares so subscribed, and all previous payments made thereon; *provided*, however, that said stockholders being notified personally, or by advertising at least thirty days previous to such instalments becoming due; said stock to be transferable on the books of said company, and only in the presence of the proper officers. Proviso.

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

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

Semi-annual  
dividends.

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

Proviso.

Corporation  
not dissolv-  
ed for failure  
to elect on  
day pre-  
scribed.

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

Property to  
be taken at a  
valuation.

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

General  
powers.

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

Limitation.

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

Approved February 4, 1858.



## CHAPTER XII.

AN ACT to incorporate the Moorestown Fire Department.

1. BE IT ENACTED by the Senate and General Assembly of Fire department incorporated. the State of New Jersey, That all owners or proprietors of dwelling houses and other buildings liable to injury by fire, situate in the village of Moorestown, in the county of Burlington, and in its vicinity, within one-fourth of a mile from any part of the main street of said village, between the ninth milestone from Camden and the eighth milestone from Mount Holly, be and are hereby created and declared to be a body politic and corporate under the name and title of "The Moorestown Fire Department."

2. *And be it enacted*, That the capital stock of said corporation, vested in real and personal estate, shall not in the aggregate exceed the sum of five thousand dollars, and shall be solely and exclusively applied to procuring, maintaining, and repairing such engines, wells or reservoirs of water, pumps, ladders, buckets, fire hooks, and other implements for the extinguishment of fires, together with houses for storing and preserving all such apparatus, and to defraying such incidental expenses as shall, in the opinion of the board of managers hereinafter named, be necessary to effect the object of this corporation. Amount of capital stock.

3. *And be it enacted*, That the amount of capital stock at any time paid in shall be determined by said board of managers by an inventory of the property on hand and belonging to said corporation, at its actual cash value at the time of making such inventory. Inventory to be made of property.

4. *And be it enacted*, That the engines, engine-houses, and all other fire apparatus now in the possession of the fire company and inhabitants of said village, shall be and are hereby made the property of said corporation, upon the consent of, or upon compensation first made to the owners thereof. Engines, &c., made the property of corporation.

Election of  
officers.

5. *And be it enacted*, That the members of this corporation, for the purpose of organizing the same, shall assemble as soon as convenient after the passage of this act, upon two weeks' notice of the time and place (within the village of Moorestown), and the object of said meeting, said notice to be given by any three freeholders, residents of said village, and set up in five or more public places in said village; 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 three managers, who shall together constitute a board of managers, and three persons, who shall constitute a board of assessors, and also three persons, who shall constitute a board of appeals, who shall hold their respective offices until the time of the next annual meeting, which time shall be permanently fixed by this meeting; and the members of this meeting then and there assembled shall also determine, by plurality of votes, what amount of money shall be raised by assessment for the use of the corporation during the ensuing year; *provided*, that the board of managers shall not appropriate any of the funds of the corporation to the payment of the salary of any officer of the corporation, or as a remuneration for services by any officer except as hereinafter provided, unless the by-law or resolution under which such appropriation is made be first presented to and approved by a majority of the members of the corporation present at their annual meeting.

Proviso.

Powers and  
duties of  
managers.

6. *And be it enacted*, That the active power of this corporation shall be vested in said board of managers, and they shall take charge of and keep in repair the property of said corporation, and shall have power to fill all vacancies in their own body, or in any office under this corporation until the next annual meeting; they shall give notice of each annual meeting, also the sum of money which they may deem it expedient to raise for the expenses of the ensuing year, and of the purposes to which the same is intended to be applied, not less than five, nor more than

fourteen days before said meeting, by handbills posted up in five of the most public places within the limits aforesaid.

7. *And be it enacted*, That within thirty days after the annual meeting, the board of assessors shall make and return to the board of managers a correct list of all buildings within said limits (public schoolhouses excepted), with the value thereof, and the names of both the owners and occupants of the buildings, together with an assessment upon each building or set of buildings as aforesaid, of its or their equitable proportion of the sum voted to be raised by the corporation, making just allowance for the various degrees of hazard and liability to injury by fire to which said buildings may be exposed, as well as for the distance from the thickly settled portion of the district. Property situated so remote from the village as not to be benefited by the wells, reservoirs, or pumps, shall not be taxed therefor.

Assessors to make return to managers.

8. *And be it enacted*, That within ten days after the return of said list and assessment to the board of managers, the treasurer shall give to every resident member, whether individual or body politic and corporate, and 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.

Notice to be given of amount of tax assessed.

9. *And be it enacted*, That within twenty days after the return of said assessment as aforesaid, the board of appeals shall sit in such place in the village of Moorestown as they may have appointed, 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.

Meeting of board of appeals.

10. *And be it enacted*, That after the appeals to the board shall have been determined, the treasurer shall give public notice, by handbills posted up in five of the most public places within said limits, that if the taxes so assessed are not paid within thirty days from the date thereof, that the

Notice to be given in case of non-payment of taxes.

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 assessed upon the property occupied by them, and they are hereby authorized to deduct or reserve 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 occupants shall be liable for all arrearages of assessments upon said building.

List of delinquents to be delivered to justice of the peace.

11. *And be it enacted*, That in case of non-payment of taxes within the time specified in said notice, the treasurer shall make out a list of the delinquents, whether individuals or corporations, members of this corporation or tenants in possession, with the amount of tax payable by them, respectively, thereto annexed, and shall deliver the same to some justice of the peace of the township in which said corporation is situated, accompanied by his oath or affirmation, that he has given the public notice required by the preceding section.

Mode of levying and collecting tax.

12. *And be it enacted*, That the justice of the peace before whom such return shall be made, within five days after the reception of said list of delinquents, shall deliver to some constable of the county a warrant to levy the tax so in arrear, with costs; and the said justice and constable shall proceed, in like manner, and under like penalties and liabilities, to levy the tax so in arrear, as is directed in the act entitled, "An act concerning taxes," approved April the fourteenth, eighteen hundred and forty-six; and the said assessor's justice and constable shall be entitled to like fees as for like services under said act; *provided*, that the taxes so levied and collected shall be paid to the treasurer of the corporation; and that if, in the opinion of the board of managers, the interest of the corporation would be promoted thereby, it shall be lawful for said board of managers to appoint a special constable, to whom the justice shall direct the tax warrant required by this act; and who, after

Proviso.

having given bond, with such security as said board shall direct and approve, shall be authorized to perform the duties required to be done in and by this act, as fully as a constable elected at the annual town meeting.

13. *And be it enacted*, That no person shall be qualified to vote or hold office by virtue of this act, who is not a member of the corporation hereby created; and that all resident property owners, and tenants who shall pay the tax assessed on the property by them occupied, shall be considered members of this corporation. Officers to be members of corporation.

14. *And be it enacted*, That if any person shall vote at 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 of Burlington, in the name and for the use of the corporation; *provided*, that any body politic or corporate being a member of this corporation, may vote through its presiding officer, whether he be a member of this 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 other persons residing within said limits, one company of firemen, not exceeding thirty members for each and every fire engine that is or may be within said limits, and such firemen shall be exempt from jury duty so long as they shall belong to such company. Proviso.

16. *And be it enacted*, That said company or companies of firemen shall have power to make such by-laws for their regulation and government, not inconsistent with the constitution and laws of this State, as they may deem proper, and enforce the same by fines collectable by law, in an action of debt, with costs, before any justice of the peace of the county of Burlington, in the name of this corporation and for the use of said company or companies respectively; *provided*, that such by-laws shall not be in force until approved by said board of managers. Corporation may raise fire company.

17. *And be it enacted*, That any person who shall maliciously create or knowingly continue any false alarm of fire within said limits, shall, on due proof thereof before Company may make by-laws.

Penalty for injuring works.

any justice of the peace of said county, 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 that any person or persons who shall in any manner wilfully injure, deface or destroy any building, engine, pump, ladder, or other property of this corporation, on due proof thereof in manner aforesaid, shall be punished by fine not exceeding twenty dollars, and shall also pay double the amount of the costs of repairing said damages or injury; and that all fines and other moneys recovered under this section shall go, the one-half to the informer, and one-half to the treasurer for the use of the corporation.

Published.

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

Approved February 5, 1858.

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## CHAPTER XIII.

AN ACT to establish a new township in the county of Gloucester, to be called the township of Clayton.

Boundaries  
of township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Franklin contained within the following bounds, that is to say: beginning at a point where the public road from Fries' mill to Blackwoodtown and the line between the counties of Gloucester and Camden intersect; thence northerly along the line of said counties until it strikes the township of Mantua; thence westerly along said last mentioned

township and the township of Harrison; to the line of the township of Upper Pittsgrove, in the county of Salem; thence in a southerly direction along the last mentioned township and the township of Pittsgrove, to the centre of the public road leading from Glassboro' to Pittstown; thence easterly in a direct line to the place of beginning, be and the same is hereby set off in a new township, to be called the township of Clayton.

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

Inhabitants  
incorporated.

3. *And be it enacted*, That the inhabitants of the township of Clayton shall hold their first township meeting at the inn of Thomas H. Paul, at Glassboro', in the said township of Clayton, on the second Wednesday in March next, and afterwards in each year at such place as the inhabitants of said township shall determine.

First township  
committee.

4. *And be it enacted*, That the township committees of Clayton and Franklin shall meet on the first Monday in April next, at the house of Thomas H. Paul, at Glassboro', at ten o'clock in the forenoon, and may adjourn from time to time, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships all properties and moneys on hand, due or to become due, in proportion to the taxable property and ratables as taxed by the assessors, within their respective limits, at the last assessment; and the inhabitants of the township of Clayton shall be liable to pay their just proportion of the debts as ordered and directed at the last annual town meeting of the township of Franklin; and if any of the persons comprising either of the township com-

Meetings of  
township  
committees  
of Clayton  
and Franklin  
to divide  
property.

mittees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and the decision of a majority of those present shall be final and conclusive.

Surplus re-  
venue.

5. *And be it enacted*, That nothing in this act shall be construed to impair or in any wise affect the rights of the said township of Clayton in and to its just and legal portion of the surplus revenue of the general government, and the interest due or becoming due thereon.

Commis-  
sions of offi-  
cers hereto-  
fore elected.

6. *And be it enacted*, That nothing in this act shall be so construed so as to interfere with the officers now elected in that part of the township set off and called Clayton, nor with the commissions of the justices of the peace, nor commissioners to take acknowledgments of deeds, until they shall expire by their own limitation.

Assembly  
district.

7. *And be it enacted*, That the township of Clayton shall form part of the second assembly district of the county of Gloucester, as heretofore, when included within the township of Franklin.

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

Approved February 5, 1858.



## CHAPTER XIV.

AN ACT to alter the boundary line between Somerset and Middlesex Counties.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That from and after the passage of this act, that the boundary line between the counties of Somerset and Middlesex shall commence in the centre of the Franklin and Georgetown turnpike road, at the point where the said road intersects and forms the boundary line of the city of New Brunswick, and runs thence along the centre of said turnpike road to William E. Barker's Ten Mile Run.

2. And be it enacted, That the inhabitants of North Brunswick and South Brunswick townships that may be set over to the township of Franklin, in Somerset County, by the passage of this act, shall be liable to all laws and entitled to all benefits that the inhabitants of the aforesaid township of Franklin are subject or entitled to, and that the inhabitants of the township of Franklin that may be set over to the townships of North and South Brunswick shall be liable to all laws and entitled to all the benefits that the inhabitants of the aforesaid townships of North and South Brunswick, in the aforesaid county of Middlesex, are or may be entitled to.

Inhabitants  
liable to  
laws, &c., of  
townships to  
which they  
are set over.

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

Approved February 6, 1858.

## CHAPTER XV.

AN ACT to authorize Joseph W. Cooper to build wharves in front of his lands, in the city of Camden, in the county of Camden.

J. W. Cooper  
authorized  
to build  
wharves,  
&c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Joseph W. Cooper, 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 main railway, sectional floating and dry dock, on or in front of the lands of the said Joseph W. Cooper, on the river Delaware, in the county of Camden, and from time to time to rebuild and repair the same, and to lay vessels in said docks or wharves, and take and receive dockage or wharfage for the use thereof; *provided*, that nothing in this act shall affect the legal rights of any other person.

Proviso.

Penalty for  
injuring  
works.

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 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.

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

Approved February 6, 1858.

## CHAPTER XVI.

AN ACT respecting the acknowledgments and proofs heretofore made of deeds, mortgages, and other conveyances.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all acknowledgments by any feme covert or feme sole, or by any other person or persons, of deeds, mortgages, or other conveyances heretofore made out of this State, before any commissioner appointed by the governor of this State, or before any other officer who was, in case the grantors resided in such State, district, territory, kingdom, or nation where the said acknowledgments were taken, authorized to take the acknowledgments of deeds, mortgages, or other conveyances, shall be and hereby are declared to be valid and effectual, and to have been valid and effectual whether the grantors in said deeds, mortgages, or other conveyances, were resident in the State, district, territory, kingdom, or nation, or in any other State, district, territory, kingdom, or nation, than that wherein such acknowledgment was taken, in the same manner as if the said grantors resided in the State, district, territory, kingdom, or nation, where the said acknowledgment was taken, and shall so be construed in all courts and in all places; and that any deed, mortgage, or conveyance heretofore executed and acknowledged by a feme covert in the manner herein declared valid, shall be construed by all courts and in all places to be and to have been effectual to bar the right of dower and to convey the estate of such feme covert in the lands, tenements, or hereditaments thereby intended to be conveyed, in the same manner as if the said feme covert then resided in this State, and such acknowledgment had been taken before one of the justices for the time being, of the Supreme Court of this State; *provided*, the said acknowledgments are in other respects than the residence of the

Acknowledgments of deeds in certain cases, heretofore made, declared valid.

Proviso.

grantor or grantors, and the authority of the officer, made and taken and certified according to the law for the time being.

Proofs of deeds, &c., in certain cases heretofore made, declared valid.

2. *And be it enacted*, That all proofs of any deeds, mortgages, or other conveyances, heretofore made out of this State before any commissioner appointed by the governor of this State, or before any other officer, who was, in case the grantors, witness, or witnesses, resided in such State, district, or territory, kingdom, or nation, where the said proof was made, authorized to take such proof of said deeds, mortgages, or other conveyances, shall be and hereby are declared to be valid and effectual, whether the grantors, or any of them, witness, or witnesses, or any of them, resided in the State, district, territory, kingdom, or nation, or in any other State, district, territory, kingdom, or nation, than that where such proof was made, in the same manner as if the said grantors and witnesses, and all of them, resided in the State, district, territory, kingdom, or nation, where the said proof was made, and shall be so construed by all courts and in all places.

Records of such deeds, &c., declared valid.

3. *And be it enacted*, That any record or registry heretofore made of any such deed, mortgage, or other conveyance, which has been acknowledged or proved in the manner by this act made valid, and any record or registry which shall be hereafter made of any such deed, mortgage, or other conveyance, which has been heretofore acknowledged or proved in the manner aforesaid, shall be as valid and effectual to all intents and purposes, and shall operate, and be construed to have operated, as notice to all persons in the same manner as though the same had been acknowledged or proved in the manner heretofore required and authorized by law.

Record or certified copy may be given in evidence.

4. *And be it enacted*, That the said record and registry of any such deed, mortgage, or other conveyance, so made or to be made, as provided in and by the third section of this act, or a certified copy thereof, may be used and given in evidence in any of the courts of law or equity in this State, in the same manner as if the said acknowledgment

in proof thereof had been taken and made before a person authorized to take the same, at the time the same was so made and taken, and in the manner heretofore required and authorized by law.

Approved February 6, 1858.

## CHAPTER XVII.

A SUPPLEMENT to the act entitled "An act constituting courts for the trial of small causes," approved April sixteen, Anno Domini eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where a plea of title shall be filed, under and by virtue of the fortieth section of the act to which this is a supplement, it shall and may be lawful to and for the plaintiff to commence and prosecute his action either in the Supreme Court or in the Circuit Court of the county where such suit shall have been commenced.

Where suit  
may be com-  
menced and  
prosecuted.

2. *And be it enacted*, That the provisions of the forty-sixth section of an act entitled "An act to simplify the proceedings and practices in courts of law," approved March seventeenth, eighteen hundred and fifty-five, be and the same are hereby extended to the courts for the trial of small causes within this State; *provided*, that if any objections shall be made before the justice of the peace holding such court, by either party, in any cause depending therein, upon the return day, or upon the trial of the same, to any process or pleading, in respect to any matter

Provisions  
of former act  
extended.

Proviso.

which might be amended by the said justice, under the provisions of this section, and no such amendment shall be made, before the conclusion of the trial before the said justice, that then and in such case, it shall not be in the power of the Court of Common Pleas, upon the trial of an appeal from the judgment of the said justice in the said cause, to amend or to order amended the said process or pleading, in respect of any of the matters to which such objections shall relate or were made.

Justices of  
the peace  
whose terms  
will here-  
after expire  
may grant  
appeals, &c.

3. *And be it enacted*, That it shall and may be lawful for any justice of the peace whose commission shall hereafter expire to proceed to the investigation and determination to judgment of any cause then undetermined before him; and it shall be the duty of every such justice to grant an appeal from any such judgment, and also from the judgment by him rendered in any cause theretofore brought before him, when demanded, and also to make return to all writs, orders, or rules, to him directed, issuing out of any court in this State, in the same manner, and as fully as though his said commission had not expired.

Approved February 6, 1858.

## CHAPTER XVIII.

A FURTHER SUPPLEMENT to an act entitled "An act against usury," approved April tenth, eighteen hundred and forty-six.

Seven per  
cent. interest  
authorized  
in Bergen  
Co.

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 Bergen, in this State, for the loan of,

or the forbearance or giving day of payment, for any money, wares, merchandise, goods or chattels, it shall be lawful for any person to take the value of seven dollars for the forbearance of one hundred dollars for a year, and after that rate for a greater or less 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 Proviso. one of the parties to such contract shall, at the making thereof, reside or be actually located within the limits of said county, or out of the State.

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

Approved February 6, 1858.

## CHAPTER XIX.

A FURTHER SUPPLEMENT to the act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors." 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 in all assignments by debtors for the benefit of creditors, hereafter to be made under and by virtue of the act to which this is a supplement, there shall be reserved of the goods and chattels of any such debtor having a family, goods and chattels to the value of two hundred dollars, and all wearing apparel, for the use of said debtor and his family, against all creditors, whether the same be reserved by the terms of the said deed of as- What amount of property of debtor to be reserved.

signment or not; and it shall be the duty of the assignee or assignees, as soon after the assignment is executed as conveniently may be, to cause a just and true appraisement of the debtor's goods and chattels to be made, under oath or affirmation, to be taken before any person authorized to administer an oath, by three discreet and judicious persons to be selected by such assignee or assignees, at their actual value, and to set apart for the use of said debtor and his family such of the goods and chattels as he may select from such appraisement, not exceeding in value the said sum of two hundred dollars: which said appraisers shall be allowed for their services fifty cents each, to be paid by the assignee or assignees, and allowed in his or their accounts.

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

Approved February 6, 1858.

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## CHAPTER XX.

AN ACT to renew the charter of "the Rahway Mutual Insurance Fire Company."

Former act  
continued  
and extend-  
ed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, The act entitled "An act to incorporate the Rahway Mutual Insurance Fire Company," passed February twenty-fifth, in the year of our Lord one thousand eight hundred and thirty-three, be and the same is hereby continued and extended for and during the term of twenty years from and after the time by the said act limited for its continuance.



2. *And be it enacted*, That this act shall take effect immediately upon the expiration of the terms in and by the said act entitled "An act to incorporate the Rahway Mutual Insurance Fire Company," limited for the continuance thereof.

Act when to  
take effect.

Approved February 8, 1858.

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## CHAPTER XXI.

AN ACT to authorize the Paterson and Ramapo Railroad Company to issue new bonds.

WHEREAS, the Paterson and Ramapo Railroad Company Preamble. have heretofore issued their bonds, amounting in the aggregate to one hundred thousand dollars, payable on the first day of November, eighteen hundred and fifty-eight, with coupons attached for half-yearly interest at seven per centum per annum; and as security for the payment thereof, the said company executed a mortgage upon their road, property, and franchises, to John I. Palmer, William Samuel Johnson, and Edward Bement, as trustees for the holders of said bonds; which mortgage bears date the sixteenth day of October, eighteen hundred and forty-eight, and is recorded in the clerk's office of the County of Passaic, in Book D of mortgages, pages two hundred and forty-four, &c., and the said company propose to issue new bonds, with like coupons, to the same amount, and to negotiate the same in continuation of the original loan, and in lieu of the

said first mentioned bonds, the said mortgage to remain as security for the payment of the said new bonds which may be issued for the purpose aforesaid—therefore,

Company  
authorized  
to issue  
bonds.

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 Paterson and Ramapo Railroad Company" to issue bonds of the said company, to the amount of one hundred thousand dollars, of no less denomination than five hundred dollars, with coupons for the payment of interest half-yearly, for the purposes mentioned in the preamble to this act, payable to the owners or *bona fide* holders thereof, at such times as to them shall appear expedient, and can be agreed upon, not exceeding twenty years from November first, eighteen hundred and fifty-eight, with interest payable half-yearly, not exceeding seven per centum per annum; *provided*, that the said bonds, or the proceeds thereof, shall be applied only in lieu or redemption of the said bonds heretofore issued by said company.

Proviso.

Mortgage to  
remain a  
lien.

2. *And be it enacted*, That the mortgage mentioned in the said preamble shall be and remain a valid and subsisting lien and security upon the road, property, and franchises of the said company, as described in the said mortgage, for the due payment of all such bonds as shall be issued by said company by virtue of this act, as fully and completely as if said bonds were recited and referred to therein.

Bonds may  
be converted  
into stock.

3. *And be it enacted*, That the bonds so to be issued by the said company may be made convertible into stock at par, by the respective holders thereof, within such time from their date as the company shall designate therein.

Approved February 9, 1858.

## CHAPTER XXII.

AN ACT to incorporate the Jersey City Locomotive Works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William R. Travers, Charles Kneeland, George M. Wheeler, Josiah S. Breesé, John J. Hill, William G. Hamilton, and William Cummings, and their associates, shall be and they are hereby declared to be a body corporate, in fact and in law, by the name of "The Jersey City Locomotive Works," for the purpose of manufacturing locomotives, boilers, steam-engines, machinery, and all other articles of which iron, brass, or copper form the principal ingredient, and for that purpose may purchase and hold such real estate and personal property as may be needful to carry on the said business, or may accrue to them in the course thereof, any may sell, mortgage, lease, or otherwise dispose of the same.

Names of  
corporators.

2. *And be it enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, divided into shares of twenty-five dollars each; and the persons named in the first section of this act are hereby appointed to receive subscriptions to said capital stock, at such place in Jersey City as a majority of them may appoint, giving at least five days' notice in a newspaper published in said city; and the persons above named are declared to be the first board of directors of said company, unless the stockholders shall otherwise determine at their meeting, when the company shall be organized as hereinafter declared; that the said capital stock can be paid in in cash or in property adapted for said business at its fair and full value; and as soon as one hundred and fifty thousand dollars of such capital is subscribed and paid in as aforesaid, the said commissioners shall, by like notice, call the first meeting of the stockholders for the purpose of organizing said company.

Amount of  
capital  
stock.

First direc-  
tors.

Elections for  
directors.

3. *And be it enacted*, That the business of said corporation shall be managed by seven directors, all of whom shall be stockholders, and one of whom shall be president, who shall hold their office for one year, and until others are elected in their stead; and the persons above named shall be the first board of directors, unless the stockholders, when the said company shall be organized, shall resolve to hold an election for directors; 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.

Directors  
may make  
by-laws.

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 net profits of the corporation.

Capital  
stock may  
be 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 and fifty thousand dollars, giving ten days' notice of their intention to do so in two newspapers printed in Jersey City, and within six months thereafter filing with the Secretary of State, under the oath of the president or the treasurer, and a majority of the directors, a statement that the amount of the increased capital so proposed to be increased 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 Jersey City, to which books every stockholder may have free access at all reasonable times for the purpose of inspection.

Restrictions  
and liabili-  
ties.

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.

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

Approved February 11, 1858.

## CHAPTER XXIII.

AN ACT to incorporate the Elizabeth Orphan Asylum Association.

WHEREAS, a number of females, inhabitants of the city of Elizabeth and its vicinity, in this State, are desirous of organizing an association, the object of which is the support and moral and religious instruction of destitute children, and training them to habits of industry; and whereas, it is apprehended that the objects of the said association will be promoted by an act of incorporation—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin Williamson, Richard T. Haines, John J. Chetwood, Reuben Van Pelt, Garret Green, David Magie, Samuel Clarke, Nicholas Murray, Alfred De Witt, and their associates, are hereby constituted a body politic and corporate, in fact, name, and law, by the name of "The Elizabeth Orphan Asylum Association," and by that name they and their successors shall have perpetual

Names of  
corporators.

General  
powers.

succession, power to sue and to be sued, plead and be impleaded, answer and be answered unto, in all courts and places whatsoever, to make a common seal, and the same to change at pleasure, and to purchase, take, have, hold, receive, and enjoy any lands, tenements, or hereditaments, in fee simple or otherwise, and any goods, chattels, legacies, donations, annuities, or other personal property, of what kind or quality soever, by gift, grant, devise, bequest, or otherwise, and the same to grant, convey, assign, sell, or otherwise dispose of, for the purposes of the said corporation; *provided always*, that the net yearly income of such estate shall at no time hereafter exceed in value the sum of ten thousand dollars, nor be applied to any other purposes than those for which this corporation is formed.

Election of  
trustees.

2. *And be it enacted*, That the property, affairs, and concerns of the said corporation shall be managed and conducted by twenty-one trustees, to be elected as follows, namely: on the first Wednesday of April next the said corporators shall name twenty-one females, residing in the city of Elizabeth or its vicinity, as trustees of the said association, and which persons so named shall constitute the first board of trustees; and at the first or subsequent meeting of the said trustees, after their said nomination, they shall proceed to divide themselves into three equal classes, one of which shall go out of office at the expiration of the first year, another at the expiration of the second year, and the other at the expiration of the third year; and on the first Wednesday of April, in the year eighteen hundred and fifty-nine, and every year thereafter, there shall be elected seven persons as trustees, who shall hold their offices for three years, and until others shall be elected in their stead, which election shall be held, under the direction of the trustees for the time being, at such place and upon such notice as they shall think expedient; and in case any vacancy shall happen in the said trustees by death, removal, resignation or otherwise, such vacancy may be filled by the said board for the remainder of the term or until the next election; *provided*, no person shall

Proviso.

vote at any such election other than the regular members of the said corporation, who shall have paid at least one dollar during the year next preceding such election, for the use of the said corporation, or shall have paid twenty-five dollars at one time, which shall constitute her a life member; and a majority of such members voting at any such election shall be required for the election of such trustees.

3. *And be it enacted*, That the object of the said corporation shall be the support and instruction primarily of destitute children of the said city of Elizabeth and its vicinity, and as the means of the said corporation will admit, the support and instruction, under such regulations and upon such contributions as the said trustees shall ordain and require, of destitute children of other parts of this State, and to provide a suitable asylum for such children, to be located in the city of Elizabeth.

Objects of  
incorpora-  
tion.

4. *And be it enacted*, That a majority of the trustees shall constitute a board for the transaction of business; and the said board shall have power to make and prescribe such by-laws as to them shall seem needful, for the purposes of the said corporation, not inconsistent with this act, the constitution of the association, or the laws of this State; and the said trustees shall have power, by the by-laws of the said corporation, to delegate such administrative powers as they shall deem proper, to such committees of their own number as they shall appoint.

Trustees to  
make by-  
laws.

5. *And be it enacted*, That the said board shall, as soon as conveniently may be after the nomination of the trustees as aforesaid, and after every annual election, choose by ballot from their own number, a first and second directress, a secretary, and a treasurer, and such other officers as they may deem expedient; and the duties and powers of the said officers, the qualifications of membership, and of all officers of the said corporation, shall be defined by such by-laws of the said corporation as the board of trustees may make.

Trustees to  
appoint offi-  
cers.

6. *And be it enacted*, That the property and effects of the

Property not  
to be taxed.

said corporation held or used for the purposes contemplated by this act shall not be subject to the imposition of any tax or assessment whatever.

Public act.

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

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

Approved February 12, 1858.

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## CHAPTER XXIV.

AN ACT to alter the northeastern boundary of the city of Trenton.

Boundaries  
of part of  
city annex-  
ed to Ewing.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such part of the city of Trenton as lies northeasterly of the following line or boundary, to wit: beginning at the corner of the township of Lawrence and the city of Trenton, in the middle of the Delaware and Raritan Canal, running thence in continuation of the present line between the city of Trenton and the township of Lawrence, north thirty-one and a half degrees west, thirty-one chains and fifty links, more or less, across land of Edwin Gunning, the New Brunswick turnpike road, land of George J. Miller and Mahlon Moon, to the boundary line between the city of Trenton and township of Ewing, in the Princeton and Kingston Branch turnpike



road, be and the same is hereby annexed to the township of Ewing, in the county of Mercer, and shall be considered as a part of said township of Ewing, anything in the act entitled "An act to incorporate the city of Trenton," passed the seventh day of March, one thousand eight hundred and thirty-seven, to the contrary notwithstanding; and that this act shall take effect from and after the passage thereof.

Approved February 12, 1858.

## CHAPTER XXV.

AN ACT to incorporate the Sussex County Agricultural Society.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Lewis Dunn, John R. Stuart, George H. Nelden, Robert Hamilton, Victor M. Drake, Jansen H. Beemer, Gabriel L. Dunning, John Rutherford, Thomas Lawrence, Hosea J. Harden, James L. Munson, Charles Mackerly, Nathan S. Roe, Martin Cole, John Schooley, Bowdowine Van Auken, Elias R. Goble, George C. Shaw, Isaac Snook, James N. Jaroleman, George M. Ryerson, and M. B. Titman, of the county of Sussex, and their associates and successors, shall be and they are hereby constituted a body politic and corporate, by the name of "The Sussex County Agricultural Society."

2. *And be it enacted*, That the capital stock of said society shall be ten thousand dollars, with liberty to increase it to twenty thousand dollars, which shall be divided into shares of twenty dollars each, and paid in by the stockholders at

such time and in such manner, and in such instalments as the directors of said society may direct, and in such penalties for neglecting the payment of such instalments as the said directors shall deem advisable; and such shares shall be deemed personal property, and be transferable in such manner as the company, by their by-laws, may appoint; *provided*, that notice in writing shall be given to each of the stockholders of the time when the shares are required to be paid in.

Proviso.

Commissioners to receive subscriptions.

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

Commissioners to deliver over books and moneys.

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

Election of directors.

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

necessary, and make all such by-laws, rules, and regulations as they may think proper.

6. *And be it enacted*, That the object of said society shall be to improve the condition and breed of stock, and also to improve the agricultural, horticultural, and manufacturing arts of the State, and for the carrying out and perfecting the objects of their incorporation, they shall be allowed to purchase and hold real estate and personal property sufficient for that purpose, and the same shall be held exempt from taxation. Objects of incorporation.

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

Approved February 12, 1858.

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## CHAPTER XXVI.

AN ACT further supplementary to an act entitled "An act establishing a militia system," approved April seventeenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the fourth, fifth, and eleventh sections of the act entitled "An act further supplementary to an act entitled 'An act establishing a militia system,'" approved April seventeenth, eighteen hundred and forty-six, which further supplementary act was approved April third, eighteen hundred and fifty-five, shall be extended over and held to include the county of Hunterdon, the same as if said county had been named in said act. Provisions of former act extended.

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

Approved February 12, 1858.

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## CHAPTER XXVII.

A SUPPLEMENT to an act entitled "An act to incorporate the Bordentown Machine Company," approved March twentieth, eighteen hundred and fifty-seven.

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the third section of the act to which this is a supplement, as requires fifty thousand dollars of the capital stock of the said company to be subscribed before commencing business, is hereby repealed, and it shall be lawful for the said company to commence business when twenty-five thousand dollars of said stock is subscribed and paid in.

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

Approved February 12, 1858.

## CHAPTER XXVIII.

A SUPPLEMENT to the act entitled "An act constituting courts for the trial of small causes."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all process of summons hereafter issued by any justice of the peace in this State, shall be made returnable between the hours of nine o'clock in the forenoon and three o'clock in the afternoon; and when any suit brought before any justice shall be adjourned, such adjournment shall be made to some hour between the hours of nine o'clock in the forenoon and three o'clock in the afternoon; *provided*, that nothing herein contained shall prevent any suit from being adjourned to such hour as may be mutually agreed upon by the parties thereto.

Return of summons.

Proviso.

2. *And be it enacted*, That upon an appeal being demanded from the judgment of any justice of the peace in this State, such appeal shall not be allowed, until the party applying for the same shall, in addition to the matters now required by law, pay to said justice all costs incurred by him, except such as shall be adjudged to the prevailing party.

Costs to be paid in cases of appeal.

3. *And be it enacted*, That it shall be the duty of the justice before whom any judgment is rendered, to make out and enter upon his docket a full bill of costs in the case, specifying each item, and the fees for the same, and the amount paid him by each party; and for so doing, such justice shall be allowed ten cents, to be paid by the party against whom such judgment shall be rendered.

Costs to be entered in docket.

Approved February 12, 1858.

## CHAPTER XXIX.

A SUPPLEMENT to an 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.

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the eighth section of the act incorporating "The Hillsborough Mutual Fire Assurance Association," be and the same is hereby repealed.

Assignments to be recorded.

2. *And be it enacted*, That if any person insured by the said corporation, shall convey or assign the property insured, it shall be lawful for such person to assign to the purchaser the policy of insurance; but the corporation shall not be bound by such policy after such assignment, unless such assignment shall be recorded in the books of the corporation and certified on the policy, within twenty days after the date of said assignment.

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

Approved February 12, 1858.

## CHAPTER XXX.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the city of Paterson," approved March nineteenth, eighteen hundred and fifty-one.

WHEREAS, the mayor and aldermen of the city of Paterson have become indebted for money heretofore expended by them in the erection of engine-houses, and for other permanent improvements, and in the organization and equipments of the fire department of said city, and which indebtedness will be necessarily increased the present winter in aiding and relieving the poor and destitute of the said city; and whereas, it is desirable that such indebtedness should be gradually redeemed and paid off; therefore—

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and aldermen of the city of Paterson are hereby authorized to provide for the payment of their corporate debts heretofore contracted, and of such other debts and liabilities as may be incurred by the said city the present winter in aiding and relieving the poor and destitute thereof, by issuing bonds to secure the payment thereof, with interest not exceeding seven per centum per annum, under their common seal, and signed by the mayor of the said city; *provided*, that said bonds so to be issued shall be redeemable at a period of time not to exceed twenty years from the passage hereof; *and provided further*, that the bonds to be issued by the authority hereof shall not in the whole exceed the sum of forty thousand dollars.

Mayor and aldermen authorized to issue bonds.

Proviso.

2. *And be it enacted*, That the mayor and aldermen of the city of Paterson shall yearly and every year, until the said bonds to be issued by the authority hereof shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the time and in the manner that other taxes are assessed and collected, a sum of money sufficient

Tax to be raised for payment of interest.

to pay the interest on said bonds as the same shall become due, and to pay and discharge the principal at the time it shall become due and payable; and that all such moneys so to be raised by virtue of this act shall be inviolably applied to pay the interest and principal of said bonds as the same shall become due and payable; *provided*, that not less than one nor more than four thousand dollars of the principal of said bonds to be issued as aforesaid shall be made redeemable in any one year.

Proviso.

Debts not to be incurred without assent of voters.

3. *And be it enacted*, That it shall not be lawful for the mayor and board of aldermen of the city of Paterson to incur any debt by loan against said city without first obtaining the assent of a majority of the legal voters, at an election to be ordered and held for that purpose under the authority of the mayor and board of aldermen.

Mayor and aldermen liable in certain cases.

4. *And be it enacted*, That if at any time the mayor and board of aldermen shall incur a debt contrary to the provisions of the charter and of this act, then the debt shall be void as against the city; but the mayor and board of aldermen, or such of them as shall not record their written protest against creating such debt, shall be held personally responsible for the payment of such debt.

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

Approved February 12, 1858.



## CHAPTER XXXI.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the Dundee Manufacturing Company, in the county of Bergen," passed the fifteenth day of March, eighteen hundred and thirty-two.

WHEREAS, the Dundee Manufacturing Company, in order Preamble.  
more effectually to carry out the objects of their incorporation, desire to improve the navigation of the Passaic River, between the city of Paterson and the mouth of Weasel Brook, and to increase their capital stock, and it appearing that it would be beneficial to the public that said navigation should be improved in the manner proposed—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the Dundee Manufacturing Company to improve the navigation of the river Passaic, between the mouth of Weasel Brook and some convenient point within the corporate limits of the city of Paterson, by canal or canals, or by creating a slackwater navigation, or by both, as may from time to time be deemed necessary or useful, and to construct, make, erect, and execute one or more canal or canals, dam or dams, as may be necessary or useful to effect the improvement of the navigation of the said river, in manner aforesaid, which said canal or canals shall be at least seventy-five feet wide at the water line, and not to exceed one hundred and fifty feet in width, including embankments, and the water therein to be at least four feet deep throughout.

2. *And be it enacted*, That it shall and may be lawful for the said company to construct, make, and execute towing paths, and all the locks, works, devices, wharves, toll-houses, and offices necessary or proper for the use of said canal or canals, dam or dams, and for the improvement of the navigation of said river in manner aforesaid; and it shall and may be lawful for the said company, by their president and

Company  
authorized  
to improve  
navigation.

Company  
authorized  
to enter upon  
lands, &c.

directors, and by any agent, engineer, superintendent, or contractor, or any other person or persons employed in the service of said company, to enter, from time to time and at all times, upon all lands, whether covered with water or not, for the purpose of exploring or surveying the route or routes for said canal or canals, and locating the said dam or dams, and the several other works above specified, doing thereunto no unnecessary damage; and when the said route or routes shall have been fixed upon, and its several works located by the president and directors of said company, or a majority of them, and a survey thereof, including such lands as they may desire to occupy or overflow in the construction and maintenance of their said canal or canals, dam or dams, or other works hereby authorized to be made and constructed, deposited in the office of the Secretary of State, then it shall and may be lawful for them, and for any officer, agent, superintendent, engineer, contractor, or any person or persons employed in the service of said company, at any time, to enter upon, take possession of, have, hold, and use all and singular such lands, waters, and streams, subject to such compensation to be made therefor as is herein after directed; *provided always*, that before said company shall take, hold, and use such lands, waters, and streams in manner aforesaid, except for the purpose of surveying said route or routes as aforesaid, they shall make payment, or tender of payment, to the owner or owners thereof of compensation and damages therefor, to be ascertained and fixed as is hereinafter directed, unless the consent of such owner or owners for that purpose be first obtained.

Proviso.

Proceedings  
in case com-  
pany and  
owners can-  
not agree.

3. *And be it enacted*, That when the said company, or its agents, cannot agree with the owner or owners of such required lands, waters, or streams, for the use or purchase thereof, and the damages sustained by such owner or owners, 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, water, or streams so required for the use of said company in the construction

of said canal or canals, dam or dams, or other works or structures aforesaid, 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 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 as aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, not resident in the county in which the lands, waters, or streams in controversy lie, or owner or owners reside, commissioners, to examine and appraise the said lands, waters, or streams, 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; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands, waters, or streams, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages; and after taking into view the benefit which will result from the making of said canal or canals, dam or dams, and the improvement of the navigation of said river, as aforesaid, to the owner or owners of said lands, waters, or materials, shall report what sum, if any, shall be paid by said company for such land, waters, or streams 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, waters, or streams, and the appointment and oaths or affirmation aforesaid, in the clerk's office of the county in which the lands, waters, streams, 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 lands, waters, or streams, and of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the Supreme Court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees, and expenses to the justice of the Supreme Court, commissioners, clerks, and other persons performing any of the duties prescribed by this section of this act, as they or he shall think equitable and right, and to order and direct by whom the same shall be paid under the circumstances of the case.

Parties ag-  
grieved may  
appeal.

4. *And be it enacted*, That in case the said company, or the owner or owners of the said lands, waters, or streams 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 jury to assess the value of the said lands, waters, streams, and damages sustained, having regard to the benefits 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 the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; *provided*, that such application shall not prevent the com- Proviso.  
pany from taking the said lands, waters, or streams upon the filing of the aforesaid report, and payment, or tender of payment of compensation and damages as aforesaid.

5. *And be it enacted*, That it shall be the duty of the said Company to  
construct  
bridges.  
company to construct and keep in repair good and sufficient bridges or passages over the said canal or canals where any public roads cross the same, so that the passage of carriages, horses, and cattle on said roads shall not be prevented thereby; and also where said canal or canals shall intersect the farm or lands of any individual, to provide and keep in repair a suitable bridge or bridges as aforesaid, so that the owner or owners and others may pass the same.

6. *And be it enacted*, That the said company are hereby Company  
may take  
toll.  
authorized to demand and receive such sum and sums of money for tolls and the transportation of persons and every species of property whatsoever on said canal and canals and such slackwater navigation as they from time to time shall think reasonable and proper; *provided*, that they shall Proviso.  
not charge more than at the rate of four cents per ton per mile toll for the transportation of every species of property, nor more than five cents per mile toll for the carrying of each passenger on the said canal and canals and the said river, between the places aforesaid; *provided, also*, that not Proviso.

more than one-half of the rates of toll provided in this section shall be charged to farmers actually residing on the line of the said improvement, for transporting lime or other fertilizing materials.

Route may  
be altered.

7. *And be it enacted*, That under the powers, restrictions, and conditions stipulated and prescribed in this supplement, it shall be lawful for the said company to alter any part of the route of the canal or canals, if in constructing the same they meet with any insurmountable obstructions, arising from rocks or other physical cause, making compensation to owners, as hereinbefore provided.

Canal to be  
deemed pub-  
lic highway.

8. *And be it enacted*, That the said canal and canals, and the river Passaic, and the works to be erected thereon in virtue of this supplement for the transportation of passengers and freight as aforesaid, shall be esteemed a public highway, free for the transportation of passengers, or any goods, commodities, or produce whatever, on payment of the established tolls. And the said company, and their grantees and lessees, may use the waters thereof at their mills and works for manufacturing purposes; *provided*, that the navigation of said canal or canals or of said river shall not be thereby in anywise hindered or obstructed.

Proviso.

Capital  
stock may  
be increas-  
ed.

9. *And be it enacted*, That the stockholders of the said company shall be and they are hereby authorized to increase the capital stock of said company five hundred thousand dollars, by increasing the number of shares for that purpose.

Election of  
directors.

10. *And be it enacted*, That the number of directors shall be seven, instead of five, as heretofore, and that they shall be elected annually, on the first Tuesday in March in each year; and the directors last chosen, and the survivors and survivor of them, shall continue to act until a new board shall be duly elected and qualified to act.

What lands  
may be held  
by com-  
pany.

11. *And be it enacted*, That no part of this act shall be so construed as to authorize or empower the said company to take by assessment, in manner aforesaid, any lands whatever, for the purpose of erecting thereon any of their mills or manufactories, or houses for their workmen, agents, or others; but nevertheless the said company may take and

hold such lands, as they may deem suitable for the erection of mills, manufactories, dwelling-houses, and other erections pertaining thereto, by purchase or contract with the lawful owner or owners thereof, and not otherwise.

12. *And be it enacted*, That the shares of stock in said company shall be deemed personal property, and shall be transferable in such manner as said company shall by their by-laws direct. Stock transferable.

Approved February 12, 1858.

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## CHAPTER XXXII.

AN ACT supplementary to an act entitled "An act to incorporate Jersey City," 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 the common council of Jersey City shall have full power and authority to pass, alter, and repeal ordinances to take effect within said city, for the purpose of constructing and maintaining a workhouse, adjoining and connected with the almshouse in said city, and to compel such paupers as now are or may at any time or times hereafter become inmates of said almshouse, and such persons as may be committed thereto by the recorder, as hereinafter provided, to perform work and labor therein; and to purchase such material as may be necessary to keep such paupers or prisoners in employment in said workhouse, and to sell the products manufactured in said workhouse, and appropriate the moneys arising from Common council may pass ordinances for constructing workhouses, &c.

Proviso.

such sale to such purpose or purposes as they may deem advisable; *provided, however*, that said moneys shall be appropriated to city purposes; and to cause proper and prudently and discreetly ordained punishments to be inflicted upon such of said inmates as refuse to obey the laws or rules of the said workhouse, or the person or persons intrusted with the superintendence of the same, and to otherwise regulate and control the said workhouse as they may deem advisable.

Powers and duties of recorder.

2. *And be it enacted*, That the recorder of said city, in addition to the powers heretofore conferred on him, be and is hereby empowered to cause any person or persons who shall be found guilty of a violation of the ordinances of said city, and who refuse or neglect to pay any penalty or penalties imposed by reason of the same, and all or any person or persons found guilty of a breach of the peace, or of any other light offence, within the jurisdiction of the said recorder, to be sent to the said workhouse for such time as in his discretion may seem meet, and there to perform work in the said workhouse, and to conform to the rules and laws of the same; *provided, however*, that such persons shall not be sent to the said workhouse to be confined there for a longer time than ten days, for any offence.

Proviso.

Part of former act repealed.

3. *And be it enacted*, That such parts of the said act to which this is a supplement, and all other acts or parts of acts inconsistent with, or in any wise contravening the true intent and meaning of this act, be and the same are hereby repealed.

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

Approved February 13, 1858.



## CHAPTER XXXIII.

AN ACT entitled an act incorporating the Vincentown Fire Engine Company.

1. BE IT ENACTED *by the Senate and General Assembly of* Names of corporators.  
*the State of New Jersey,* That John Doron, William T. Jones, Jacob L. Githens, Jewes Buttuwuth, Charles Haines, William M. Allen, Arthur Haines, Clayton Haines, William Irick, Guy Bryan, Thomas McNiney, Samuel C. Woolston, Elijah Woolston, M. D., Alexander Elwell, and John S. Irick, and all persons, not exceeding one hundred in number, as now are or hereafter shall become associates of the Vincentown Fire Engine Company, 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 Vincentown Fire Engine Company," and by such name they shall have succession and be persons in law capable of suing and being General powers. 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, 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.

2. *And be it enacted,* That the capital stock of the said Amount of capital stock. company shall not exceed the sum of four thousand dollars, which shall be applied to the purchase and holding 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.

Officers of  
company.

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.

Approved February 17, 1858.

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## CHAPTER XXXIV.

A SUPPLEMENT to an act entitled "An act to establish an independent battalion in the city of Newark," approved April third, eighteen hundred and fifty-five.

Preamble. WHEREAS, in pursuance of the provisions of an act entitled "An act to establish an independent battalion in the city of Newark," approved April third, eighteen hundred and fifty-five, the first Independent Battalion of the Newark Brigade (heretofore known as the Independent Essex Brigade) has been organized under the name and style of the "City Battalion;" and whereas,

in order to perfect the said organization, and to more effectually carry out the design of the legislature in enacting the said law, it has been found that additional legislation is required—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That to the said "City Battalion" there shall be a battalion court martial, to consist of three commissioned officers, one of whom shall be the commandant of the battalion, the other members of the court to be designated by the commandant, at such times as to him may seem proper, and the said court shall meet at such time and place as the commandant shall appoint; *provided, however*, that the commandant may, at his discretion, select some commissioned officer not under the rank of captain, other than himself, to act in his stead as a member of the said court.

Organiza-  
tion of bat-  
talion court  
martial.

Proviso.

2. *And be it enacted*, That the battalion court martial shall have power to hear and determine upon all excuses of the rank and file of the battalion for non-attendance at any parade or drill, whether by battalion, company, or otherwise, and of the neglect of any other required duty; they shall have power to try any of the rank and file of the battalion for any offence specified in the act entitled "An act establishing a militia system," approved April seventeenth, eighteen hundred and forty-six, or in any of the supplements to the said act which have been or may hereafter be passed; also for any offence or delinquency arising out of the regulations established by the battalion board; or for any offence unbecoming a soldier or a gentleman; or for palpable and notorious incompetency in a non-commissioned officer; they may impose such penalty as in their judgment shall seem proper, by fine not exceeding ten dollars, expulsion from the battalion, or by reducing non-commissioned officers to the ranks; a member shall have one week's notice of the time and place of trial, and of the offence charged against him, which shall be served upon him personally, under the direction of the sergeant-

Powers and  
duties of  
court mar-  
tial.

major, or left at his place of residence or usual place of business, or if neither can be found upon reasonable inquiry, a notice of the same shall be posted in the headquarters of the company to which such member is attached, one week before the meeting of the court.

Collection of  
fines.

3. *And be it enacted*, That the adjutant or acting adjutant of the battalion shall serve as judge advocate to the battalion court martial, and within ten days after the sitting of the court transmit to the battalion paymaster a list of the fines imposed by the court; and also, under the direction of the sergeant-major, notify, as far as practicable, each person upon whom a fine may have been imposed; and if any delinquent shall neglect or refuse to pay the fine or fines adjudged against him for the space of thirty days after being notified of the same (or after the posting of such notice in the headquarters of the company to which such person is attached for one week), the paymaster shall proceed to collect such fine or fines in the manner provided for in the act entitled "An act establishing a militia system," approved April seventeenth, eighteen hundred and forty-six: and all moneys thus collected by the said paymaster shall be expended for the use of the battalion, under the direction of the battalion board; and all penalties other than fines shall be certified by the adjutant to the commandant, and by him announced in orders.

Organiza-  
tion of gene-  
ral court  
martial.

4. *And be it enacted*, That any commissioned officer in the said battalion who shall commit any of the offences specified in the act entitled "An act establishing a militia system," approved April seventeenth, eighteen hundred and forty-six, or in any supplement thereto; or who shall be adjudged guilty of conduct unbecoming an officer or a gentleman, or of wilful and continued neglect of duty, or of palpable and notorious incompetency to perform his duty as such officer, he may be cashiered or punished by fine, at the discretion of a general court martial, which may be ordered by the commandant of the battalion, whenever in his opinion the good of the battalion shall require it; such general court martial shall be detailed from among

the commissioned officers of the battalion, and when in the opinion of the commandant it may be necessary, commissioned staff officers may be detailed as members of said court; a general court martial in the battalion shall consist of not less than five nor more than thirteen, to be selected, as far as practicable, from those highest in rank, the commandant, in all cases, to act as a member of the court, unless, in his discretion, he shall deem it improper or prejudicial to the interests of the accused, so to act; the senior officer in rank present at the opening of the court to act as president; not less than two-thirds of the members detailed for the court must agree to every sentence, otherwise the accused shall be acquitted; and a general court martial herein provided for, shall possess all the powers and privileges of whatsoever kind, and perform all the duties conferred upon or required of a general court martial, by the act entitled "An act establishing a militia system," approved April seventeenth, eighteen hundred and forty-six; and the adjutant or acting adjutant of the battalion shall serve in all cases as judge advocate to such court; whenever the commandant shall elect not to serve upon a general court martial, then he must approve or disapprove of the sentence of such court, and may mitigate or remit such sentence, but not otherwise; and the officers of the said battalion, with the exception of the commandant, shall not be held amenable to any other military tribunal whatever, any law to the contrary notwithstanding; excepting, that all offences as specified in this section, committed while under the command of the commandant of the said Newark Brigade, may be tried by a general court martial, to be constituted and conducted in all respects as herein provided, but to be appointed by the brigadier-general, who shall in all such cases approve or disapprove the sentence of such court, and may mitigate or remit such sentence.

5. *And be it enacted*, That the battalion board shall have power to decide all questions concerning the uniform dress prescribed for the battalion, in accordance with the terms

Duties and  
powers of  
battalion  
board.

of the act creating the same, and the said board shall possess full power and exclusive jurisdiction in regard to the lawful and proper use to be made of the several articles composing or in any way appertaining to the said uniform dress, at all times, and may prescribe such regulations as they may deem proper, prohibiting the using, disposing of, or loaning of any article of the same in any manner contrary to such regulations; and the battalion board shall prescribe such additional provisions to the said bill of dress as in their opinion may be required; *provided*, that such additional articles shall not be substituted for anything specified in the act creating the battalion; and any such provision once established shall not be changed by the said board, but shall become a part of the bill of dress as fixed by law.

Proviso.

Application  
for enrol-  
ment in bat-  
talion.

6. *And be it enacted*, That it shall be lawful for any person enrolled in the said Newark Brigade to attach himself to the said "City Battalion," by making application in the manner prescribed by the regulations established by the battalion board; and upon being enrolled in the battalion he shall thereby become subject to the orders and regulations of the battalion, and to that organization alone: when a person shall have thus transferred himself to the said "City Battalion," and shall produce satisfactory evidence to the battalion board of lawful prior service in the brigade, the said board may credit such person with such prior service, which, together with his satisfactory service in the battalion, shall entitle him to all the privileges and exemptions provided for in the act of April third, eighteen hundred and fifty-five, establishing the battalion. And in consideration of the foregoing, so much of the fifth section of the act to which this is a supplement as declares that "every non-commissioned officer and private of any company attached to this battalion shall be holden to do duty therein for the term of seven years from the date of his enrolment," shall be so modified and amended as to place the said non-commissioned officers and privates upon a like and equal footing with all other enrolled members of the said Newark

Brigade; it being expressly understood and declared, that service in the Brigade may be performed in any company of said brigade, in which such enrolled member may be admitted.

7. *And be it enacted*, That there shall be attached to the said battalion, in addition to the four companies already provided for, a band of musicians, not to exceed thirty, and a corps of field musicians, not exceeding three to each company, to be organized at such time as the battalion board may deem expedient, the whole to be under the control of a drum-major, or chief musician, or both, according to rank; the field corps to be under the immediate control of a sergeant of field music; the mode of appointment, and the respective duties of all of whom shall be prescribed by the battalion board: the said musicians shall be entitled to all the privileges and exemptions extended to the members of the battalion, and subject to all the penalties, liabilities, and restrictions appertaining to the said organization: the band herein provided for shall be deemed in law a company of the said battalion, and shall partake, equally with all other companies, of the powers, privileges, and advantages which have been or may hereafter be extended to the uniformed militia of which they form a part; and the field musicians herein provided for shall serve as members of the companies to which they are attached, and rank as privates in the same: in case any minor shall, with the consent and approbation of his parents or guardian, attach himself to the battalion as a musician, the father or guardian of such minor shall, in consideration of such service, be entitled to the privileges and exemptions extended to the members of the battalion, during the time that may elapse before such minor shall become liable by law to military duty.

8. *And be it enacted*, That it shall be the duty of the brigade paymaster of the said Newark Brigade to pay over annually to the paymaster of the "City Battalion" the full proportion of all moneys collected within the bounds of the said brigade for the use of the companies composing the

Musicians.

Brigade paymaster to pay proportion of moneys collected to city battalion.

same, which the several companies attached to the said battalion may be entitled to receive, according to the ratio of distribution heretofore established by law; and the said battalion paymaster shall annually, after deducting the arrears to the battalion fund, credit the balance remaining in his hands to the several companies attached to the battalion, *pro rata*, according to the number of members present at the annual inspection next preceding such distribution; the amount due to them respectively, to be paid on their drafts, and to be expended for military purposes exclusively; and every such draft shall be attested by the commandant of the company making the draft, and shall express on its face the object to which the proceeds are to be applied; and the expenses of the brigade board, required to be deducted from the said fund, are to be deducted from the balance of the moneys remaining in the hands of the brigade paymaster after paying to the said battalion paymaster the aggregate proportion of the several companies attached to the said "City Battalion," as hereinbefore directed: *provided, however*, that the said brigade board shall not be chargeable with any expenses whatever on account of the said battalion; and *provided further*, that in consideration of the exclusive jurisdiction conferred upon the said battalion board and battalion paymaster, the commandant of the said "City Battalion" shall not be a member of the brigade board of the said Newark Brigade, any law to the contrary notwithstanding.

Proviso.

Proviso.

Notices for  
parade, &c.

9. *And be it enacted*, That in the said battalion, twenty-four hours' notice of any parade or drill shall be deemed sufficient lawful notice of an order in such case; and whenever, from the apprehension of a riot or disturbance of the peace, the services of the battalion may be deemed necessary by the governor of the State, the sheriff of the county of Essex, or the mayor of the city of Newark, then, and in that case *any* verbal or "signal" notice promulgated by the commandant shall be deemed a sufficient and lawful notice of an order for assembling the battalion for military duty; and legal service of all notices, or orders of whatever



kind, shall in all cases be presumed unless the member disputing such service shall make affidavit to the contrary, in which case the service in dispute must be proved to have been made either by the delivery of a copy of the notice or order personally, or by leaving the same at the residence or usual place of business of such member, or by some other legal notification herein provided for.

10. *And be it enacted*, That all oaths, affirmations, or affidavits required to be administered, made, or taken by the act entitled "An act establishing a militia system," approved April 17, 1846, or by any of the supplements thereto, or which may be required by any act respecting the Newark Brigade (heretofore known as the Independent Essex Brigade), or the said "City Battalion," or which may be required in the performance of any duty appertaining to the militia service of this State, so far as relates to this battalion, shall and may be administered, made or taken by and before the commandant of the battalion, the commandants of companies respectively, or by the adjutant, or acting adjutant of the battalion, in the performance of his duties as judge advocate, or clerk of the battalion board: and any person who shall wilfully and corruptly swear or affirm falsely, in or by any oath, affirmation, or affidavit administered, made, or taken in pursuance of this act, such person shall be deemed guilty of perjury, and punished accordingly.

Oaths, before whom taken.

Approved February 17, 1858.

## CHAPTER XXXV.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the Newark Orphan Asylum Association," approved February ninth, eighteen hundred and forty-nine.

Preamble. WHEREAS, by the act of incorporation, to which this is a supplement, it is provided "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;" and whereas doubts have arisen whether, under the said section, the property of the association was exempted from assessments imposed by the corporation in the city of Newark—for remedy whereof,

Property not subject to tax. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the property and effects of the Newark Orphan Asylum Association, held or used for the purposes contemplated by the act of incorporation, shall not be liable or subject to the imposition of any tax or assessment of any kind whatsoever.

Approved February 17, 1858.

## CHAPTER XXXVI.

AN ACT to authorize the Iron Bank to change their place of business.

Place of business changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the stockholders and directors

of the Iron Bank now located and doing business at Rockaway, in the county of Morris, be and they are hereby authorized to remove their place of business from Rockaway aforesaid, and to locate their banking house and transact their banking business at Morristown in said county of Morris, *provided*, that said directors shall first file with the treasurer of this State a consent in writing, to such removal and location, signed by two-thirds of the stockholders in value of said banking institution. Proviso.

2. *And be it enacted*, That after such removal and location as aforesaid, said Iron Bank shall be authorized to transact the business of banking at Morristown aforesaid in the same manner, in all respects as they have heretofore done, and all bills or notes of said bank heretofore issued or hereafter to be issued, not previously presented for payment, shall be presented for payment and shall be due and payable at the banking house of said bank at Morristown aforesaid, on and after such removal, and all bills or notes of said bank to be issued after such removal shall be dated at Morristown aforesaid. Bank authorized to transact business at Morristown.

3. *And be it enacted*, That all bills of exchange, promissory notes, drafts or other instruments for the payment of money which have heretofore been made or may hereafter be made by any person or persons, corporation or corporations, and payable at said Iron Bank at Rockaway, and which shall become due and payable after said bank shall be removed to Morristown aforesaid, shall be taken and deemed to be due and payable at the banking house of said Company at Morristown aforesaid, and shall be there presented for such payment. Notes, &c., to be paid at Morristown.

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

Approved February 18, 1858.

## CHAPTER XXXVII.

AN ACT to incorporate the Merchants' Mutual Fire and Marine Insurance Company.

Names of  
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas Kirkpatrick, Henry N. Parkhurst, John Morrison, Samuel Smith, Oscar L. Baldwin, John McChesney, Silas Merchant, Caleb S. Titsworth, James J. Terhune, David C. Dodd, Jun., William M. Little, James W. Grover, and George B. Guerin, and others, their associates and successors, are hereby constituted and declared to be a body corporate and politic, by the name of "The Merchants' Mutual Fire and Marine Insurance Company," to be located at the city of Newark, New Jersey; and by that name they and their successors shall and may have succession during the continuance of this act; and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters and causes whatever; and they and their successors may have a common seal, and may alter and change the same at pleasure; and also they and their successors, by the name of "the Merchants' Mutual Fire and Marine Insurance Company," shall be in law capable of purchasing, holding, and conveying any estate, real and personal, for the use of the said corporation; *provided*, the said estate which it shall be lawful for the said corporation to hold, be only such as is necessary for the corporation, in the transaction of the business thereof, or such as shall be taken as security for, or in payment of debts; nor shall the yearly income of such real estate exceed five thousand dollars.

General  
powers.

Proviso.

Persons in-  
suring to be  
members of  
corporation.

2. *And be it enacted*, That all persons who shall insure in or with said company shall be members of said corporation; and the property and concerns of said corporation shall be conducted and managed by thirteen directors, a

majority of whom shall be citizens and residents of this State, and shall not hold a like office or agency in any other fire or marine insurance company; to be chosen by ballot, by and from among the members, and shall hold their office for one year, and until others are chosen.

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

Election for directors.

Proviso.

4. *And be it enacted*, That it shall and may be lawful for the said corporation to insure their respective dwelling-houses, stores, shops, or other buildings, together with household furniture, merchandise, and all other personal property, against loss or damage by fire; and also to take marine risks, and insure against loss or damage at sea, and generally to insure against all losses pertaining to fire and marine risks.

What property may be insured.

5. *And be it enacted*, That the directors for the time being, or a majority of them, shall have the power to make and prescribe such by-laws and regulations as to them shall appear needful and proper for the management and disposition of the property, estate, and effects of the corporation,

Duties and powers of directors.

for the regulation of the mode of effecting insurance in said corporation and of valuation of property insured or to be insured thereby, and to fix rates of insurance and fees of officers, and for such other matters as appertain to the business of the said corporation, and shall have power to appoint a secretary, surveyor or surveyors, appraiser or appraisers, and such additional officers and servants as to them shall be deemed proper, to which offices the directors shall be eligible; *provided*, such by-laws, rules, and regulations shall not be repugnant to this charter, the constitution or laws of the United States or of this State.

Proviso.

Notes may  
be taken for  
amount of  
insurance.

6. *And be it enacted*, That it shall and may be lawful for the officers of said corporation to take notes and obligations of the members for the amount, either in part or in the whole of the premium of the insurance, in proportion to the amount insured; which notes or obligations may be taken, subject to such rules and regulations as the board of directors by their by-laws may direct; *provided*, that such notes and obligations shall in all cases be guaranteed by some responsible person.

Proviso.

Officers of  
corporation.

7. *And be it enacted*, That at the first meeting of the directors, held after their election in each year, the directors shall choose from among themselves, one person for president, who shall continue in office until the next annual meeting, and until another shall be chosen in his place; they shall also elect a treasurer, and require him to give such bonds to the corporation for the faithful performance of his duty for such sum as to them shall appear sufficient.

Policies of  
insurance.

8. *And be it enacted*, That all policies of insurance which shall be made by the corporation, in pursuance of this act, shall be made on such terms and conditions, and for such periods of time, and confined to such places as shall be from time to time ordered and prescribed by the by-laws, rules, and regulations of said corporation; and if at any time it shall so happen that there shall be just claims on the corporation for losses or other liabilities, to a greater amount than they have funds to discharge, in such case the directors for the time being shall, with all convenient expedition,

proceed to assess such deficiency in a ratable proportion on the members of the corporation, or their representatives, according to the amount of each member's insurance, which rates or assessments shall be approved by a majority of the whole number of directors; *provided*, that such assessment shall not exceed the amount of the note or obligation given by each member; and notice in writing shall be given by the secretary to each member, or his representative, of his assessment, and the amount by him, her, or them to be paid; and each and every member, or their representative, so notified, shall pay the same to the treasurer for the time being, within sixty days after such notification, and in default thereof shall forfeit all right and claim to any policy that they may have obtained, and be no longer a member of the association, and shall also be liable for the amount of such assessment, with the interest, to be recovered by action of debt, with costs of suit, before any court of competent jurisdiction.

Proviso.

9. *And be it enacted*, That no money shall be drawn from the treasury of the corporation, except for the purpose of paying damages in cases of loss by fire or sea, or for other purposes to be provided by the by-laws, rules, and regulations of the company.

Money not to be drawn from treasury except for damages by fire, &c.

10. *And be it enacted*, That if any person insured by the said corporation shall convey or assign the property insured, it shall be lawful for such person to assign to the purchaser the policy of insurance; but the corporation shall not be bound by such policy, after such assignment, until the consent of said company shall have been endorsed and certified on such policy by the secretary.

Assignments of policy.

11. *And be it enacted*, That any person or persons, insured by said corporation, may maintain an action at law against the same for losses or damages due to them from said corporation, if payment is withheld for more than ninety days after the amount of such losses shall have been ascertained, and the said corporation notified thereof; no member of the corporation, not being in his own individual capacity a party to such suit, shall be incompetent as a

Actions may be maintained for non-payment of damages, &c.

Proviso. witness; *provided*, that if the directors agree to rebuild or replace the property lost or damaged, in such case a reasonable time shall be allowed them.

Limitation. 12. *And be it enacted*, That this act shall continue in force twenty years and no longer, unless the charter is renewed; and it shall be lawful for the legislature, at any time, to

Proviso. amend, alter, modify or repeal the same; *provided*, that no contract made by said corporation, before such repeal, shall be affected thereby; and the said corporation shall have a reasonable time to bring their accounts to a final settlement.

Funds not to be used for banking. 13. *And be it enacted*, That no part of the funds of said corporation shall be used for banking purposes.

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

Approved February 18, 1858.

## CHAPTER XXXVIII.

AN ACT to incorporate the South Amboy and Cheesequake Bridge Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James R. Morgan, Abraham Everitt, Charles Fish, William Ross, William W. Seward, Timothy Wood, and Charles S. Clark, and their associates and successors, are hereby constituted a body corporate, by the name of "The South Amboy and Cheesequake Bridge Company," for the purpose of building a draw or



swing bridge over and across Cheesequake Creek, at or near its mouth.

2. *And be it enacted*, That the stock, property, and concerns of said corporation shall be managed by seven directors, being stockholders (one of whom shall be president), who shall hold their offices for one year, and until others are appointed; and a majority of the directors shall be a quorum for transacting the business of the company; and that the said James R. Morgan, Abraham Everitt, Charles Fish, William Ross, William W. Seward, Timothy Wood, and Charles S. Clark, shall be the first directors of the said corporation, and shall hold their offices for one year, and until others are legally chosen; and that the time and manner of electing future directors, and of filling vacancies, and all other matters appertaining to the concerns of the said corporations, shall be managed, governed, and regulated by the by-laws of the said corporation.

First directors.

3. *And be it enacted*, That the capital stock of said corporation shall be two thousand dollars, in shares of ten dollars each, with the privilege of increasing the said capital stock to three thousand dollars.

Amount of capital stock.

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

Payment of instalments.

books of the company in such manner as the by-laws may provide.

Description  
of bridge to  
be built.

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

Bridge to be  
kept in re-  
pair.

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

Rates of toll.

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

For every person on foot, two cents.

For every person on horse or mule, three cents.

For all wagons, carts, sleighs or sleds drawn by one horse, mule or ox, five cents.

For all one horse pleasure carriages, five cents.

For all two horse pleasure carriages or stages, ten cents.

For all two horse mule or ox wagons, carts, sleighs or sleds, ten cents.

For all four horse, mule or ox carriages of every kind,  
twelve cents.

For all cattle or horses, two cents.

For all hogs, calves, and sheep, one cent.

And all other articles and things not herein enumerated, to be  
in equitable proportion; *provided always*, that said directors Proviso.  
have power to reduce said rates.

8. *And be it enacted*, That it shall be lawful for any toll- Persons may  
be stopped  
until toll is  
paid.  
gatherer having charge of said bridge, to stop any person  
on foot, every person, horse, or mule, with or without  
wagons, carts, sleighs, or sleds, all pleasure wagons, and all  
cattle, horses, hogs, calves, and sheep, from passing over  
said bridge until the toll as above specified, shall have been  
paid.

9. *And be it enacted*, That if any person or persons having Penalty for  
injuring  
works.  
the command of any vessel shall do any damage to said  
bridge or draw, or keep it up more than fifteen minutes,  
when the same is not absolutely necessary for the passage  
of any masted vessel or boat, shall forfeit and pay the sum  
of twenty-five dollars, and also be liable for all damage  
that may be done to said bridge or draw, to be recovered  
in an action of debt, before any court having competent  
jurisdiction, with costs of suit.

10. *And be it enacted*, That the said corporation shall pos- Restrictions  
and liabili-  
ties.  
sess the general powers, and be subject to the restrictions  
and liabilities, contained in the act entitled "An act con-  
cerning corporations," approved the fourteenth day of  
February, eighteen hundred and forty-six, and the acts  
supplementary thereto and amendatory thereof, so far as  
the same are applicable.

11. *And be it enacted*, That the said company may con- Company  
may con-  
struct roads.  
struct roads on the salt meadows on either side of said  
creek, from the said bridge to the upland, and put and keep  
the said roads in good condition and repair, in order to  
maintain a good and safe way for the passage of public  
travel.

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

Approved February 18, 1858.

## CHAPTER XXXIX.

AN ACT to incorporate the Monmouth County Mutual Fire Insurance Company.

Names of  
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Combs, Horatio Ely, George Taylor, Daniel H. Ellis, Henry C. Patterson, Joseph H. Rossell, William V. Ward, John R. Haley, William D. Davis, Austin H. Patterson, James Cooper, Charles Butcher, Charles H. Conover, John Barrielow, William P. Forman, James M. Smith, Elisha Laird, John N. Conover, Jacob Herbert and Peter S. Conover, and others, their associates, successors, and assigns, shall be and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in law, by the name of "The Monmouth County Mutual Fire Insurance Company," the office thereof to be located in the village of Freehold; and by that name they and their successors shall and may have succession during the continuance of this act, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and they and their successors may have a common seal, and may change and alter the same at pleasure; and also that they and their successors, by the name of "The Monmouth County Mutual Fire Insurance Company," shall be in law capable of purchasing, possessing, and enjoying, to them and their successors, lands, tenements, hereditaments, goods, chattels, and effects, of what nature and kind soever, necessary for the purpose of this corporation, and the same may grant, demise, alien, and dispose of at pleasure for the benefit of said company.

General  
powers.

What prop-  
erty may  
be insured.

2. *And be it enacted*, That it shall and may be lawful for the said corporation to insure dwelling-houses, stores, shops, and other buildings, household furniture, merchandise, and other property, against loss or damage by fire, and generally to insure against all losses pertaining to fire.

3. *And be it enacted*, That the property and concerns of the corporation shall be managed and conducted by thirteen directors, all of whom shall be citizens of this state, to be chosen by ballot, by and from among the members, to hold their office for one year and until others are chosen to fill their places; and the election for directors shall be held on the third Monday of January in every year, between the hours of ten in the forenoon and three in the afternoon, in Freehold aforesaid, at the office of the company, or at such other place therein as the majority of the directors for the time being shall appoint; of which election the secretary shall give public notice in the newspapers printed in the village of Freehold, at least two weeks immediately preceding such election; and if any of the said directors shall die, or refuse to serve, or neglect to act in said office for the space of six months successively, then and in every such case the remaining directors shall have power to fill such vacancy or vacancies until the time of the next annual election; and in case it shall happen that an election of directors should not be held on the day when, pursuant to this act, it ought to have been, the said corporation for that cause shall not be deemed to be dissolved, but it shall and may be lawful, on any other day, to hold an election for directors; and until an election for directors shall be held, according to the provisions of this section, the following persons shall be directors, namely: Joseph Combs, Horatio Ely, Joseph H. Rossell, John R. Haley, William D. Davis, James Cooper, Charles Butcher, Charles H. Conover, William P. Forman, James M. Smith, John N. Conover, Jacob Herbert, and Peter S. Conover.

Election of directors.

First directors.

4. *And be it enacted*, That the directors hereinbefore mentioned shall, as soon as convenient after the passing of this act, and the directors annually chosen agreeably to the provisions of this act, shall, as soon as convenient after their election, proceed to choose out of their body one person to be a president, who shall be an inhabitant of Freehold aforesaid, and shall preside until the next annual election thereafter; and in case of the death, resignation, or inability to

Election of president.

serve of the president, such vacancy may be filled for the remainder of the term by such person as the board of directors may appoint; and in case of the absence of the president, the board of directors shall have power to appoint a president *pro tempore*, who shall exercise all such powers and duties as the by-laws of said company may provide; *provided*, that the president of the company shall hold his office at the pleasure of the board of directors, and be subject to removal by them.

Proviso.

Duties and powers of directors.

5. *And be it enacted*, That the board of directors for the time being, or a majority of them, shall have power to make or prescribe such by-laws, rules, and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said corporation, and touching all such other matters as appertain to the business, ends, and purposes which the corporation by this act is entitled to; and also shall have power to appoint a secretary, surveyor or surveyors, and such additional officers, clerks, and servants, for carrying on the business of the said corporation, with such allowances as to them shall seem meet; *provided*, that such by-laws, rules, and regulations be not repugnant to the constitution and laws of the United States and of this state.

Proviso.

Officers of other companies not to be officers of this.

6. *And be it enacted*, That it shall not be lawful for the president or a director of any other insurance company, engaged in insuring houses, stores, and personal property against loss or damage by fire, to be president or director of the company incorporated by this act.

Persons insured to deposit promissory note.

7. *And be it enacted*, That every person who shall become a member of said company, by effecting insurance therein, shall, before he receives his policy, deposit his approved promissory note, guaranteed by some responsible person or persons, for such a sum of money as shall be determined by the directors to be the premium for said insurance, twenty per centum of which said note shall be immediately paid, and the remainder of said deposit note shall be payable in part or the whole, at any time when the directors shall deem the same requisite for the payment of loss or

damage by fire, and such incidental expenses as shall be necessary for transacting the business of said company; but no member shall be held liable beyond the amount of his, her, or their promissory note; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid after deducting a just and fair proportion of all losses and expenses occurring during said term, shall be relinquished and given up to the maker thereof; and it shall be lawful for said corporation to loan such portion of their money in hand as may not be immediately wanted for the purposes of said corporation, to be secured by mortgage on unincumbered real estate in the state of New Jersey, worth at least double the amount loaned, or invest the same in stocks of the United States.

8. *And be it enacted*, That from and after the passage of this act, no person shall be admitted as a member and entitled to all the benefits and privileges of the said corporation, unless he or she shall first pay, or cause to be paid to the secretary thereof, the same amount of premium, with the interest accrued thereon, as is already paid to the said corporation by the first insured members thereof; *provided*, that after the term of ten years, and if so ordered by the members of the corporation, the directors may make such by-laws as will confine the benefits of the mutual principle of insurance to those who are thus insured in said company, and that others may effect insurance in said company on paying such premium or premiums as shall be agreed on between the company and the insured.

Amount to be paid by persons hereafter insured.

Proviso.

9. *And be it enacted*, That suits in law or in equity may be maintained by said corporation against any of its members, for the collection of said deposit notes, or any assessment thereon, or for any other cause relating to the business of said corporation; also suits at law or in equity may be prosecuted and maintained by any member against said corporation, for losses or damage by fire, if payment is withheld more than three months after the company is duly notified of such losses; and no member of the company, not being in his individual capacity a party to such suit,

Suits may be maintained against members or corporation.

shall be deemed incompetent as a witness in any such cause, on account of his being a member of such company.

Duties of  
secretary.

10. *And be it enacted*, That it shall be the duty of the secretary to give notice of all meetings of the corporation, to attend the same, to keep a faithful record of their proceedings, also an account of profit and loss, fill up all policies of insurance, countersign and seal the same with the seal of said corporation, certify all drafts or orders of the president for the payment of money, and such other duties as the company or board, from time to time, by their by-laws, may direct.

Policies of  
insurance.

11. *And be it enacted*, That all policies of insurance which shall be made by the said corporation in pursuance of this act shall be made upon such terms and conditions, and for such periods of time, and confined to such places as shall be from time to time ordained and prescribed by the by-laws, rules, and regulations of said corporation.

Policy may  
be surren-  
dered when  
property is  
alienated.

12. *And be it enacted*, That when any property insured by the said corporation shall be alienated by sale or otherwise, the policy of such insurance may be surrendered to the directors of said company, to be cancelled; and upon such surrender the assured shall be entitled to receive his deposit note or notes, upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him may have the same ratified and confirmed to him for his own use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security, to the satisfaction of said directors, for such portion of the deposit or premium note or notes as shall remain unpaid; and by such ratification and confirmation such grantees or alienees shall be entitled to all the rights and privileges, and be subject to all the liabilities to which the original party to whom the policy issued was entitled and subjected.

Transfers of  
policy to be  
recorded.

13. *And be it enacted*, That no transfer of any policy of insurance of the said company shall be valid unless entered in the books of the said company, and certified on such



policy by the secretary; and every assignee of any policy may sue on such policy in the name of such assignee.

14. *And be it enacted*, That no policy shall be issued by the said company until application shall have been made for insurance to the amount of fifty thousand dollars. When company may issue policies.

15. *And be it enacted*, That no part of the funds of the company shall be used for banking or for any other purpose not indicated by this act. Not to engage in banking.

16. *And be it enacted*, That each director and secretary shall, before he enters on the duties of his office, take the following oath or affirmation (as the case may be): I, —, do swear (or affirm) that I will faithfully execute the duties of —, agreeably to the provisions of this act and the trust reposed in me, to the best of my skill and understanding. Oath of officers.

17. *And be it enacted*, That if the privileges granted by this charter shall at any time prove injurious to the public welfare, or need alteration, it shall be lawful for the legislature to amend, modify, or repeal the same; *provided*, that no contract made by said corporation before such repeal shall be affected thereby, and that the said corporation shall have a reasonable time to bring their accounts to a final settlement. Act may be repealed, &c. Proviso.

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

Approved February 18, 1858.

## CHAPTER XL.

AN ACT to incorporate the Democratic Association of the City of Newark.

Names of  
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John S. Darcy, Charles T. Gray, Thomas B. Pierson, William W. Pollard, Edward H. Wright, James F. Bond, James Courter, Herman Ise, David McCurdy, James Smith, and Theodore Runyon, and their associates, and all other persons who shall become subscribers to and owners of the capital stock by this act created, shall be, and they and their successors are hereby made and declared to be a body corporate and politic, in fact and in law, by the name of "The Democratic Association of the City of Newark," and by that name they shall have power to lease, purchase, and hold real estate in the city of Newark, in this state, and to erect thereon a hall or building, in whole or in part for the accommodation of said association and its business, and to make such improvements thereon as they may see fit, and generally to transact all such business and do all such acts as may properly or necessarily appertain to the erecting, constructing, furnishing, leasing, selling, or otherwise disposing of and conveying such buildings, furniture, improvements, and real estate, or any part of the same.

General  
powers.

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.

Shares  
transferable.

3. *And be it enacted*, That the capital stock of said corporation shall be divided into shares of twenty 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, or his lawfully constituted proxy in his stead, to one vote at all elections for officers of said association, and in all stockholders' meetings for business or making by-laws for said corporation.

4. *And be it enacted*, That said corporation shall not go into operation until the commissioners in this act named shall receive subscriptions to said capital stock to the amount of twenty thousand dollars, and money on account of such subscriptions to the amount of ten thousand dollars, and an affidavit thereof, made by one of the said commissioners, shall have been filed in the office of the clerk of the county of Essex, and said subscriptions and money transferred to said corporation, as hereinafter is directed.

When corporation shall go into operation.

5. *And be it enacted*, That the persons named in the first section of this act be and they are hereby appointed commissioners to receive subscriptions (and money on account thereof) to the said capital stock, and said commissioners, or a majority of them, may, immediately after the passage of this act, open books and take subscriptions, and receive moneys for or on account of said capital stock, in such manner as they may deem expedient; and whenever the subscriptions so received by them shall amount to the sum of twenty thousand dollars, and the moneys received by them on account thereof to ten thousand dollars, the said commissioners, or a majority of them, shall convene the stockholders of the corporation, by giving two weeks' notice in a newspaper published in said city of Newark, stating the time, place, and object of the meeting; and the said stockholders, or a majority of them, who shall meet pursuant to such notice, shall proceed then and there, to make such by-laws as they may deem expedient; *provided*, the same shall not be contrary to the laws of this state or the United States, and to elect from among the stockholders of said corporation a president, vice-president, secretary, and treasurer, and as many managers as there may at the time be wards in the said city of Newark, who, together, shall constitute the board of directors of said corporation, and shall hold offices for one year and until other persons shall be elected in their stead, a meeting of the stockholders for which election shall annually thereafter be held at such time and place in the said city of Newark as by the by-laws of said corporation may be designated for the purpose; and

Commissioners to receive subscriptions.

the number of said managers elected at such meetings shall be equal to the number of wards at the time in said city of Newark.

Commission-  
ers to trans-  
fer money to  
directors.

6. *And be it enacted*, That said commissioners, or a majority of them, as soon as said board of directors shall have been so chosen, shall transfer all moneys and subscriptions so taken and received by them as aforesaid, to the said board of directors, and said commissioners shall thereupon be discharged, and their further action in the premises cease and be at an end; and the remainder of said capital stock may be raised as the board of directors of said corporation shall deem expedient.

Capital  
stock not to  
be with-  
drawn.

7. *And be it enacted*, That no part of the capital stock of said corporation shall at any time or under any pretence be withdrawn or refunded to the stockholders until all the debts and liabilities of said corporation shall have been fully paid and satisfied.

Debts not to  
exceed  
amount of  
capital  
stock.

8. *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 of any excess, the directors under whose administration it shall happen (except such director or directors as shall before the contracting of said debt, file in said clerk's office of Essex county his or their dissent to the contracting of such debt), shall be jointly and severally personally liable to the extent of such excess.

Officers to be  
citizens of  
this state.

9. *And be it enacted*, That the officers of said corporation shall all be stockholders of said corporation and citizens of the United States and of this state, and shall at the time of their election reside in said city of Newark, and be legally entitled to vote therein; and the office or offices of the officers of said corporation shall, with the records, books, and papers of said corporation, be kept in said city of Newark.

Annual  
statement to  
be made.

10. *And be it enacted*, That at the time of each annual meeting of said stockholders for choosing said board of directors, the board of directors of said corporation shall submit to said stockholders a written statement, verified by

the accompanying oath of the president (or in case of his absence or inability the vice-president), and secretary, of the capital stock paid in, the amount of debts existing against the corporation, as well as the receipts, credits, and assets of said corporation; and no dividend shall at any time be declared or paid except from the surplus profits of said corporation.

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

Approved February 18, 1858.

## CHAPTER XLI.

AN Act explanatory of the act entitled A further supplement to the act entitled "An act against usury," approved second March, one thousand eight hundred and fifty-four.

WHEREAS, the county of Union was set off from the county of Essex, by act approved nineteenth March, one thousand eight hundred and fifty-seven; and whereas doubts have arisen whether the provisions of the said further supplement, approved second March, one thousand eight hundred and fifty-four, are in force, and applicable to, said county of Union, for remedy whereof

Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the provisions of the said further supplement, approved second March, one thousand eight hundred and fifty-four, be, and the same are hereby declared to extend to and be in full force in the said county

Provisions  
of former act  
extended.

of Union, in the same manner, and to the same extent, as the same existed in the county of Essex, at the same time of the act creating the county of Union going into operation.

Former contracts made valid.

2. *And be it enacted*, That all contracts made in said county of Union since the said act creating said county went into operation, under and by virtue of the said supplement, approved second March, one thousand eight hundred and fifty-four, for the loan or forbearance of money upon which interest at the rate of seven per cent. has been or shall be taken, as provided in said supplement, shall be deemed and taken in all courts and places to be valid and legal, in the same manner and to the same extent as is authorized in and by said supplement in said county of Essex.

Approved February 18, 1858.

## CHAPTER XLII.

A FURTHER SUPPLEMENT to the act entitled "An act to register mortgages," approved April fifteenth, eighteen hundred and forty-six.

Mortgages may be recorded in full.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful to record in full, in the books provided for the registry of mortgages, all mortgages authorized to be registered by the act to which this is a supplement, upon the request of the mortgagee, and upon his paying therefor the same fees as are allowed by law for recording deeds; and when any

mortgage is so recorded in full, the record of such mortgage, and a transcript of such record, duly certified by the clerk in whose office the record is kept, shall be received in evidence in any court of this state, in the same manner, and to the same effect, as the record, or a transcript of the record, of deeds, is now received.

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

Approved February 18, 1858.

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## CHAPTER XLIII.

A FURTHER SUPPLEMENT to a supplement to "An act to incorporate the Burlington and Mount Holly Railroad and Transportation Company," approved March twentieth, eighteen hundred and fifty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the second and third sections of the said supplement as requires one hundred thousand dollars to be subscribed, and ten per centum paid in before the extension or branch railroad to Pemberton, authorized to be built, shall be commenced, is hereby repealed; and it shall and may be lawful for the said company to prosecute said extension, when eighty thousand dollars shall be subscribed and ten per centum paid in.

Part of the  
former act  
repealed.

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

Approved February 18, 1858.

## CHAPTER XLIV.

AN ACT for the relief of the Puddle Dock and Wyatt Meadow Companies, in the township of Mannington, and the Denn's Island Meadow Company, in the township of Lower Penn's Neck, in the county of Salem.

Election of  
officers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the owners and possessors of land lying within the limits of the Puddle Dock Meadow Company and the limits of the Wyatt Meadow Company, in the township of Mannington, and the limits of the Denn's Island Meadow Company, in the township of Lower Penn's Neck, in the county of Salem, their legal agents or representatives, to meet at the house of William Summerill, in the township of Mannington, on the first day of March next, and between the hours of one and five in the afternoon of said day, to choose by ballot or otherwise, and by plurality of votes of those met, such person or persons as they may think proper for a manager or managers, and a treasurer and a clerk for the ensuing year, or until the next annual meeting thereafter.

Managers to  
make sur-  
vey of mea-  
dows.

2. *And be it enacted*, That the manager or managers, when appointed as aforesaid, or a majority of them, shall, as soon as may be, cause to be erected, put up and built below and near the upper mouth of Denn's canal a bank, dam, or stopping across Salem creek, commencing in the Wyatt Meadow Company, and ending in the Denn's Island Meadow Company, with such sluice or sluices, or other works, as he or they may deem necessary, and shall, when completed and finished, make an actual survey thereof, describing the beginning and ending thereof, and where the same joins the fast land, courses and distances, and place or places, where the sluice or sluices, or other works, shall be laid, and also fix a name for the company, and deliver a certificate of his or their proceedings, signed by him or them, to the clerk of the court of common pleas of the county of Salem, to be by him forthwith recorded.



3. *And be it enacted*, That the expense of erecting, putting up, building, and maintaining the said bank, dam, or stopping-sluiice or sluices, and other works erected, put up, and laid out as aforesaid, and every other necessary expense for the benefit of said companies shall be defrayed by a tax on the meadow land of the Puddle Dock Meadow Company, and of the Wyatt Meadow Company, and of the Denn's Island Meadow Company in manner hereafter directed.

Expenses,  
how to be  
defrayed.

4. *And be it enacted*, That the manager or managers when appointed as aforesaid shall make an estimate of the sum or sums of money which will be necessary to defray the expenses of the different services required by this law, and also of erecting, putting up, and building the said bank, dam, or stopping, and sluice, sluices, or other works, and shall assess the same ratably on the meadow land in the Puddle Dock Meadow Company, and in the Wyatt Meadow Company, in the township of Mannington, and in the Denn's Island Meadow Company, in the township of Lower Penn's Neck, agreeably to the valuation and quantity each owner may have within the banks of said companies, according to the last duplicate made out for said companies; except that twenty acres shall be deducted from the number of valued acres contained and mentioned in the last duplicate of the Denn's Island Meadow Company, which shall be deducted ratably from the number of valued acres or parts of acres assessed against each owner of meadow land in said company in and by the last duplicate; and all assessments made under this act shall be made upon such reduced number of acres in said company, and shall state the said assessment in a regular duplicate containing the names of the owners or possessors, the number of acres and parts of acres held by each, the sums assessed on them severally, and the time or times of payment: which duplicate shall be delivered by him to the treasurer chosen or appointed as aforesaid.

Estimate of  
expenses  
and assess-  
ment to be  
made.

5. *And be it enacted*, That the treasurer, on the receipt of said duplicate, shall, in person or by notice in writing left at the usual place of abode of each owner or possessor, de-

Property  
may be rent-  
ed for non-  
payment of  
assessment.

mand of and from each owner or possessor, twenty days before the time of payment, the sum assessed as aforesaid; and if any of the said owners or possessors shall neglect or refuse to pay the sum assessed as aforesaid for the space of twenty days after the time fixed for payment thereof, it shall and may be lawful to and for the said treasurer to seize and rent out by public vendue, to the highest bidder, for so long a time and no longer as will be requisite, so much of the meadow ground in either of said companies, belonging to, or in possession of, such delinquent owner or possessor, as may suffice to discharge such assessment and all expenses attending the recovery thereof, having first advertised the same, for the space of three weeks, in three of the most public places in the neighborhood where the said meadow lies or may be sold.

Further assessment may be made.

6. *And be it enacted*, That if said estimate so made and collected as aforesaid should not produce a sufficient sum of money to fulfil the purposes above mentioned, the said manager or managers shall make, in like manner, an estimate of such sum as may be further necessary, which shall be collected in like manner as hereinbefore directed.

Managers to make repairs to bank, &c.

7. *And be it enacted*, That the manager or managers shall, from time to time, inspect and examine the said bank, dam, or stopping sluice or sluices, and other works erected or made by virtue of this act; and shall cause, or procure to be made or done, all such repairs and amendments as to him or them shall seem necessary; and for defraying the expense thereof, shall assess in manner aforesaid, such sum or sums of money as may be requisite, which shall be collected in manner aforesaid.

Notice to be given of meetings.

8. *And be it enacted*, That notice, signed by at least three owners of the meadow within said companies, shall be given of the meeting under the first section of this act, setting forth the time and place of such meeting, by putting up such notices in three of the most public places in the neighborhood of said meadows, at least five days previous to said meeting.

Annual elec-

9. *And be it enacted*, That after the meeting of the said

owners and possessors at the time and place appointed as aforesaid, it shall and may be lawful for the said owners and possessors to meet and assemble statedly, on the first Monday in April, yearly and every year, at one o'clock in the afternoon of that day, at such place as a majority of those met at the first meeting, or at the last preceding annual meeting, may have from time to time appointed, and there, between the hours of one and five in the afternoon, by ballot or otherwise and plurality of those met, appoint a manager or managers, a treasurer, and a clerk, to continue for one year, and from thence until others are appointed to supply their places; and the manager or managers, treasurer, and clerk then elected shall have the like powers as those hereinbefore mentioned.

tion of officers.

10. *And be it enacted*, That it shall be the duty of the clerk, from time to time, to enter in a book to be provided for that purpose, all votes, proceedings, orders, and assessments made by the said owners or the manager or managers, and all transactions whatsoever which the said owners and possessors or manager or managers shall direct.

Clerk to record proceedings.

11. *And be it enacted*, That if any of the manager or managers, or treasurer, or clerk at any time within the year for which they are elected, become incapable, by death, removal, or other disability, of executing the duties required by this act, it shall and may be lawful for the manager or managers, or the survivor, or if none remain, any two of the owners or possessors, to call a meeting, by notice in writing, set up in three of the most public places in the neighborhood of said meadows, at least one week previous thereto, for the purpose of supplying the vacancy or vacancies, and the person or persons appointed in consequence shall have the like powers for the remainder of the year as he or those had in whose place or places he or they may be appointed.

Vacancies, how supplied.

12. *And be it enacted*, That the owners and possessors of meadow ground in said companies at the first and at the subsequent annual meetings, from time to time, shall fix and determine, by a vote of the majority of those met, the

Salaries of officers.

wages or salaries to be paid to the manager or managers, treasurer, and clerk, from year to year.

Companies  
consolidated.

13. *And be it enacted*, That the Puddle Dock Meadow Company and the Wyatt Meadow Company, both in the said township of Mannington, shall be hereafter united and consolidated into one company, to be called and known as the Wyatt Meadow Company; which company shall be controlled, managed, and governed in all things, and in the election of its officers and in their powers and duties, and in the assessment of taxes and in the collection of the same, and in all other matters, by the act entitled "An act to enable the owners of the tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons to keep the same in good repair."

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

Approved February 18, 1858.

## CHAPTER XLV.

AN ACT to incorporate the Orange Hotel Company.

Names of  
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Simeon Harrison, Napoleon Stetson, J. R. Gilmore, William H. Vermilye, Daniel Bab-bitt, 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 Orange Hotel Com-

pany," and by that name shall have power to lease, purchase and hold real estate in the township of Orange, in the county of Essex, and to erect a hotel and other buildings and improvements on any part of the said real estate, for the accommodation of the public, and to transact all such business as may be incident or appertaining to the managing, erecting, furnishing, conducting or leasing said premises or otherwise disposing of the same.

Objects of incorporation.

2. *And be it enacted*, That the said corporation shall have power to raise by subscription a capital of fifty thousand dollars, which 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, which may be given either by proxy or in person.

Amount of capital stock.

3. *And be it enacted*, That no part of the said capital stock shall at any time, or in any manner, or under any pretence whatever, be drawn from the legitimate business of the said corporation, or refunded to the stockholders, until all the debts and liabilities of said corporation are fully paid.

Stock not to be withdrawn.

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

Election of directors.

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

Debts not to exceed amount of capital stock.

6. *And be it enacted*, That annually in the month of April 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, except from a clear surplus in hand over and above the full amount of the debts and liabilities of said corporation.

Annual statement to be made.

Com-  
mis-  
sioners to  
receive sub-  
scriptions.

7. *And be it enacted*, That Simeon Harrison, Napoleon Stetson, J. R. Gilmore, William H. Vermilye, and Daniel Babbitt, or a majority of them, are hereby constituted commissioners to open books and take subscriptions for the said capital stock in such manner as they may deem expedient, at such time and place as they shall designate by notice thereof, in writing, published for at least two weeks previously thereto in one of the newspapers of said township of Orange, and whenever the said subscriptions amount to at least ten thousand dollars, the stockholders representing the same may convene upon the call of the said commissioners, or a majority of them, and elect such officers and directors, and make such by-laws, as they may deem necessary for conducting the affairs of said corporation; and the remainder of the stocks, if any, shall be disposed of under the direction of said officers and directors, or their successors in office.

Approved February 20, 1858.

## CHAPTER XLVI.

A FURTHER SUPPLEMENT to an act entitled "An act for the relief of creditors against absconding and absent debtors."

Former acts  
repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A further supplement to 'An act for the relief of creditors against absconding and absent debtors,'" approved April fifth, eighteen hundred and fifty-five, and also a certain other

supplement to said act, approved March eighteenth, eighteen hundred and fifty-six, be and the same are hereby repealed.

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

Approved February 20, 1858.

## CHAPTER XLVII.

AN ACT to incorporate the Union Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Liscomb R. Titus, John Valentine, William Howe, William I. Shreve, and J. Weigand Lloyd, and their associates and successors, are hereby created a body politic and corporate in law, by the name and style of "The Union Manufacturing Company," to be located in the city of Trenton, for the purpose of carrying on the business of manufacturing, casting, and working, iron and metals, and erecting and constructing buildings, and such other improvements on their lands as may be useful or necessary for the purpose aforesaid; and for such purpose the said company shall or may raise by subscription, a capital stock of seventy-five thousand dollars, to be divided into shares of fifty dollars each.

Names of—  
corporators.

Amount of  
capital  
stock.

2. *And be it enacted*, That the said corporation may purchase, possess, and enjoy any such real estate, improvements, machinery, goods and effects whatsoever, within the county of Mercer, as shall be deemed necessary and advan-

What pro-  
perty may  
be held.

tageous to the said corporation to carry on its business, and it shall be lawful for the said corporation to sell, mortgage, lease, and otherwise dispose thereof at pleasure.

Books of  
subscription  
to be opened.

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

Payment of  
instalments.

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

Proviso.

Duties and  
powers of  
directors.

5. *And be it enacted*, That the stock, property, and affairs of the said corporation shall be managed by not less than five directors, a majority of whom shall be residents of this state, one of whom shall be appointed president; said directors shall have power to appoint such other officers, agents and employees as the by-laws may from time to time designate; said directors shall always be stockholders in said company, and shall hold office until the next annual meeting or election, and until others shall have been duly elected in their places; annual meetings shall be held on the first Monday in February of each year, at such places and hour as the by-laws may direct; a majority of the



existing number of directors shall constitute a quorum, and when assembled at such place as the by-laws may designate, shall constitute a board competent to transact business, and all questions before said board shall be decided by a majority of votes present; in case any vacancy may occur by death, resignation, or otherwise, the remaining directors shall have the power to fill such vacancy by the appointment of any stockholder.

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

Annual statement to be made.

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

Dividends to be made.

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

Proviso.

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

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

Property received in payment for stock to be valued.

board of directors or a majority of the stockholders designated for that purpose.

General  
powers.

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

• Limitation.

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

Approved February 21, 1858.

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## CHAPTER XLVIII.

AN ACT to confirm the sale of the Mount Pleasant Church, Lower Harmony, to the Lower Harmony Methodist Episcopal Society.

Preamble.

WHEREAS, the church known as the Mount Pleasant Church, situated in Lower Harmony, county of Warren, has until lately been owned by the Methodist Episcopal and Lutheran denomination jointly; and whereas the Lutherans owning a share in said church have through their trustees sold all their right and interest in the afore-said church to the Lower Harmony Methodist Episcopal Society; and whereas it is the desire of both of the afore-

said societies that this sale and conveyance shall be confirmed and made legal, therefore

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the conveyance by said trustees of the Lutheran Church of their right, title, interest and claim in and upon said church to said Methodist Episcopal Society of Lower Harmony be and is hereby declared confirmed and legal and binding upon said parties in accordance with the terms of said conveyance.

Conveyance  
by trustees  
confirmed.

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

Approved February 24, 1858.

## CHAPTER XLIX.

A FURTHER SUPPLEMENT to an act entitled "An act for the relief of persons imprisoned on civil process," 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 any debtor who shall be remanded to prison under the eighth section of the act to which this is a supplement, is hereby authorized to execute and deliver to the sheriff or keeper of the jail of the county, a bond, with one or more sufficient sureties, freeholders and residents in the county, in double the sum for which such debtor was arrested or held in custody or taken in execution, to any of the creditors who shall undertake, as in said section is mentioned, conditioned that such debtor

Debtor may  
execute  
bond to she-  
riff, &c.

shall in all things remaining, fully and honestly comply with the requirements of the insolvent laws of this state, and shall appear before the court according to law, and if refused a discharge, surrender himself immediately thereafter to the sheriff or keeper of the jail of the county, there to remain until discharged by due course of law; which bond, if forfeited, may be prosecuted for the use of such creditors, and on receipt of such bond, the sheriff or jail-keeper shall discharge such debtor from custody.

Proceedings  
to be same as  
if debtor was  
in prison.

2. *And be it enacted*, That all subsequent proceedings shall be had in like manner, as near as may be, as if the said debtor had been remanded to prison, and been actually in prison, under such remand.

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

Approved February 24, 1858.

## CHAPTER L.

A FURTHER SUPPLEMENT to an act entitled "An act for the more easy partition of lands held by co-parceners, joint-tenants, and tenants in common," approved April sixteenth, eighteen hundred and forty-six.

Part of lands  
may be sold.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in all proceedings for partition under the act, to which this is a supplement, it shall and may be lawful to divide a part of the lands included in the application, and to sell the remainder thereof whenever it shall appear by the report of the commissioners, which

shall designate the lands to be divided and those to be sold, and by other satisfactory proof, that the whole of the lands cannot be divided among the owners and proprietors without great prejudice to their interest.

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

Approved February 24, 1858.

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## CHAPTER LI.

AN ACT authorizing the inhabitants of the township of Howell in the county of Monmouth to sell the church and land of the New Jersey Missionary Society, situated in said township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John C. Patterson, Charles Butcher and James Doneha, be and are hereby constituted commissioners to sell at public vendue, at such time and place as they or a majority of them may designate, the church and land of the New Jersey Missionary Society, described in a certain deed from Joseph R. Vancleaf, to Daniel Brower, John C. Patterson and Amos Shaw, trustees, and dated July third, eighteen hundred and twenty-nine, recorded in the Monmouth county clerk's office in book V. 2 of deeds, page 74. Commissioners to sell property.

2. *And be it enacted*, That the said commissioners be and they are, and in case of the death of one or more of them, the survivor or survivors are hereby authorized and empowered to sell and convey the lot on which said church now stands to any Protestant denomination who may de- Survivors authorized to make conveyance.

Proviso.

sire to build a church upon said lot; *provided*, a majority of the inhabitants of the school district in which said lot is situated shall so determine, reserving to the public the right to continue to use the graveyard in said premises as a burial place without any disturbance of the graves already in said yard.

Appropriation of proceeds of sale.

3. *And be it enacted*, That the proceeds of the sale of said church as aforesaid shall be appropriated by the said commissioners to the erecting of a fence around and inclosing the said church lot, and in case of any surplus accruing after defraying the expenses of erecting the said fence, in such case a majority of the inhabitants of the school district in which said church and lot are situated, shall and may appropriate and pay such surplus to some educational, charitable or religious purpose, or purposes, as they shall deem proper.

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

Approved February 25, 1858.

## CHAPTER LII.

A SUPPLEMENT to an act entitled "An act to simplify the pleadings and practice in courts of law."

Affidavit to be filed on entering rule for assessment of damages.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no rule for an assessment of damages, in open court, or for a writ of inquiry to assess damages, shall be entered by or for the defendant, in any

action, unless at the time of entering such rule, he shall file with the clerk of the court in which the action is pending, an affidavit that the amount claimed to be due to the plaintiff by the bill of particulars annexed to his declaration, or some part thereof, is not due from the defendant to the plaintiff, specifying what amount, if anything, is due to said plaintiff, and that the rule for an assessment, in open court, or for a writ of inquiry (as the case may be) is not intended for the purpose of delay, but only to have the amount due to the plaintiff correctly ascertained, which affidavit shall be made by the defendant, or in his absence by his attorney or agent in such action; and in case such affidavit shall specify any amount to be due to the plaintiff, the said plaintiff shall be at liberty to take an assessment, as now authorized by law, for such amount instanter, and enter judgment final thereon, but by so doing he shall be deemed to waive the balance of his claim, set forth in said bill of particulars.

Approved February 25, 1858.

## CHAPTER LIII.

AN ACT to authorize the Board of Education of the city of Camden to build a school house in the north ward of said city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of education of the city of Camden be and they are hereby authorized to borrow any sum of money not exceeding fifteen thousand

Board of  
education  
authorized  
to borrow  
money.

dollars, and to secure the payment thereof by pledging the property of said board of education, and for that purpose they are hereby empowered to make and execute good and sufficient bond or bonds and mortgage or mortgages in their corporate name, and under their common seal in such amount as they may deem requisite together with lawful interests for the same.

Board authorized to issue.

2. *And be it enacted*, That the said board of education of the city of Camden if they shall be unable to effect a loan in the manner prescribed by the first section of this act, then and in that case they are hereby authorized and empowered to issue bonds in their corporate name and under their common seal for any sum of money not exceeding fifteen thousand dollars, said bonds not to be of a less amount than one hundred dollars each, together with lawful interest thereon.

Objects of loans.

3. *And be it enacted*, That the money obtained under the provisions of this act shall be devoted solely and exclusively to the building of a school house in the north ward in said city.

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

Approved February 25, 1858:



## CHAPTER LIV.

AN ACT to incorporate the city of Salem.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>City incor-</sup>  
*the State of New Jersey,* That all that part of the county of <sup>porated.</sup>  
Salem, known as the township of Salem, shall be, and is  
hereby incorporated into a city, to be called the City of  
Salem.

2. *And be it enacted,* That for the better order and govern- <sup>City officers.</sup>  
ment of the said city of Salem, there shall be elected here-  
after in said city, one mayor, who shall be keeper of the  
city seal, and hold his office for three years; and at the  
first election for city officers, six common councilmen (two  
of whom shall hold their offices for one year, two for two  
years, and two for three years; and at the first meeting of  
common council after said election, it shall be determined  
by lot, which of the members thereof shall hold their office  
for one year, which for two, and which for three years);  
and annually thereafter, there shall be elected two persons,  
as members of said council, who shall hold their office re-  
spectively for three years; which mayor and common  
councilmen shall be one body politic and corporate in  
deed, fact, name and law, by the name, style and title of  
"The Mayor and Common Council of the City of Salem."

3. *And be it enacted,* That an election by ballot shall be <sup>Election of</sup>  
held on the second Tuesday of March next, at the place of <sup>officers.</sup>  
holding the last annual election, and annually thereafter  
at such place as the common council of the city of Salem  
may appoint, of which place the said council shall cause  
public notice to be given, by advertising the same two  
weeks, in one or more newspapers published in said city,  
or by setting up such notice, either written or printed, in  
five public places in said city, 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 recorder or clerk, one marshal, one or more assessors, one collector who shall be ex-officio, city treasurer, two chosen freeholders, one school superintendent, two trustees of public schools, two overseers of the poor, two surveyors of the highways, three commissioners of appeal, one judge of election, and one or more pound keepers shall be chosen and elected in said city from among the citizens residing therein, and entitled to vote at such election, and annually thereafter on the second Tuesday of March, excepting the mayor and common council, who shall be elected as hereinbefore provided, but no person shall be elected or serve as mayor or common councilmen of said city unless he shall have resided in said city at least one year immediately preceding said election.

Duties and  
powers of  
common  
council.

4. *And be it enacted*, That the mayor and common councilmen of said city shall constitute the common council thereof, and shall hold an annual meeting therein, on the fourth Tuesday of March, yearly and every year; and such other meetings as they shall, by ordinance, direct and appoint; the mayor shall preside at said meeting, and shall have a 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 said common council shall have power to make and adopt such rules and by-laws for their own government as they may think proper, and to pass all such ordinances, by-laws and regulations, and in general to do and perform, all such other acts and things, as provided for and warranted by this act, and that four members shall constitute a quorum of said council; and it shall be the duty of the mayor, when necessary, to call special meetings of said common council, and in case of his neglect or refusal, then it shall be lawful for any four members of said common council, at such time and place as they may designate, to call any special meeting or meetings, by written or printed notices, and in all cases of special meetings notice shall be given to all the members of said board

of common council, in person, or left at their places of residence.

5. *And be it enacted*, That the poll of all elections under this act shall be opened at eight o'clock in the forenoon, and close at seven o'clock in the evening; and the same qualifications shall be required to entitle persons to vote, as are, or may be required at the township elections in this state; and the name of each elector voting at such election shall be written on the poll list by the city clerk; and after the poll shall be closed, the election board shall count the votes given for the several candidates, and certify the result under their hands and seals, and deliver such certificate to the clerk of said city, who shall file and preserve the same in his office; and the persons having the greatest number of votes shall be deemed to be elected to the offices for which they shall be voted for respectively, and shall hold their offices for one year and until others are elected in their stead and sworn into office, excepting the mayor, and common council as hereinbefore provided for; and the first election which shall be held under this act shall be held by the officers of election chosen at the last annual election for officers of the township of Salem, who shall give due notice of the same in the manner now prescribed by law, and any vacancy in said board of election shall be filled as provided for by law in the townships of this state.

Mode of conducting elections.

6. *And be it enacted*, That in case a vacancy shall occur in any of the offices mentioned in the preceding section, by refusal to serve, by death, or for any other cause whatever, it shall and may be lawful for the common council to fill said vacancies until the next annual election; and the person or persons appointed to fill such vacancies, shall be entitled to the like compensation, and be subject to the same responsibilities and penalties, as if elected at the annual election as aforesaid.

Vacancies, how supplied.

7. *And be it enacted*, That all officers appointed under this act, shall, before they enter upon the execution of their several offices, take and subscribe an oath or affirmation before the common council of said city (who are hereby

Officers to take oath.

authorized to administer the same), faithfully and impartially to perform their several duties, according to the best of their abilities and understanding; and that a like oath or affirmation be taken by the mayor and common councilmen first elected under this act before any justice of the peace, or judge, within six days after such election—such oaths or affirmations, in all cases, to be filed by the city clerk.

Common council may pass ordinances for the regulation and government of city.

8. *And be it enacted*, That it shall and may be lawful for the common council of said city, or a quorum thereof, in council convened, to pass all ordinances for regulating, levelling, grading, paving, flagging, gravelling, improving, cleaning and repairing the streets, sidewalks and alleys therein; for regulating the planting and protecting of shade trees, and for compelling the owners and occupants of lots to grade, curb, and pave the sidewalks in front thereof (provided that no owner or occupant of property shall be compelled to curb and pave more than forty feet in length on any one lot, in any one year), and to keep their pavements and gutters clean, and free from snow, ice, and other impediments; for preventing persons from riding, driving or passing over or upon the same with horses, wagons, carts, or carriages, of any description; for ascertaining and establishing the boundaries of all streets and alleys in said city, and preventing and removing all encroachments in and upon said streets or alleys; for preventing or regulating the running at large of cattle, horses, goats, geese, dogs, and swine; for imposing a reasonable tax on the owners or possessors of dogs; for preventing the immoderate riding or driving through or in any street or alley of said city; for abating or removing any nuisance in any street or wharf, or on any lot or lots or inclosure, or other place in said city; for causing common sewers or drains to be made, and granting permission to construct vaults in any part thereof; for lighting the streets of the same; for preventing or restraining riots, routs, disturbances, or disorderly assemblages, in any street, alley, house or place in said city; for regulating, protecting, improving and reclaiming the

public grounds or walks therein, and sinking and regulating pumps, wells, and cisterns in the streets thereof; for the maintenance of fire engines and hose companies, and for the prevention or suppression of fires; for compelling the cleaning of chimneys; for appointing watchmen, constables and an additional police, and prescribing their powers and duties; for regulating the vending of meats, fish, and vegetables; for regulating butchers, hawkers, peddlers, and petty chapmen within said city; for restraining vagrants, mendicants, and street beggars; for erecting and maintaining a city hall, a school-house or houses, with such other public buildings as may be necessary in said city; for regulating the public docks and wharves therein, and the rates of wharfage; for the more effectual suppression of vice and immorality; for preserving peace and good order; for suppressing and restraining disorderly and gaming houses; for prescribing and defining the duties of the several officers elected therein, and such other by-laws and ordinances for the peace, good order, and prosperity of said city as they may deem expedient, not repugnant to the constitution and by-laws of this state or of the United States, and to enforce the observance of all such laws by exacting penalties for the violation thereof, either by imprisonment in the county jail, not exceeding seven days, or by a fine not exceeding fifty dollars, recoverable with costs, in an action of debt in the name of the treasurer of said city, before any justice of the peace or the mayor thereof, for the use of the incorporation thereof; and further, it shall be lawful for any justice of the peace, or the mayor of said city, before whom judgment of imprisonment may be given, to carry such judgment into effect by warrant of commitment, under their hand or seal, directed to the keeper of the county prison; *provided* Proviso. *always*, each and every ordinance so passed shall be published in five of the most public places in said city, and also twice in one or more newspapers published in said city, by the mayor thereof, for twenty days before said ordinance shall go into effect; and *provided also*, Proviso. that no ordinance or by-law shall be enacted or passed by said

common council, unless the same shall have been introduced before the said common council at a previous meeting.

Common council may raise tax.

9. *And be it enacted*, That it shall and may be lawful for the common council to cause to be raised by tax, from year to year, such sum or sums of money as may be necessary for carrying into effect the laws and ordinances from time to time enacted by them, and for defraying all other necessary expenses of said city, not to exceed in any one year the sum of forty-five cents on every one hundred dollars of taxable property of all kinds in said city, and from time to time to borrow money in the faith and in the name of said city, on bond, note, or other sufficient security; *provided*, that the sum so borrowed shall never amount, in all, to more than two-thirds of the estimated tax to be levied and assessed in any one year, nor be made payable at any period later than thirty days after the time fixed by law for the collection of said taxes; and it is *further provided*, that all lands within the limits of said city, held as farm lands and not for building purposes, shall be valued and taxed as farm lands, in the same manner as they are now taxed for township purposes, nor shall the owners and occupants thereof be required to curb and pave in front thereof, unless the same shall consist of a lot or lots lying between other lots used for building purposes.

Proviso.

Proviso.

Duties and powers of mayor.

10. *And be it enacted*, That the mayor of the said city for the time being shall have all the powers and authority of a justice of the peace of the state of New Jersey; he shall take cognizance of all fines, forfeitures, and penalties to be laid by the laws or ordinances of the common council of said city; he shall have power to cause any or all persons to be brought before him, who may be charged with violating the public peace, or disturbing the public tranquillity, or for a breach of any of the ordinances thereof; he shall have power to impose fines or penalties upon all persons so offending, and to cause them to be imprisoned in the county jail; and shall be during the time for which he is elected, vested with all the powers and functions, and be

bound by the same rules in criminal cases, as justices of the peace; and all officers and persons shall respect him as such; he shall have authority to take acknowledgment and proof of deeds; and it shall be his duty to see that all ordinances enacted by the common council of said city are duly published and enforced, and that no shows or exhibitions of any kind whatever shall be allowed in said city, without his express consent and license being first obtained in writing.

11. *And be it enacted*, That the assessor of said city, shall assess upon the persons, and property of residents, and upon the property of non-residents, therein, and the city treasurer shall collect all such taxes as may be ordered by the common council to be levied, assessed and collected in the same manner as the assessors and collectors of townships are or may be by law required to assess and collect the state and county tax within their respective townships; and the said assessor shall annually, between the twentieth day of June and the twentieth day of August, make the assessments required of him, and return his duplicate to the treasurer not later than the twentieth of September following.

Duties of  
assessor.

12. *And be it enacted*, That the treasurer of said city, 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 the common council, and enter into bonds, with such freehold security as the said council may approve, conditioned for the faithful performance of the duties of their respective offices, which said bonds, after the approval of the said common council shall be endorsed thereon, shall be delivered to the city clerk, who is hereby directed and required to file the same in his office, and may be sued and prosecuted as the bonds of the like officers in this state are or may be sued and prosecuted.

Officers to  
give bond.

13. *And be it enacted*, That the marshal of said city is hereby empowered to arrest and take into custody, without warrant, any offender against the laws and ordinances of

Duties and  
powers of  
marshal.

said city, and to bring 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 of any constable of said county, and shall be entitled to receive the same fees as constables, in all cases where constables are allowed to receive fees.

Jailer of  
county to  
keep offend-  
ers commit-  
ted by  
mayor.

14. *And be it enacted*, That the jailer of the county of Salem, for the time being, shall receive and safely keep all such offenders as shall be committed to the jail of said county, by the mayor of said city as aforesaid, for the term of his, her, or their imprisonment, as expressed in the warrant of commitment; and all the expenses of keeping said offenders in said jail shall be borne and paid by the said county of Salem.

Mayor and  
common  
council to  
grant licen-  
ces.

15. *And be it enacted*, That the said mayor and common council, or a majority thereof, in council convened, shall have the sole, only, and exclusive right and power of granting license under the common seal of said city, to all and every innkeeper, and retailer of spirituous liquors residing in said city, in the like manner and on the same conditions as may now be done by the courts of common pleas in this state, except only that they may grant such license for any term not exceeding one year, as they may deem best; and they shall also have the sole, only, and exclusive right and power of licensing such and so many keepers of oyster houses and cellars, and places for the sale of fermented liquors, within said city, upon such terms and conditions and subject to such regulations as they may deem most conducive to the public good thereof; and the amount of license fees levied and assessed shall be paid to the treasurer for the use of the city.

Compensa-  
tion of offi-  
cers.

16. *And be it enacted*, That the mayor of the said city of Salem shall not be entitled to receive any compensation for the performance of his official duties other than the fees which appertain to his office as a justice of the peace and a commissioner for taking the acknowledgment and proof of deeds; neither shall the members of common council be paid any compensation whatever for the performance of



their official duties: the city clerk shall be paid fifty cents for each meeting of councils he may attend, and six cents per folio of one hundred words each for recording the ordinances thereof.

17. *And be it enacted*, That it shall be the duty of the city treasurer, once at least in each year, and as much oftener as the mayor and common council shall require, to make a statement of all moneys received and paid out by him, showing the source from whence received and to what applied, the amount of the indebtedness of the city, and the balance of funds in his hands; which when approved by the common council shall be filed in the office of the city clerk at least twenty days before the next annual election for city officers; and the city council shall cause the same to be published for two weeks in one or more newspapers published in said city, or to be set up in five of the most public places in said city, at least two weeks previous to the said election; and the treasurer shall be allowed for making out such statement, six cents per folio of one hundred words.

Treasurer to  
make an-  
nual state-  
ment.

18. *And be it enacted*, That the commissioners of appeal in cases of taxation shall convene annually, on the third Monday of October, to hear and determine all appeals; and they shall sit from 10 A. M. to 6 P. M., and longer, if found necessary to dispose of all the cases submitted to them for consideration.

Meetings of  
commis-  
sioners of  
appeal.

19. *And be it enacted*, That the treasurer shall, at least one week before the day of appeal, in cases of taxation, demand of all persons taxed the amount of their tax, by notice to them personally given, if to be found in the city, or left at their residence, if within the city; and in case of the non-payment of any taxes by the Monday next preceding the first Tuesday in November, the treasurer shall make out a list of the names of delinquents, with the sums due from each, and deliver the same to the mayor or a resident justice of the peace.

Treasurer to  
make de-  
mand of  
amount of  
tax.

20. *And be it enacted*, That it shall be the duty of said mayor or justice of the peace, on receipt of the list of de-

Proceedings  
in case of  
non-pay-  
ment of tax.

linquents as aforesaid, to administer an oath or affirmation to the said treasurer, that the moneys on said list had been duly demanded, in the manner hereinbefore directed, and thereupon to give to said treasurer a receipt for such list, certifying therein the names of such delinquents, and the sum due from each respectively; and it shall be the duty of the mayor, or justice, within five days after receipt of said list, to deliver to a constable or constables of said city, a warrant or warrants, requiring him or them to levy the tax so in arrears, in the manner prescribed by the laws of the state of New Jersey relative to the collection of taxes; and the said constable or constables shall, in the collection thereof, be governed by the laws of this state regulating the same in the several townships thereof: *provided always*, that said constables shall not be entitled to charge fees on account of any name mentioned on said warrant, unless the tax due from said delinquent be actually collected.

Proviso.

Duties of  
constables.

21. *And be it enacted*, That it shall be the duty of the constable or constables appointed as aforesaid in said city, to preserve and maintain at all times the peace and quiet of said city, to arrest and imprison offenders against the ordinances of said city or the laws of this state, and to perform such other duties, and under such penalties, as the common council of said city shall from time to time prescribe.

Duties of  
city clerk.

22. *And be it enacted*, That the city clerk shall keep, file, and, when necessary, record all official papers belonging to the same; he shall attend all the meetings of the common council, and keep accurate minutes of the proceedings thereof; he shall give lawful notice of such meetings, and of all annual and special elections; he shall record in a proper book, to be provided for that purpose, all ordinances passed by the council, and duly certify the same; and shall perform such other duties as the said common council may from time to time prescribe.

Officers of  
election,  
their duties  
and powers.

23. *And be it enacted*, That the judge of election, assessor, and collector of said city shall constitute the board of elec-

tion of said city, and shall take the like oaths or affirmations, and conduct all elections in the same manner as township election officers are or may be by law required to do; shall be vested with the same powers and authority, entitled to the same compensation, perform the like duties, and be subject to the same penalties, as the like officers of this state; and in case of the absence, death, incompetency, or refusal to serve of any of the said officers of election, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the several townships of this state; and the clerk of said city shall procure ballot-boxes for the use of said city, of such description as are required to be procured by the township clerks of this state, and be subject to the same penalties for a failure to procure such boxes, or to keep the same in repair.

24. *And be it enacted*, That in the trial of any issue, or in the judicial investigation of any case, to which issue or investigation the mayor and common council of said city are a party, or in which the said city is interested, no person shall be deemed an incompetent witness or juror, by reason of his or her being an inhabitant or freeholder in said city, and if any person shall be sued or impleaded by reason of anything done by this act, it shall be lawful for such person to plead the general issue, and to give this act and the matter in evidence at the trial. Inhabitants of city not incompetent as witnesses.

25. *And be it enacted*, That the chosen freeholders, the assessor, and surveyors of the highways of the said city of Salem, shall perform all the duties, and exercise all the powers in the county organization, which said officers of the township of Salem now exercise and perform therein. Chosen freeholders and surveyors of highways.

26. *And be it enacted*, That nothing in this act shall be construed to conflict or interfere with the provisions of the special acts now in force for the support and regulation of the public schools in the township of Salem, nor with any laws of the state regulating the number of and mode of electing the justices of the peace in the several townships thereof. Act not to conflict with former acts.

Mayor and  
council to  
take oath.

27. *And be it enacted*, That the mayor and members of common council to be elected by virtue of this act, shall take the oath or affirmation prescribed, on or before the third Tuesday in March, next after their election.

Property  
vested in  
city.

28. *And be it enacted*, That all the property now vested in the township of Salem, shall be, and is hereby vested in the corporation of the city of Salem.

Former acts  
repealed.

29. *And be it enacted*, That all laws of this state inconsistent with the provisions of this act, are hereby repealed.

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

Approved February 25, 1858.

## CHAPTER LV.

AN ACT to reduce the number of freeholders in the county of Passaic.

Number of  
freeholders  
reduced.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the qualified electors of the city of Paterson shall, at their annual city election, choose but one freeholder from each ward of said city.

Part of former act  
repealed.

2. *And be it enacted*, That all acts or parts of acts conflicting with the provisions of the first section of this bill be and the same are hereby repealed.

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

Approved February 25, 1858.

## CHAPTER LVI.

A SUPPLEMENT to an act entitled "An act to authorize the partition of lands in cases where particular undivided shares therein are limited over," approved March sixth, eighteen hundred and fifty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all causes now pending, or which may hereafter be commenced in the court of chancery for partition of lands devised by a parent to his or her children, of which lands any share is limited over, the proceedings may be in conformity with the authority and practice of said court as the same were before the passage of said act; unless the said court shall otherwise order and direct.

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

Approved February 25, 1858.

## CHAPTER LVII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the second section of the act entitled "A supplement to the act entitled 'An

Part of former act repealed.

act for the settlement and relief of the poor," approved April tenth, Anno Domini eighteen hundred and forty-six, as provides that if the justices therein named shall find that the person or persons therein named, in respect to whose place of settlement said justices are thereby directed to examine, have no legal settlement within this state, they shall proceed to inquire in manner therein aforesaid, if he, she, or they shall have resided for six months continuously in any city, town corporate, or township within this state, and shall, by warrant, remove such person or persons to such city, town corporate, or township where they shall adjudge that such person or persons shall have last resided for six months, continuously, be and the same is hereby repealed.

Proceedings  
in cases  
where per-  
sons have no  
legal settle-  
ment in  
state.

2. *And be it enacted*, That if said justices shall find that such person or persons have no legal settlement within this state, they shall proceed to inquire in manner aforesaid, if he, she, or they shall have resided for twelve months, continuously, in any city, town corporate, or township within this state, and shall, by warrant, to be issued and executed in manner above directed, remove such person or persons to such city, town corporate, or township where they adjudge that such person or persons shall have last resided for twelve months, continuously, to be delivered to the overseer of the poor thereof, there to be provided for according to law.

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

Approved February 25, 1858.

## CHAPTER LVIII.

AN ACT to incorporate the city of Rahway.

1. BE IT ENACTED *by the Senate and General Assembly of* <sup>Boundaries of city.</sup> *the State of New Jersey*, That all that part of the several townships of Rahway, in the county of Union, and Woodbridge, in the county of Middlesex, in this state, beginning at the stone bridge, over King's creek, where said creek crosses the road leading from East Rahway to Trembly's Point; thence in a northwesterly direction on a straight line to the brook which crosses the road leading from Kinsey's Corner to Florence's mill, intersecting said brook two hundred yards to the eastward of said road; thence in a southeasterly direction to the road which leads from Rahway to Westfield, and known as the Westfield road, intersecting said Westfield road at a point where the road which leads to Madison Hill intersects it; thence in a southwesterly direction, on a straight line, to the road leading from the six roads to Mount Pleasant, intersecting said Mount Pleasant road at a small bridge, about two hundred yards to the northwest of the house owned and occupied by Moses B. Bramhall; thence in a southwesterly direction along the line of said Mount Pleasant road to the road which leads from Kinsey's Corner to Woodbridge, and known as the Old Woodbridge road; thence along the line of said road to the bridge which crosses the south branch of the Rahway river; thence, in a southeasterly direction and nearly due east, to the road leading to New Blazing Star, and along the line of said New Blazing Star road, to a point where the lands of Walter Fuller and Aaron Wilkinson adjoin, and thence in a northeasterly direction in a straight line to the place of beginning: and all citizens of this state who now are or hereafter may be inhabitants within said limits, shall be and are hereby constituted a body politic and corporate by the name of the

"the mayor and common council of the city of Rahway," with all the powers incident to a municipal corporation and necessary for the purposes of carrying out the objects of this act.

Boundaries  
of first ward.

2. *And be it enacted*, That the said city shall be divided into four wards, in the manner following—to wit, all that part of said city beginning at a point in Main street, in Lower Rahway, where the centre of said street and the New Jersey railroad intersect; thence following the centre of said street to the centre line of the road leading from Leesville to Woodbridge; thence down the centre of said road to the middle of the south branch of Rahway river, where the Leesville bridge crosses said branch; thence following the said branch in the centre thereof to its confluence with Rahway river; thence along down the centre of said river to the point where the city boundary crosses said river; thence along the boundary line of said city to the stone bridge, over King's creek; thence still along the boundary line of said city to the centre of the line of the New Jersey railroad; thence along the centre of said railroad to the place of beginning—shall constitute the first ward of said city: and all that part of said city beginning

Boundaries  
of second  
ward.

at the intersection of the New Jersey railroad with the centre line of Main street, in Lower Rahway, and running along the centre of said street to Centre street; thence along the middle of Centre street to the centre of Mechanic street, in Upper Rahway; thence along the centre of Mechanic street to the road leading to Westfield; thence along the centre line of said road to the boundary line of said city; thence following the said boundary line in a northeasterly and southeasterly course to the centre line of the New Jersey railroad; thence following the centre line of said railroad to the place of beginning—shall constitute the second ward of said city: and all that part of the said city lying west of the centre line of said Main, Centre, and Mechanic streets, and west of the centre line of said road leading to Westfield, and north of the centre line of said New Jersey railroad—shall constitute the third ward of the

Boundaries  
of third  
ward.



said city: and all the residue of the said city shall constitute the fourth ward thereof.

3. *And be it enacted*, That the city officers shall consist of City officers. a mayor (who shall be the keeper of the city seal), a clerk of the city, a treasurer, one assessor, one collector of taxes, and one collector of arrears of taxes.

4. *And be it enacted*, That the ward officers shall be, for Ward officers. each ward, three judges of election, a clerk, who shall be clerk of election and perform all the duties required by law of clerks of townships not inconsistent with the provisions of this act, two councilmen, one constable, and one commissioner of appeal in cases of taxation.

5. *And be it enacted*, That all of the officers aforesaid shall Terms of office. be elected at the annual elections hereinafter provided for, and shall severally hold their offices for one year, and until others shall be elected and duly entered into office in their stead: the official term of the officers who shall be appointed by virtue of this act shall commence on the second Monday of May in every year, and they shall continue in office until the end of their term and until others are appointed and qualified in their place, unless removed as herein provided, and no appointment for the full term shall be made more than one week prior to the commencement of the said official term.

6. *And be it enacted*, That the mayor and councilmen of said city shall constitute the common council of said city, Meetings of common council. who shall hold an annual meeting in said city on the first Monday of May, yearly and every year, and such other meetings as they may appoint: the mayor shall preside at said meetings and shall have a casting vote only, and, if he be absent, one of the councilmen may be appointed by the members present chairman *pro tempore*, and in case of the absence of the mayor from the city, such chairman *pro tempore* shall be acting mayor during such absence of the mayor, and a majority of all the members shall be a quorum to transact business: it shall be the duty of the mayor, when necessary, to call special meetings of said common council, and in case of his neglect or refusal, special meet-

ings may be called by any two members of said council at such time and place as they may designate by written or printed notices, to be served personally on the members of said council, or left at their residences.

Manner of  
conducting  
annual elec-  
tions.

7. *And be it enacted*, That the city election shall be held, by ballot, on the third Monday of April next, and on the third Monday of April in every succeeding year thereafter, between the hours of nine o'clock in the morning and six o'clock in the evening, at such place in each ward as the common council shall appoint, of which places the said council shall cause notices to be published in one or more newspapers printed and circulated in the city, and by notices, either printed or written, signed by the clerks of the several wards, and set up in three of the most public places in each of the wards of said city, at least one week before the day of election. All persons who are or may be qualified to vote at town meetings shall be entitled to vote at such elections in the ward in which they shall actually reside at the time of such election. The name of such elector voting at such elections shall be written in a poll list, to be kept at such elections by the clerk of each ward. After the poll shall be closed, the judges of election in each ward shall count the votes given for the several candidates, and certify who are elected to the respective offices, under their hands, and deliver the same to the ward clerk, who shall, within three days after such election, deliver the same to the city 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 the persons having the highest number of votes shall be declared elected; the original certificates of the officers of the several wards shall be filed by the city clerk in his office; the result of said canvass by the said council shall be recorded in the book of minutes of the said council, and a certificate thereof shall be filed by the city clerk, and the persons so declared elected to the offices for which they have been voted for respectively, shall enter into and

continue in office, as is hereinbefore in that behalf provided; *provided, however,* that the first election for such officers, to be held on the third Monday of April next, shall be held in the first ward, by and under the direction of Joel Clarkson, Francis La Baw, and Stephen Jackson, residents of said city, or a majority, or the survivor of them; in the second ward, by and under the direction of Jeremiah O. Tunison, William Gibby, and Enoch M. Ayres, residents of said city, or a majority, or the survivor of them; in the third ward, by and under the direction of Jacob L. Woodruff, Henry Platner, and James McKelvey, residents of said city, or a majority, or the survivor of them; and in the fourth ward, by John Woodruff, Augustus Coddington, and Charles C. Hoff, residents of said city, or a majority, or the survivor of them, who are hereby appointed commissioners for that purpose, and who, or a majority, or a survivor of whom shall, for their respective wards, designate the place in their respective wards for holding such election, and give such notice thereof as is before prescribed by this section, said notices to be signed by said commissioners. The said commissioners, in each ward, are hereby authorized to appoint some proper person clerk of such election, and they and said clerks, so by them appointed, shall conduct such election, and certify the result in all respects as herein prescribed by the regulation of subsequent elections so far as may be. Proviso.

8. *And be it enacted,* That in case of death, resignation, inability, disqualification, removal from office, neglect or refusal to act, or removal out of the city, of any of the officers thereof, or, in the case of a ward office, in case of removal out of the ward for which he was elected, it shall be lawful for the common council to appoint others in their stead until the next regular election, or, in the case of appointed officers, until the regular period for appointment, who shall during the said time perform the like services, be entitled to the same fees and be subject to the same responsibilities as though elected at the annual election or appointed at the regular time. Vacancies,  
how supplied.

Officers to  
take oath.

9. *And be it enacted*, That every person elected or appointed to any office, in pursuance of this act or of any law or ordinance of the common council, shall, before he enters upon the duties of such office, take and subscribe, before any person residing within the limits of said city authorized to administer oaths or affirmations, an oath or affirmation faithfully and impartially to execute the duties of his office according to the best of his knowledge, skill, and ability; all such oaths or affirmations shall be filed by the city clerk, in his office, and there preserved; the treasurer, assessor, collector of taxes, collector of arrears of taxes, and constables, shall also, before entering upon their duties, each give bond to the said mayor and common council in such sum and with such sureties as the common council may direct and approve, conditioned for the faithful performance of the duties of their respective offices: and if any person shall neglect to take such oath or give such security as may be required of him, as aforesaid, for twenty days after notice of his election or appointment, he shall be considered as having declined such office, and the same shall be deemed vacant.

Duties and  
powers of  
mayor.

10. *And be it enacted*, That it shall be the duty of the mayor to see that the laws of the state and the ordinances of the city are faithfully executed therein, and to recommend to the common council such measures as he may deem necessary or expedient for the welfare of the city; as the head of the police of the city, he shall maintain peace and good order therein, and shall have power to suppress all riots and tumultuous assemblies, and to arrest, or cause to be arrested, without process or warrant, all persons violating, or whom he has reason to believe have violated, the laws of the state or ordinances of the city, and to bring, or cause them to be brought, before the proper magistrate, to be dealt with according to law; he shall have the control of the day and night police, and the power to call upon the citizens for aid in all cases of riot or disturbance in said city.

Duties and  
powers of  
city clerk.

11. *And be it enacted*, That the city clerk, in addition to other duties in this act required of him, shall have charge

of all the records, books, papers, and documents of the city, countersign all licenses signed by the mayor, and keep the record of the proceedings of the common council; he shall engross all the ordinances of the common council in a book to be provided for that purpose, with proper indices, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed, in said book, by the mayor or acting mayor and said clerk; copies of all papers, duly filed in his office, and transcripts thereof, and of the records and proceedings of the common council, and copies of the laws or ordinances of the said city, certified by him, under the corporate seal, shall be evidence in all courts and places; he shall also receive and pay over to the treasurer all moneys which by any law or usage may be paid to the clerk of the city.

12. *And be it enacted*, That the treasurer shall receive, safely keep, and disburse, under the direction of the common council, all moneys belonging to or under the control of the city; he shall also keep an accurate account of all receipts and payments, and make returns thereof at such times and in such manner as the common council shall direct; no money shall be paid out of the treasury except on warrants, signed by the mayor or acting mayor, and countersigned by the city clerk; no warrant shall be drawn on the treasurer by said officers, except in pursuance of an order of the common council passed at a stated meeting of the board, and entered in their minutes; all such warrants shall be numbered and made payable to the order of the person or persons entitled to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid; the city clerk, before he delivers any warrant, shall enter in the margin of a book, to be provided for that purpose, to be called "the warrant book," opposite to said warrant, the number, date, and amount of the same, the date of the order or resolution authorizing it to be drawn, the purposes for which it was ordered, and the name of the person or persons to whose order the same is

Duties and  
powers of  
treasurer.

made payable, and to take his or their receipt in said book, for the said warrant, at the end of said marginal entry.

Duties and powers of officers of election.

13. *And be it enacted*, That the judges and clerks of election, assessor, and collector of taxes, shall respectively possess the powers and perform the duties, be entitled to receive the same fees and emoluments, and be liable to the same penalties of the like officer of the several townships of the state, as far as such powers and duties shall be consistent with this act.

Duties and powers of commissioners of appeal.

14. *And be it enacted*, That the commissioners of appeal shall have the same powers, perform the same duties, be entitled to like compensation, and subject to the same penalties that commissioners of appeal in the several townships of the state now have or hereafter may have and be subject to; they shall also have power to examine the person or persons appealing in cases of taxation, under oath, as to the valuation or amount of the property assessed against them respectively, and it shall be their duty to receive the oath of any person appealing when offered relative thereto.

Members of council may arrest offenders.

15. *And be it enacted*, That every member of the common council shall have power, and it shall be his duty, without warrant, to arrest or cause to be arrested, any person engaged in his presence in disturbing the public peace or violating any law of the state or ordinance of the city for the preservation thereof, or of good order or morality, and to bring or cause such person to be brought before the proper magistrate, to be dealt with according to law.

Qualification for office.

16. *And be it enacted*, That the several officers hereinbefore enumerated shall, at the time of their election, be electors in said city, have attained the age of twenty-five years, and have been resident within the limits of said city for at least two successive years immediately previous to their election; and all ward officers shall, in addition to the above qualifications, at the time of their election, be resident in the respective wards for which they shall be elected.

Common council may

17. *And be it enacted*, That the said common council shall

have power to pass, alter, and repeal ordinances to take <sup>pass ordi-</sup> effect within said city, for the following purposes:—  
<sub>nances.</sub>

To manage, regulate, control, and protect the finances and property of the city, and for building, erecting, and maintaining a town-house, public market-house, work-house, city prison, and such other buildings as may be necessary for the objects of this act.

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

To regulate the manner of building dwelling-houses and other buildings, and of constructing and placing engines, chimneys, ovens, flues, pipes, and all matters connected therewith, the manufacture and keeping of gunpowder, fire works and other dangerous and combustible articles; to limit the height and prevent in certain limits to be from time to time prescribed by ordinance, the erection of wooden buildings.

To provide lamps for and to light the streets, wharves, docks, and public squares of the city.

To make and lay out all streets, squares, and public grounds in said city, and to establish such as have already been laid out, for planting and protecting shade trees, and from time to time to regulate the same; to regulate and govern the levelling and constructing of said streets, and the raising and levelling of all lots of ground for buildings, as well public as private; to prevent and remove all encroachments, incumbrances, and nuisances in or upon said streets; to pave, McAdamize, gravel, or plank and gutter the streets, and to compel the occupiers and owners of lots to curb and flag the sidewalks opposite their lots, and to keep the same and the gutters swept and clean, and clear of snow and ice and other impediments; to prevent horses, cattle, swine, and geese from running at large in the streets, and to provide for the impounding and sale of the same, and the destruction of diseased quadrupeds; to prevent immoderate driving in the streets, and riding or driving over or upon the sidewalks; to regulate the speed and running

of locomotive engines and railroad cars through said city; to construct and build sewers and drains in and from the public streets and squares and such alley or passage ways as may be dedicated for draining purposes; to regulate the building of vaults and the laying of water and gas pipes in or under the streets; to appoint a city surveyor and street commissioner, who shall, respectively, hold their offices, perform such duties, and receive such compensation as the common council shall, by ordinance, direct and award; and in every other respect to secure to the public and the adjoining owners the safe and convenient use of the streets and sidewalks, squares, and public grounds, for the purposes for which they are or may be laid out and dedicated.

To declare, by general law, what shall be considered nuisances in lots, streets, docks, and wharves, and to direct, provide for, and enforce their removal.

To fix the salary, pay, or compensation of all officers, both elected and appointed, not herein otherwise provided for (except the councilmen), by general ordinance; and the salary of any officer, which has once been fixed, shall not be altered during the continuance of his term in office.

To establish, regulate, and control a fire department, provide fire engines, apparatus, and houses therefor, and water for extinguishing fires.

To regulate interments of the dead, and to prohibit such interments within certain limits, from time to time to be prescribed.

To prevent or suppress fires and provide penalties for raising, maintaining, or aiding in false alarms of fires.

To provide health laws, and establish a board of health, and to enact all such ordinances as they may deem necessary to protect the health of the city.

To license, regulate, or prohibit inns or taverns, hawkers, peddlers, hucksters, butchers, slaughter-houses, markets, auctioneers, carmen, hack drivers, omnibus drivers, porters, circuses, menageries, and all other shows and exhibitions, on such terms, and under such regulations and penalties, as the common council shall, by ordinance, im-



pose; and no other license for such purposes, within said city, granted by any other authority, shall be lawful, except licenses granted by the governor of the state to hawkers and peddlers.

To prevent and suppress gaming houses, and to prohibit gaming in all public houses and places; to restrain and punish all mendicants, vagrants, street beggars, and common prostitutes.

To suppress riots, disorderly and tumultuous assemblies, and to suppress vice and immorality.

To prevent, by fines or imprisonments, all violations of any ordinance authorized by this act, and to provide all means which they may judge necessary to carry into effect the objects and powers provided for by this act; and no fine shall exceed fifty dollars, or imprisonment ten days.

To restrain all dogs from running at large, and to authorize their destruction.

18. *And be it enacted*, That it shall be lawful for the said common council to borrow money, from time to time, for all purposes for which, by this act, they are authorized to raise money by tax, and to secure the payment thereof by bond or other instrument, under the common seal of the city and signature of the mayor, or acting mayor, and to provide by tax for the payment thereof; *provided always*, that there shall not be a greater sum than three thousand dollars raised by loan in any one year, and that the said city shall not owe more than five thousand dollars at any one time; and for any amount of indebtedness exceeding said sum of five thousand dollars, the common council, under whose authority the excess shall have accrued, shall be, individually and collectively, responsible, recoverable before any court of proper jurisdiction, for the use of the city, except those who may enter their protest upon the record of their proceedings against such increase.

Common council may borrow money.

Proviso.

19. *And be it enacted*, That the said common council shall, at their first annual meeting, and at every regular annual meeting thereafter, appoint two special police justices from among the electors resident in said city, one for the first

Appointment of police justices.

and fourth wards, and one for the second and third wards, who shall hold their offices for one year, and shall be at the time of their election, and continue during the term of their office, residents of one of the wards for which they shall be appointed, and shall severally have jurisdiction within the limits of the wards for which they shall be appointed to hear, try and determine all causes and complaints arising from the violation of any city ordinance, and shall have power, on oath, affirmation, or affidavit made according to law, that any person or persons has or have violated any of the ordinances of the city, to issue a process, either in the nature of a summons or of a warrant, as to him may seem most advisable, against the person or persons so violating such ordinance, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in five days; such process shall state what ordinance the defendant or defendants, named therein, has or have violated, and in what manner and the time when the same has been violated; on the return of such process, or at the time to which the same shall be adjourned, the police justice who shall have issued said process, shall proceed to hear testimony and to determine and give judgment in the matter, without the filing of any pleadings, and, if judgment shall be rendered for the plaintiff, forthwith issue execution against the goods, and chattels, and person of the defendant or defendants; *provided*, that in all cases where the fine or penalty shall exceed twenty dollars, or where the punishment may be imprisonment, there may be a trial by jury to be conducted as in cases now triable by jury in the courts for trials of small causes; there may be also an appeal from judgments rendered for fines or penalties only, as in cases where appeal may be now had from judgments in courts for the trial of small causes; and *provided also*, that in all cases an appeal may be made to the common council for a remission of any fine or penalty that may be inflicted or adjudged.

Proviso.

Proviso.

Confinement  
of prisoners.

20. *And be it enacted*, That the jail of the county of Middlesex be, and it is hereby constituted, a jail for the con-

finement of all prisoners of or from the said city of Rahway, until a city jail or prison shall be provided in said city; and all officers of said city, by this act empowered to commit offenders to prison, and all officers having the lawful custody of any prisoner within said city, are hereby authorized to commit, carry, and confine such offenders and persons to and in the said jail of the county of Middlesex; and the keeper of the said jail is hereby required to receive and safely keep every such offender and prisoner so delivered to him in the same manner and under the same penalties as he is or may be required to keep and provide for the prisoners of the county of Middlesex, until such prisoner or offender shall be demanded by the proper officer or officers of the said city of Rahway, or by some other due or legal authority; and said keeper shall be entitled to receive from the common council of the said city such fee and compensation for the support of the prisoners and offenders of said city as are or shall be allowed by the board of chosen freeholders of the county of Middlesex in cases of a similar nature.

21. *And be it enacted*, That if any person, having been an officer of the said city, shall not, within ten days after he shall have vacated or been removed from the office, and upon notification and request by the city clerk, deliver over to his successor in office all the property, books, and papers belonging to the city, or appertaining to such office in his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered with costs.

Officers to deliver over city property to successor.

22. *And be it enacted*, That all fines inflicted by ordinances shall, when received, be paid into the city treasury.

Fines to be paid into city treasury.

23. *And be it enacted*, That every ordinance of the common council shall, before it takes effect, be signed by the mayor, whose duty it shall be to sign the same when presented to him, duly certified by the clerk; and every such ordinance shall be published for the space of one week in at least one newspaper, published or circulated in said city, before said ordinance shall go into effect; *provided always*,

Ordinances to be signed by mayor and published.

Proviso.

that no ordinance or by-law shall be enacted or passed by the said common council, unless it shall have been introduced before the said common council at a previous stated meeting.

Officers may  
be removed.

Proviso.

24. *And be it enacted*, That any officer, except the mayor, may be removed from office for cause, by resolution of the common council; *provided*, that no such removal shall take place until the party sought to be removed has had an opportunity to be heard in his defence, nor unless two-thirds of all the members of the common council elected vote therefor. Whenever any such removal shall take place, the cause therefor, together with the ayes and nays upon the vote taken, shall be entered at large on the journal of the common council.

Common  
council au-  
thorized to  
raise money  
by tax.

25. *And be it enacted*, That it shall be lawful for the common council to raise money by tax every year, if needed, for building, erecting, and maintaining the public buildings, supporting the police force, lighting the streets, and all other powers authorized by this act; and that the ordinance directing the raising of said tax shall set forth the amount required for each object, and that the expenditures for such specification shall be confined to the objects therein specified, and be appropriated to no other; which tax shall not exceed, in any one year, in the aggregate, the sum of three thousand dollars, nor be at a higher rate than five mills on a dollar of the actual value of property assessed. All taxes for city purposes shall be assessed by the city assessor within the time directed by the general law of the state for assessing township, county, and state taxes, in the manner following: he shall assess a poll tax on every male resident of the city over the age of twenty-one years, who is not a pauper, not less than one dollar, or more than two dollars; he shall also assess all real estate and chattels situate in the city, both of residents and non-residents, by valuing the same at the true, full, and fair value thereof, designating the number of lots or parcels of land, and the value of personal chattels which they possess, to each person, and every person owning or having in charge any

lands or chattels in said city shall, on application of said assessor, disclose and specify the quantity and situation of such lands, and the amount, nature, and value of such chattels; and if any person refuse to answer or give such information when required, the said assessor shall value his real estate and chattels at double the amount which he may believe the same to be worth, and such person shall have no relief therefrom before the commissioners of appeal, except for so much as exceeds the double value of his estate. The residue of such city taxes, after deducting the amount raised by the poll tax, shall be assessed and raised by such per centum on the whole valuation of such real estate and chattels as shall be required to make such residue; all taxes so assessed for city purposes shall be collected by the city collector in the same manner as is by the general law of this state provided for collecting township, county, and state taxes, and shall be paid over by him to the city treasurer as soon as collected, and before the thirtieth day of December in each year.

26. *And be it enacted*, That the collector of the said city, in case of the non-payment of taxes at the time appointed by law for the payment thereof, shall make out a list of the names of the delinquents, with the sums due from them, respectively, thereto annexed, and deliver the same to the clerk of the common council of said city on the twentieth day of December in every year, except when the said day shall be Sunday, and then on the following day: and it shall be the duty of such clerk to lay the same before the common council, at a meeting thereof held next after the same shall be delivered to him, and thereupon the said common council may deliver the same to a justice of the peace residing in said city, who shall proceed and issue a tax warrant thereon, as provided by law in cases of taxes in townships, which shall be directed and delivered to the collector of arrears of taxes, who shall have power to collect the same in like manner, in all things, as the constables in townships are directed by law; *provided*, that such collector shall, before he delivers such list to the said clerk,

Proceedings  
in case of  
non-pay-  
ment of  
taxes.

Proviso.

take and subscribe an oath or affirmation that the moneys in the said list mentioned have been duly demanded, or due notice thereof given at the usual place of residence of each delinquent who could be found or may then reside in the said city.

Taxes and assessments to be a lien.

27. *And be it enacted*, That all taxes and assessments which shall be assessed or made upon any lands, tenements, or real estate in said city, shall be and remain a lien thereon until paid: and if such tax or assessment shall not be paid within the time limited for that purpose, it shall be lawful for the common council to cause such lands, tenements, or real estate to be sold at public auction, for the shortest term for which any person will agree to take the same, and pay such tax or assessment, with interest and all costs and expenses, and to execute and deliver to the purchaser, under the common seal of the city, a declaration of such sale, to be signed by the mayor and city clerk, by virtue whereof such purchaser shall be entitled to hold and use said lands, tenements, and real estate until his term shall be ended; such sales shall be advertised for at least thirty days, in a newspaper printed in said city, which advertisements shall describe said lands, tenements, or real estate, and specify the amount of the assessment or tax; *provided*, that such lands, tenements, or real estate may be redeemed by any person interested therein, at any time within two years after the sale, by paying to the city treasurer, for the use of the purchaser, the purchase money, with any other sum paid for tax or assessment chargeable thereon, which the purchaser may have paid, and which he is hereby authorized to do, with interest; and the certificate of the city treasurer, stating the payment and showing what property such payment is intended to redeem, shall be evidence of such redemption.

Proviso.

Lamp, police, and watch districts, to be established.

28. *And be it enacted*, That the common council shall establish certain limits in said city, to be called lamp, police, and watch districts; taxes for lighting streets and supporting a night-watch and police shall be assessed only on

property within such districts, and shall be assessed separately from all other taxes.

29. *And be it enacted*, That all expense for opening, altering, grading, paving streets and sewerage shall be assessed upon and paid by the lands and real estate benefited thereby, in proportion to the benefit received; all such proposed improvements shall be advertised by the common council in a public newspaper printed in said city, at least four weeks before the adoption thereof; parties interested may be heard before the common council or their committee; the expenses of such improvements shall be ascertained and assessed by three impartial commissioners, to be appointed by the common council, from the residents of the city, who shall report, in writing, what real estate ought to be assessed therefor, and what part of the expense shall be assessed to each parcel or lot of land, which report shall be filed in the office of the city clerk, and shall constitute a lien upon the property assessed for the amount of such assessment.

Expenses for paving, &c., to be assessed.

30. *And be it enacted*, That the grade of no street which has been built on shall be altered, unless by the consent of the owners of three-fourths of the lots fronting on the part proposed to be altered, nor without paying to the owners of such buildings the damages sustained by the alteration of such grade.

Grade of streets not to be altered without consent of owners of lots.

31. *And be it enacted*, That the common council shall have power to take any lands that they may judge necessary for the opening, widening, or alteration of any street upon paying to the owner the fair value of the lands taken and of the improvements thereon, and the damage done to any distinct lot, or parcel, or tenement, by taking part of it for such purpose.

Common council may take lands on payment of damages.

32. *And be it enacted*, That when application shall be made for opening, altering, or widening any street, the common council shall appoint a time when persons interested may be heard; if the common council determine to open, alter, or widen such street, they shall appoint three proper persons, residents of the city, commissioners, who

Applications for opening streets.

shall determine what lands and real estate will be benefited by said improvement, and shall estimate the costs of such improvement, and cause a survey and map thereof, and of the land benefited thereby to be made, and shall assess the costs upon said lands to be so benefited, in proportion to the benefit received thereby; they shall also estimate and report the value of lands taken for such improvement, and the erections thereon, and the damages done by taking the same, and shall report the names and interests of the owners thereof, as far as can be, and shall file their report and map with the city clerk in ninety days after their appointment, and unless in thirty days after the filing of such report, one-half of the owners of said lands shall file with the city clerk a remonstrance, signed by them or their agents, lawfully authorized, said common council shall proceed to make said improvement; but if such remonstrance shall be filed, the common council shall proceed no further in such improvement under that application; all expenses incurred by the common council in such proceeding shall be repaid to the city by the petitioners for such improvement; all necessary regulations, in reference to the proceedings upon such petitions and security for the expenses thereof, may be made by the common council; if no such remonstrance be filed, the report of said commissioners shall be final and conclusive, and the expenses of such improvements, including interest and costs of the proceedings, shall be assessed upon the property reported as benefited thereby, and in the proportion set forth in such report.

Payment of  
assessment.

33. *And be it enacted*, That upon completing the report of the commissioners aforesaid, the city treasurer shall tender and pay to the owner of said land, if resident in the city, the amount of such assessment due to him, but if such owner is absent or cannot be found, or is a lunatic, idiot, infant, or in any other way legally incapacitated to receive the same, or will not accept thereof and sign a proper receipt therefor when tendered, the treasurer shall make affidavit of such facts, and file the same with the clerk, whereupon the common council shall direct the amount of



such assessment to be deposited in bank to the use of the person entitled thereto; and upon filing such receipt of the owner, or the ordering of such deposit, the said land shall be vested in the city, and said improvements may be proceeded with; the money so deposited shall be paid by the city to the person entitled thereto, on demand, without interest, except from such time as a demand may be made and payment refused.

34. *And be it enacted*, That all assessments or estimates made by such commissioners upon principles contrary to law and to the provisions of this act, may be reviewed and for such cause set aside by the supreme court of this state, upon *certiorari*, and new commissioners may be appointed by said court to examine into and report anew as to the part set aside; said court may require the commissioners first appointed to certify as to the principle on which their assessment was made, or may inquire into the same by affidavits to be taken for that purpose; in case of reversal, the city shall pay the costs on such *certiorari*, and add the same to the expenses of the improvements.

Assessments  
may be set  
aside.

35. *And be it enacted*, That all commissioners of assessments appointed by or under this act shall, before they proceed to their duties, subscribe and take an oath faithfully, honestly, and impartially to perform the duties required of them, and shall receive such compensation as the said common council shall, by general ordinance, fix and ordain.

Commis-  
sioners to  
take oath.

36. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact wherein the mayor and common council of the city of Rahway is a party or in any way interested, no person shall be deemed an incompetent judge, witness, or juror by reason of his or her being an inhabitant, freeholder, or freeman of the said city; and any person sued or impleaded by reason of anything done by virtue of this act, may plead the general issue and give this act and special matter in evidence, under such plea, at the trial.

Inhabitants  
not incompe-  
tent as wit-  
nesses.

37. *And be it enacted*, That nothing in this act contained shall be construed to interfere with or impair the vested

Act not to  
impair vest-  
ed rights.

rights of any person or corporation, except as to property taken for public use upon compensation as provided for herein.

Public act. 38. *And be it enacted*, That this act shall be a public act, and shall take effect on the third Monday in April next.  
Approved February 26, 1858.

## CHAPTER LIX.

AN ACT to incorporate the River View Cemetery.

Names of  
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaac Stephens, John K. Smith, William S. Yard, and David Witherup, and such other persons as may hereafter be associated with them, their successors and assigns, be, and are hereby ordained, constituted and declared a body politic and corporate, in fact and in law, by the name and title of "The River View Cemetery."

Corporation  
may pur-  
chase land.

2. *And be it enacted*, That the said corporation shall have power to purchase, hold, and convey, for burial purposes, a tract or piece of land in or near the city of Trenton, and lay out and improve so much of the same as may be necessary for the purpose of said cemetery; *provided*, the whole amount of land so purchased shall not exceed fifty acres.

Proviso.

Board of  
directors.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of directors consisting of five members, with power to choose from among themselves such officers as may be deemed necessary and expedient.

No streets to  
be opened  
through  
lands of cor-  
poration.

4. *And be it enacted*, That no roads or streets shall here-

after be opened through the lands of said corporation except by consent of the board of directors, and the burial vaults, lots, and other erections and fixtures in the said cemetery shall not be subject to any assessment, taxes, or fines, or liable to be seized upon, distrained, sold, or otherwise subject to any process of law whatsoever, except for encumbrances existing at or previous to the passage of this act.

5. *And be it enacted*, That any association of persons for benevolent purposes, and also any religious society within the county of Mercer, may purchase and hold lots in said cemetery, in which they may bury agreeably to their peculiar rites or ceremonies, subject only to the rules and regulations of said cemetery. Associations, &c., may purchase lots.

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

Approved February 26, 1853.

## CHAPTER LX.

AN ACT to incorporate "The Mercer Guard" of Hightstown.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Keeler, William W. Taylor, E. T. R. Applegate, John Butcher, T. C. Pearce, J. M. Johnston, Charles Gibberson, Court Voorhees, G. W. Williamson, William G. Pearse, Charles Green, and J. N. Carr, and all of the duly elected and enrolled as members of "The Mercer Guard" of the borough of Hightstown not Names of corporators.

exceeding in number one hundred who now or hereafter shall become associated with "The Mercer Guard," be a body corporate in fact and in law by the name of "The Mercer Guard."

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, and shall be devoted to the erection of an armory, and the procurement of such uniforms and military equipages, and the defraying of such expenses as shall be incident to such company, and for such other purposes as the said company may deem necessary to more efficient and proper military discipline of the said company.

Officers of  
corporation.

3. *And be it enacted*, That said company shall have power to elect one in each year or oftener if necessary, a president out of their own body, and such other officers as they shall deem necessary for conducting their affairs according to the constitution and by-laws adopted, or to be adopted by them, and that the said president shall keep in his custody the common seal of said company, and surrender the same to his successor at the expiration of his term of office, and that said company in its corporate name may institute suits for the recovery of all fines, dues, debts and arrearages due the said company by the said constitution or by-laws thereof, and may purchase, hold, and transfer any real and personal estate which they may deem necessary for the purposes contemplated by this act.

Election of  
officers.

4. *And be it enacted*, That the election for officers of the said company shall be held annually on the first Wednesday of July, and shall be by ballot.

Public act.

5. *And be it enacted*, That this act shall be deemed a public act.

Approved February 26, 1858.

## CHAPTER LXI.

AN ACT to incorporate the Constables Hook and New York Ferry Company.

1. BE IT ENACTED by the *Senate and General Assembly of the State of New Jersey*, That Ira Hersey, Alvah Phelps, James H. Roake, Cornelius V. Clickener, and Philip H. Mulford, and such other persons as may hereafter be associated with them by becoming stockholders as herein provided, and their successors, are hereby created a body corporate and politic by the name of "the Constables Hook and New York Ferry Company."

Names of  
corporators.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, to be divided into shares of one hundred dollars each, which shall be subscribed and paid in, at such times, and in such manner as the directors of said company by their by-laws may direct.

Amount of  
capital  
stock.

3. *And be it enacted*, That the capital stock of said company shall be deemed and considered personal property, and shall be transferable in such way as the by-laws of said company may direct; and that the board of directors of said company may at any time increase their capital stock to any amount not exceeding two hundred thousand dollars.

Stock trans-  
ferable.

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 this state, who shall serve for one year, and until others are chosen in their stead, of which election notice shall be given in a public newspaper published in the county of Hudson for twenty days previous thereto.

Election of  
directors.

5. *And be it enacted*, That Ira Hersey, Alvah Phelps, James H. Roake, Cornelius V. Clickener, and Philip H. Mulford, shall be, and they are hereby appointed the first board of directors, who shall serve for one year, or until

First direc-  
tors.

Proviso.

Proviso.

Company  
authorized  
to establish  
ferry.

Company  
may hold  
real estate.

Rates of fer-  
riage.

others shall be chosen, and should a vacancy occur by death or otherwise, in the said board of directors, or in any subsequent board, the remaining directors, or a majority of them, may appoint a director to fill such vacancy; *provided always*, that no person shall be appointed a director who is not a stockholder in said company; and *provided further*, that the said company shall not commence business until fifty thousand dollars shall be subscribed, and the sum of ten thousand dollars paid in.

6. *And be it enacted*, That said company shall have the exclusive right, privilege, and authority to establish and maintain a steam-boat ferry from any part of Constables Hook, or Point, to the city of New York, and that it shall be the duty of said company to keep and maintain the said ferry, and keep a steam-boat running at said ferry, from sunrise to sundown, at all seasons of the year, except when it shall be deemed impracticable or dangerous.

7. *And be it enacted*, That for the purpose of carrying out the objects of this act, the said company may purchase or lease real estate, and erect wharves, piers, slips, buildings, and other necessary appendages, and may build, purchase, or hire steam-boats, vessels, and other ferry boats, as they may deem necessary for the establishment and continuance of a complete ferry or ferries between said places.

8. *And be it enacted*, That it shall and may be lawful for said company to ask, demand, and receive, for transportation on said ferry not exceeding the following rates, viz:—  
For each passenger, five cents.

For every four wheel carriage drawn by four horses, seventy-five cents.

For every four wheel carriage drawn by two horses, forty cents.

For every four wheel carriage drawn by one horse, twenty cents.

For every two wheel carriage drawn by one horse, fifteen cents.

For market carriages, with their drivers, with four wheels loaded, drawn by two horses, seventy-five cents.

For market carriages, with their drivers, with four wheels empty, drawn by two horses, forty cents.

For horses, mules, and neat cattle, each, ten cents.

And for all other carriages and merchandise such rates in proportion to the above.

9. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall go into effect immediately after the passage thereof, and continue in force thirty years, and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations, approved February fourteenth, eighteen hundred and forty-six," so far as the same are applicable.

Approved February 26, 1858.

## CHAPTER LXII.

AN ACT to incorporate the Freehold and Smithville 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 Freehold and Smithville Turnpike Company, shall be opened by James M. Smith, William W. Thompson, John R. Haley, Benjamin Dubois, William Lefferson, Levi Solomon, William Smith, Denise Thompson, Sylvester Buck, Daniel D. Denise, William W. Forman, Charles C. Clayton, and William D. Davis, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times

Commissioners to receive subscriptions.

and places as they or a majority of them may direct; giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state.

Amount of  
capital  
stock.

2. *And be it enacted*, That the capital stock of said company shall be fifteen thousand dollars, with liberty for the said company to increase the same to twenty-five thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when three hundred shares shall be subscribed for, the persons holding the same shall be and they are hereby incorporated into a company, by the name of "The Freehold and Smithville 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 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 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;

Proviso.

*provided*, that if the number of the shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed for as aforesaid;

Proviso.

*provided also*, that no subscription for less than six shares of said stock shall be reduced by such apportionments;

Proviso.

*provided also*, that the stockholders shall upon request have the right to pay the stock subscribed, except the first in-



stalment, by work upon said road, they doing the work as cheaply as it otherwise can be done, under such regulations, at such time and upon such notice by either party as the directors may determine.

4. *And be it enacted*, That if the number of shares herein before made necessary for the incorporation of the said company, be not subscribed for within 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 of the money paid in to the respective subscribers, or their representatives, in proportion to the sums paid in by them.

Charter to be void if stock is not subscribed for in certain time.

5. *And be it enacted*, That when three hundred shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as 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, seven directors, a majority of whom shall be citizens of this state, to manage the affairs of said company for one year, of which election the said commissioners or a majority of them shall be judges; and at the expiration of that term, and annually thereafter, upon like notice, to be given by the directors for the time being, the said stockholders shall elect, by ballot, the same number of directors, a majority of whom shall be citizens of this State, as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share, by the holder or holders thereof, either in person or by proxy; *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 annual election as aforesaid, the said directors shall elect from their number a president of their said company, who shall be a citizen of this State and resident in the county

Duties and powers of president.

of Monmouth, who shall hold his office for one year and until another shall be elected, and receive such compensation for his services as a majority of the said directors shall direct, and shall be the presiding officer at all meetings of said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders, or in case of his death, absence or inability so to do, the said directors shall appoint some other suitable person, who, for the time being, shall possess the same powers and authority, and perform all the duties herein prescribed.

Duties and powers of directors.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections, by death, resignation, removal or refusal to act, of any president or director, and may appoint a treasurer, who shall be a citizen of this state and resident in the county of Monmouth, and all officers, agents, superintendents and other servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfers of the stock, and for the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution or laws of this state or of the United States.

Proviso.

Annual statement to be made.

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

Special meetings may be called.

9. *And be it enacted*, That special meetings of the stockholders may be called by 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 meetings, unless a majority in value of the stockholders attend and concur therein, who may require the books, accounts, and all other papers and proceedings of the company to be exhibited to them by the president and directors.

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

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 either three or four rods wide, from the town of Freehold, in the county of Monmouth, to the village of Smithville, in said county, which turnpike road shall be constructed on and along the public highway leading from the said town of Freehold to the said village of Smithville; and that the width of said turnpike road shall be governed by the width of the public road upon which it may be made; *provided*, that before the said company shall construct the said turnpike road aforesaid, along the highway aforesaid, they shall pay to the respective owners of the lands over which the said highway selected for constructing said turnpike upon, now passes, all damages which the said owners will sustain by reason of the construction of said turnpike road; and in case the said company and any of said owners cannot agree upon the amount of said damages, then the said damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for, for ascertaining and determining the damage which any land

Company authorized to make road.

Proviso.

Proviso.

owner or owners shall sustain by the taking of stone, gravel, or other material from his or her lands, for the constructing or maintaining of said turnpike road; *provided also*, that the said company shall have power to take only the right of way over the lands whereon the said road is to be constructed paying damages which the owners will sustain thereby, and the commissioners hereafter named if appointed, shall have power to assess damages for the right of way only.

Description  
of road.

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

Proceedings  
in case com-  
pany and  
owners can-  
not agree.

13. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers, and workmen, with carts, wagons, and other carriages, and with beasts of burden and draught, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road; and that when the said company or its agents cannot agree with the owner or owners of such required lands or materials, for the use or purchase

thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, or to one of the judges of the court of common pleas of the county of Monmouth, who shall cause the said company to give notice thereof to the persons interested, if known, and in this state, or if unknown or out of this state, to make publication thereof as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named; at which time upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial, and judicious freeholders, commissioners, to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice or judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisement of the value of the same and assessment of damages, to be paid by the said company for such land or materials and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same within

ten days thereafter; together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county of Monmouth, to remain of record therein, and shall be recorded by the said clerk; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company, to have, hold, use, occupy, possess, and enjoy the said land or materials, after payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation with interest and cost, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage; and the said justice shall tax and allow such costs, fees, and expenses to the justice, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company.

Rates of toll.

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

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

For every additional beast, one cent.

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

For every dozen of calves, sheep, or hogs, one cent.

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

And it shall and may be lawful for the toll-gatherers to stop persons riding, leading, or driving any horses, cattle, mules,

calves, sheep, or hogs, or carriages of burden or pleasure, from passing through the said gates or turnpikes until they shall have paid the toll as above specified; *provided*, that 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 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 military officer or soldier, passing or repassing, when called to do duty by the laws of this state or of the United States.

15. *And be it enacted*, That before the said company shall receive toll for travelling 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 Freehold; and shall cause to be fixed and always kept up at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board, on which shall be printed in large letters, "Keep to the right, as the law directs." Mile-stones to be erected.

16. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile-stones or posts so erected on the said road, or wilfully tear down and deface any of the printed rates of toll or directions, or shall cut, break down, or destroy, or otherwise injure any gates, turnpikes, or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by the said company by action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his or her carriage, team, or Penalty for injuring works.

horse, turn out of the said road to pass a gate or gates, on private grounds adjacent thereto, and again enter on said road with the intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for taking illegal tolls.

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

Penalty for obstructing passage.

18. *And be it enacted*, That all the drivers of carriages, sleighs or sleds, of every kind and description, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs or sleds, on the right hand of said road, in the passing directions, leaving the other side of the road free and clear for other carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

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

19. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any justice of the peace of the said county of Monmouth, who may be disinterested, the said justice shall immediately appoint, by writing, under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons, being disinterested in said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint; and having taken an oath or



affirmation to act impartially, shall proceed to view and examine said road so complained of, and report to the said justice in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the law requires it to be kept, and if the report be unfavorable to the said road, said justice shall immediately, in writing, under his hand and seal, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered, and if the said keeper shall, notwithstanding the order of the said justice to open the said gate or turnpike, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same, in an action of debt, with costs of suit, and the justice shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said road, and report as aforesaid their opinion to the said justice, who shall, if authorized by the report of said persons, or any two of them, by license under his hand and seal, directed to the toll-gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the said fees shall be allowed and paid as before directed; but if, on the first view, as before mentioned, the report of the persons appointed shall be in favor of the company, the same fees shall be allowed as before prescribed and paid by the persons making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint, in the same manner above prescribed, one or more respectable freeholders in the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

20. *And be it enacted*, That if the said road is not commenced within three, and completed within five years from the passage of this act, that then and in that case this act shall be void; and the said corporation shall possess the

Act void if  
road is not  
completed in  
certain time.

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

When gates  
may be  
erected.

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

Corporation  
may use  
public road.

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

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

Approved February 26, 1858.

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## CHAPTER LXIII.

AN ACT to confirm a title of lots in the city and township of Burlington.

Preamble.

WHEREAS, Samuel R. Wetherell and Ann, his wife, by indenture bearing date the twenty-first day of December, in the year of our Lord one thousand eight hundred and

forty-nine, and recorded in book Y 4 of deeds, page 6, &c., in the clerk's office of Burlington county, in the State of New Jersey, granted and conveyed to Dr. William Wright, in fee, a tract of land situate partly in the city of Burlington and partly in the township of Burlington, and county of Burlington aforesaid; and the said Dr. William Wright had the same divided into lots, and opened streets through the same, and the said lots were then allotted to the several owners and purchasers by lot or ballot, and after such allotment conveyances were made by the said Dr. William Wright and wife to the several purchasers thereof; and whereas it is desirable that the validity of the titles made in this manner be established—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the grant, sale, or conveyance heretofore *bona fide* made and executed or hereafter to be made and executed for the above described lots of land and premises embraced in the said conveyance from Samuel R. Wetherell to Dr. William Wright, as aforesaid, and made by allotment in manner aforesaid, shall not be deemed, held or adjudged invalid, or defective, or insufficient in law, or avoided or prejudiced by reason that the same has or have been or shall be made in manner aforesaid, but shall be deemed as good, valid, and effectual in law, for transferring, passing, and conveying the estate, right, title, and interest of such grantor or grantors of, in and to the lands mentioned in the same, as if such sales and conveyances were effected without such allotment as aforesaid.

Sales and  
conveyances  
of lands  
confirmed.

Approved February 26, 1858.

## CHAPTER LXIV.

AN ACT to extend the provisions of the act entitled "An act to prevent horses, cattle, sheep, and swine from running at large in the townships of Hackensack and Harrington, in the county of Bergen, approved February twelfth, eighteen hundred and fifty-two," to the village of Plainfield, being partly in the township of Plainfield, in the county of Union, and partly in the township of Warren, in the county of Somerset, and to the township of Hohokus in the county of Bergen.

Provisions  
of former act  
extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to prevent horses, cattle, sheep, and swine from running at large in the townships of Hackensack and Harrington, in the county of Bergen, approved February twelfth, eighteen hundred and fifty-two," and all the benefits and provisions of said act be and the same are hereby extended to the village of Plainfield, being situate partly in the township of Plainfield, in the county of Union, and partly in the township of Warren, in the county of Somerset, and to the township of Hohokus in the county of Bergen.

Boundaries  
of village.

2. *And be it enacted*, That the boundary line of said village of Plainfield shall be defined as follows: beginning at the house of Isaac F. Randolph, in the township of Plainfield, and running across Greenbrook to the house of Richard Manning, in the township of Warren; thence running in a direct line to the house of Jephtha Clawson; thence in a straight line across Greenbrook to Daniel Martin's house, and from thence a straight line to the place of beginning.

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

Approved February 26, 1858.

## CHAPTER LXV.

AN ACT explanatory of an act entitled "An act to incorporate the Newark Fire Department," passed March fourth, one thousand eight hundred and thirty-seven, and extended by supplement approved February twenty-second, one thousand eight hundred and fifty-six.

WHEREAS, doubts have arisen as to the true construction of the act of which this is explanatory, in relation to who were included in the provisions of said act; and whereas the original intention of those asking for said act of incorporation as shown by their constitution and by-laws then in force was to include exempt as well as active firemen in all the benefits of said act—therefore, in order to remove those doubts,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said act shall be so construed as to embrace within the incorporation the exempt as well as the active firemen of said city, and both the exempt and active members of said department shall be entitled equally to all benefits arising under the provisions of the same.

2. *And be it enacted*, That the exempt firemen's association of said city shall be entitled to two representatives, with the same powers and subject to the same provisions as the other representatives of said department as provided for in the second section of said act; the first election of said two representatives to be held on or before the third Monday in March, one thousand eight hundred and fifty-eight.

3. *And be it enacted*, That in all elections hereafter to take place under the provisions of said act for president, vice-president, treasurer, secretary, collector, and trustees, said election shall be made from the whole body of firemen and such as have served the term prescribed by law to entitle them to an exemption from farther fire, jury, or military duty in time of peace.

4. *And be it enacted*, That the widows and children of exempt firemen who are or who may hereafter become

men entitled  
to benefits.

indigent, shall be entitled to the same benefits that active firemen or their families are now or may hereafter be entitled to under the original act, or the constitution and by-laws regulating the same.

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

Approved February 26, 1858.

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## CHAPTER LXVI.

AN ACT to erect part of the township of Princeton, in the county of Mercer, into a permanent school district.

Boundaries  
of district.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Princeton, in the county of Mercer, embraced within the following boundaries, namely: the northern boundary, being the northern boundary of the borough of Princeton, the eastern boundary, being the eastern boundary of the borough of Princeton, and the same continued in the same direction south to the Delaware and Raritan canal, the southern boundary, being the Delaware and Raritan canal, and the western boundary, being the western boundary of the borough of Princeton, and the same continued in the same direction south to the Delaware and Raritan canal, be and the same is hereby erected into a permanent school district, and shall not be subject to alteration by the town superintendent of public schools for the township of Princeton.

2. *And be it enacted*, That the said district shall be under the direction of a board, to be styled "The Board of Education," which shall consist of five members, three of whom shall constitute a quorum for the transaction of business; and that Richard S. Field, James M. Macdonald, Oliver H. Bartine, John T. Duffield, and Martin Voorhees, shall compose the first board of education, and shall hold their office until the third Monday of April next.

Board of  
education.

3. *And be it enacted*, That the taxable inhabitants of said district shall, at their annual meeting on the third Monday of April next, elect by a plurality of votes, five discreet and suitable persons, being residents and tax payers in said district, to be members of the said board of education, one to hold his office for one year, one for two years, one for three years, one for four years, and one for five years; and on the third Monday of April in each and every year thereafter, one member of the said board shall be elected, to hold his office for five years; and in case of any vacancy in said board, the same shall be filled by the election of a member to hold for the unexpired term; *provided*, that the board may fill a vacancy by choosing a member to hold his office until the next annual meeting: and for the more orderly conducting of said elections, it shall be the duty of the said board of education to appoint three suitable persons inspectors of said election, within ten days preceding any such election. All such elections shall be by ballot, and notice in writing of the time and place of holding the same shall be given by the said board of education, a copy of which notice shall be set up in three of the most public places in said district, at least ten days previous thereto.

Election of  
board of  
education.

Proviso.

4. *And be it enacted*, That the said board of education shall elect annually one of their number for president, one for secretary, and one for treasurer. The treasurer shall execute a bond conditioned for the faithful performance of the duties of his office, in such form and with such sureties as the said board shall approve.

Officers of  
board.

5. *And be it enacted*, That the said board of education, and their successors in office, shall be and the same are

Board incor-  
porated.

hereby constituted a body politic and corporate, under the name of "The Board of Education of Princeton, in the county of Mercer," and shall be capable of suing and being sued, of making and using a common seal, of taking and holding such real and personal estate as may be necessary for the purposes of this act, and of disposing of the same, and of taking, holding, and disposing of any other estate, real or personal, that may be devised, bequeathed, or given to them for the use of public schools in said district.

Duties and powers of board.

6. *And be it enacted*, That the said board of education shall have the entire control and management of all the public schools within the said district, and all the property belonging to the same; they shall keep the school buildings properly repaired and furnished, and select and employ suitable teachers, and fix their compensation: they shall require one of the members of said board to visit each school in said district, at least once in each week, to render such assistance to the teachers, and advice to the pupils, as they may deem necessary and to see that the rules and regulations are strictly enforced.

District meeting may authorize board to purchase land, &c.

7. *And be it enacted*, That whenever in the opinion of the said board of education it shall become necessary to purchase land whereon to erect a school house, or to build or enlarge a school house, or to expend in repairs a larger sum in any one year than one hundred dollars, or to pay existing debts, or to dispose of or mortgage a school house, or to raise by taxation additional money for the support of public schools in said district, it shall be the duty of the board to report the same to the annual district meeting, with the facts and circumstances showing such necessity; and it shall be lawful for the said meeting, by a vote of two-thirds of those present, to authorize the said board of education to purchase said land, or to build, enlarge, repair, sell, or mortgage a school house, and to raise by taxation such sums of money as may be necessary for any of these purposes, and also to raise by taxation such sums as may be necessary for the support of public schools, in addition to the money apportioned to said district; and in case any money



shall be ordered, by a vote of two-thirds of said meeting, to be raised by taxation, it shall be the duty of the said board of education to make out a certificate thereof, signed by the president and secretary, and deliver the same to the assessor or assessors of the township of Princeton; which said assessor or assessors shall assess on the estates of the inhabitants of said district, and on all lands liable to be taxed therein, in the same manner as township taxes are assessed, such sum of money as shall have been ordered to be raised by the said meeting in the manner aforesaid, and shall pay over the said sum of money when raised, to the treasurer of the board of education, upon the order of said board signed by the president and secretary.

8. *And be it enacted*, That it shall be the duty of the school superintendent of the township of Princeton to pay over to the treasurer of the said board of education, upon the order of the board, signed by the president and secretary, all the moneys to which the said district shall be entitled; as soon as practicable after they have been received by him.

School superintendent to pay over money.

9. *And be it enacted*, That there shall be provided and kept a public school or schools for the education of colored children resident within said district, subject in all things to the control of the said board of education, as the schools hereinbefore provided for are subject.

School for colored children to be provided.

10. *And be it enacted*, That it shall be the duty of the said board of education, within twenty days after their election, to make out a list of all the children capable of attending school, between the ages of five and eighteen years, within their said district, together with the names of the parents or guardians of such children, and to transmit the same to the town superintendent of the township of Princeton, in the same manner as the trustees of the several school districts in the state are by law required to do.

Board to make out list of children.

11. *And be it enacted*, That the said board of education shall call an annual district meeting on the third Monday of April in each and every year, by a notice in writing of the time and place of such meeting, a copy of which shall be set up in three of the most public places in the said dis-

Board to make annual report.

trict, at least ten days previous to the time of such meeting; and at such meeting it shall be their duty to submit a full report, in writing, stating the number and condition of the schools in said district under their charge, and the number of pupils attending the same, the amount of moneys received from the state or other sources, as well as the amount raised in the district for school purposes, and of the manner in which the same has been expended, and, generally, all the particulars relating to the public schools in said district.

Special  
meetings  
may be called.

12. *And be it enacted*, That the said board of education may call special meetings of said districts, whenever they may deem it necessary, upon giving such notice as is required in the case of annual meetings, which notice shall state the purpose for which the same is called; and no business shall be transacted at any such special meeting except that stated in the notice calling the same.

Benefits of  
school may  
be extended  
to children  
not residing  
in district.

13. *And be it enacted*, That the said board of education may, in their discretion, extend the benefit of the schools under their direction to children whose parents or guardians reside out of the said district, upon the payment of such charges as the said board may deem reasonable and just.

Part of former  
acts repealed.

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

Public act.

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

Approved February 26, 1858.

## CHAPTER LXVII.

AN ACT to fund the floating debt of the county of Essex, and to provide 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 lawful for the board of chosen freeholders of the county of Essex to borrow such sum or sums of money from time to time as they may think necessary for the payment of the floating debts of the county, and to cause the bonds of the county to be issued for the same to an amount not exceeding in the whole the sum of one hundred thousand dollars.

Freeholders  
authorized  
to borrow  
money.

2. *And be it enacted*, That at the first annual meeting in each year of said board or at any special meeting called for that purpose there shall be appointed from among the members of said board one freeholder, who, together with the director of said board and the county collector for the time being respectively holding said offices shall have the charge of issuing said bonds as hereinafter provided, and also of the moneys to be raised for the payment thereof, and who shall be known as the commissioners of the sinking fund; said commissioners shall if required so to do by the said board, enter into bond to the county in such sum as said board shall require for the faithful performance of their duties under this act, and shall also make report at the regular annual meeting in each year of said board of the state of said sinking fund, the amount of bonds issued, and the amount of the same paid.

Appoint-  
ment of com-  
missioners  
of the sink-  
ing fund.

3. *And be it enacted*, That whenever at any stated meeting of said board, or at any special meeting held for that purpose, it shall be resolved to borrow any sum of money for the purpose aforesaid, it shall be the duty of said commissioners to cause bonds to be prepared in sums of five hundred or one thousand dollars each, or both, as they shall deem best, payable in from one to ten years after date, with

Commis-  
sioners to  
prepare  
bonds.

interest not exceeding seven per cent. per annum, payable half-yearly, which bonds shall be given in the corporate name of the county, signed by the then director of the board with the seal of the county affixed, and countersigned by the remaining two of the commissioners aforesaid; said bonds shall be numbered and registered by the county collector, and together with the coupons attached may be made payable at such place as the said commissioners shall determine and designate therein, and the same when so issued shall be deemed and taken to be public stock created under the laws of this state.

Tax may be  
raised for  
payment of  
bonds.

4. *And be it enacted*, That in order to provide for the payment of the interest and principal moneys of said bonds as the same shall become due and payable, there shall be raised by tax at the same time and in the same manner as the other county taxes are raised, the sum of eleven thousand dollars annually in addition to the other moneys raised by taxes in said county of Essex; which said sum so annually raised shall be under the care and management of the said commissioners of the sinking fund, whose duty it shall be to apply so much of the same as may be necessary for the purpose to the payment of the interest accruing from time to time on said bonds, and to use and apply the balance thereof as a fund for the payment of the principal moneys of said bonds, as the same shall respectively become due.

Public act.

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

Approved February 26, 1858.

## CHAPTER LXVIII.

AN ACT to change the name of the second Presbyterian church of Woodbridge, Middlesex county, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the second Presbyterian church of Woodbridge is hereby changed from the Second Presbyterian Church of Woodbridge, to the First Presbyterian Church of Metuchin, in Woodbridge township. Name of church changed.

Approved February 27, 1858.

## CHAPTER LXIX.

A FURTHER SUPPLEMENT to the act entitled "An act to regulate the fisheries in the river Delaware, and for other purposes," passed the twenty-sixth day of November, Anno Domini eighteen hundred and eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons shall cast, draw, or otherwise make use of any seine or net, of a larger mesh than three inches, for the purpose of catching fish in the river Delaware, within the jurisdiction of this state, below the head of Trenton Falls [between the tenth day of June and the tenth day of July, in any year, or above the head of Trenton Falls], of any seine or net of a larger mesh than two inches, between the fifteenth day of Size of mesh of net to be used.

June and the tenth day of July, in any year, he, she or they so offending shall forfeit and pay the sum of one hundred dollars, together with costs of suit, for each and every offence.

Drift nets or  
gilling seines  
not to be  
used.

2. *And be it enacted*, That it shall not be lawful for any person or persons, for the purpose of catching fish in the river Delaware, within the jurisdiction of this state, to anchor, stake down, or otherwise fasten any drift-net or gilling seine in or across said river; and that if any person or persons shall so anchor, stake down, or otherwise fasten any drift-net or gilling seine in or across said river, within the jurisdiction of this state, for the purpose of catching fish, he, she or they so offending shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or both, at the discretion of the court before which such offender or offenders shall be convicted; and any such net or seine so anchored, staked down, or otherwise fastened in or across said river, shall be deemed and considered a public nuisance, and liable to be abated or removed by any person or persons who may deem proper to abate or remove the same.

Act when to  
take effect.

3. *And be it enacted*, That the second section to the supplement of the aforesaid act, passed on the fifteenth day of February, Anno Domini eighteen hundred and thirty-three, be and the same is hereby repealed; but that this act shall not go into operation until the legislature of the state of Pennsylvania shall approve of the same, by the enactment of a similar act, in whole or in part; and that from and immediately after the said legislature shall so approve of this act, either in whole or in part, then this act, or such parts thereof as may be so approved of, shall go into operation and take effect.

Approved February 26, 1858.

## CHAPTER LXX.

AN ACT authorizing the inhabitants of School District Number three, in Greenwich township, Gloucester county, to raise money for school purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of school district No. 3, in the township of Greenwich, in the county of Gloucester, included in the following boundaries, viz.: beginning on the Gloucester and Salem turnpike road, corner to lands of David W. Brown; thence a westerly course, including the same, together with lands of David B. Shute, Hanson S. Cade, deceased, William Batten, Charles H. Ellis, James L. Camp, Presmul D. Hughes, John Vickers, David B. Gill, Sarah Sailer, Isaac H. Davidson, James Burrough, Charles Green, James Taggart, John J. Sutton, John Green, and Edmund Weatherby, to the place of beginning, and all lands-lying within the limits of said school district, it being the first above named, shall be, and the same are hereby, authorized to raise money for purposes, and in the manner hereinafter described. Inhabitants authorized to raise money.

2. *And be it enacted*, That the legal voters of the said school district shall, on the first Monday of April in each and every year, when met for the election of trustees, ascertain, by a plurality of votes, how much money shall be raised by taxation, within the said school district, for school purposes; *provided*, that such amount shall in no case exceed the sum of five hundred dollars annually; and it shall be the duty of the school trustees elected as aforesaid, or a majority of them, to certify to the assessor of the township of Greenwich the sum voted by the said district to be raised; and the said assessor shall assess a poll tax on all the taxable inhabitants of said school district, sufficient to raise one-half of the sum so ordered, and on all estates of inhabitants of said school district, and on all lands liable to be taxed therein, in the same manner as township taxes are assessed, Amount of money to be raised.

Proviso.

to constitute the other half of all moneys voted to be raised by the legal voters of said school district for the purposes aforesaid, which said assessments shall be levied as hereinbefore described and collected in the same manner that other township taxes are collected.

Collector to  
pay over  
money to  
superintend-  
ent.

3. *And be it enacted*, That it shall be the duty of the township collector of Greenwich to pay the tax money, which he shall have received under the direction of this act, to the town-superintendent of public schools for said township, by the first day of December next ensuing, and, in case of failure, shall be liable to prosecution in the same manner as provided for in the twenty-fifth section of the act entitled "An act concerning taxes," and for the money so paid, the town-superintendent shall give a receipt, which shall be a sufficient voucher to exonerate and discharge the said township collector to the amount therein named.

Trustees to  
give order  
for payment  
of money.

4. *And be it enacted*, That the town-superintendent shall pay over no moneys so placed in his hands, except upon the written order of said trustees, or a majority of them, which order shall state the purpose for which it is given, and be made payable to the order of the person entitled to receive the same.

Collector  
and superin-  
tendent to  
give bond.

5. *And be it enacted*, That the said township collector and town-superintendent shall, each of them, before entering upon the duties assigned them by this act, give bonds to the trustees of said school district, with such sureties, and in such sums, as the said trustees shall direct, conditioned for the faithful performance of all the duties herein required.

Compensa-  
tion of offi-  
cers.

6. *And be it enacted*, That the said assessor, township collector, and town-superintendent of said township of Greenwich, shall each be entitled to receive the sum of five cents per name upon all the taxable inhabitants of said school district named in the duplicate.

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

Approved February 26, 1858.



## CHAPTER LXXI.

AN ACT to authorize the landowners of West Hoboken, in the county of Hudson, to improve the avenues, streets, highways, and side-walks within the boundaries of the West Hoboken School District, in the township of North Bergen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the landowners within the school district of West Hoboken to improve the avenues, streets, highways, and side-walks of said district, by grading, gravelling, flagging, or planking the same, by making all necessary drains and other passages for water, &c., and that it may be done as is hereinafter provided.

Landowners  
authorized  
to improve  
streets, &c.

2. *And be it enacted*, That there shall be an election by said landowners held, of which ten days' previous notice shall be given by any five of them, and put up at five public places in said district, designating the time and place of such election; and said landowners, or such as may attend, shall, by a majority of votes, elect by ballot three suitable persons, being residents and landowners as aforesaid, commissioners of assessments, and superintendents of streets; and said landowners, when so assembled as aforesaid, shall choose a chairman and secretary to conduct said election, the poll for which shall be open from three P. M. till eight P. M., receive and count the ballots, and their certificate of the election of the persons to the offices aforesaid shall be evidence thereof.

Election of  
commis-  
sioners of as-  
sessments.

3. *And be it enacted*, That whenever the persons owning land on any avenue, street, or highway of said district, shall determine by a majority of votes, each landowner to be entitled to one vote for every twenty-five running feet of land owned by him or her on such avenue, street, or highway, and each landowner to be entitled to one vote at least, to grade and improve any such avenue, street, or highway, and the side-walks thereon, such avenue, street,

Number of  
votes to  
which land  
owners are  
entitled.

or highway, and the side-walks thereon, shall thereafter be subject to the provisions of this act, and any landowner on such avenue, street, or highway, may call a meeting of landowners under this section by a written notice, put up in five public places in said district, ten days previous to the day of meeting, and designating the time, place, and object of such meeting; and said landowners, when assembled, shall choose a chairman and secretary, who shall determine the number of votes to which each landowner is entitled, receive orally and count the votes, and their certificate of such determination shall be evidence thereof.

Commissioners, &c.,  
to assess  
amount on  
land owners.

4. *And be it enacted*, That the persons elected commissioners and superintendents as aforesaid, or any two of them, shall, upon receiving certificate of such determination from landowners as aforesaid, upon any avenue, street, or highway, such certificate specifying how, and in what manner, such avenue, street, highway, and the side-walks thereon, shall be improved and made, make an estimate of the probable cost of grading and improving the same, and shall apportion the amount among the said landowners in proportion to the number of running feet of land each landowner owns on such avenue, street, or highway, and the amount so assessed against each landowner shall be paid to said commissioners and superintendents within thirty days after written demand thereof shall have been made by said commissioners and superintendents upon any such owner, occupant, or agent thereof, and in case of neglect or refusal, said commissioners and superintendents shall make out a list of delinquents, and place the same in the hands of a justice of the peace of the township of North Bergen, who shall issue a precept in the nature of a tax-warrant, directed to a constable of said township, who shall proceed to collect the amount due from each landowner, in the same manner as township or county taxes are authorized to be collected by an act entitled "An act concerning taxes;" *provided* that, before the said warrant shall issue, such justice of the peace shall be satisfied, by the oath of one of the said commissioners and superintendents, that the amount so claimed

Proviso.

against any landowner is justly due and unpaid, and that the same hath been demanded as required by this act; and also, that the assessments made against each landowner by the said commissioners and superintendents, as aforesaid, shall be and remain a lien upon the land of such landowner, on account of which said assessment shall be made; and the tax-warrant, directed to be issued as aforesaid, shall require the constable to make said assessments, with the interest and costs, on the lands on account whereof the same was assessed, as aforesaid, by selling the same, or any part 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 assessments, with the interest thereon, and all costs, charges and expenses.

5. *And be it enacted*, That as soon as said assessments shall be made, the said commissioners and superintendents shall cause the avenue, street, or highway, and side-walks thereon to be graded and improved, according to the determination of landowners on said avenue, street, or highway, to them directed, and the expenses thereof shall be paid by said commissioners and superintendents out of the moneys in their hands, collected for that purpose; and if, upon completion of any improvement as aforesaid, it shall appear to said commissioners and superintendents that a greater sum of money has been expended in making such improvements than the sum estimated and collected as aforesaid, it shall be lawful for said commissioners and superintendents to cause a further assessment equal to such excess to be made and collected in manner aforesaid; and further, that in case the sum actually expended shall be less than the sum expressed in the said estimate, and collected as aforesaid, the surplus shall be forthwith returned to the person or persons from whom the same was collected, or their legal representatives.

Further assessment may be made in case of deficiency.

6. *And be it enacted*, That each and every landowner, in front of whose lands side-walks shall have been or may hereafter be made, in pursuance of this act, and every occupant of such lands, shall, at all seasons of the year, clear

Landowners to keep side-walks, &c., clear.

and remove from said side-walks all snow, slush, ice, or mud that may be thereon, and shall also, at all times, clear out and keep open, for the free and easy passage and flow of water, the drains and gutters in front thereof; and if any such landowner or occupant shall neglect or refuse to do so for the space of six hours after being notified by any one of said commissioners and superintendents, the said commissioners and superintendents shall have the same done, and the expenses may be recovered against such landowner or occupant by any one of said commissioners, after the expiration of thirty days from such notice, in his own name, in an action of debt, before any court having cognizance thereof, and the declaration in any such action may be general, stating that the demand is for so much money paid, laid out, and expended in keeping clear the side-walks and gutters in front of his land, by virtue of this act, and that the special matters may be given in evidence under it.

Penalty for obstructing side-walks.

7. *And be it enacted*, That every person who shall ride or drive a horse or team on any side-walk made in pursuance of this act, except for the purpose of crossing the same, when necessary so to do; and every person who shall place, or cause, or permit to be placed on the same any obstruction, and shall fail to remove the same for the space of six hours, after being notified as before said, shall forfeit and pay for each and every offence, the sum of five dollars, to be sued for and recovered by any one of said commissioners, and all fines under this section shall be paid into a contingent fund.

Commissioners to make statement of moneys expended.

8. *And be it enacted*, That said commissioners and superintendents shall render to said landowners full and detailed statements of all moneys collected and expended by virtue of the provisions of this act, and any five of such landowners may call a general meeting of such landowners, to have such statement made, by giving at least five days' previous notice of the time and place of meeting, in five public places in said district, and also by giving like notice to said commissioners and superintendents, either person-

ally or by leaving a notice at their usual place of abode, to attend such meeting and render such statement, and in case any commissioner and superintendent shall neglect or refuse to attend and render such statement, his office shall be considered vacant, and some other person being such landowner, shall be appointed by such meeting in his place; and any commissioner and superintendent for the time being may recover in an action of debt any moneys remaining unexpended in the hands of such removed commissioner and superintendent, and which he shall neglect or refuse to pay over to his successor in office.

9. *And be it enacted*, That the said commissioners and superintendents shall severally hold their offices for the term of one year, and until their successors in office shall be chosen; and said commissioners shall serve their several terms of office without any compensation for services so rendered.

Terms of office of commissioners and superintendents.

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

Public act.

Approved February 26, 1858.

## CHAPTER LXXII.

A SUPPLEMENT to the act entitled "An act respecting writs of error."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all errors happening in any court of oyer and terminer and general jail delivery, shall be heard, rectified, and determined by the court of errors

and appeals; *provided*, that this act shall not affect any writ of error sued out before it shall take effect.

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

Approved February 26, 1858.

## CHAPTER LXXIII.

A SUPPLEMENT to the act entitled "An act to transfer the charge and keeping of the jails and custody of the prisoners in the counties of Essex and Hudson from the sheriffs to the boards of chosen freeholders, and for the employment of the prisoners, and to regulate their term of service therein," approved February twenty-seventh, eighteen hundred and fifty-seven.

Fees of  
sheriffs for  
transporting  
prisoners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any of the courts of this state shall sentence any person under the age of twenty-one years to the county jail of Essex or of Hudson, pursuant to the provisions of the eighth section of the act to which this is a supplement, it shall be the duty of the sheriff of the county in which said person shall be sentenced, or his deputy, to transport such person to the jail of the said county of Essex or of Hudson, within twenty days after the sentence, together with a certified copy of the sentence, and said person shall be safely kept in the said jail until the term of his or her imprisonment shall have expired; and the said sheriff, or his deputy, shall be entitled to receive compensation for the expense of transporting such person at the same rate per mile as is allowed for

transporting offenders to the state prison, to be paid by the treasurer of this state, upon the certificate of the keeper of said jail; *provided*, that no more shall be paid in any case than the said sheriff, or his deputy, would be entitled to receive had he transported such offender to the state prison. Proviso.

2. *And be it enacted*, That in case any person shall be sentenced, as aforesaid, to the jail of the county of Essex or of Hudson, the expense of keeping such offender, not exceeding the rate of one dollar per week, shall be paid to the keeper of said jail, by the collector of the county from which such criminal shall be sent upon the rendering to him of the bill for the same, by the keeper of the jail to which such person shall be sent. Expense of keeping prisoners, how paid.

3. *And be it enacted*, That this act shall take effect immediately, and shall be applicable to all cases that have occurred since the approval of the act to which this is a supplement. Act when to take effect.

Approved February 26, 1858.

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## CHAPTER LXXIV.

AN ACT to incorporate the Winslow 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 and constituted and made a body politic and corporate, in fact and in law, by the name of "The Winslow Commissioners to receive subscriptions.

Turnpike Company;" and that the following named persons, namely: Joseph Porter, Andrew K. Hay, Samuel S. Cake, John W. Snowden, Thomas Porter, Charles Wright, and Zibah Cain, 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.

Amount of  
capital  
stock.

2. *And be it enacted*, That the capital stock of said company shall be fifteen thousand dollars (\$15,000), with power to increase the same to twenty-five thousand dollars (\$25,000), 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 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 the 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.

Elections of  
directors.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of seven directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; 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 (10) 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, seven directors, for the term of one year, a majority of whom shall be citi-



zens 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 be chosen in their place.

4. *And be it enacted*, That so soon as conveniently may Election of president. be after the first and subsequent annual election of directors, they shall elect from their number a president of said company, for the term of one year and until another shall be elected, who shall receive such compensation for his services as the board of directors may direct: he shall keep the seal of the company and preside at all meetings of said board, and in case of his absence, the said board shall appoint one of their number, who, for the time being, shall possess the same power and authority and perform the like duties; and the board of directors may fill any vacancy that may occur therein until the next annual election, and may exact from the president, treasurer, and other officers and agents of said company, such security for the due performance of their respective trusts as they may deem expedient; and special meetings of 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 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 Annual

statement to  
be made.

stockholders, the board of directors for the preceding year shall exhibit to them a full and complete statement of the affairs of the company during the said term.

Company  
authorized  
to make  
road.

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 Waterford road, from the town of Long-a-coming to the Waterford glass-works, thence by way of the Spring Garden tavern to the village of Winslow; *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.

Proviso.

Description  
of 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 Waterford and Winslow 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 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

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 inclosures thereof, and to make all ditches and underdrains across and through such lands as are necessary for the proper draining of said land; 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

when company and owners cannot agree.

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 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 travelling 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 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.

Proviso.

Mile-stones  
to be erected.

10. *And be it enacted*, That before the said company shall receive toll for travelling said road, they 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 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."

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 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  
injuring  
works.

12. *And be it enacted*, That if any toll-gatherers shall unnecessarily delay or hinder any traveller 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 (\$20), with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered and defrauded.

Penalty for  
taking ille-  
gal tolls.

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 com-

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

plained 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 travellers, he shall for each offence forfeit and pay twenty dollars (\$20), 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.

When road  
may be con-  
structed.

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 February 27, 1858.

## CHAPTER LXXV.

A FURTHER SUPPLEMENT to the act entitled "An act establishing a militia system," approved April seventeenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the militia in the townships of Orange, Bloomfield and Belleville, in the county of Essex, shall be set off from the Essex brigade, as now existing by law, and shall form a separate brigade, and be called "The Orange Brigade," and shall be attached to the second division of the militia of this state.

Orange  
brigade.

2. *And be it enacted*, That to the brigade so set off by this act, there shall be one brigadier general, with one brigade inspector, to serve also as brigade major, with the rank of major, and one aid-de-camp, to be taken from the line, and one brigade judge advocate, one brigade paymaster, one brigade quarter-master; and such officers shall have the same powers, and perform the same duties, as like officers in other brigades of the militia of this state.

Officers of  
brigade.

3. *And be it enacted*, That there shall be a brigade board of the brigade so set off by this act, composed of the brigadier general, brigade major, field officers, and commandants of regiments and independent battalions of the said brigade, and a majority of them shall be necessary to form a board; and such board shall meet, and have the same powers, and perform the same duties, as like boards in the other brigades of the militia of this state.

Organization  
of brigade  
board.

4. *And be it enacted*, That the present brigade officers of the Essex brigade shall continue to hold and exercise the several ranks and commissions which they now respectively hold, notwithstanding they, or any of them, may not reside within the bounds of the same.

Present officers of Essex  
brigade to  
hold their  
rank, &c.

5. *And be it enacted*, That the present officers of the militia in the said townships of Orange, Bloomfield and Belleville shall continue to hold and exercise, in the brigade

Present officers of  
Orange,  
Bloomfield,  
and Belleville to hold

their rank,  
&c.

set off by this act, the several ranks and commissions which they now respectively hold, subject to the power of the brigade board to make alterations and arrangements in the regiments, battalions, and companies within the bounds of the same, as authorized by law.

Brigade  
board may  
attach com-  
panies to  
regiments,  
&c.

6. *And be it enacted*, That the brigade board of the brigade set off by this act shall have authority, in their discretion, to attach each of the several uniform companies within the bounds of the brigade to such regiment and battalion as they may see fit, within the bounds of the townships in which a majority of such company shall reside, without reference to the bounds of the regiments or battalions; and that the several regiments, battalions, and companies shall, in all cases when parading or on service, be posted according to the ranks of their respective commanding officers on such parade, to be determined by the dates of their respective commissions.

Election for  
brigadier  
general.

7. *And be it enacted*, That it shall be the duty of the major general of the second division of the militia of this state to hold an election for a brigadier general of the brigade set off by this act, within two months after the passage hereof, of the time and place of which he shall give the same notice as in case of a vacancy in such office, and he shall attend and preside at such election; the result shall be certified, and the person elected shall receive his commission, in all respects, as in cases of a vacancy in such office.

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

Approved February 27, 1858.



## CHAPTER LXXVI.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the Jersey Shore Improvement Company," approved March third, eighteen hundred and fifty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time limited by the third proviso of the eighth section of the act to which this is a supplement, for the expenditure of three hundred thousand dollars in the improvement authorized by said act, be and the same is hereby extended for five years from the first day of January eighteen hundred and fifty-nine, and that the amount expended since the passage of said act in the improvement of the lands conveyed to said company by the trustees who held the title thereto shall be computed as part of said three hundred thousand dollars.

Time for improvement of road extended.

Approved February 27; 1858.

## CHAPTER LXXVII.

AN ACT to incorporate the Merchants' Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders in the capital stock hereinafter mentioned, their successors and assigns, are hereby constituted

Style of incorporation.

General  
powers.

and made a body politic and corporate, by the name and style of "The Merchants' Insurance Company," and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended, in all courts, whether in law or equity; and by that name may also have, purchase, possess, and enjoy, and to them and their successors, lands, tenements and hereditaments, goods, chattels and effects, of what nature or kind soever, necessary for the purposes of this corporation, and the same to grant, demise, alien, and dispose of at pleasure, for the benefit of the said company, and may also have a common seal, and alter and renew the same at pleasure, and also to create and establish such by-laws and regulations as shall seem necessary and expedient for the government of the said corporation, and to put the same in execution; *provided* the same be not contrary to the laws of this state or of the United States.

Proviso.

Amount of  
capital  
stock.

2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, divided into shares of fifty dollars each, with privilege to increase the same to two hundred thousand dollars, and that one-half of said capital stock shall be actually paid in before it shall be lawful for said company to commence the business of insurance.

Election of  
directors.

3. *And be it enacted*, That the business, property, and affairs of the said company shall be managed and conducted by such directors, not less than seven or more than fifteen in number, as may be elected for that purpose, a majority of whom shall form a quorum, which directors shall hold their offices for one year and until others shall be chosen, and they shall at all times during their continuance in office be stockholders in their own right, and a majority of them shall be citizens of this state; said directors shall be elected on the first Monday in March in each and every year, at such hour of the day, and at such place in Somerset county as the board of directors for the time being shall direct, of which election two weeks' public notice shall be given in the newspapers printed in Somerville; and each share of

stock shall entitle its owner to one vote at each election, to be given either in person or by proxy; and that the office and records of the company shall be kept in the township of Bridgewater, in the county of Somerset.

4. *And be it enacted*, That the board of directors shall have power to appoint a president, secretary, and treasurer, and such other officers and agents as they may deem necessary for carrying on the business of the company, and to allow them respectively such compensation for their services as may, in their judgment, be deemed reasonable. Officers of corporation.

5. *And be it enacted*, That William G. Steele, Samuel S. Hartwell, and Alexander E. Donaldson are hereby appointed commissioners to open books for subscription to the capital stock of said company at Bridgewater, in the county of Somerset, upon three weeks' notice published in the newspapers printed at Somerville; and as soon as two thousand shares are subscribed, the said commissioners shall, by like notice, appoint the hour and place for holding the first election for directors. Commissioners to receive subscriptions.

6. *And be it enacted*, That it shall and may be lawful for the said company to insure houses and other buildings and property against loss or damage by fire, upon such terms and conditions as shall be contained in the policy of insurance, and may also insure ships and other vessels, rights, interests, and property, against every description of casualty incident to marine and inland transportation. What property may be insured.

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

8. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such and so much real estate as shall be necessary for their convenient accommo- What real estate may be held.

dation in the transaction of their business, and also to take and hold any real estate, or securities *bona fide* mortgaged or pledged to said company to secure the payment of any debt which may be contracted with them, and also to proceed on said mortgage or other securities, for the recovery of the moneys thereby secured, either at law or in equity, and to purchase on sales made under such proceedings, or otherwise to take and receive any real estate in payment or towards satisfaction of any debt previously contracted with or due to said company, and the said real estate, to mortgage, sell, exchange, or otherwise dispose of; and said company may invest their capital and accumulating premiums, from time to time, in public stocks, bonds, and mortgages, and such other securities as the directors may approve.

Stock trans-  
ferable.

9. *And be it enacted*, That the stock of said company shall be deemed to be personal property, and shall be assignable and transferable according to such rules and regulations as the directors may establish from time to time in the by-laws of said company.

Company  
may make  
dividends.

10. *And be it enacted*, That it shall be lawful for the directors to make dividends of so much of the profits of the company as shall appear advisable, among the stockholders, upon such ratio as shall be established by the by-laws, which dividends shall be paid out semi-annually to the parties entitled thereto, or to their legal representatives.

Limitation.

Proviso.

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

Approved March 4, 1858.

## CHAPTER LXXVIII.

AN ACT to authorize the Governor and Commander in chief to confer the brevet rank of Major General for long and meritorious service in the militia.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor and commander in chief be, and he is hereby authorized to confer upon such citizens of this state, not exceeding three, as shall appear to him to have served long and meritoriously as adjutant generals, quarter master generals, or brigadier generals of the militia of this state, the rank of brevet major generals of said militia; *provided*, that the governor shall nominate the said officers to the senate, and they shall be appointed by and with the advice and consent of the senate.

Governor authorized to appoint brevet major generals.

Provide.

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

Approved March 4, 1858.

## CHAPTER LXXIX.

AN ACT to prevent horses, cattle, sheep, and swine from running at large in the township of Clinton, in the county of Essex, and the township of Rahway, in the county of Union.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any person who may reside within the limits of the township of

Horses, cattle, &c., remaining at large may be impounded.

Fees of  
pound-  
keeper

Clinton, in the county of Essex, and the township of Rahway, in the county of Union, except any person or persons under the age of sixteen years, for whom it shall not be lawful unless authorized by a written order from their parents or guardians, to drive or convey to any public pound which may be in the townships aforesaid, any horses, cattle, sheep, or swine, found running at large in the public highways or otherwise, within the bounds aforesaid, and impound the same; and the keeper or keepers of any public pound in said townships is, and are hereby required and authorized to receive such horses, cattle, sheep, and swine, and the party (or the pound-keeper, if the duty be performed by him) shall have twelve cents per head for impounding each horse or head of cattle, five cents per head for each sheep, and twenty-five cents per head for each swine; and the keeper shall also have twelve cents per head for every horse or head of cattle, five cents for every sheep, and twenty-five cents for every swine, for letting in the pound, and shall also have twelve cents per head for every horse or head of cattle, five cents for every sheep, and twenty-five cents for every swine, for letting out of the pound; and for feeding and attending ten cents per head for horses and cattle, five cents per head for sheep, and ten cents per head for swine, for every twenty-four hours they shall continue in said pound; and if the owner or owners of said horses, cattle, sheep, or swine, so impounded, shall not pay the charges of impounding and keeping within four days after such beasts shall be impounded, and take the same away, it shall then be the duty of the pound-keeper to set up advertisements in five of the most public places in said townships, describing such horses, cattle, sheep, or swine, and giving at least ten days' notice of an intended day and place of sale; and if the owner or owners of such horses, cattle, sheep, or swine, do not appear and redeem the said beasts before the time so notified, the said pound-keeper shall sell the same accordingly, and out of the money arising from such sale shall pay the charges of conveying to the pound, and retain in his hands

Cattle, &c.,  
may be sold  
to pay  
charges.

his fees for impounding, keeping, and feeding said horses, cattle, sheep, or swine, and twenty-five cents for advertising sale, and collecting the money for each horse, cattle, or swine, and ten cents for each sheep, and return the overplus to the owner or owners of the beasts if they shall appear to claim the same; and if no owner or owners shall appear and claim such surplus within six months after such sale, the same shall be paid to the overseer or overseers of the poor of the townships wherein such beasts were found running at large as aforesaid, to be expended for and towards the support of the poor in said townships.

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

Approved March 4, 1858.

## CHAPTER LXXX.

A SUPPLEMENT to an act entitled "An act to enable two-thirds of the owners in value of any body or tract of salt marsh or meadow, within this state, using a common road to the fast land, to support the same."

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the meeting authorized by the first section of the act to which this is a supplement, may be called by any three of the owners of any salt marsh or meadow, by serving a notice on the other owners thereof, or in case they cannot be found, or giving four weeks' notice of the time and place of meeting to the other owners thereof, Notice of meeting to be given.

by advertisement in one of the newspapers published in the place nearest the road so contemplated to be improved, at least once in each week.

Managers to build bridges and keep the same in repair.

2. *And be it enacted*, That it shall be lawful for, and it is hereby made the duty of the manager or managers to be appointed by the first section of said act, to build, maintain and keep in repair good and sufficient bridges over all creeks, brooks, and ditches, that shall be otherwise impassable, and to construct dikes, dams, or sluice ways, to prevent the overflow of tides, and the moneys required for the purpose shall be raised and expended in the same manner as the moneys required to be raised and expended by the act to which this is a supplement.

Managers to make plot of quantity held by each owner.

3. *And be it enacted*, That the assessment contemplated and required to be made by section second of said act shall not be held to be irregular or invalid, by reason of any omission on the part of the manager or managers to cause all the lots or parcels of marsh belonging to each owner, to be carefully and strictly measured; but it shall be the duty of the said manager or managers to ascertain as correctly as may be, without an accurate survey, the quantity held by each owner, and to make such draught or plot as is directed to be made by the second section of said act.

Parts of former act repealed.

4. *And be it enacted*, That such parts of the original act as are inconsistent with or repugnant to this supplement, be, and the same are hereby repealed.

Approved March 4, 1858.



## CHAPTER LXXXI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Franklin, in the county of Warren, 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 or may be fixed by law: that is, a township clerk, a judge of election, an assessor, a collector, one chosen freeholder, two surveyors of the highway, three commissioners of appeal, one or more overseers of the poor, one or more pound keepers, a township committee consisting of five persons, a town superintendent of public schools, as many justices of the peace as the inhabitants of said township may be constitutionally entitled to elect, and one or more constables; and shall also upon the same ballot vote for the amount of money to be raised for the support of the poor, for school purposes, for the repair of roads, the amount of dog tax, and all other money necessary for township purposes, and for the places of holding the next annual town meetings, and the election of state and county officers.

Officers to be  
elected by  
ballot.

2. *And be it enacted*, That the overseers of the highways of the several road districts, in the township of Franklin, in the county of Warren, shall be elected by the legal voters of the several road districts, as they may be arranged from time to time by the township committee; and for the purpose of carrying this provision into effect, it shall be the duty of the township committee to give public notice as shall hereafter be directed in the third section of this act, which shall be within six days after next annual town meeting, and of the place, which shall be some convenient

Election of  
overseers of  
the high-  
ways.

place in the district, when and where the legal voters in the township residing in such district shall assemble for the purpose of such election, and at which time and place such legal voters assembled, having been called to order by any legal voter of the district, shall proceed, *viva voce*, by the holding up of hands, or by count, to elect a moderator of such meeting, by plurality of votes; and being so organized the meeting shall proceed as in the election of moderator, to elect an overseer of the highway for the district; the moderator of each district meeting shall, at their first meeting after such election, notify the township committee, in writing, of the election of such overseer; in case of the failure of any district to elect an overseer, or of the person so elected to accept of the appointment, the township committee shall fill such vacancy; the overseers of the highways shall account to and settle with the township committee as required to do by law.

Notice to be given of first district road meetings.

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

Subsequent meetings, how called.

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

Officers of election.

5. *And be it enacted*, That the judges of election elected at the last or any future town meeting, shall preside at and conduct the election at the next ensuing annual town meet-

ing, and the clerk of the said township shall be the clerk thereof.

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

Manner of  
conducting  
elections.

7. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer, or to fix the place of holding the town meetings, or the state and county election, and to determine an amount of money to be raised or specified; and in case there shall be a neglect or failure to elect any officer by the town meeting, or to fix the place of holding the next town meeting or state and county elections, or in case of the refusal of any person elected to accept of the appointment, or if a vacancy occurs from any other cause, or in case two or more have an equal number of votes for the same office, the town committee shall at their next meeting thereafter fill such vacancy, determine upon such place, elect between those having an equal number of votes, and determine the amount or sum to be raised or specified, unless they shall deem a special town meeting for these purposes advisable; and in that case shall have power to call such special town meeting as now provided by law.

Vacancies,  
how sup-  
plied.

8. *And be it enacted*, That the clerk of the township shall be the clerk of the township committee, and shall keep a book of minutes of the proceedings of said committee, which shall at all times be open to the inspection of the voters of

Clerk to  
keep record  
of proceed-  
ings.

said township, and when the township committee shall fill a vacancy, or elect, in case of a tie between candidates, they shall immediately notify the person or persons so appointed or chosen, and transmit a statement thereof to the clerk of the county.

Reports of township committee to be filed.

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

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

Approved March 4, 1858.

## CHAPTER LXXXII.

AN ACT relative to freights and fares on railways in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the privileges and provisions of an act entitled "An act relative to freights and fares on certain railroads in this state," approved March fourteenth, eighteen hundred and fifty-six, be and the same is hereby extended to all other railroads in the state.

Provisions  
of former act  
extended.

2. *And be it enacted*, That this act shall take effect, notwithstanding anything in the respective charters of said companies which conflicts with the provisions thereof.

Provisions  
of former  
charters not  
to affect pre-  
sent act.

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

Approved March 4, 1858.

## CHAPTER LXXXIII.

AN ACT to authorize the election of overseers of the highways by district, in the township of North Brunswick, in the county of Middlesex, and the townships of Newton and Stillwater, in the county of Sussex, and the township of Livingston, in the county of Essex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of the highways of the township of North Brunswick, in the county of Middlesex, and the townships of Newton and Stillwater, in the

Notice to be  
given of first  
district  
meeting.

county of Sussex, and the township of Livingston, in the county of Essex, shall hereafter be elected by the legal voters of the several road districts therein, as they may be arranged from time to time by the town committees of the said townships respectively; and for the purpose of carrying this provision into effect, it shall be the duty of the town committees of the said townships respectively to give public notice of the time, which shall be within ten days after each annual town meeting, and of the place, which shall be some convenient place in each district, when and where the legal voters of the said townships respectively residing in such district, shall assemble for the purpose of such election, which said notice shall be posted up in some conspicuous place in each district, at least five days before the time appointed for holding such election, and at which time and place such legal voters, so assembled, having been called to order by any legal voter of the district, shall proceed *viva voce*, by holding up of hands, or by count, to elect a moderator of such meeting by plurality of votes, and being so organized, the meeting shall proceed, as in the election of the moderator, to elect an overseer of the highway for the district, being a resident in said district.

Moderator to  
give notice  
of election of  
overseer.

2. *And be it enacted*, That the moderator of each district meeting shall immediately thereafter notify the town committees of the said townships respectively, in writing, of the election of such overseer, which said committee shall thereupon, in like manner, inform the person so chosen of his appointment.

Vacancies,  
how sup-  
plied.

3. *And be it enacted*, That in case of the failure of any district or districts to elect an overseer, at any time hereafter, or of the person or persons so elected to accept the appointment, the town committee of such township where such vacancy may occur for the time being shall fill such vacancy or vacancies.

Special  
meetings  
may be  
called.

4. *And be it enacted*, That in case any town committee of the said townships respectively shall neglect to give the notice required for the district road meetings, or any of them, it shall be lawful for the town committees of the said

townships respectively next thereafter elected, to call special district meetings for the election of overseers in and for such and so many of the said districts wherein notice shall not have been given as aforesaid, at a convenient time and place to be fixed by the said committee, and a notice thereof shall be put up at a conspicuous place in each of the said districts, at least five days before such meeting.

5. *And be it enacted*, That the overseers of the highways of the said townships respectively, shall account to and settle with the town committees of the said townships respectively, as now required to do by law. Overseers to settle with town committees.

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

Approved March 4, 1858.

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## CHAPTER LXXXIV.

A FURTHER SUPPLEMENT to an act entitled "An act concerning inns and taverns," approved April seventeenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerks of the courts of common pleas of the counties of Essex and Camden shall pay over all moneys which they shall respectively receive from persons licensed by the courts of common pleas, in and for said counties, to keep inns and taverns, in the several townships in their respective counties, to the collectors of the said townships respectively, for the use of the said townships respectively, and that all acts and parts of acts Moneys received for licenses to be paid over to county collectors.

inconsistent with the provisions of this act, be and the same are hereby repealed.

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

Approved March 4, 1858.

## CHAPTER LXXXV.

A SUPPLEMENT to the act entitled "An act to incorporate the Long Dock Company," approved February twenty-sixth, eighteen hundred and fifty-six.

Time for establishment of ferry extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time limited for the establishment of the ferry authorized by the eighth section of the act to which this is a supplement, be and the same is hereby extended to the twenty-sixth day of February, eighteen hundred and fifty-nine; and that the tunnel and railroad now being constructed under and through the Weehawken or Bergen Hill, in the county of Hudson, shall be a public highway, and free for the passage of locomotives with their trains, and all railroad carriages thereon, with passengers and property, upon payment of the tolls prescribed by the tenth section of an act entitled "An act to incorporate the Paterson and Hudson River Railroad Company," passed January twenty-first, eighteen hundred and thirty one.

Approved March 4, 1858.



## CHAPTER LXXXVI.

AN ACT supplementary to an act entitled "An act to incorporate the Hudson County Mutual Insurance Company," passed February eleventh, eighteen hundred and forty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twelfth section of the act entitled "An act to incorporate the Hudson County Mutual Insurance Company," passed February eleventh, one thousand eight hundred and forty-two, be so amended as to authorize and empower the said company to insure property situated or owned without the state of New Jersey, and which may be situated or owned in any other state of the United States.

Twelfth section of former act amended.

2. *And be it enacted*, That the sixth section of the said act be so amended as to make it optional with said company either to receive a promissory note of any person who shall or may become a member of the said company, by effecting an insurance therein before such person or persons shall receive his or their policy or policies, to be guaranteed by some responsible person, or to require the whole amount of such sum of money as shall be determined by the directors to be the premium, as provided in said section to be paid in cash; which said cash deposit shall be considered as a part of the assets of said company, and be appropriated, or such ratio thereof as the said directors may determine, to the payment of losses or damage by fire and such incidental expenses as shall be necessary for the transaction of the business of said company, according to the provisions of the act to which this is a supplement; *provided, however*, that the provisions contained in this section shall apply only in such case as where the insurance is effected for the term of one year, or for a shorter space of time; and *provided further*, that the said company shall not at any time be entitled to the benefit of any provision contained in this

Sixth section of former act amended.

Proviso.

Proviso.

section unless their assets at such time amounts to the sum of one hundred thousand dollars.

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

Approved March 4, 1858.

## CHAPTER LXXXVII.

SUPPLEMENT to an act entitled "An act respecting the Independent Essex Brigade, and to better regulate and discipline the same."

Collectors  
authorized  
to adminis-  
ter oath.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the tax collectors and collectors of arrears of taxes of the city of Newark shall be and are hereby empowered to administer an oath or affirmation to all persons assessed in accordance with the first section of an act entitled "An act respecting the Hudson Brigade," whenever such persons so assessed shall declare that they are, by law, age, or physical infirmity, not subjects of such assessment.

Certain per-  
sons not sub-  
ject to pro-  
visions of  
act.

2. *And be it enacted*, That no person assessed on the assessors' books for a poll tax only or who shall be enrolled and actually doing duty in said brigade, shall be subject to the provisions of the first section of the act respecting the Hudson Brigade.

Regimental  
musicians.

3. *And be it enacted*, That there may be attached to each of the regiments of said brigade, a band of musicians, not to exceed thirty, and a corps of field musicians, not exceeding three to each company, to be organized at such time

as the regimental board of each regiment may deem expedient, the whole to be under the control of a drum-major or chief musician, or both, according to rank: the field corps to be under the immediate control of a sergeant of field music; the mode of appointment, and the respective duties of all of whom shall be prescribed by the regimental board: the said musicians shall be entitled to all the privileges and exemptions extended to the members of the regiment to which they shall be attached, and subject to all the penalties, liabilities, and restrictions appertaining to the said organization: the band herein provided for shall be deemed in law a company of the regiment to which they shall be attached, and shall partake, equally with all other companies, of the powers, privileges, and advantages which have been or may hereafter be extended to the uniformed militia of which they form a part: and the field musicians herein provided for shall serve as members of the companies to which they are attached, and rank as privates in the same: in case any minor shall, with the consent and approbation of his parents or guardian, attach himself to either of said regiments as a musician, the father or guardian of such minor shall, in consideration of such service, be entitled to the privileges and exemptions extended to the members of the regiment, during the time that may elapse before such minor shall become liable by law to military duty.

4. *And be it enacted*, That a general court martial in said brigade for the trial of any officer of either or any of said regiment, shall consist of not less than five nor more than thirteen commissioned officers, none of whom shall be under the rank of captain, to be taken from said regiment, or some or one of them, said court to be ordered, presided over, and conducted in like manner as general courts martial now are by the laws of this state required to be ordered, presided over and conducted, and the agreement of the like proportion of the members of the court shall be required for judgment as by law is now required, and the sentence of the court shall be approved or disapproved by

General  
court mar-  
tial.

the officer ordering the court, in all respects as by law is now directed.

Act to have  
effect in  
county of  
Union.

5. *And be it enacted*, That the provisions of this act be applied and have effect in the county of Union.

Approved March 4, 1858.

## CHAPTER LXXXVIII.

AN ACT for the relief of the Old Causeway Meadow Company, in the township of Mannington, in the county of Salem, and the Denn's Island Meadow Company, in the township of Lower Penn's Neck, in the county of Salem aforesaid.

Election of  
officers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the owners and possessors of land lying within the limits of the Old Causeway Meadow Company, and the limits of the Denn's Island Meadow Company, their legal agents or representatives, to meet at the house of Robert Newell, in the township of Mannington, on the first day of March next, and between the hours of one and five in the afternoon of said day, to choose by ballot or otherwise, and by plurality of votes of those met, such person or persons as they may think proper for manager or managers, and a treasurer and a clerk for the ensuing year, or until the next annual meeting thereafter.

Managers  
authorized  
to erect dam,  
&c.

2. *And be it enacted*, That the manager or managers, when appointed as aforesaid, or a majority of them, shall, as soon as may be, cause to be erected, put up and build above and

near the lower mouth of Denn's Canal, a bank, dam, or stopping across Salem creek, commencing in the Old Causeway Meadow Company and ending in the Denn's Island Meadow Company, with such sluice or sluices, or other works, as he or they may deem necessary, and shall, when completed and finished, make an actual survey thereof, describing the beginning and ending thereof, and where the same join the fast land, courses and distances, and place or places where the sluice or sluices or other works shall be laid, and also fix a name for the company, and deliver a certificate of his or their proceedings, signed, by him or them, to the clerk of the court of common pleas of the county of Salem, to be by him forthwith recorded.

3. *And be it enacted*, That the expense of erecting, putting up, building, and maintaining the said bank, dam, or stopping-sluice or sluices, and other works erected, put up, and laid out as beforesaid, and every other necessary expense for the benefit of said companies shall be defrayed by a tax on the meadow land of the Old Causeway Meadow Company, and of the Denn's Island Meadow Company, in manner hereafter directed.

Expenses to  
be defrayed  
by tax.

4. *And be it enacted*, That the manager or managers when appointed as aforesaid, shall make an estimate of the sum or sums of money which will be necessary to defray the expenses of the different services required by this law, and also of erecting, putting up, and building the said bank, dam, or stopping, and sluice, sluices, or other works, and shall assess the same ratably on the meadow land in the Old Causeway Meadow Company and in the Denn's Island Meadow Company, agreeably to the valuation and quantity each owner may have within the banks of said companies, according to the last duplicate made out for said companies, and shall state the said assessment in a regular duplicate containing the names of the owners or possessors, the number of acres and parts of acres held by each, the sums assessed on them severally, and the time or times of payment: which duplicate shall be delivered by him to the treasurer chosen or appointed as aforesaid.

Expenses to  
be assessed  
on owners.

Proceedings  
in case of  
non-pay-  
ment of as-  
sessment.

5. *And be it enacted*, That the treasurer, on the receipt of said duplicate, shall, in person or by notice in writing left at the usual place of abode of each owner or possessor, demand of and from each owner or possessor, twenty days before the time of payment, the sum assessed as aforesaid; and if any of the said owners or possessors shall neglect or refuse to pay the sum assessed as aforesaid for the space of twenty days after the time fixed for payment thereof, it shall and may be lawful to and for the said treasurer to seize and rent out by public vendue, to the highest bidder, for so long a time and no longer as will be requisite, so much of the meadow ground in either of said companies belonging to or in possession of such delinquent owner or possessor as may suffice to discharge such assessment and all expenses attending the recovery thereof, having first advertised the same, for the space of three weeks, in three of the most public places in the neighborhood where the said meadow lies or may be sold.

Further as-  
sessment  
may be made  
if necessary.

6. *And be it enacted*, That if said estimate so made and collected as aforesaid should not produce a sufficient sum of money to fulfil the purposes above mentioned, the said manager or managers shall make, in like manner, an estimate of such sum as may be further necessary, which shall be collected in like manner as is hereinbefore directed.

Managers to  
keep dam in  
repair.

7. *And be it enacted*, That the manager or managers shall, from time to time, inspect and examine the said bank, dam, or stopping sluice or sluices, and other works erected or made by virtue of this act; and shall cause, or procure to be made or done, all such repairs and amendments as to him or them shall seem necessary; and for defraying the expense thereof, shall assess in manner aforesaid, such sum or sums of money as may be requisite, which shall be collected in manner aforesaid.

Notice of  
meeting to  
be given.

8. *And be it enacted*, That notice, signed by at least three owners of the meadow within said companies, shall be given of the meeting under the first section of this act, setting forth the time and place of such meeting, by putting up such notices in three of the most public places in the neigh-

borhood of said meadows, at least five days previous to said meeting.

9. *And be it enacted*, That after the meeting of the said owners and possessors at the time and place appointed as aforesaid, it shall and may be lawful for the said owners and possessors to meet and assemble statedly, on the first Monday in April, yearly and every year, at one o'clock in the afternoon of that day, at such place as a majority of those met at the first meeting, or at the last preceding annual meeting, may have from time to time appointed, and there, between the hours of one and five in the afternoon, by ballot or otherwise and plurality of those met, appoint a manager or managers, a treasurer, and a clerk, to continue for one year, and from thence until others are appointed to supply their places; and the manager or managers, treasurer, and clerk then elected shall have the like powers as those hereinbefore mentioned.

Annual election of officers.

10. *And be it enacted*, That it shall be the duty of the clerk, from time to time, to enter in a book to be provided for that purpose, all votes, proceedings, orders, and assessments made by the said owners or the manager or managers, and all transactions whatsoever which the said owners and possessors or manager or managers shall direct.

Proceedings, &c., to be recorded.

11. *And be it enacted*, That if any of the manager or managers, or treasurer, or clerk at any time within the year for which they are elected, become incapable, by death, or removal, or other disability, of executing the duties required by this act, it shall and may be lawful for the manager or managers, or the survivor, or if none remain, any two of the owners or possessors, to call a meeting, by notice in writing, set up in three of the most public places in the neighborhood of said meadows, at least one week previous thereto, for the purpose of supplying the vacancy or vacancies, and the person or persons appointed in consequence shall have the like powers for the remainder of the year, as he or those had in whose place or places he or they may be appointed.

Vacancies, how supplied.

12. *And be it enacted*, That the owners and possessors

Compensa-

tion of officers.

of meadow ground in said companies at the first and at the subsequent annual meetings, from time to time, shall fix and determine, by a vote of the majority of those met, the wages or salaries to be paid to the manager or managers, treasurer, and clerk, from year to year.

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

Approved March 5, 1858.

## CHAPTER LXXXIX.

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

Preamble.

WHEREAS, a supplement approved February eighteenth, eighteen hundred and fifty-six, to the act entitled "An act to incorporate the Northern Railroad Company of New Jersey," approved February ninth, eighteen hundred and fifty-four, authorized the directors of said company to issue bonds to an amount not exceeding in the aggregate two hundred thousand dollars, bearing interest at the rate of six per cent. per annum; and whereas, said directors desire that said bonds should bear a higher rate of interest:

Company may issue bonds.

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 directors of the said company to issue the bonds mentioned in the third section of the said supplement, so that



such bonds shall bear interest at the rate of seven per cent. per annum.

2. *And be it enacted*, That it shall and may be lawful for the said company to extend the line or track of their railroad, from the northern termination thereof, in the county of Bergen, on the line of the state of New York, as fixed by the act to which this is a supplement, into the county of Rockland, in the said state of New York, to a point in the village of Piermont, south of the northern limits of said village; and said company is hereby authorized to construct that portion of their road within the limits of the state of New York in the same manner as if they were authorized so to do by the said act to which this is a supplement; *provided*, the state of New York grants to the said company the right to so extend their road.

Track of  
railroad  
may be ex-  
tended.

Proviso.

Approved March 5, 1858.

## CHAPTER XC.

A FURTHER SUPPLEMENT to an act entitled "An act for establishing a turnpike road from the town of Hackensack to Hoboken, in the county of Bergen."

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 lay down upon their road, on any part thereof, such track or tracks of iron rails as they may deem necessary; and that they shall have power to purchase, with

Company  
authorized  
to lay rails.

the funds of the company, such cars, horses, and mules, and other appendages; as shall and may be proper and necessary to use on said rail tracks.

Lands may  
be taken on  
payment to  
owners.

2. *And be it enacted*, That for the purpose of enabling said company to get an easier grade than on the present line of their road, for the laying down of said rails, or of shortening the distance between any points on the line of the same, it shall be lawful for the president and directors of said company, their agents and servants, to enter upon, take possession of, and excavate and level, any lands which may be wanted for the use of said road; but all lands and real estate thus entered upon, which are not donations, shall be purchased by the said corporation of the owner or owners thereof, at a price which shall be mutually agreed upon between them; and in case of a disagreement as to price, or if, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, then the value of such lands and damages shall be ascertained and fixed in the manner, and the proceedings relating thereto shall be the same as are provided in the third, fourth, and fifth sections of the act (being a further supplement to the act incorporating said company, approved February 9th, 1854), and that the payment or tender of the amount so ascertained shall vest in the said company the title to the lands so taken possession of and occupied by them.

Map of road  
to be made  
and filed.

3. *And be it enacted*, That said president and directors shall cause a survey of all deviations from the line of their turnpike road, as hereinbefore authorized to be made, and a description and map made thereof, to be filed in the office of the secretary of state; and a certified copy thereof shall be evidence of the location and route thereof.

Company  
may employ  
agents.

4. *And be it enacted*, That it shall be lawful for the said president and directors to employ such agents in conducting the business of the said road, and to allow them such suitable compensation as they may deem necessary and proper.

Locomotives  
not to be  
used on  
road.

5. *And be it enacted*, That nothing in this act shall authorize said company to use any locomotive or locomotives on

the said road, or to hinder, interfere, or render unsafe the ordinary travel on their turnpike road.

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

Approved March 5, 1858.

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## CHAPTER XCI.

AN ACT concerning the sale of railroads, canals, turnpikes, and plank roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any railroad, canal, turnpike, or plank road in this state, of any corporation created by or under any law or laws of this state, shall be sold and conveyed, under or by virtue of any decree or decrees of the court of chancery of this state, or of the circuit court of the United States in and for the district of New Jersey, sitting in equity, and an execution or executions issued thereon, to satisfy any mortgage debt or debts, judgment or judgments, or other incumbrance or incumbrances thereon, such sale and conveyance, duly made and executed, shall vest in the purchaser or purchasers thereof all the right, title, interest, property, possession, claim, and demand, in law and equity, of the parties to the suit or suits, action or actions, in which such decree or decrees was or were made, of, in, and to the said railroad, canal, turnpike, or plank road, with its appurtenances; and also, of, in, and to the corporate rights, liberties, privileges, and

Sale to vest  
right, title,  
&c., in pur-  
chaser.

franchises of the said corporation, but subject to all the conditions, limitations, restrictions, and penalties of the said corporation of and concerning the same; and such purchaser or purchasers, and his or their associates, not less than fifteen in number, shall thereupon become a new body politic and corporate, in fact and in law, by the name of the aforesaid corporation, and shall be deemed and considered the stockholders of the capital stock of such new body politic and corporate, in the ratio and according to the amount of the purchase money by them respectively contributed; and shall be entitled to all the rights, liberties, privileges, and franchises, and be subject to all the conditions, limitations, restrictions, and penalties of and concerning the said railroad, canal, turnpike, or plank road so sold and conveyed, which were contained in the act or acts creating, or under which the aforesaid corporation was created, and the supplements thereto, so far as the same was or were in force and unrepealed at the time of such sale and conveyance; and it shall and may be lawful for the said new body politic and corporate, at any time within one year after such sale and conveyance, to organize themselves as a corporation by the aforesaid name, by electing a board of directors, and the election or appointment of a president and such other officers as shall or may be authorized or required by the aforesaid act or acts and supplements thereto, and to make and issue certificates of the capital stock of such new corporation to the said purchaser or purchasers and their associates, to the amount of their respective interests therein; and it shall be the duty of such new corporation, within one calendar month after its said organization, to make a certificate thereof, under its common seal, attested by the signature of its president, specifying the date of such organization, and the names of its president and directors, and transmit the said certificate to the secretary of state, at Trenton, to be filed in his office, and there remain of record; *provided*, that no such sale and conveyance, and organization of such new corporation shall, in anywise, affect or impair any right or rights, in law or equity, of any per-

New corporation may organize themselves.

Proviso.

son or persons, body politic or corporate, not a party or parties to the suit or suits, action or actions, in which the aforesaid decree or decrees was or were made; nor of the said party or parties, except so far forth as determined by said decree or decrees; and *provided also*, that when any trustee or trustees shall be made a party or parties to such suit or suits, action or actions, and their *cestui que trusts*, for any reason or reasons satisfactory to the court in which such suit or suits, action or actions, may be, shall not be made a party or parties thereto, the rights and interests of such *cestui que trusts* shall be concluded by such decree or decrees. Proviso.

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

Approved March 5, 1858.

## CHAPTER XCII.

A FURTHER SUPPLEMENT to an act entitled "An act to authorize the United States to hold its courts in the State House."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the secretary of state and the state treasurer be, and they are hereby authorized to agree with the United States or with any person therefor, duly authorized, upon the terms and conditions upon which it shall be lawful for the United States to hold courts in the State House. Secretary of state and treasurer to agree with U. S. for use of State House.

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

Approved March 5, 1858.

## CHAPTER XCIII.

SUPPLEMENT to the act entitled "An act relating to the powers of commissioners of deeds and the clerks and surrogates of counties," approved March nineteenth, eighteen hundred and fifty-seven.

Provisions  
of former act  
extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the authority to administer oaths and affirmations conferred upon commissioners of deeds, and clerks and surrogates of the respective counties, by the act to which this is a supplement, be and the same is hereby extended to the clerks of all the courts of record in this state.

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

Approved March 5, 1858.

## CHAPTER XCIV.

AN ACT to authorize the inhabitants of the township of Fairfield, in the county of Cumberland, to improve the navigation of Cedar creek.

Inhabitants  
authorized  
to improve  
navigation  
of creek.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the inhabitants of the township of Fairfield, in the county of Cumberland, to improve the navigation of Cedar creek, by erecting a canal from the lower end of Long reach to Free reach, in said creek; *provided*, that the rights which

Proviso.

any person may now have in the navigation of said creek shall be in no wise impaired; *and provided further*, that the consent in writing of land owners, whose lands shall be taken for the purpose of digging said canal, shall first be had and obtained. Proviso.

2. *And be it enacted*, That it shall be lawful for the inhabitants of the said township of Fairfield, at their regular annual town meetings, to order to be raised by taxation, such sum or sums of money as they shall deem necessary to defray the expenses of digging said canal; which said sum or sums of money, so ordered to be raised, shall be assessed and collected in the same manner and at the same time that the ordinary township taxes of the said township are assessed and collected. Tax authorized.

3. *And be it enacted*, That at the same time that any sum or sums of money shall be ordered to be raised by taxation, as aforesaid, to pay the costs and expenses of digging said canal, it shall and may be lawful for the inhabitants of the said township of Fairfield, at their annual town meeting, to appoint a committee of one or more suitable persons, whose duty it shall be to superintend the digging of said canal, to whom the township collector shall pay all sum or sums of money collected for the purposes aforesaid; and it shall be the duty of the said committee to disburse the said money raised as aforesaid in the most economical manner for the digging of the said canal, and to report in writing to the subsequent town meeting or town meetings the mode in which they shall have disbursed said money. Money raised to be paid to committee.

4. *And be it enacted*, That if a majority of the inhabitants of said township, at their annual town meeting as aforesaid, shall determine that it is inexpedient to raise any money for the purpose of digging said canal as aforesaid, it shall and may be lawful for any of the citizens of said township, interested in the navigation of said creek, to improve the navigation of the same, by digging the canal as aforesaid, first making compensation to the land owners for the injury done to said land taken for the purposes aforesaid. Proceedings in case inhabitants decline to raise money.

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

Approved March 5, 1858.

## CHAPTER XCV.

AN ACT to increase the revenues of the state of New Jersey.

Preamble.

WHEREAS, the expenditures of state legislation are largely increased by numerous laws of a purely local or private character, annually applied for and enacted; and whereas justice demands that individuals so directly benefited should bear a portion of the expenses incurred on their behalf—therefore,

Amount of  
assessment  
on acts and  
supple-  
ments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter no private act passed by the legislature of this state, hereinafter described and assessed, shall be enrolled in the office of the secretary of state, or published, or have the force and effect of law, until the party or parties asking and requiring the same shall have paid into the state treasury the following sums, to wit: On every act incorporating or chartering, or renewing or extending the corporate powers of any bank, the sum of one dollar per thousand on the largest amount of capital authorized, and on every supplement thereto, except such as provide for an increase of capital, the sum of twenty-five dollars; on every act incorporating or chartering, or renewing or extending the corporate powers of any canal, railroad, or turnpike company, the sum of one-fifth of a dollar



per thousand on the largest amount of capital authorized, and on every supplement thereto, except such as provide for an increase of capital, the sum of twenty-five dollars; on every act incorporating or chartering, or renewing or extending the corporate powers of any insurance company, except mutual companies, the sum of one-half of one dollar per thousand on the largest amount of capital authorized, and on every supplement thereto, except such as provide for an increase of capital, the sum of twenty-five dollars; on every act incorporating or chartering, or renewing or extending the corporate powers of any water power, aqueduct, or gaslight company, the sum of fifty dollars, and on every supplement thereto the sum of twenty-five dollars; on every act incorporating or chartering, or renewing or extending the corporate powers of any steamboat, ferry, express, bridge, plank road, manufacturing, or mining company, the sum of thirty dollars, and on every supplement thereto the sum of twenty dollars; on every act or supplement to an act granting corporate powers, or extending or renewing corporate powers in any case where the authority to grant such powers, is or may be vested by law in any court of this state, the sum of fifty dollars; on every private act or supplement thereto not hereinbefore mentioned, except such as refer to benevolent, religious, charitable, or educational institutions, or to agricultural societies, fire or military companies, the sum of twenty-five dollars.

Approved March 6, 1858.

## CHAPTER XCVI.

AN ACT to authorize the inhabitants of the township of Mannington, in the county of Salem, and the township of Livingston, in the county of Essex, to vote by ballot at their town meetings.

Officers to be  
elected by  
ballot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Mannington, in the county of Salem, and the township of Livingston, in the county of Essex, authorized by law to vote at their town meetings, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are now, or hereafter may be fixed by law,—that is, in the said townships, 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 roads as they may from time to time direct, a town committee consisting of five persons, a superintendent of common schools, as many justices of the peace as the respective townships may be constitutionally entitled to elect, one or more constables, one or more pound-keepers, and all such other officers as the inhabitants of the said townships now are, or hereafter may be, authorized to elect, and also upon the same ballot designate the place for holding the next town meeting, and also the place for holding the next annual election.

Officers to  
receive and  
canvass  
votes.

2. *And be it enacted*, That the officers now authorized by law to receive and canvass the votes for justice of the peace in the said township of Mannington, and township of Livingston, shall be, and are hereby, authorized and required to receive and canvass, at the same time and in the same manner, the votes for the several township officers as aforesaid, and shall make a return of the result of the said vote to the clerk of the township, and publish a list

thereof in the same manner as is now required by law; *provided, however,* that when no justice or justices of the peace are to be elected, it shall be lawful for the officers aforesaid to open the polls at nine o'clock A. M., and close the same at three o'clock P. M., the same day. Proviso.

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

Approved March 6, 1858.

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## CHAPTER XCVII.

AN ACT to incorporate the Bridgeton and Fairfield 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 Fairfield Turnpike Company," and that Charles E. Elmer, Jonathan Elmer, Benjamin R. Bateman, William D. Barrett, George M. Swing, Theophilus E. Harris, and John Trenchard, 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. Commissioners to receive subscriptions.

Amount of  
capital  
stock.

2. *And be it enacted*, That the capital stock of said company shall be five 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.

Election of  
directors.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of seven directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; and when one 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 said 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 one 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, that this act shall be null and void, and the said commissioners, after deducting therefrom 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 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.

Election of  
president.

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.

Annual  
statement to  
be made.

Company  
authorized  
to construct  
turnpike  
road.

Proviso.

6. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Bridgeton to Fairton, commencing at the old saw-mill bridge, and running along the public road, as now used, to the main street of Fairton, with the privilege of straightening certain points along said road, and with the further privilege of constructing a branch to said road, commencing at the above terminus in Fairton, and extending on or near the present public road to the mill-dam of Adrian Bateman, in Cedarville, and thence to Page's Run; which said turnpike and branch shall not exceed four rods in width, thirty-three feet of which 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 six 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; *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.

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 burden 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; *provided always*, that the said company shall pay, or make tender of payment, for all damages for the occupancy of the lands and 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 the hands and seals of a majority of them, to

Proceedings  
in case com-  
pany and  
owners can-  
not agree.

Proviso.

Parties ag-  
grieved may  
appeal.

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 costs 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 and 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 under the seventeenth section of this act, shall be



at the proper costs 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 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 and 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 swine, or carriages of burden or pleasure from passing through the said gates or turnpikes until they shall have paid the toll above specified; *provided*, that no-

thing 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 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 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

Rates of toll.

Proviso.

Mile-stones  
to be erected.

post shall be legibly marked the distance the said stone or post is from Bridgeton.

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 ille-  
gal tolls.

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 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 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 burden 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, di-

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

rected 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 persons making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint, in the same manner above described, one or more respectable persons in the township or townships who may be disinterested, to serve in the place and stead of any member or number of members of the township committee so disqualified.

Road may be made free on payment of cost.

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 effect 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 costs 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 costs of construction of said road.

Township may subscribe for stock.

16. *And be it enacted*, That it shall be lawful for the inhabitants of the township of Fairfield, in said county, in their corporate capacity, to subscribe for the capital stock of the said company, to any amount not exceeding the costs of constructing the same within the limits of the said township, the legal voters at the annual town-meeting having first determined the amount to be subscribed; and it shall be further lawful for the amount of said subscription to be assessed, levied, and collected in the same manner as the money ordered to be raised in said township

for the use of the roads, is now assessed, levied, and collected.

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. Act, when to take effect.

18. *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. General powers.

Approved March 6, 1858.

## CHAPTER XCVIII.

AN ACT to authorize certain streets, marked out on a plan of the city of Hoboken, to be changed.

WHEREAS, on a plan of the city of Hoboken, filed in Bergen county clerk's office, on the eighth day of April, eighteen hundred and five, and by which sales of lots have been made, a part of the land north of Sixth street and east of Hudson street, were laid out in lots, and streets were marked only on said plan, and without any actual survey or laying out upon the ground; AND WHEREAS, the said lands are elevated at a great height above the grade of the other streets of the city, and consist of solid rock, and the streets, as plotted on said plan, Preamble.

can never be opened and graded to any proper city grade, except at a cost that will exceed the value of the lots when graded, and thus destroy the value of the land; AND WHEREAS, other streets can be planned and laid over said lands, more adapted to the natural grade of the surface, that will greatly add to the value of the said lands; AND WHEREAS, no streets have been opened or lots sold in said part of said lands, and no individual has acquired any right in said lands, except the owners of the same, but it is suggested that, by reason of the filing of said map and the sales thereby, that the public may have acquired a claim to call for the opening of said streets, and Edwin A. Stevens and the other owners of said lands, have applied for a law annulling any right that might exist in the public or any body or person whatever, to require said streets to be opened, and authorizing them to lay out other streets, to be laid out in the place of the same, and it appearing that such change will be beneficial to the public and all parties interested; therefore

Parts of certain streets vacated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the street marked out on the said plan of the city of Hoboken, next east of Hudson street and parallel thereto, and north of Seventh street, and all that part of the Second street, east of Hudson street, and parallel thereto, and north of Sixth street, and all that part of Seventh street, east of the street next east of Hudson street, and all that part of Eighth street east of Hudson street, are hereby vacated and made void; and it shall not be lawful for any public or municipal authorities, or any person whatever, to open or use the same as public streets; and the lands shall be held by the owners of the fee, free from any easement or right of a street or road over the same.

New streets to be laid out.

2. *And be it enacted*, That the owners of the lands across and over which said streets are laid out, are hereby authorized and required to lay out, in lieu of said streets so vacated, on said lands, and on the lands north of and adja-

cent thereto, other streets, in such manner as shall be, in their judgment, most beneficial to the public interest, said new streets to contain as many superficial feet of land as those do that are hereby declared vacant and void, and to file a plan or map, designating such new streets, in the office of the clerk of the county of Hudson, before the first day of January next; and the filing of such map shall be an agreement to dedicate such new streets, so laid out thereon, to public use; and they shall be public streets, whenever the opening of the same may be called for by the proper municipal authorities of the city of Hoboken.

Approved March 6, 1858.

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## CHAPTER XCIX.

AN ACT to vest in the trustees of School District No. I., in the town of Bergen, the lands and tenements known as the Old Academy lot, and to empower them to erect a building thereon, and to raise money for the construction of the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the property known as the old academy, consisting of the building and the lot whereon the same stands, in the town of Bergen, in the county of Hudson, is hereby vested in the trustees of school district number one in said town, in trust for the use of said school district.

Property  
vested in  
trustees.

2. *And be it enacted*, That the trustees of said district be, and they are authorized to erect a building upon the lot

Trustees au-  
thorized to  
build school  
house.

hereby vested in them as aforesaid, of sufficient dimensions to be used for a school house, and also for a public hall.

Trustees authorized to raise money.

3. *And be it enacted*, That the said trustees, and their successors in office, are hereby authorized and empowered to raise money for the payment of the cost of erecting such building, and to secure the payment thereof by bond and mortgage on the said building and lot; *provided*, however, that such money to be raised shall not exceed the sum of five thousand dollars.

Proviso.

Building to be under control of trustees.

4. *And be it enacted*, That the said school house and public hall shall be under the sole direction and control of the trustees of said school district.

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

Approved March 6, 1858.

## CHAPTER C.

A SUPPLEMENT to the act entitled "An act to incorporate the Princeton Mutual Fire Insurance Company," approved March tenth, eighteen hundred and fifty-six.

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the seventh section of the act entitled "An act to incorporate the Princeton Mutual Fire Insurance Company," approved March tenth, A. D. eighteen hundred and fifty-seven, as requires twenty-five per centum of the premium notes for insurance, to be paid in cash at the time of effecting such insurance, be, and .



the same is hereby repealed, and that the directors of said company shall have power to fix and determine the per centum to be paid in cash.

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

Approved March 6, 1858.

## CHAPTER CI.

A SUPPLEMENT to an act entitled "An act to authorize and enable the city of Trenton to purchase a part or the whole of the capital stock of the Trenton Water-works Company," approved March second, eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of the city of Trenton, whenever it may seem to them expedient so to do, to borrow such sums of money on the credit of the said city, as shall appear to them to be necessary, for the purpose of paying the expenses already incurred, or which may hereafter be incurred, in relaying, repairing, and extending the mains, and other works of the Trenton Water-works, and providing motive power for the same, and to loan such moneys to the president and directors of the Trenton Water-works, for the purposes aforesaid; *provided*, that the sums of money so to be borrowed shall not exceed the sum of twenty-five thousand dollars.

Common council authorized to borrow money.

Proviso.

2. *And be it enacted*, That to secure the payment of the loan authorized by this act, the said common council are hereby authorized to issue the bonds of the city for an

Common council authorized to issue bonds

amount not exceeding in the whole the sum of twenty-five thousand dollars, which bonds shall bear interest at the rate of six per cent. per annum, payable semi-annually, and shall not be subject or liable to any tax which may hereafter be levied or assessed by order of the common council of said city.

First three sections of act to be submitted to citizens at election.

3. *And be it enacted*, That at the next annual election for the officers of the said city of Trenton, the electors of the said city shall vote upon the question of making the loan authorized by this act, those in favor thereof depositing ballots with the words "For water loan" written or printed thereon, and those opposed thereto depositing ballots with the words "Against water loan" written or printed thereon; and the result of such election shall be certified by the election officers of each ward, to the president of common council, to be by him laid before the common council at their next meeting; and if it shall appear that a majority of the electors of said city, voting for and against said loan at such election, have voted in favor of such loan, then the first three sections of this act shall take effect immediately, but if otherwise, then said sections shall be void.

Water districts to be set off.

4. *And be it enacted*, That the common council of the city of Trenton are hereby empowered to set off such parts of the said city, through which the water-pipes of the Trenton Water-works now or hereafter shall be laid, into a district or districts, to be called "the water district or districts," and to alter the boundaries thereof, as occasion may require, and to impose an annual tax, in such an amount as to them may seem expedient, on all improved lands comprised in the said water district or districts, the said tax to be assessed with a view to the value of the property taxed, and to its rental; and said assessment to be made and collected in such manner, at such times, and by such person or persons as the said common council shall from time to time by ordinance direct; and that said taxes, when imposed in the manner aforesaid, shall have the same force and effect, and be collectable by the same process, as other city taxes; and the treasurer of said city is hereby authorized and

directed to pay over, annually, to the president and directors of the Trenton Water-works the proceeds of said taxes.

5. *And be it enacted*, That the president and directors of the Trenton Water-works shall, from the proceeds of said taxes, and from the water rents, apply such portions of said moneys received by them, after paying all expenses for maintaining the works, and raising and distributing the water, and salaries, wages, and incidental charges, first, to the payment of six per cent. on the stock of the company, and to the payment of interest on the debt created for the construction and improvement of the works, and next, to pay over the surplus to "the commissioner of the sinking fund," to be applied by him to the purchase of the "scrip" or bonds issued therefor by the city, if the same can be obtained at reasonable rates, or if that cannot be effected, to be by him safely invested, and allowed to remain as a sinking fund for the payment of said bonds at their maturity.

Proceeds of taxes, how to be appropriated.

6. *And be it enacted*, That the fourth and fifth sections of this act shall take effect immediately, and that all acts and parts of acts inconsistent herewith shall be repealed.

Former acts repealed.

Approved March 6, 1858.

## CHAPTER CII.

AN ACT to incorporate the Howell Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the

Commissioners to receive subscriptions.

capital stock of the Howell Turnpike Company shall be opened by Charles Butcher, Job Cottrell, James Cooper, Andrew Simpson, David Cooper, 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 Monmouth.

Amount of  
capital  
stock.

2. *And be it enacted*, That the capital stock of said company shall be three thousand dollars, with liberty for the said company to increase the same to five thousand dollars, and shall be divided into shares of twenty-five dollars each, and when two-thirds of the stock 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 Howell Turnpike Company," and by that name and style shall have, enjoy, and exercise all the rights, powers, and privileges appertaining to corporate bodies and necessary to carry the objects of this act into effect.

Payment of  
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 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 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;

Proviso.

*provided also*, that no subscription for less than four shares of said stock shall be reduced by such apportionment. Proviso.

4. *And be it enacted*, That the stockholders of this company shall be residents of said township of Howell, Monmouth county, New Jersey; and if the number of shares hereinbefore made necessary for the incorporation of said company, be not subscribed for within two 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 shares are not subscribed for in two years.

5. *And be it enacted*, That when all the 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 mentioned, 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, five directors, a majority of whom shall be citizens of the township of Howell, 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 the township of Howell 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 ten votes, although he or she may have a greater number of shares. Election of directors.

6. *And be it enacted*, That within twenty days after the election as aforesaid, the said directors shall elect from their Proviso.

number a president of their said company, who shall be a citizen of Howell township, Monmouth county, New Jersey, who shall hold his office one year and until another shall be elected, and receive such compensation for his services as a majority of the said directors shall direct; and shall be presiding officer at all meetings of said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders, or in case of his death, absence, or inability so to do, the said directors shall appoint some other suitable person, who, for the time being, shall possess the same powers and authority, and perform all the duties herein prescribed.

Duties and  
powers of  
directors.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections, by death, resignation, removal, or refusal to act of any president or director; and may appoint a treasurer, who shall be a citizen of the township of Howell, in the county of Monmouth, state of New Jersey; and all officers, agents, superintendents, and other servants, that may be required to transact business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company; and may make and enforce such ordinances and by-laws as they may think expedient to regulate the transfers of the stock, and the general government of the company, and management of its affairs; *provided*, the same are not repugnant to the constitution and laws of this state or of the United States.

Proviso.

Annual  
statement to  
be made.

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

9. *And be it enacted*, That special meetings of the stockholders may be called by the order of the said president and directors, or by the stockholders owning one-fourth of the 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 thereon, who may require the books, accounts, and all other papers and proceedings of the company to be exhibited to them by the president and directors.

Special meetings may be called.

10. *And be it enacted*, That if, from any cause, an election hereinbefore named shall not be held at the time specified in this act, the same may be held at any other time, on notice as aforesaid; and 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.

Charter not void for failure to elect on day prescribed.

11. *And be it enacted*, That it may be lawful for the said company to construct and make a turnpike road, from the terminus of the Freehold and Howell Plank and Turnpike Company's road, on the main road leading from Freehold to Our House tavern, in the township of Howell, being three miles more or less; 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 bridge over Long Brook shall remain as now built until such time as it needs to be rebuilt, then

Description of road.

Proviso.

Proviso.

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 overset, the said company shall cause good and sufficient railing to be erected and maintained on the side, so as to prevent horses and carriages from running off; *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 may be in the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners may sustain by taking his lands for the construction or maintaining of said turnpike road.

Proceedings  
in case com-  
pany and  
owners can-  
not 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 that when the said company, or its agents, cannot agree with the owner or owners of such required lands, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owners, no such agreement can be made, a particular description of the land or material 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 Monmouth, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown, or out of this state, to make publication thereof as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, commissioners to examine and appraise the said lands and materials, and to assess the damages upon such, 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 make a just and equitable appraisement of the value of the same, and assessment of damages to be paid by the said company for such lands, 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 material, and the appointment, and oaths or affirmations aforesaid, in the clerk's office of the county of Monmouth, to remain of record therein, and shall be recorded by the said clerk, which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land or materials after payment of the value and damages so assessed, and of the right of

the said owner or owners to recover the amount of said valuation, with interest and 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 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 travelling 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 calves, sheep, or hogs, five mills.

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

And it shall and may be lawful for the toll-gatherers to stop persons riding, leading, or driving any horses, cattle, mules, calves, sheep, or hogs, or carriages of burthen or pleasure from passing through the said gates or turnpikes until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the Sabbath day, or to or from any mill to which he may usually resort for 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 com-

Proviso.

mon 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 travelling 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 the line dividing the townships of Howell and Freehold, and shall cause to be fixed and always kept 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.

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 persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action of damages for the same, to be recovered by the said company by action of debt or other action, in any court of competent jurisdiction, with costs of suit; and if any person with his or her carriage, team, or horse, turn out of said road, to pass a gate or gates on private grounds adjacent thereto, and again enter on said road, with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for  
injuring  
works.

Penalty for taking illegal toll.

16. *And be it enacted*, That if any toll-gatherer 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 Monmouth, who shall immediately appoint, by writing, three 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 gates or turnpikes, and exact toll of travelers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same in an action of

debt, with costs of suit, and the judge shall be allowed, for his services; fifty cents, and the persons appointed, one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said road or bridge, and report, as aforesaid, their opinion to the said judge, who shall, if authorized by the report of the said persons, or any two of them, by license under his hand and seal, directed to the toll-gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before; and the said fees shall be allowed and paid as before directed; but if on the first view, as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed and paid by the person or persons making the complaint.

19. *And be it enacted*, That whenever the said company shall have completed said road, according to the directions and true intent and meaning of this act, it shall be lawful for the said company to erect toll gates across said road, and demand toll for travelling thereon agreeably to the foregoing rates. Company may erect gates.

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. Company may use public road.

21. *And be it enacted*, That if said road be not commenced within two years, and completed within four years from the passage of this act, that then and in that case, this act shall be void and of no effect. Commencement and completion of work.

Approved March 7, 1858.

## CHAPTER CIII.

AN ACT to incorporate "The United States Patent Grain Huller Company."

Names of  
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard Morrell, Robert Gilchrist, junior, William L. Hanford, David Collins, Robert Morrell, Peter Gordon, and Henry R. Smeltzer, and the survivors or survivor of them, their successors and assigns, and all persons who shall become owners of the stock of the said company, their successors and assigns, shall be, and they are hereby constituted and declared a body politic and corporate in fact and in law, by the name of "The United States Patent Grain Huller Company;" and by that name they may sue and be sued, plead and be impleaded in all courts and places, and have continual succession, make and have a common seal, and alter the same at their pleasure; and that they and their successors, by the same name, shall be able and capable in law to acquire, purchase, receive, have, hold, and enjoy any, and all letters patent, or any part thereof, issued or to be issued, whether one or more, for any and all improvement and improvements in the mode of hulling or cleaning grain, and any invention, or any part thereof, or machine for the same purpose (for which a patent has been, or shall be granted for or in the United States); and to issue so much of the stock of said company for such purchase, as the owners present or future of said letters patent, inventions, and improvements, may agree with said corporation to take therefor; and the said inventions and improvements and machines, or any part thereof, and the said letters patent issued, or to be issued, or any part thereof, or the whole or any part thereof, in any specific territory, or in the whole United States, to assign, sell, and dispose of, and to license any person or persons, body politic or corporate to use and practice the said invention and inventions, in any place or places what-

General  
powers.

soever, and to receive or not as they shall choose, on all such sales or licenses, any price or prices, rent or royalty, revenue, or income that they may choose; and to make any and all contracts, agreements and deeds, for the purpose of acquiring or disposing by assignment, or license, or in any other way, of all or any part of said inventions, improvements, machines, and letters patent, and to manufacture any and all such machines, as may, or shall be made in pursuance of such letters patent issued or to be issued, and to acquire, hold, and dispose of all such personal and real estate, as shall or may be necessary to effect the objects before stated; *provided*, the real estate so to be acquired shall not exceed one acre of land unless the same shall be bona fide taken in payment of any debt that may become due to the said corporation. Proviso.

2. *And be it enacted*, That the capital stock of said corporation shall not exceed the sum of two hundred and fifty thousand dollars, which 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, *provided*, the same be transferable only on the books of the said company. Amount of capital stock.  
Proviso.

3. *And be it enacted*, That the persons named in the first section, or any five of them, shall open books to receive subscriptions to the capital stock of said corporation, at such time or times, place or places, in the county of Hudson, 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 Jersey City; and the said books shall be kept open for three days at least, and five dollars shall be paid either in money or in letters patent, and the property aforesaid upon each share of the stock subscribed, at the time of subscription, and if more than the whole of the stock 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; and it shall and may be lawful for the said company to commence their Commissioners to receive subscriptions.

First direc-  
tors.

business, and carry it on, after the sum of fifty thousand dollars shall be subscribed, and the sum of ten thousand dollars paid in manner aforesaid; 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 the 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; that until other directors are chosen from the stockholders, the first directors shall be the said persons named in the first section of this act, and the survivors and survivor of them, who shall hold their offices until the first day of November next, and until others are legally chosen.

Annual elec-  
tion of direc-  
tors.

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 residents in this state, and the said directors shall be elected on the first Monday in January, in every year, in the county of Hudson, and notice of such election shall be given at least two weeks previously, in a newspaper published at Jersey City in said county of Hudson, which elections shall be held and conducted in conformity to an act entitled "An act to prevent fraudulent elections by incorporated companies, and to facilitate proceedings against them," approved April fifteenth, 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 may happen, by the said board of directors or a majority of them; *provided, however*, that when any

Proviso.



such vacancy or vacancies may happen, the said board of directors, or a majority of them, upon the request in 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 that 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.

Corporation  
not dissolved  
for failure  
to elect on  
day pre-  
scribed.

6. *And be it enacted*, That a majority of the directors for the time being, shall form a board for the transaction of the business of the said corporation, and shall have power to ordain, establish, and put in execution, such by-laws, ordinances, and regulations, as shall seem necessary and convenient for the government, management, and disposition of the stocks, effects, profits, and concerns of the said corporation; *provided*, that the same are not contrary to the constitution of the United States, or of this state.

Directors  
may make  
by-laws.

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

Annual  
statement to  
be made.

meeting, for the election of directors hereinbefore provided.

Limitation.

8. *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 March 10, 1858.

## CHAPTER CIV.

A FURTHER SUPPLEMENT to an act entitled "An act to authorize the inhabitants of the townships of Bedminster and Warren, in the county of Somerset, and the townships of Randolph, Chester, and Rockaway, in the county of Morris, and of the township of West Windsor, in the county of Mercer, and of the township of Washington, in the county of Bergen, and of the townships of Hope, Hardwick, and Knowlton, in the county of Warren, and of the townships of Dover and Millstone, in the county of Monmouth, to vote by ballot at their town meetings."

Notice to be given of first district road meetings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of the highways of the several road districts in the township of Rockaway, in the county of Morris, shall be elected by the legal voters of the several districts, as the same may be arranged from time to time by the township committee in said township; and for the purpose of carrying this provision into effect, it shall be the duty of the township committee of the said township to give public notice of the time and place of holding the first district road meetings under this act, and

which meetings shall be held on the Saturday next previous to the annual town meeting in said township; and shall cause notice thereof to be posted up in some conspicuous place in such districts, respectively, at least five days before the time of holding any such meeting, which shall be some convenient place in the district, when and where the legal voters in the township, residing in such road district, shall assemble for the purpose of such election; and when so assembled, the said voters having been called to order by any one of their number, shall proceed by the holding up of hands to elect a moderator of such meeting, by a plurality of votes; and being thus organized, the meeting shall proceed, in the same manner, by the holding up of hands, to elect an overseer of the highway for such road district; and the moderator of such first meeting shall, at the first annual town meeting next after the said election, notify the township committee of said township of the said election, and of the name of the person so elected overseer; and in case of the failure of any district to elect an overseer, or of the person so elected to accept of his appointment, the said township committee shall fill such vacancy, and shall furnish a list of the names of said overseers of the highway so elected or appointed, to the clerk of the township, and he shall publish the same, with the names of the officers and the proceedings of the said first town meeting held after such election.

Vacancies,  
how supplied.

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

Subsequent  
road meetings,  
how called.

appointed to be published as aforesaid by the clerk of said township, upon their receiving from the moderators of such subsequent meetings, respectively, the names of the persons so elected thereat, and which said moderators are hereby required to notify said township committees of the names of the persons so elected, at the said annual town meeting next after such election.

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

Approved March 10, 1858.

## CHAPTER CV.

AN ACT to authorize the inhabitants of the townships of Newton, Stillwater, and Lafayette, in the county of Sussex, to vote by ballot at their town meetings.

Officers to be  
elected by  
ballot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the townships of Newton, Stillwater, and Lafayette, in the county of Sussex, authorized by law to vote at their town meetings, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are now, or hereafter may be fixed by law—that is, in the said townships, 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,

a town committee consisting of five persons, a superintendent of common schools, as many justices of the peace as the respective townships may be constitutionally entitled to elect, one or more constables, one or more pound-keepers, and all such other officers as the inhabitants of the said townships now are or hereafter may be authorized to elect, and also upon the same ballot designate the place for holding the next town meeting.

2. *And be it enacted*, That the officers now authorized by law to receive and canvass the votes for justice of the peace in the said townships of Newton, Stillwater, and Lafayette, shall be and are hereby authorized and required to receive and canvass, at the same time and in the same manner, the votes for the several township officers as aforesaid, and shall make a return of the result of the said vote to the clerk of the township, and publish a list thereof in the same manner as is now required by law; *provided, however*, that Officers to canvass votes received. when no justice or justices of the peace are to be elected, Proviso. it shall be lawful for the officers aforesaid to open the polls at nine o'clock A. M., and close the same at four o'clock P. M. the same day.

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

Approved March 10, 1858.

## CHAPTER CVI.

AN ACT to provide for the grading and lighting of the streets, and preserving good order in the town of Bridgeton.

Annual  
meetings of  
township  
committees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committees of the townships of Bridgeton and Cohansey, in the county of Cumberland, shall meet together at the court-house in Bridgeton, on the first Monday of April in each year, at the hour of two in the afternoon, and shall then organize themselves into a board for grading and lighting the streets and preserving good order in Bridgeton, and shall appoint one of their number president, and a suitable person clerk of said board; and that a majority of the members of each of said committees shall be necessary to constitute a quorum, without which no business shall be transacted but the appointment of an adjourned meeting.

Proceedings  
in case of  
failure to  
meet on day  
prescribed.

2. *And be it enacted*, That in case the said board shall fail to meet and organize on the first Monday of April in any year, it shall be lawful for them to meet and organize at any subsequent time that may be appointed, by a notice in writing, signed by a member of each of said committees, and set up in three public places in each of said townships, and published in the newspapers printed in Bridgeton, at least three days before the time so appointed; and such board, when organized, may hold adjourned meetings upon their own appointment, or special meetings at any time appointed, by notices signed, set up, and published as aforesaid.

Duties and  
powers of  
board.

3. *And be it enacted*, That the said board shall have power to regulate the grade of the streets of the said town, and to authorize and require the overseer of the road in whose district any street or part of a street shall be, to alter the existing grade of any street or part of a street as they shall direct; and the said board shall have power, by a vote of

two-thirds of the members present, to require any owner of property in said town, adjoining any street thereof, to alter the grade of the side-walk along his said property at his own expense, as they shall direct; and in case any owner shall refuse or neglect to do so one month after notice in writing of the order of said board, signed by the president and attested by the clerk, shall have been delivered to him, then the overseer of the road in whose district the same shall be may be directed by said board to make said alteration; and the said overseer shall and may recover the expense of said alteration of the said owner by action in any court of competent jurisdiction.

4. *And be it enacted*, That the said board shall have power to establish and define light districts in each of said townships, and to set up, establish, maintain, and regulate gas-lights in said districts and on the bridge, and to appoint and compensate a superintendent or superintendents of lights; and to defray the necessary expense thereof, and of the other objects contemplated in this act, the said board may, by a vote of two-thirds of those present at any meeting held previous to the twentieth day of May in any year, order such sum to be levied and raised by tax as they shall think necessary, and shall apportion the said sum between the light districts in each of said townships of Bridgeton and Cohansey, respectively, according to the ratio of the taxable property within each of said districts, as ascertained by the last assessment of taxes therein, and shall direct by writing, signed by the president and clerk of said board, and delivered to each of the assessors of the said townships, which said writings shall specify and define the boundaries of each light district, what sum shall be levied and raised in each of said districts; and the said assessors shall each of them assess the said sum on the estates of the inhabitants of said respective districts, and on all lands liable to be taxed therein, in the same manner as township taxes are assessed, and shall set down the amount assessed to each person in his duplicate in a separate and distinct column; and said sums of money shall be assessed, levied, and col-

Board may  
establish  
light dis-  
tricts.

lected in each of said districts at the time and in the same manner as township taxes are or may be assessed, levied, and collected; and it shall be the duty of the respective collectors of the said townships to pay over all moneys by them received, which shall have been assessed by virtue of this act, to such person or persons as may be authorized to receive the same by said board.

Clerk to keep  
record of  
proceedings.

5. *And be it enacted*, That the clerk of said board shall have the custody of the papers, and keep a record of the proceedings thereof; and the said board may allow such compensation to the said clerk and to superintendents, or other persons by them employed, as they shall deem reasonable; but no compensation shall be allowed, directly or indirectly, to any member of said board, except to the president, for services in criminal cases.

Duties and  
powers of  
president.

6. *And be it enacted*, That the president of said board shall take an oath or affirmation, before the clerk of the court of common pleas of the county of Cumberland, that he will faithfully, impartially, and justly perform all the duties of the office of president of the board for grading and lighting the streets and preserving good order in Bridgeton, according to the best of his abilities and understanding, and shall have power to see that the laws of this state are faithfully executed, to maintain peace and good order within the county of Cumberland, to suppress all riots and tumultuous assemblies, and to arrest, or cause to be arrested, without process or warrant, and to commit for trial, all persons violating; or whom he has reason to believe have violated, the laws of the state, and shall possess the same powers and authority in criminal cases within said county with which justices of the peace are invested.

Duties and  
powers of  
marshal.

7. *And be it enacted*, That the said board shall have power to appoint a town marshal, who shall take and subscribe an oath or affirmation before the president of said board, or some justice of the peace, that he will faithfully, justly, and impartially fulfil the duties of the office of marshal of the town of Bridgeton according to the best of his abilities and understanding, which shall be certified to and filed by the



clerk of the court of common pleas of the county of Cumberland, and thereupon the said marshal shall have all the powers and duties in civil and criminal cases within the county of Cumberland that any of the constables therein have, and shall be entitled and required to execute any process directed to a constable, and shall have the same fees, and be subject to all the liabilities that the constables of said county may have or be subject to; and the said board may allow and pay to the president and marshal such fees for services in criminal cases as they shall deem reasonable.

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

Approved March 10, 1858.

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## CHAPTER CVII.

AN ACT to authorize Betsey Ayre to make a will.

WHEREAS, Betsey Ayre by the bequest of her first husband, Jonathan M. Meeker, late of New Providence, New Jersey, and otherwise, holds in her own right certain real and personal estate, and a deed of separation between her and her present husband, Richard Ayre, has been duly executed, in which each of the parties is left in sole possession of all his or her property, and each also relinquishes all claims whatsoever upon the real and personal estate of the other, it being expressly named in said deed

Preamble.

Betsey Ayre  
authorized  
to make  
will.

of separation that Betsey Ayre shall be at full liberty to dispose of her estate by will or otherwise—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Betsey Ayre be, and she is hereby authorized and empowered to devise and dispose of her property by will, and that the same shall be of like force and effect as if she were single.

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

Approved March 10, 1858.

## CHAPTER CVIII.

AN ACT to authorize the trustees of the Second Presbyterian Church of Orange to assess sums of money as a tax or rent on the pews of their church.

Trustees au-  
thorized to  
assess rent of  
pews.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Second Presbyterian Church in Orange be, and they are hereby authorized and empowered to assess such sums of money as a tax, or rent, upon the pews of their church as may be necessary to defray the annual current expenses of the congregation, to be made payable in such manner as the said trustees, by their by-laws, may direct, and in default of the payment of the said tax or rent so assessed as aforesaid, for the space of one year, the said pew or pews may be sold for the shortest period of time practicable, under the direction of the said trustees, to pay all arrears thereon.

2. *And be it enacted*, That this act shall not take effect until it has been submitted to the pew-holders of said church, and approved by two-thirds of them, at an election to be held at the annual meeting of the parish on the twentieth day of April next.

Act, when to  
take effect.

Approved March 10, 1858.

## CHAPTER CIX.

A SUPPLEMENT to the act entitled "An act to incorporate Benevolent and Charitable Associations," approved March 9, 1853.

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 shall be so construed as to include within its provisions associations formed, or to be formed, for the promotion of religion, local missions, and sabbath schools; *provided*, that the fifth and sixth sections of the said act shall not apply to incorporations formed under this supplement.

Provisions  
of former act  
extended.

Proviso.

Approved March 10, 1858.

## CHAPTER CX.

SUPPLEMENT to the act entitled "An act relative to Commissioners for taking the acknowledgment and proofs of Deeds," approved April fifteenth, eighteen hundred and forty-six.

Governor authorized to appoint commissioners of deeds for other states.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state be, and he is hereby authorized, by and with the advice and consent of the senate, to name, appoint, and commission such number of commissioners in each of the states and territories of the United States, and the District of Columbia, as he may deem expedient, and where such appointment shall not be incompatible with the laws of such state, territory, or district where such commissioner shall reside, which commissioner shall have authority, in all cases where the grantor or grantors shall reside in the state, territory, or district in which such commissioner is appointed, to take the acknowledgment or proof of any deed or conveyance, mortgage, defeasible deed, or other conveyance in nature of mortgage of any lands, tenements, or hereditaments, lying and being in this state, or any other instrument of writing under hand and seal, required by the laws of this state to be acknowledged or proved; and such acknowledgment or proof taken or made in the manner directed by the laws of this state, and certified by the commissioner before whom the same shall be made, as by law required, shall have the same force and effect, and be as good and available in law for all purposes, as if such acknowledgment or proof had been made before one of the justices of the supreme court of this state.

Term of office.

2. *And be it enacted*, That every commissioner appointed by virtue of this act, shall hold his office for the term of three years, and in case he shall remove out of the state, territory, or district in which he shall reside at the time of his appointment, his commission shall thereupon become void, and the said commissioners and every of them are

hereby allowed, and shall be entitled to receive the same fees as are allowed by law for the like services to officers in this state; and that in case it shall be made to appear to the governor that any such commissioner shall charge more or greater fees than are allowed by law, it shall be his duty to remove such commissioner from office.

3. *And be it enacted*, That every person applying for the appointment of commissioner, shall enclose with his application the sum of five dollars, which sum, if a commission shall be granted, shall be paid over by the governor to the treasurer, and if such commission shall not be granted, then the same shall be returned to the person making such application.

Fees to be sent with application for appointment.

4. *And be it enacted*, That the secretary of state shall cause this act to be printed, together with the third, fourth, seventh, and eighth sections of the act to which this act is a supplement; and also, the form of acknowledgment of deeds, mortgages, and other deeds of conveyance used in this state, and shall enclose the same to every person who is now acting, or shall hereafter be appointed a commissioner, by virtue of the provisions of this act, with his commission.

Copy of act to be sent to commissioners.

5. *And be it enacted*, That the commissions of all persons heretofore appointed commissioners by virtue of the provisions of the act to which this is a supplement, and the supplement thereto, shall expire on the first day of February next after the passage of this act.

Expiration of term of commissioners now in office.

6. *And be it enacted*, That it shall be the duty of the secretary of state, annually within ten days after the adjournment of the legislature, to make out a list of all the commissioners for other states, duly appointed and sworn, together with such appointments made during the recess of the legislature, with the date of appointment and expiration of term, which list he shall cause to be printed, and a copy thereof sent to the clerk of each county in this state; and it shall be the duty of every county clerk whenever any instrument of writing is presented for record, purporting to be acknowledged before a commissioner residing in

Annual list to be sent to county clerk.

another state, to examine said list, and if the name of said person signing his name as a commissioner for New Jersey, does not appear thereon, he shall immediately inform the person presenting such paper thereof.

Parts of former acts repealed.

7. *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.

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

Approved March 10, 1858.

## CHAPTER CXI.

A FURTHER SUPPLEMENT to the act entitled "An act to regulate elections," approved April sixteenth, eighteen hundred and forty-six.

Preamble.

WHEREAS, by the provisions of an act entitled "An act to create the county of Union," approved March nineteenth, eighteen hundred and fifty-seven, the several townships of the county of Essex, which, prior to the passage of said act, constituted the first and second assembly districts of said county, have been set off from the said county of Essex and erected into a separate county, thereby deranging the numerical order of the districts of the county of Essex as at present existing,—therefore

Assembly districts.

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 fourth ward of the city of Newark, heretofore

known as the eighth assembly district of the county of Essex, shall be known and designated as the first assembly district of said county; and that the fifth and tenth wards of the city of Newark and the township of Clinton, in the said county, heretofore known as the ninth assembly district of the county of Essex, shall be known and designated as the second assembly district of said county.

Approved March 10, 1858.

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## CHAPTER CXII.

SUPPLEMENT to an act entitled "An act to incorporate Atlantic City."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an annual election shall be held in Atlantic City, at the time, place, and manner as the elections are held for township officers in the different townships of the county of Atlantic; at which said election there shall be chosen, by the electors of the said city, three trustees of public schools, one for one year, one for two years, and one for three years; and at every annual city election thereafter there shall be chosen, by the electors of said city, one trustee of public schools, for the term of three years.

Annual election of officers.

2. *And be it enacted*, That at every annual election as aforesaid, there shall be chosen by the electors of said city, one judge of election, who shall exercise the same powers and perform the same duties as are required of any judge of any regular township election.

Judge of election.

Act, when to  
take effect.

3. *And be it enacted*, That this act shall take effect at the time of holding the annual township elections of Atlantic county in the year eighteen hundred and fifty-nine, and that so much of the act to which this is a supplement, as is inconsistent with or repugnant to the provisions of this act, be and the same is hereby repealed.

Approved March 10, 1858.

## CHAPTER CXIII.

A SUPPLEMENT to an act entitled "An act to authorize the erection of a bridge over Cooper's Creek," approved March sixth, eighteen hundred and fifty-six.

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act, to which this is a supplement, as requires a light to be kept during every night at the draw mentioned in the said act and some person to attend the same, be and the same is hereby repealed.

Approved March 10, 1858.



## CHAPTER CXIV.

AN ACT to establish an Independent Battalion in the county of Bergen.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That there shall be organized in the county of Bergen, a battalion of uniformed militia, to be composed of not less than two nor more than four companies, which battalion, when so organized, shall be attached to the Bergen brigade, and under the order and direction of the commanding officer of the said brigade and of the brigade board, in all things lawfully pertaining to the duties of said commanding officer and brigade board.

Independent  
battalion  
authorized.

2. And be it enacted, That to the battalion so organized there shall be one lieutenant colonel, one adjutant with the rank of captain, one paymaster with the rank of major, who shall also serve as brigade paymaster, one assistant surgeon with the rank of first lieutenant, who shall be the commissioned staff of the battalion, also one sergeant major, who shall serve as battalion commissary, and one quartermaster sergeant, who shall serve also as battalion quartermaster, who shall constitute the non-commissioned staff of the battalion, all of whom shall be designated by the lieutenant colonel of the battalion, and who shall receive their commissions and warrants in the same manner as is prescribed by law for like officers.

Officers of  
battalion.

3. And be it enacted, That the companies known as the Hackensack Continentals and the Bergen County Rifles of Hackensack attached to the first regiment of the Bergen brigade are by this act attached to the battalion herein directed to be organized, and that the present officers of the said companies shall continue to hold and exercise, in the battalion herein provided for, the same ranks and commissions which they now hold.

Companies  
to be attach-  
ed to bat-  
talion.

4. And be it enacted, That the lieutenant colonel of the said battalion shall be elected from among the commissioned

Election of  
lieutenant  
colonel.

officers of said companies, by a majority of votes of the commissioned officers in the battalion, and it shall be the duty of the commandant of the Bergen brigade within thirty days after the passage of this act, upon the application of one of the commandants of said companies above named to issue his orders declaring the said battalion to be organized, and to appoint a time not more than twelve days from the date of said order, to hold an election for lieutenant colonel of said battalion, of the time and place of which he shall give the same notice as of a vacancy in such office; and he shall attend and preside at such election, the result shall be certified by him, and the person elected shall receive his commission in all respects as in case of a vacancy in such office.

Organization  
of new com-  
panies.

5. *And be it enacted*, That whenever any number of persons not more than eighty nor less than thirty shall volunteer to form a company in the said battalion, they shall present their application to the commandant of the said battalion, and if approved by a majority of the commissioned staff officers of said battalion, they shall recommend the organization of such company to the commandant of the Bergen brigade, who shall thereupon immediately proceed to effect such organization; the said application shall be by petition in writing, signed by each person asking to be so organized, and shall designate the persons to be the commissioned officers of such company, and the names of all persons who shall become attached to said battalion shall be enrolled, and roll filed among the archives of the battalion.

Company  
officers.

6. *And be it enacted*, That to each of the companies composing said battalion, there shall be one captain, one first lieutenant, one second lieutenant, and one third lieutenant, and the same non-commissioned officers as are required by the militia laws of this state, and every non-commissioned staff officer, and every non-commissioned officer, and private of any such company shall be holden to do military duty therein for the term of seven years, unless disability should incapacitate him to perform such duty, or he should

be regularly discharged by the brigade board, but no company shall be disbanded unless in the opinion of a majority of the brigade board the good of the service shall require the same, in which case the board may order such company to be disbanded.

7. *And be it enacted*, That for any violation of the laws or regulations of the battalion, the non-commissioned officer or private offending, by a vote of the company may be expelled from the company; and upon the action of the company being confirmed in orders by the commandant of the battalion, the name of such person or persons shall be stricken from the roll of such company, and he or they shall cease to be a member or members of such company.

Members  
may be ex-  
pelled for  
violation of  
laws.

8. *And be it enacted*, That the annual parade inspection and review of the ununiformed militia of the Bergen brigade shall hereafter be dispensed with in time of peace, and all fines for non-attendance upon such parades, and all fees now allowed by law for services to be performed under the militia laws of this state, so far as the same relate to the county of Bergen, be and the same are hereby abolished; and in lieu thereof, it shall be the duty of the assessors in the several townships in said county of Bergen annually to assess upon each white male inhabitant of said county, capable of performing military duty, between the ages of twenty-one and forty-five, not members of the brigade board, the said battalion, or any company composing the said battalion, the sum of twenty-five cents, which sum shall be assessed and collected at the time and in the manner that township taxes are assessed and collected by law, which money when so collected shall be paid over by the several collectors to the said battalion paymaster, and the brigade board shall distribute the same among the companies composing the said battalion, or in such other manner as a majority of them shall think the best interest of the service require.

Assessments  
to be made  
on persons  
liable to per-  
form mili-  
tary duty.

9. *And be it enacted*, That the several uniform companies, and all officers attached to the said battalion, shall parade for inspection, review, or improvement, by company or bat-

Parades for  
inspection,  
review, &c.

talion, not less than four nor more than six times annually, at such times and places as the commandant of said battalion may direct; and the said battalion or any company in the same shall at all times be subject to the order of the sheriff of Bergen county to preserve the peace of the county.

Officers to be  
members of  
brigade  
board.

10. *And be it enacted*, That the commissioned staff of the said battalion, and all captains and first lieutenants of companies belonging to said battalion, shall be members of the Bergen brigade board.

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

Approved March 11, 1858.

## CHAPTER CXV.

AN ACT regulating the election of overseers of the highways in the township of Fairfield, in the county of Cumberland.

Election of  
overseers of  
highways.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of the highways of the several road districts in the township of Fairfield, in the county of Cumberland, shall be elected by the legal voters of the several districts as they may be arranged from time to time by the township committee in said township; and for the purpose of carrying this provision into effect, it shall be the duty of the township committee of the said township to give public notice of the time and place of holding the first district road meetings under this act, and

which meetings shall be held on the Saturday next previous to the annual town meetings in said township; and shall cause notice thereof to be posted up in some conspicuous place in such district, at least five days before the time of holding any such meeting, which shall be some convenient place in the district, when and where the legal voters in the township residing in such road district, shall assemble for the purpose of such election; and at which time and place such legal voters assembled, having been called to order by any legal voter of the road district, shall proceed viva voce, by the holding up of hand, or by count, to elect a moderator of such meeting, by plurality of votes; and being so organized, the meeting shall proceed as in the election of the moderator, to elect an overseer of the highway for such road district; the moderator of each district meeting shall notify the township committee at their first meeting after such election, in writing, of the election of such overseer; and in case of the failure of any district to elect an overseer, or of the person so elected to accept of the appointment, the township committee shall fill such vacancy, and shall furnish a list of the names of said overseers of the highway so elected or appointed, to the clerk of the township, and it shall be his duty to publish the same, with the names of the officers and proceedings of said first town meeting after the election of said overseers.

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

Road meetings, how called.

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

Approved March 11, 1858.

## CHAPTER CXVI.

AN ACT to provide for the collection of delinquent taxes in the townships of Raritan, Holmdel and Matavan, in the county of Monmouth.

Collection of  
delinquent  
taxes.

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

Former acts  
repealed.

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

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

Approved March 11, 1858.

## CHAPTER CXVII.

AN ACT to incorporate the Morris County Agricultural Society.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaac A. Canfield, William J. Rodgers, William Whitney, Abraham Tappan, Alfred M. Treadwell, of the county of Morris, and their associates and successors, shall be and they are hereby constituted and appointed a body politic and corporate, by the name of the Morris County Agricultural Society. Names of corporators.

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

3. *And be it enacted*, That the said corporation may purchase, use, hold, possess, and enjoy such real and personal estate as they may from time to time deem necessary for the well being and to promote the interest and objects of this society, and the same or any part or parts thereof from time to time to sell, mortgage, lease, or otherwise dispose of at pleasure; *provided*, that such real and personal estate so held shall not exceed in its cost value the sum of twenty thousand dollars. What property may be held.

4. *And be it enacted*, That all land and other property which may hereafter be owned, or held by lease, or otherwise, by said society, and used for the purpose of promoting its objects, shall not be liable to have any taxes assessed or Proviso.

Property not subject to tax.

levied upon the same, for any purpose or purposes whatsoever.

President,  
directors,  
and stock-  
holders lia-  
ble for debts  
&c.

5. *And be it enacted*, That the president, directors, stockholders, and associates of this association shall be jointly and severally, individually and personally liable and responsible for any and all contracts made, or for any debts incurred for, by, or on account of said association or society here intended to be incorporated; and all or any conveyances or assignments of property, real or personal, made by any person who may be the president, or a director, or stockholder, or associate of this company or association shall not be valid or held to be good in law against any creditor of said society or association, while any contracts or debts which may have been contracted by said society here intended to be incorporated shall remain unsatisfied; *provided*, such individual shall not be held personally liable or responsible if said contract or debts were not made or incurred while he was a stockholder or acting as president or director of said company.

Proviso.

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

Approved March 11, 1858.



## CHAPTER CXVIII.

AN ACT to authorize the trustees of the first Methodist Episcopal church at Hightstown to sell and convey land.

WHEREAS, the trustees and members of the first Methodist Episcopal church at Hightstown, in the county of Mercer, have set forth in their petition, that they have been erecting a new house of worship, and that the old one is no longer needed as such,—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert E. Morrison, Israel Pearce, Augustus Walling, Joel Jimerson, Clayton I. Coward, Gilbert S. Dey, and Morgan F. Mount, trustees of the first Methodist Episcopal church aforesaid, or their successors in office, or a majority of them, be and they are hereby authorized to sell and convey the old house of worship, and so much of the land by them held, as trustees, in trust for the use of the first Methodist Episcopal church, as can be spared without inconvenience to the new house of worship erected thereon, and apply the proceeds of said sale to the payment of the debt incurred in building the new house aforesaid.

Preamble.

Trustees authorized to sell land.

Approved March 11, 1858.

## CHAPTER CXIX.

AN ACT to incorporate the Perth Amboy and Bound Brook Railroad Company.

Names of  
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ezekiel M. Patterson, James T. Crowell, William Paterson, Amos Robins, Lewis Golding, John Manning, Ellis B. Freeman, Benjamin D. Stelle, Joseph D. Forbes, and Albert R. Speer, 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 and Bound Brook 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 capital stock shall be five 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.

Commission-  
ers to receive  
subscrip-  
tions.

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 two of the newspapers published in this state; and that, at the time of subscribing, five per centum shall be paid for each share subscribed for, to the commissioners, or some one of them; and as soon as one hundred thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the stockholders to choose 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

Election of  
directors.

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

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.

Corporation not dissolved for failure to elect on day prescribed.

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; *provided*, no instalment shall be called in for more than twenty per cent. at any one time, or within thirty days of a previous one; and no instalment shall be

Payment of instalments.

Proviso.

demanding 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, in this state; 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  
authorized  
to construct  
road.

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

Proviso.

*provided*, that should 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 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, levelling, 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

Proviso.

or other property; 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, 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 the payment, of all damages for the occupancy of lands through which the said railroad may be laid out, shall 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. Proviso.

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 Proceedings in case company and owners cannot agree.

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 affirmation aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of 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, Proviso. or the owner or owners of any of the land or materials, feel himself 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 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 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 Proceedings  
in case of  
appeal.

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, 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 wherein the said lands lie, shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being barred thereby from his, her, or their appeal from the report of the commissioners.

Company to  
construct  
bridges, &c.,  
and keep the  
same in re-  
pair.

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 road 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; and shall construct and maintain good and sufficient fences or both, on both sides



of said road throughout its entire length, and also construct and maintain cattle guards at all road crossings, suitable and sufficient to prevent cattle and other animals from getting on said road.

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 property company may hold.

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.

Rates of transportation.

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.

Company may make contracts with the corporations, &c.

Penalty for  
injuring  
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.

Annual  
statements  
to be made.

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.

Amount of  
state tax to  
be paid.

16. *And be it enacted*, That as soon as the net proceeds of said road shall amount to six per cent. upon its cost, the said company shall pay to the treasurer of this state one-half of one per cent. on the cost of said road, to be paid annually thereafter on the first Monday in January in each year; *provided*, that nothing in this section shall be so construed as to exempt said company from the payment of any city taxes that may be levied on property owned by said corporation within the corporate limits of the city of Perth Amboy.

Proviso.

Company  
authorized  
to issue  
bonds.

17. *And be it enacted*, That the said Perth Amboy and Bound Brook railroad company shall have power to borrow such sum or sums of money from time to time as shall be necessary to build, construct, or repair their road, and furnish all necessary engines and machinery for the uses and objects of said company, and to secure the repayment thereof by the execution and negotiation of any bond or

bonds, and secured by mortgage on the said road, lands, privileges, franchises, and appurtenances of and belonging to the said company, such bond or bonds to draw interest not exceeding six per cent. per annum; *provided always*, Proviso. that the amount of money so borrowed shall at no time exceed the amount subscribed and paid by the stockholders of the said company.

18. *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 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 State may take road on payment of appraisement.

Proviso.

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.

When road to be commenced and completed.

19. *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.

Certain officers to pass free.

20. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors of this state, whilst traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, during their annual or other sessions, shall pass and repass on the railroad of said company, in their cars, free of charge.

Act may be repealed, &c.

21. *And be it enacted*, That the legislature shall have the power to repeal, alter, or amend this act at any time when, in their judgment, the public good shall require it.

Approved March 11, 1858.

## CHAPTER CXX.

AN ACT to incorporate the Mechanic's Insurance Company, to be located in the county of Union.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders in the capital stock hereinafter mentioned, their successors and assigns, are hereby constituted and made a body politic and corporate by the name and style of "The Mechanic's Insurance Company, to be located in the county of Union," and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts, whether in law or equity, and by that name may also have, purchase, possess, and enjoy, to them and their successors, lands, tenements, and hereditaments, goods, chattels, and effects, of what nature and kind soever, necessary for the purposes of this corporation, and the same grant, demise, alien, and dispose of at pleasure, for the benefit of the said company, and may also have a common seal, and alter and renew the same at pleasure, and also to create and establish such by-laws and regulations as shall seem necessary and expedient for the government of the said corporation, and to put the same in execution, *provided*, that the same be not contrary to the laws of this state or of the United States. Style of incorporation and general powers.

2. *And be it enacted*, That the capital stock of the said company shall be fifty thousand dollars, divided into shares of fifty dollars each, with the privilege to increase the same to two hundred thousand dollars; and that one-half of the capital stock shall be actually paid in before it shall be lawful for said company to commence the business of insurance. Amount of capital stock.

3. *And be it enacted*, That the business, property, and affairs of the said company shall be managed and conducted by such directors, not less than seven, nor more than fifteen in number, as may be elected for that purpose, Election of directors.

a majority of them shall form a quorum, which directors shall hold their offices for one year, and until others shall be chosen; and they shall at all times during their continuance in office be stockholders in their own right, and a majority of them shall be citizens of this state; said directors shall be elected on the first Monday in May in each and every year, at such hour of the day, and at such place in Union county as the board of directors for the time being shall direct, of which election two weeks' public notice shall be given in the newspapers printed in the county of Union, and each share of stock shall entitle its owner to one vote at each election, to be given either in person or by proxy, and that the office and records of the company shall be kept in the county of Union.

Directors to  
appoint off-  
icers.

4. *And be it enacted*, That the board of directors shall have power to appoint a president, secretary, treasurer, and such other officers and agents as they may deem necessary for carrying on the business of the company, and to allow them respectively such compensation for their services as may in their judgment be deemed reasonable.

Commission-  
ers to receive  
subscrip-  
tions.

5. *And be it enacted*, That Elias Kirkpatrick, Cooper Parse, and Alexander E. Donaldson, are hereby appointed commissioners to open books for subscription to the capital stock of said company at Plainfield, in the county of Union, upon three weeks' notice published in the papers printed in the county of Union; and as soon as one thousand shares are subscribed, the said commissioners shall, by like notice, appoint the hour and place for holding the first election for directors.

What prop-  
erty may  
be insured.

6. *And be it enacted*, That it shall and may be lawful for the company to insure houses, and other buildings, and property against loss or damage by fire upon such terms and conditions as shall be contained in the policy of insurance; and they may also insure ships and other vessels, rights, interests, and property against every description of casualty incident to marine and inland transportation.

Policies of  
insurance.

7. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by said com-

pany, may be made either under or without the seal thereof, and shall be subscribed by the president, or by such other officer as may be designated for that purpose by the said company, and attested by the secretary; and, being so subscribed and attested, shall be obligatory upon the said company according to the tenor, intent, and meaning of this act, and of such policies or contracts.

8. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such, and so much real estate as shall be necessary for their convenient accommodation in the transaction of their business, and also to take and hold any real estate, or securities, bona fide mortgaged or pledged to said company to secure the payment of any debt which may be contracted with them; and also to proceed on said mortgage, or other securities, for the recovery of the moneys thereby secured, either at law or in equity, and to purchase on sales made under such proceedings, or otherwise, to take and receive any real estate in payment, or towards satisfaction of any debt previously contracted with or due to said company, and the said real estate to mortgage, sell, exchange, or otherwise dispose of; the said company may invest their capital, and accumulating premiums, from time to time in public stocks, bonds, and mortgages, and such other securities as the directors may approve.

What real estate may be held.

9. *And be it enacted*, That the stocks of said company shall be deemed personal property, and shall be assignable and transferable, according to such rules and regulations as the directors may establish from time to time in the by-laws of said company.

Stock transferable.

10. *And be it enacted*, That it shall be lawful for the directors to make dividends of so much of the profits of the company as shall appear advisable among the stockholders, upon such ratio as shall be established by the by-laws, which dividends shall be paid out semi-annually, to the parties entitled thereto, or to their legal representatives.

Semi-annual dividends to be made.

11. *And be it enacted*, That this act shall continue in force twenty years; *provided*, no contract made by said corpora-

Limitation. Proviso.

tion, before the repeal or expiration of this charter, shall be affected thereby, and the said corporation shall have a reasonable time to bring its accounts to a final settlement.

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

Approved March 11, 1858.

## CHAPTER CXXI.

AN ACT to incorporate the Upper Clonmel Meadow Company.

Style of incorporation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the owners and possessors of the meadows and marsh adjoining Clonmel creek, in the county of Gloucester, and lying between the fast land of Benjamin Lodge and that of the farm now occupied by Charles Parker, are hereby incorporated and constituted a body politic and corporate, under the name, style, and title of the "Upper Clonmel Meadow Company."

Commissioners to survey meadow.

2. *And be it enacted*, That Isaac Reeves, George Craft, and Henry Allen, jun., of said county, are hereby appointed commissioners, who, or a majority of whom, shall, at any time between the passage of this act and the first day of the sixth month, June, next, after giving ten days' notice in writing to each of the owners or possessors of said marsh or meadow, or by advertising in three of the most public places in the neighborhood of said premises for the like space of time, stating the time and place of their meeting, cause a survey to be made of the exterior limits or bound-



aries of the said meadows and marsh, a meeting at such time and place as to them, or a majority of them, may seem expedient, and shall also cause each owner's and possessor's share, within said limits, to be strictly measured, and a correct plot or map of the whole to be made, exhibiting the entire bounds of said survey, as also the number of acres held by each one, and shall also make a valuation of the same, having regard to quantity and quality; and their map, report, and valuation under their hands, or under the hands of a majority of them, in writing, shall be given to the managers hereinafter named (after having caused said report and valuation to be recorded in the road book in the clerk's office of said county), and shall remain in their possession during their continuance in office, and at the expiration of such term, be delivered to their successors, and shall be entered in the clerk's book, and received as evidence of each owner's quantity of acres, and the value each lot is rated at; and all assessments shall be made in proportion thereto. The said commissioners shall also locate, point out, and direct, by monuments or otherwise, and shall embody the same in said report and map, and the place or places where all floodgates, sluices, and every work necessary and proper to keep the water off said meadows shall be erected and maintained, as also the location of all the main sluices, races, and watercourses which are to be opened, or kept open, at said company's expense; and should they order any new watercourse to be opened through any lot of meadow or marsh, and not passing along the line thereof, it shall be their duty to assess the damages each owner may sustain in consequence thereof, and deliver to said managers their assessment in writing, under their hands, or the hands of any two of them, which said damages, so assessed, shall be paid by said managers to the person or persons injured out of the common stock of the company.

3. *And be it enacted*, That as soon as the said commissioners shall have performed the duties prescribed in the second section of this act, and shall have caused their report to be recorded as therein directed, they shall call a general meet-

Election of  
officers.

ing of the owners and possessors of said meadows and marsh, giving at least ten days' notice of the time and place of said meeting by notice left at the house of each owner or possessor, or by advertising the same in three of the most public places of the neighborhood, at least ten days previous to the said time of meeting, which meeting, when met pursuant to said notice or advertisement, shall elect, by a majority of votes from among the owners, one clerk, one treasurer, and three managers, who shall serve until the first annual meeting, and until others are elected in their places; which said annual meeting and all subsequent annual meetings shall be held on the first fourth day (Wednesday) of the third month (March), in each and every year; the first at such place as the general meeting to be called by the commissioners, as above directed, shall determine, and all subsequent annual meetings at such places as the next preceding annual meeting shall direct; the basis of voting at said meetings, and on all occasions when any question is to be decided, shall be as follows, except that named in the fourth section of this act, *viz*: any person owning or possessing twenty acres, or a less quantity, shall be entitled to one vote, and any person owning or possessing more than twenty, and less than forty, to be entitled to two votes, and any one owning or possessing forty, and less than sixty acres, to be entitled to three votes, and one vote for every additional forty acres, said votes to be given either in person or by proxy duly executed in writing.

Vacancies in  
office of com-  
missioner,  
how sup-  
plied.

4. *And be it enacted*, That in case of the death, removal, inability, refusal, or neglect to serve, of all or either of the said commissioners, it shall be lawful for the said owners, or any three of them, to call a meeting of the said company in the neighborhood of the said premises, by giving notice as prescribed in the third section of this act; and then and there, by a majority of their votes there present, to choose one or more judicious disinterested person or persons (as the case may require) to supply the vacancy or vacancies so occasioned.

5. *And be it enacted*, That it shall be the duty of the managers, and they are hereby authorized and empowered to construct good and sufficient banks, dams, floodgates, sluices, and such other works for the purpose of effectually draining said meadows and marsh, in such places and in such manner as the said commissioners may point out and direct, and dig and take, for the purposes aforesaid, any earth, mud, or sod in any part of said meadow and marsh, the most convenient and least detrimental to the owners thereof; and also to purchase materials and employ artificers to make and construct the works aforesaid; and to have free ingress and regress for themselves and their teams through any part thereof; and the said managers shall dig, open, and clear out all such main sluice races and watercourses as far up as the said commissioners shall direct to be kept at all times open and clear, of such width and depth as to give the water a sufficient fall off said meadows; and all line ditches necessary for draining the said meadows shall be dug and kept open, agreeably to the directions of the said managers, by and at the expense of the soil adjoining; and if any of the said owners shall refuse or neglect to dig or cleanse their proportion of such line ditches, or clear out their own particular ditches, for thirty days after orders for that purpose have been given in writing to said owner or possessor thereof by the managers or any two of them, it shall and may be lawful for said managers, or any one of them, or any person or persons who consider themselves injured thereby, to enter upon the premises, and dig or cleanse such ditches (the mud in all line ditches and main sluice races or watercourses to be thrown as equally as may be on each side thereof), and recover the costs and expenses thereof by action of debt against the person or persons whose duty it was to have performed the same, in manner aforesaid.

Managers  
authorized  
to drain  
meadows.

6. *And be it enacted*, That it shall be the duty of the said managers, and they are hereby authorized and empowered to assess and collect, from the several owners or possessors of the meadow and marsh within the bounds of the com-

Managers to  
assess and  
collect money to de-  
fray ex-  
pense.

missioners' survey, all such sum or sums of money as the said owners or possessors, by majority of votes as heretofore directed, shall at their first, or any subsequent meeting, order and direct to be raised for the purpose of defraying the expenses of erecting the banks, dams, and works aforesaid ratably, in proportion to the quality and valuation (as decided by said commissioners) of what each owner or possessor may have.

Proceedings  
in case of  
non-pay-  
ment of as-  
sessment.

7. *And be it enacted*, That if any of the said owners or possessors shall neglect or refuse to pay any sum or sums of money, assessed as aforesaid, for the space of thirty days after notice to him or them, or left at their usual place of abode, or by causing the same to be published in the "Constitution," or a paper nearest the premises, by either of the said managers, it shall and may be lawful for the said managers, in the name of the Upper Clonmel Meadow Company, to recover the amount thereof in action of debt, in any court having cognizance thereof, and to give the said assessment and this act in evidence; and on proof of such notice having been given as aforesaid, the court in which such action may be brought shall give judgment for the sum assessed, or so much thereof as appears to be due, with costs of suit.

Meadow,  
&c., to be  
security for  
money ex-  
pended.

Proviso.

8. *And be it enacted*, That for the security of moneys expended or assessed by virtue of this act, all the meadow and marsh that shall be included within the said commissioners' survey shall be a pledge for the payment thereof, into whose hands soever the same may come, notwithstanding any judgment, execution, sale, or alienation thereof; *provided*, that no other property of the defendant, except the said meadow and the produce thereof, shall be in any way liable; and the said managers shall, for the recovery of the sum or sums of money so assessed, and for the debts and costs after judgment is obtained as aforesaid, enter upon and take the rents, issues, and profits thereof, or sell and dispose of the grass, hay, or grain thereon, or may sell, by public vendue, for a year or term of years, the meadow and marsh of each delinquent, and make a good and valid

lease for the same during such term, taking care to sell the same for the shortest period of time that will liquidate the so unpaid sum or sums, with costs and expenses; and it shall be the duty of the managers to give at least twenty days' previous notice of the time and place of such sale by advertisement in three of the most public places in the neighborhood of said premises, and by causing the same to be inserted in the "Constitution," or a newspaper published nearest the premises, before they proceed to enter on, lease, or sell the property of any delinquent.

9. *And be it enacted*, That whenever the managers, or a majority of them, shall deem it necessary to call a special meeting of the said Upper Clonmel Meadow Company, they shall give at least ten days' notice thereof to its members by advertisements, in the manner prescribed in the third section of this act, designating the time, place, and object of such meeting; and no business, unless so designated, shall be transacted at such meeting.

10. *And be it enacted*, That in case the clerk, treasurer, or either of the managers shall die, or be unable or refuse to serve during the term for which they were elected, the said vacancy or vacancies may be supplied at a special meeting, as provided for in the ninth section of this act; and the said managers, or any other person, shall not suffer the tide to flow into the boundaries of said meadow company, unless authorized by a three-fourths vote at an annual or regularly called special meeting of said company.

11. *And be it enacted*, That the said managers shall provide, at the expense of the said company, a suitable book, in which shall be entered all their proceedings, and a just and true account of all moneys they may receive and expend, and shall at every annual meeting exhibit the same, with fair vouchers, to the said company, and shall deliver the balance, if there be any in their hands, together with the said books and all the other papers of the said company, to their successors in office; and on default thereof, and for every wilful neglect of any part of their several duties prescribed by this act, they, the said managers, or

Special  
meetings.

Vacancies in  
office of  
clerk, &c.,  
how sup-  
plied.

Managers to  
make an-  
nual state-  
ment.

either of them, shall forfeit and pay for a breach of their trust and such wilful neglect of their duties, respectively, the sum of fifty dollars, to be recovered by action of debt, in any court of competent jurisdiction, with costs of suit, by any or either of the owners or possessors aforesaid, and shall be further liable to pay all damages that may arise from or by their gross negligence, in an action on the case, with costs of suit, in any court, which has cognizance thereof; and the said managers shall be accountable for any moneys remaining in their hands at the end of every year; and if the said managers refuse to pay over such balance to their successors, then and in that case their successors in office shall sue for and recover the same, with costs of suit, in any court of competent jurisdiction.

Managers to  
give bond.

12. *And be it enacted*, That the said managers, before entering on the discharge of their duties, shall give bond, with sufficient security and in such amount as the meeting at which they are appointed shall decide, for the true and faithful performance of their duties, as prescribed by this act, to the "clerk of the Upper Clonmel Meadow company," who shall receive the said bond from said managers, and prosecute said bond in any court of competent jurisdiction, when so ordered by the said company, and to give under his hand a proper discharge exonerating the said managers from further liability, whenever the said company shall so direct.

Penalty for  
injuring  
works.

13. *And be it enacted*, That if any person or persons shall wilfully damage or injure the said banks, dams, sluices, gates, or any of the water works, as heretofore named, he, she, or they shall, for every such offence, forfeit and pay twenty dollars, to be recovered, with costs, before any justice of the peace in the county of Gloucester or elsewhere, and shall be further liable to pay all damages that may in any case arise from such injury, to be recovered in an action of trespass in any court having cognizance thereof, with costs of suit; and the managers for the time being are hereby enjoined and authorized to prosecute said action or actions in the name of said company, and to apply

the damages so recovered and received to repairing the works.

14. *And be it enacted*, That the clerk of the said company shall, at the expense thereof, procure and keep a book, and shall see that the names of all the owners and possessors for the time being, with the amount owned or possessed by each, are entered therein, and make fair entries of all the proceedings at the annual or other meetings of said company, and all such other entries from time to time as may be necessary for the well ordering of their affairs; and shall also make out duplicates of all assessments, and shall produce all papers and other property of the company in his possession to the annual meeting, and deliver them over to his successor in office.

Record of  
proceedings  
to be kept.

15. *And be it enacted*, That if at any time any one or more of said owners or possessors shall believe it requisite that any new watercourse or courses shall be opened within the limits of the said company, or that those already made the duty of the managers to keep open are not properly performed, or any other of the works are not properly attended to, such owner or possessor may apply, in writing, to the court of common pleas of the county of Gloucester (after having given said managers at least ten days' notice in writing), which court shall thereupon appoint three judicious disinterested freeholders of said county as commissioners, who, upon giving the like notice as directed in the second section of this act, shall proceed to view the premises, and if in their opinion, or that of any two of them, they shall find any matter contained in said application needful to be done, they shall certify the same to the said managers, under their hands, and also to the said applicant; and if any new watercourse or courses are deemed by them necessary, they shall cause the same to be recorded and described in the road book in the clerk's office of said county, and the expense of all which proceedings shall be borne by the company; and the said managers shall forthwith proceed to carry out the directions of said commissioners; and should they direct any new watercourse opened through

Proceedings  
in case of  
opening new  
water-  
course, &c.

any lot of meadow or marsh, other than on the line thereof, they are to assess the damages thereof, which shall be paid by the managers, as directed in the second section of this act; but should said commissioners decide that such application was uncalled for and needless, then such applicant to be at all the expense attending the same.

Compensation of commissioners.

16. *And be it enacted*, That the commissioners provided for in the second section of this act, and such others as are by the provisions of the fifteenth section thereof to be paid by this company, shall receive from the managers two dollars per day for each and every day they or either of them, respectively, shall be employed in discharging any of the duties herein enjoined, and all other aids and associates by them employed, such compensation as the said commissioners shall conceive them entitled to be paid by the managers for the time so employed, out of the funds of the said company; and the fees, wages, or remuneration of all the officers chosen or to be chosen by the said meadow holders shall be fixed and determined by a majority of the votes of said company, at its annual meeting previously to the election of officers for the ensuing year.

Approved March 11, 1858.



## CHAPTER CXXII.

AN ACT to authorize commissioners to dig a ditch from some point on the Passaic river, at or near Pine Brook, in a direct course, or as near as may be, to some point on the said river, at or near the mouth of Deepavaal Brook, in the county of Essex, for the purpose of draining the flowed lands on the said river and its tributaries, and to relieve the people in the vicinity thereof of sickness and diseases caused thereby.

WHEREAS, the Passaic river and its branches between Chat- Preamble.  
ham and Deepavaal brook are liable to overflow, and thereby cause much injury to the lowlands in the vicinity, situate in the counties of Essex and Morris, and to the health of the surrounding county—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* the State of New Jersey, That Henry Hilliard, William Kitchell, and Joseph N. Booth be, and they are hereby appointed commissioners of drainage, for the purpose of draining the said lands, and that as such commissioners, they shall have power to enter upon any lands necessary to enable them to perform the duties of this act; and that they shall have power, and it is hereby declared to be their duty, to cut, make, and open such ditch or drain as they may deem requisite and necessary to drain the lands liable to be overflowed by the Passaic river and its branches aforesaid, between Pine brook and the mouth of Deepavaal brook, in the township of Caldwell, in the county of Essex; *provided*, the said ditch or drain shall not be less than ten feet nor more than twenty feet in width on the bottom, except where the same shall cross the public highways, and said commissioners of drainage shall have the power, by this act, to build bridges where said ditch or drain may cross a turnpike or other road; and *provided further*, that the said commissioners shall, before entering upon the discharge of the duties imposed upon them by this act, severally take and subscribe an oath or affirmation, in writing, before some person authorized by law to administer the same, that they

Commission-  
ers to drain  
lands.

Proviso.

Proviso.

will well and justly perform the duties required of them by this act, according to the best of their skill and understanding.

Proceedings  
in case own-  
ers and com-  
missioners  
cannot  
agree.

2. *And be it enacted*, That the said commissioners or any two of them, shall and may agree with the owner or owners of any of the land aforesaid for the land which will be necessary to be taken, used, and occupied for said ditch or drain, and the earth thrown therefrom, and to pay such just and reasonable compensation therefor as may be agreed upon, and on failure to make such agreement, it shall be the duty of said commissioners, or any two of them, to make an assessment, in writing, of what they believe would be the damage to such landowner or owners, describing particularly the land to be taken and used for such ditch or drain, and serve a copy of said assessment and description upon the owner or owners of said lands, and also file a copy thereof with the clerk of the circuit court of the county where such land is situated, which shall be final and conclusive between the parties, unless the said owner or possessor shall, within thirty days from the time of being served with such copy, appeal from the said assessment, by filing in the office of the clerk of the circuit court of the county in which the lands so taken shall lie, a declaration of appeal, and serving upon said commissioners, or one of them, a notice of such appeal; and in case such appeal be made, either the appellant of the said commissioners, whichever shall first apply therefor to the said clerk, may have a writ of inquiry to be issued out of the said court, and directed to the sheriff of such county, directing him to summon a jury to inquire what would be a reasonable compensation to the landowner for the land so to be taken for the purpose aforesaid; and ten days' notice of the time and place of taking such inquest shall be given; and the inquest, when taken and signed by the jury and sheriff, shall be returned by him to the clerk's office aforesaid; and in case the compensation assessed by the jury shall not be greater than the amount assessed by the commissioners, the appellant shall pay the costs of said inquest, but if it be

greater, then the costs of the appellant shall be added to the assessment, and paid by the commissioners in the same manner as the assessment itself is made payable, and the assessment made by the commissioners, or, in case of appeal, the assessment made by the jury shall be final, binding, and conclusive.

3. *And be it enacted*, That in order to enable the said commissioners to perform the duties required of them by this act, and to defray all the expenses that may be consequent thereon, including the expenses of assessing, and collecting the money, and expending the same, and the expenses and compensation of the commissioners, they shall have power at any time before or after commencing the work to raise by assessment such sum or sums of money from time to time as they shall judge reasonable and necessary; and for that purpose they shall have power to assess the said moneys upon all the flowed lands aforesaid in whosoever hands or possession the same may be, in proportion as well to the quantity of the land as to the benefit to be received by the said ditching and draining, which assessment shall be payable in three equal instalments, the first not to be paid in less than thirty days, the second in not less than four months, and the third in not less than nine months from the date of said assessment; and the said commissioners shall cause notice of such assessment to be given to the owner or possessor of said lands, and if after such notice, such owner or possessor shall think him, her, or themselves aggrieved by any assessment made by virtue of this act, it shall and may be lawful for such person or persons to apply to Benjamin Roome, Jonathan Provost, and Calvin Howell, who are hereby appointed commissioners of appeal, to meet for the purpose of examining all assessments on said lands alleged by the appellant or appellants to be too highly assessed, giving to the commissioners who made such assessment at least three days' notice, in writing, of the meeting of said commissioners of appeal; and if it shall appear to said commissioners of appeal that the appellant or appellants

Money may  
be raised by  
assessment.

Parties ag-  
grieved may  
appeal.

are or is too highly assessed, then said commissioners shall strike off from such assessment such sum as shall appear to be just and right, together with such part of the expenses of said attendance as they shall think just and right; and the judgment of said commissioners of appeal, or any two of them, shall be conclusive to the parties; but the expense of ascertaining the quantity of flowed lands each person is possessed of in cases when the quantity is disputed, shall be borne by such owner or possessor, him, her, or themselves, *provided nevertheless*, the lands of no person or persons through which the said ditch or drain shall pass, shall be taxed or assessed the owners or possessors of which will give a gratuitous right or title to the said commissioners of drainage to dig the said ditch or drain through the same; which said commissioners of appeal shall, before entering upon the performance of their duties, severally take and subscribe an oath or affirmation in writing, before some person authorized by law to administer an oath, that they will well and justly perform all the duties required of them by this act, according to the best of their skill and understanding, and that all affidavits provided by this act to be taken by the commissioners named in the same, shall be transmitted by the person or persons before whom the same shall be sworn, or affirmed, to the secretary of state of this state, and be by him duly filed in his office.

Proceedings  
in case of  
non-pay-  
ment of as-  
sessment.

4. *And be it enacted*, That if any person or persons who shall be assessed by the commissioners of drainage aforesaid, shall neglect or refuse for the space of thirty days after notice given them, in writing, to pay the money as aforesaid, or, if they think themselves aggrieved, to procure the said commissioners of appeal to meet and determine the same, that then it shall be lawful for the said commissioners of drainage, or any one of them, to make return of the name or names of the person or persons, with the sum he, she, or they, now assessed, or which shall be judged to be due by said commissioners of appeal, to any justice of the peace in the county where such person or

persons reside; which justice, upon being satisfied by affidavit that the assessment has been demanded thirty days previous thereto, shall immediately issue his warrant of distress, directed to some one of the constables of said county, commanding him within thirty days to seize upon the goods and chattels, not reserved by law, of such delinquent or delinquents, and to make sale of the same, or so much thereof as may be sufficient to pay the sum assessed, together with the costs, and to pay the same to the commissioners of drainage, or one of them; and when no goods and chattels of any delinquent owner or possessor can be found, or not sufficient of the same to pay the assessments of such delinquent or delinquents, then commanding said constable to enter upon his, her, or their said meadow and flowed lands, and within the time aforesaid to make sale, by giving ten days' notice thereof by advertisement set up in three of the most public places in the neighborhood of said meadows and flowed lands, of the timber or herbage, or both, standing and growing upon the same or so much thereof as shall be sufficient to pay the assessments aforesaid and the costs accruing thereon, and shall pay over the same to the commissioners of drainage or one of them; and the said constable shall make return of said execution within three days after the expiration of said thirty days, and the justice and constable shall receive the same fees and be liable to the same penalties as in actions of debt, in the court for the trial of small causes; and in case such assessment or any part thereof cannot be made by distress in manner aforesaid, and the person or persons against whom the same shall be assessed shall neglect and refuse to pay the same after the time when the same shall be payable as hereinbefore provided, and after demand made therefor in writing, then such assessment or so much thereof as shall remain unpaid may be recovered by the said commissioners of drainage, by action of debt against the delinquent or delinquents, in any court of competent jurisdiction.

Commission-  
ers to keep  
books of ac-  
count.

5. *And be it enacted*, That the said commissioners of drainage shall, in a book kept for that purpose, keep a regular account of the moneys they shall receive, the payments they shall make, and the expenses they shall be at, which account, together with their book of assessment, they shall, as soon as said ditch shall be completed, lay before a committee to be chosen by the owners and possessors of said lands, or a majority of them, and said commissioners shall be liable for all money by them received, but not applied for making said ditch, and for the expenses incident to the execution of the duties required by this act, and shall pay the balance, if any, *pro rata* to the persons who paid said assessments.

Vacancies,  
how sup-  
plied.

6. *And be it enacted*, That if any one or more of said commissioners of drainage or appeals shall die, resign, or refuse to act, then it shall be the duty of the surviving or acting commissioner to notify the governor of this state of the same, whose duty it shall be to appoint some discreet and impartial person or persons to fill such vacancy or vacancies, which commissioners so appointed shall perform and complete the duties required of them by this act, on or before the first day of September, eighteen hundred and fifty-nine.

Penalty for  
injuring  
works.

7. *And be it enacted*, That if any person or persons shall wilfully do any injury or damage to the said ditch or drain authorized by this act, or in any manner obstruct the free course of the water in the same, he, she, or they shall, for every offence, forfeit and pay the sum of twenty dollars, together with all damages, to be sued for and recovered in an action of trespass in any court, or before any justice of the peace having cognizance of the same, with cost of suit, to be applied to repairing said ditch or drain so injured; and the commissioners are hereby enjoined and authorized to prosecute the same in their own name or in the name of either of them.

Compensa-  
tion to com-  
missioners.

8. *And be it enacted*, That the said commissioners shall severally be entitled to receive for each day he or they may be employed in discharging the duties required by this act,

the sum of three dollars; and the said commissioners of appeal shall be entitled to receive the same fees as are allowed by law for commissioners of appeal in cases of taxation.

9. *And be it enacted*, That this act shall go into effect immediately, and shall be deemed and taken as a public act, and shall at all times and in all courts and places be taken as such. Public act.

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

Approved March 11, 1858.

## CHAPTER CXXIII.

AN ACT to alter the boundary line between the townships of Washington and Roxbury, in the county of Morris.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Washington lying northerly and northeasterly of a line commencing at the point within Raritan river, where the present boundary line crosses said river, and running in a direct line across the mountain to the bend in the public road, near the house of widow Rarick, and which road leads from Bartleyville to Hackettstown, and is the present boundary line between said townships, be and the same is hereby set off from the said township of Washington, and attached to and made part of the said township of Roxbury. Part of township of Washington annexed to Roxbury.

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

Approved March 11, 1858.

## CHAPTER CXXIV.

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

Jail of the  
county of  
Essex consti-  
tuted jail for  
county of  
Union.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the jail of the county of Essex be and it is hereby constituted a jail for the confinement of all prisoners of or from the said county of Union, until the first day of July, eighteen hundred and sixty, unless a jail shall sooner be provided in said county of Union; and the sheriff or other officer having the lawful custody of any prisoner within said county of Union, is hereby authorized to carry and confine such prisoner to and in the jail of the county of Essex; and the keeper of the said jail is hereby required to receive and safely keep every such prisoner so delivered to him, in the same manner and under the same penalties as he is or may be, by law, required to keep and provide for the prisoners of the county of Essex, until such prisoner shall be demanded by the proper officer or officers of the said county of Union, or by some other due or legal authority; and the said keeper shall be entitled to receive from the board of chosen freeholders of the said county of Union such fees and compensation for the support of the prisoners of said county, as are or shall be allowed by the



board of chosen freeholders of the county of Essex in like cases.

2. *And be it enacted*, That in case of the conviction before the day aforesaid of any person within the said county of Union, for any crime punishable with death, the court before whom such person shall be convicted shall be empowered to sentence the said person to suffer the said punishment within the said jail or the enclosed yard thereof, and it shall be the duty of the sheriff of said county of Union for the time being to carry the said sentence into effect, according to the terms thereof, in the said jail or the enclosed yard of the county of Essex, which for that purpose shall be deemed and taken to be the prison and prison yard of the county of Union, any law restricting the jurisdiction and authority of said sheriff to the contrary notwithstanding.

Persons sentenced to death in county of Union to be executed in jail yard of Essex.

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

Part of former act repealed.

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

Approved March 11, 1858.

## CHAPTER CXXV.

A SUPPLEMENT to the act entitled "An act to establish a new township in the county of Gloucester, to be called the township of Clayton."

Preamble.

WHEREAS, an error has occurred in the drawing of the act to which this is a supplement, by which the word "Centreville," in the second section, is substituted for the word CLAYTON—therefore,

Clayton substituted for Centreville.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the word Clayton be substituted in the second section for the word Centreville.

Approved March 11, 1858.

## CHAPTER CXXVI.

SUPPLEMENT to an act entitled "An act to incorporate the Bergen Point and Staten Island Ferry Company."

Additional corporators appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert McLaughlin and Edmund Charles be and they are hereby made corporators and appointed commissioners, in addition to the commissioners named in said act.

Capital stock increased.

2. *And be it enacted*, That the capital stock of said company shall be increased to twenty thousand dollars, to be divided into shares as in the said act mentioned.

3. *And be it enacted*, That the said company shall have the right, power, and authority to purchase and hold such real estate as they may deem necessary for the purpose of establishing and maintaining said ferry; *provided*, that the same shall not at any time exceed in value the sum of ten thousand dollars.

Company  
may hold  
real estate.

Proviso.

4. *And be it enacted*, That the said company shall have the right and privilege to establish and maintain a ferry from any part of Bergen Point, within four hundred yards of the southern termination of the plank road known as the Jersey City and Bergen Point plank road, and the point of land known as Constable's Hook, including said Constable's Hook, to any point or points on the shore of Staten Island, on the opposite side of the Kill Van Kull.

Authorized  
to establish  
ferry.

5. *And be it enacted*, That the said company shall have the right, power, and authority to build and maintain all such wharves and piers as they shall deem necessary and proper to carry out the objects of said act.

Company  
may build  
wharves.

6. *And be it enacted*, That the period of one year within which said company were required to establish and commence running said ferry by said act, be and the same is hereby extended to two years from the date of the approval of said act.

Time for es-  
tablishing  
ferry ex-  
tended.

7. *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.

Parts of for-  
mer act re-  
pealed.

Approved March 11, 1858.

## CHAPTER CXXVII.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the Long Dock Company," approved February twenty-sixth, eighteen hundred and fifty-six.

Time for establishment of ferry extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time limited for the establishment of the ferry authorized by the eighth section of the act to which this is a supplement, be and the same is hereby extended to the twenty-sixth day of July, eighteen hundred and sixty-one.

Locomotives and trains, their time of starting, running, &c.

2. *And be it enacted*, That all locomotives and their trains and railroad carriages, that may or shall be authorized by law to be placed and run upon the railroad now being constructed, and as the same shall hereafter be constructed, in the county of Hudson, by the Long Dock Company, or the New York and Erie Railroad Company, or their or either of their grantees, or assignees, partly under and through the Weehawken or Bergen Hill, and which locomotives, trains, or carriages, shall be placed and run upon said railroad by any other company or person or persons, shall be so regulated, as to the time of starting; running, rates of speed and tonnage, as not to interfere with the use and occupancy of said railroad, by the Long Dock Company, or the New York and Erie Railroad Company, or their or either of their grantees or assignees, and shall also be subject to all lawful municipal regulations.

Approved March 11, 1858.

## CHAPTER CXXVIII.

A FURTHER SUPPLEMENT to the act entitled "An act to reorganize the courts of law," approved February ninth, eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, the several regular terms of the respective courts, in and for the several counties hereinafter named, shall be held at the times following, and not otherwise,—that is to say, in the county of Essex, on the first Tuesday of May, October, and January, respectively, and in the county of Union, on the third Tuesday of April, September, and December, respectively; *provided, however*, that all suits, indictments, processes, orders, rules, recognizances, and other proceedings, pending in any of such courts, shall be continued over without prejudice to any of the parties therein, and may be proceeded in, in the said courts respectively according to law.

Terms of  
courts in  
Essex and  
Union coun-  
ties.

Proviso.

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

Approved March 11, 1858.

## CHAPTER CXXIX.

AN ACT to authorize the trustees of the Methodist Episcopal Church at Roseville, in the city of Newark, to sell certain real estate.

Trustees authorized to sell land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal church at Roseville, in the eleventh ward of the city of Newark, are hereby authorized and empowered to sell, either at public or private sale, certain lots of land and premises, situate in Roseville avenue, in the city of Newark, and conveyed to the said trustees by James M. Thompson and Ellis Dunn; and to execute and deliver to the purchaser or purchasers thereof a good and sufficient deed for the same, under the hands and seals of the said trustees, by which said purchaser or purchasers, his or their heirs and assigns, shall hold the land so conveyed, to their own use, free and clear, and absolutely discharged from all trusts, whatsoever, upon which the same was held as aforesaid.

Proceedings to be recorded.

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

Approved March 12, 1858.

## CHAPTER CXXX.

AN ACT to incorporate "The Sussex Lime and Marble Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Anthony Hemenover, Caleb S. Marshall, Whitfield S. Johnson, Effingham H. Warner, Alexander McLean, Frederick W. Cammann, and James T. Dean, and their associates, heretofore known as "The Sussex Lime and Marble Company," and their successors, and all other persons who shall become stockholders in the corporation hereby created, are constituted a body corporate and politic in law, by the name of "The Sussex Lime and Marble Company," for the object to mine, quarry, and manufacture lime, marble, and minerals, searching for mineral and fossil substances, to sell and dispose of the same; and to prosecute said manufacture and objects of said corporation in the county of Sussex and other parts of the state, as may be to the interest of said corporation, and by that name shall have continued succession, shall be capable of suing and being sued, in any court of law or equity, shall have the power to make and use a common seal, and alter the same at pleasure, and to purchase and hold, mortgage and convey any lands, tenements, goods and chattels whatsoever, necessary or expedient to the object of said company, and the corporation hereby created shall be entitled to all the rights, property, and assets of, and be subject to all the debts and liabilities incurred by the said company heretofore existing and known as "The Sussex Lime and Marble Company."

Names of  
corporators.

General  
powers.

2. *And be it enacted*, That the capital stock of the said corporation shall be thirty-five thousand dollars, divided into shares of twenty dollars each, of which the stock already subscribed and paid shall be deemed and taken as part, with liberty from time to time to increase the same and the number of shares therein to any amount not exceeding in the

Amount of  
capital  
stock.

whole the sum of one hundred thousand dollars, which shares shall be deemed personal property, and shall be transferable in such manner as the said corporation, by its by-laws, shall direct, and which stock shall be subscribed, called for, and paid in at such times and in such instalments as the directors may from time to time direct and appoint.

First directors.

3. *And be it enacted*, That the property and affairs of said company shall be managed and conducted by a board of directors, not less than seven in number, being shareholders of said company, to be chosen annually at such time and place, in such manner, and upon such notice as the by-laws of the said corporation shall direct, who shall serve for one year, and until others are chosen in their stead; and that Anthony Hemenover, Caleb S. Marshall, Whitfield S. Johnson, Effingham H. Warner, Alexander McLean, Frederick W. Cammann, and James T. Dean shall be the first directors of said company, under this charter, to continue in office until others are elected or appointed in their stead.

Election of president.

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

Election of directors.

5. *And be it enacted*, That the first annual election of directors shall be held at the office of the company, in the town of Byram, Sussex county, on the second Tuesday in January next, between the hours of ten o'clock A. M. and five in the afternoon of that day; or in case of failure to hold such election then, at such subsequent time and place



as a majority of said directors may appoint, *provided*, two weeks' notice shall be given prior thereto, in at least one of the newspapers published in the county of Sussex; that all elections of directors shall be by ballot, and if from any cause an election of directors shall not take place at the appointed time, there shall be no forfeiture of the charter, but a new election may be held at any subsequent period upon like notice.

6. *And be it enacted*, That the directors shall make an annual report to the stockholders of the affairs of the company, of the amount of the stock actually paid in, of the assets and debts of the company, and that no dividend shall be declared except from the actual profits of the company.

Annual report to be made.

7. *And be it enacted*, That it shall be lawful for said corporation from time to time to borrow such sum or sums of money as may be necessary to carry on the business authorized by this act, and for securing the repayment of moneys so borrowed at such rates of interest as may be stipulated, not exceeding six per centum per annum: full power and authority is hereby granted to the said company to issue bonds, and to secure the same by mortgage upon the property and franchises of said company, *provided*, the amount issued shall not exceed one-half of the capital stock paid in.

Corporation authorized to borrow money.

8. *And be it enacted*, That this act shall take effect so soon as the said "The Sussex Lime and Marble Company," at a meeting of the stockholders, to be called for that purpose, shall by a resolution, signify their acceptance thereof as the charter of said company; and this act shall continue in force thirty years.

Act, when to take effect.

9. *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.

Restrictions, &c.

Approved March 12, 1858.

## CHAPTER CXXXI.

AN ACT to provide for the collection of delinquent taxes in the township of Pequannock, in the county of Morris, and in the townships of Tewkesbury and Clinton, in the county of Hunterdon.

Powers of  
township  
collectors.

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

Former acts  
repealed.

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

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

Approved March 12, 1858.

## CHAPTER CXXXII.

AN ACT for the relief of Christopher Wilson, of the county of Mercer, a soldier of the war of eighteen hundred and twelve.

Treasurer  
authorized  
to pay C.  
Wilson \$60  
per annum.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state shall, and he is hereby authorized and required to pay

Christopher Wilson, of the county of Mercer, a soldier of the war of eighteen hundred and twelve, between the United States and Great Britain, the sum of sixty dollars per annum, to be paid half-yearly, the first payment to be made on the passage of this act; and the receipt of the said Christopher Wilson, or his order, shall be a sufficient voucher to the treasurer for such sum or sums of money, as he may pay by virtue of this act in the settlement of his accounts.

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

Approved March 12, 1858.

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## CHAPTER CXXXIII.

AN ACT for the relief of Ann Karr, widow of Stacy Karr, deceased, late of the county of Burlington.

WHEREAS, Stacy Karr, late of the county of Burlington, Preamble. in this state, departed this life intestate, on or about the year eighteen hundred and fifty-six, seized and possessed of a small real and personal estate, and letters of administration of all and singular the goods and chattels, &c., of the said intestate were granted in due form of law, by the surrogate of said county of Burlington, to Thomas C. Harrison, of New Egypt, in the county of Ocean, who took upon himself the burthen thereof; and whereas, the personal estate of said intestate proved insufficient to pay his debts, and thereupon the orphan's court of the

said county of Burlington did, in due form of law, and pursuant to the statute in such case made and provided, order and direct the said administrator to sell the whole of the real estate of said intestate for the payment of his debts; and by virtue of said order the said administrator did thereafter sell the said real estate according to law; and whereas, the said administrator hath duly filed his final account, as such administrator, in the office of the surrogate of said county of Burlington, which account was duly audited and allowed at an orphan's court, held in and for said county of Burlington, in the month of August, eighteen hundred and fifty-seven, leaving in the hands of said administrator, after the payment of the debts of said intestate, the sum of two hundred and twenty-nine dollars and twenty cents, being the surplus proceeds of sale of the aforesaid real estate of said intestate, as by said account appears; and whereas, the said Stacy Karr was a bastard, or illegitimate child, and hath left no issue him surviving, and there are no heirs at law of the said intestate to take the aforesaid surplus, and the widow of said intestate, Ann Karr, still survives; therefore,

Administrator to pay surplus of sale to widow.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas C. Harrison, administrator of the goods, chattels, and credits, which were of Stacy Karr, deceased, late of the county of Burlington, be and he is hereby authorized and directed to pay over the sum of two hundred and twenty-nine dollars and twenty cents, being the surplus proceeds of sale of the real estate of said intestate, remaining in the hands of said administrator, to Ann Karr, the widow of said intestate, and that her acquittance and receipt shall be a sufficient discharge therefor to said administrator.

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

Approved March 12, 1858.

## CHAPTER CXXXIV.

AN ACT to regulate the Shad Fisheries in the Manasquan river.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the date of this act it shall not be lawful, except between the first day of April and the fifteenth day of June of any year, for any person or persons to erect, set, or keep setting, any fish-dam, basket, net, fike, or other device whereby shad may be taken, or their passage impeded, anywhere in Manasquan river, between the mouth of Marsh's brook and the inlet of said river.

Fish dams, &c., not to be erected between certain times.

2. *And be it enacted*, That it shall not be lawful, at any time, for any person or persons to erect, set, or keep setting, within said limits of said river, any fish-dam, basket, net, fike, or other device for taking shad or impeding their passage, either wing of which shall exceed twenty-five feet in length, or any part of which shall occupy water less than two feet deep; nor shall it be lawful for the whole of the same to occupy more than two-thirds of the channel of said river, at the place whereat it is erected or set.

Length and depth of net, &c.

3. *And be it enacted*, That it shall not be lawful, between sundown of any Saturday and sunrise of the next Monday, to set or haul any seine, or set, or keep setting any such fish-dam, basket, net, fike, or other device, within said limits of said river.

Not to be used between Saturday and Monday.

4. *And be it enacted*, That any person or persons violating any of the provisions of this act, shall be fined the sum of fifty dollars and costs for each and every offence, to be collected in an action of debt before any justice of the county in which the offence may be committed, half of the fine to go to complainant, and half to the township in which the offence may be committed.

Penalty for violating provisions of act.

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

Approved March 12, 1858.

## CHAPTER CXXXV.

AN ACT to pay for repairs to the State Arsenal.

Treasurer  
authorized  
to pay bal-  
ance due.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That one thousand two hundred and twelve dollars and sixty-one cents be paid by the treasurer out of the treasury of this state, upon warrant drawn by the governor in favor of the quarter master general, to pay the balance due and unpaid for the alterations and repairs made to the state arsenal, pursuant to the act entitled "An act authorizing repairs of the state arsenal," approved March tenth, eighteen hundred and fifty-six.

Approved March 12, 1858.

## CHAPTER CXXXVI.

AN ACT regulating the Public Printing.

Current  
printing.

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

Journal and  
appendix of  
senate, &c.

2. *And be it enacted*, That William H. Heminover, of Hoboken, New Jersey, be employed to print the journal and appendix of the senate, and the proceedings of joint meeting, with an index thereto, for the current year.

3. *And be it enacted*, That Mickle & Hood, of Camden, New Jersey, be employed to print the minutes and appendix of the house of assembly, with an index thereto, for the current year; and that both the journal of the senate and minutes of the house of assembly shall be printed in every way to correspond in compactness and material and manner of execution and size of page, with a running head line, specifying the day of week and date of month, as per sample of journal of the Vermont house of representatives of 1852 now on file in the office of the secretary of state of this state. Minutes and appendix of house of assembly.

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

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

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

Approved March 12, 1858.

## CHAPTER CXXXVII.

AN ACT to incorporate the Colestown Cemetery Company.

Names of  
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph H. Coles, Abraham Browning, David B. Coles, Josiah E. Coles, Genge Browning, Edward Browning, John S. Wilson, Isaac Browning, Benjamin Osler, J. Ogden Cuthbert, Isaac Roberts, Joseph E. Roberts, Nathan S. Roberts, Lawrence Browning, Joseph C. Hollinshead, Joseph Ellis, Richard B. Champion, J. Stokes Coles, John Buzby, Samuel Jones, Charles Wilson, Franklin Stiles, John T. Coles, Charles B. Coles, Joseph C. Haines, Mahlon H. Coles, Benjamin F. Hollinshead, Isaac B. Lawrence, Eli Browning, Charles E. French, Richard Feters, Benjamin H. Browning, Joseph A. Burrough, Hannah H. Browning, Charles W. Starn, William H. Browning, Joseph Few Smith, and William Stiles, and their associates, shall be, and they are hereby created a body politic and corporate by the name of "the Colestown Cemetery Company," and by that name shall have perpetual succession for the purpose of continuing, establishing, and improving a cemetery or place for the burial of the dead, at or near St. Mary's Church, Colestown, in the township of Delaware, in the county of Camden, in this state; and for that purpose the said company may purchase and hold lands not exceeding twenty acres, and enclose, survey, lay out, and divide the same into lots, roads, paths, and avenues, and erect and construct a chapel, vault, sexton's house, and other improvements thereon, and otherwise ornament the same, and sell and dispose of lots therein for the burial of the dead, and make and execute to the purchasers good and sufficient deeds of conveyance therefor under the common seal of said company, upon such conditions, limitations, and restrictions, and with such powers and privileges as may be inserted in said deeds, and subject to such rules and

General  
powers.



regulations as may be made or provided by the by-laws of said company.

2. *And be it enacted*, That the capital stock of said company shall consist of any sum not exceeding twenty thousand dollars, and shall be applied in purchasing, improving, and ornamenting the lands of said company, and shall be divided into shares of twenty-five dollars each, and shall be subscribed for and paid in at such times, in such manner, in such instalments, and upon such notice as the said company by by-laws or otherwise may direct or appoint; and in case of failure by any stockholder to pay his or her instalment or instalments at the time and place mentioned and appointed for the payment thereof, such stockholders shall incur a forfeiture of his or her shares and all previous payments to the use of said company.

Amount of  
capital  
stock.

3. *And be it enacted*, That the capital stock of said company shall be deemed and considered personal property, and shall be transferable in such way as the by-laws of said company may direct; and that every share of stock shall be entitled to one vote by the holder or holders thereof; and the owner or owners of every lot sold and conveyed by said company for the burial of the dead therein shall also be entitled to one vote; which votes, either by stockholders or lot owners, may be given in person or by proxy.

Stock trans-  
ferable.

4. *And be it enacted*, That Joseph H. Coles, Abraham Browning, Joseph Ellis, Josiah E. Coles, Samuel Jones, Edward Browning, David B. Coles, Charles Wilson, Joseph C. Hollinshead, Isaac Roberts, John Buzby, and Joseph A. Burrough shall be and are hereby appointed the first board of directors, to serve until the first Monday in May next, and until others shall be elected in their stead; and the said Joseph H. Coles shall be the president, and the said Joseph Ellis shall be the treasurer, and the said Edward Browning shall be the secretary of said company until the said first Monday in May next, and until others shall be elected or appointed in their stead.

Officers of  
corporation.

5. *And be it enacted*, That there shall be an annual election of directors on the first Monday of May next, and on

Annual elec-  
tion of direc-  
tors.

the first Monday in May of each year thereafter, at such hour of said day and such place, and upon such notice, as shall be ordained by the by-laws, or otherwise appointed by said company; and the board of directors shall appoint the judge of such elections; but if it should happen that an election of directors should not be held at the times so appointed for the holding thereof, or at the time appointed for the holding of any subsequent annual election, the said company shall not for that cause be deemed to be dissolved, but such election shall be held at such other time and place as the board of directors for the time being shall or may appoint; and the directors for the time being shall continue in office until new ones shall be elected in their stead; and every board of directors, as soon as conveniently may be after their election, shall appoint from their number a president of said company, to serve until the then next annual election of directors, and another shall be appointed in his stead; that the said president shall preside at all meetings of the board, except in cases of his absence, when any other of the directors present may be chosen president *pro tempore*; and all stated meetings of the board shall be held at such times and places as the by-laws may ordain; and special meetings may be held by appointment of the board, or upon the call of the president.

Former corporation may assign property to present.

6. *And be it enacted*, That it shall be lawful for "The Colestown Cemetery," a company already incorporated and in existence under the general act of this state, entitled "An act authorizing the incorporation of rural cemeteries," and the supplements thereto, to assign and convey to the said company hereby created, all its property, real and personal; and thereupon the said company, incorporated under said general act and supplements thereto, shall cease and be dissolved; *provided*, that no contract or liability heretofore made or incurred by said company shall be affected or impaired by such dissolution.

Proviso.

Dividends to be made.

7. *And be it enacted*, That dividends from the proceeds of the sales of lots or otherwise, not exceeding six per cent. per annum upon the capital stock paid in and remaining

unpaid; shall be made and paid to the stockholders; and all the proceeds of said company that shall or may arise from the sale of lots or otherwise, shall be applied to the payment of said dividends, and to the maintaining, improving, and ornamenting the lands of said company, and in refunding to the respective stockholders, their executors, administrators, and assigns, the amount of the capital stock by them respectively paid in, until the whole of said capital stock shall be refunded; and that whenever the said capital stock shall have been so repaid or refunded, no further or other dividends or profits shall be made or allowed to said stockholders; but all the further proceeds and profits of said company that may thereafter arise by the sale of lots or otherwise, shall be applied to the maintaining, improving, and ornamenting said lands, and shall be applied to no other use or purpose.

Approved March 12, 1858.

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## CHAPTER CXXXVIII.

AN ACT to incorporate the Holmdel Mutual Fire Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jonathan I. Holmes, Peter R. Smock, John S. Hendrickson, John C. Schanck, John Golden, John Van Mater, James J. Taylor, Charles H. Conover, and Joseph I. Vanderveer, and others, their associates, successors, and assigns, shall be and are hereby ordained, constituted and declared to be a body politic and corporate,

Names of  
corporators.

General  
powers.

in fact and in name, by the name of "The Holmdel Mutual Fire Insurance Company," to be located in the township of Holmdel, county of Monmouth, and no property shall be insured by said company out of the townships of Holmdel, Marlboro', and Atlantic, in said county of Monmouth, excepting where the township lines divide the out-buildings from the dwelling house of persons owning said dwelling in the townships aforesaid; in such cases it may be lawful for the company to insure the out-buildings lying in the adjoining township or townships, and by that name they and their successors may and shall have succession during the continuance of this act, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all manner of actions, suits, complaints, matters and causes whatever, and that they and their successors may have a common seal, and may alter and change the same at pleasure, and also that they and their successors, by the name of the Holmdel Mutual Fire Insurance Company, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of said company; and also may make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and government of said company, and put the same in execution; *provided*, that they be not contrary to the constitution or laws of this state, or of the United States.

Proviso.

Persons insuring to be members.

2. *And be it enacted*, That all persons who shall insure in or with said company, shall be deemed and taken for members of said corporation; as also, their heirs, executors, administrators and assigns, continuing to be insured in said corporation, as hereinafter provided, shall thereby become members thereof during the period they shall remain insured by the said corporation, and no longer.

Election of directors.

3. *And be it enacted*, That all the affairs, property and concerns of the said corporation shall be managed and conducted by nine directors, all of whom shall be citizens of the said townships of Holmdel, Marlboro', and Atlantic, and

shall not hold a like office or agency in any other company, and shall be members of said corporation, who shall continue in office for one year, and until others shall be chosen in their place, and shall take an oath of office, and choose out of their body a president; all vacancies may be filled for the remainder of the year by such person or persons as a majority of the board of directors for the time being may appoint; and a majority of the whole shall constitute a quorum for the transaction of business; and that the said Jonathan I. Holmes, Peter R. Smock, John S. Hendrickson, John C. Schanck, John Golden, John Van Mater, James J. Taylor, Charles H. Conover, and Joseph I. Vanderveer, shall be the first directors of said corporation, which board of directors shall hereafter be elected on the second Tuesday in February, in every year, at such place in the said township of Holmdel, as a majority of the directors may previously designate, of which election public notice shall be given, in at least one of the public newspapers printed in said county, at least two weeks immediately preceding such election; which election shall be holden under the inspection of three members, not being directors, to be appointed previous to every election by the board of directors, and shall be made by ballot, and by plurality of the votes of the members, or their proxies, then present, allowing one vote for every five hundred dollars insured in said company; *provided, always*, that each member shall have at least one vote, and that no member shall have more than five votes. Proviso.

4. *And be it enacted*, That the board of directors may appoint a secretary, and such other officers and agents as may be requisite for effecting the business of said company, and allow them such compensation as they may deem reasonable, and also determine the rates of insurance. Directors  
may appoint  
officers.

5. *And be it enacted*, That it shall be lawful for the said company, to insure only dwelling houses, and the out-houses, barns, and out-buildings appurtenant thereto; and only in the townships of Holmdel, Marlboro', and Atlantic (except the out-buildings which may be situate as afore- What pro-  
perty com-  
pany may  
insure.

Proviso.

said), against loss or damage by fire; *provided*, the said company shall not insure any building or buildings within three hundred feet of any building or buildings then insured for another person in said company.

Policies of insurance.

6. *And be it enacted*, That all policies and contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president, and attested by the secretary, and being so subscribed and attested, shall be binding and obligatory upon the said company; and the said company shall be liable for all loss or damage sustained by fire or other casualty, agreeably to, and on such terms and conditions as shall be contained in the policy.

Persons insured to deposit promissory note.

7. *And be it enacted*, That every person who shall become a member of said corporation, by effecting insurance therein, shall, before he receives his policy, deposit his promissory note with good and sufficient security, for such a sum of money as shall be determined by the directors to be the premium for said insurance, and that a part, not exceeding twenty per centum of said notes shall be immediately paid, and the remainder of said deposit shall be payable, in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses by fire, and such incidental expenses as shall be necessary for transacting the business of said company; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, if any, after all losses and expenses accruing during said term shall have been provided for, according to the provisions of this act, shall be relinquished and given up to the maker thereof; and it shall be lawful for said corporation to loan such portion of their money on hand as may not be immediately wanted for the purposes of said corporation.

Policy may be surrendered when property is alienated.

8. *And be it enacted*, That when any property insured by the said corporation shall be alienated, by sale or otherwise, the policy of such insurance may be surrendered to the directors of said company to be cancelled, and upon

such surrender, the insured shall be entitled to receive his deposit note, or notes, upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender, but the grantee, or alienee, having the policy assigned to him, may have the same ratified and confirmed to him for his own use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security, to the satisfaction of said directors, for such portion of the deposit, or premium note, or notes, as shall remain unpaid; and by such ratification and confirmation, such grantees or alienees shall be entitled to all the rights and privileges, and be subject to all the liabilities, to which the original party to whom the policy issued was entitled and subjected.

9. *And be it enacted*, That suits at law, or in equity, may be maintained by said corporation, against any of its members for the collection of said deposit notes, or any assessment thereon, or for any cause relating to the business of said corporation; also, suits at law or in equity may be prosecuted and maintained by any member against said corporation for losses or damage by fire, if payment is withheld more than two months after the company are duly notified of such loss or damage; and no member of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness in any cause on account of his being a member of said corporation.

Suits may be maintained against members or corporation.

10. *And be it enacted*, That the directors shall, after receiving notice of any loss or damage by fire sustained by any member, and ascertaining the same, or after the rendition of any judgment against said company for loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportion of such loss, and publish the same in such manner as they shall see fit, or as the by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note, or

Directors may sue for amount of assessment.

notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall, for the space of thirty days, after the publication of said notice, neglect or refuse to pay the sum assessed upon him as his proportion of any loss as aforesaid, in such case the directors may sue for, and recover the whole amount of his deposit note or notes, with costs of suit; and the amount thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have accrued, or may thereafter accrue; and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration or cancellation of his or her policy.

Further assessment may be made in case of deficiency.

11. *And be it enacted*, That whenever, and as often, as it shall happen that the whole amount of the said funds of the said company, and of the sums due on the deposit notes held by it, shall be insufficient to pay the whole loss occasioned by any fire, in such cases the directors, for the time being, shall, with all convenient expedition, proceed to assess such deficiency in a ratable proportion on the members of the association, or their representatives, according to the amount of each member's insurance; which rates, or assessment, shall be approved by a majority of the whole number of directors, and notice in writing shall be given to each member, or his representative, of the assessment and amount by him or them to be paid, and each and every member, or his representative so notified, shall pay the same to the treasurer for the time being, within sixty days after such notification, and in default thereof shall forfeit double said rates, and all their rights and claims to any policy that they may have obtained, and be no longer members of the company, but shall be liable to a recovery of the amount of such rates or assessments, by action of debt, with costs of suit, before any court of competent jurisdiction.

Transfers of policy to be registered.

12. *And be it enacted*, That no transfer of any policy of insurance of the said corporation shall be valid until en-



tered into the book of the company, and certified on such policy by the secretary.

13. *And be it enacted*, That it shall be the duty of the secretary to give notice of all meetings of the corporation, to attend the same, to keep a faithful record of their proceedings, also an account of profit and loss, fill up all policies of insurance, countersign and seal the same with the seal of said corporation, certify all drafts or orders of the president for the payment of money, and such other duties as the company, or board, from time to time, by their by-laws may direct.

Duties of  
secretary.

14. *And be it enacted*, That the directors of the said corporation shall not take or receive any compensation for their services as directors.

Directors not  
to receive  
compensa-  
tion.

15. *And be it enacted*, That the operations and business of the corporation shall be carried on, and conducted at such place in Holmdel township, as shall be designated by a majority of the directors present at any regular meeting.

Place of  
business.

16. *And be it enacted*, That at every meeting of the said company, the directors for the time being shall make and exhibit a full and true statement of the affairs and business of the said company for the preceding year, for the general satisfaction of the members of said company.

Annual  
statement to  
be made.

17. *And be it enacted*, That chartered privileges, hereby granted, do not include banking privileges, and if the privileges hereby granted shall at any time prove injurious to the public welfare, it shall be lawful for the legislature to amend, modify, or repeal the same; *provided*, that no contract made by said company, before such repeal, shall be affected thereby, and that the said company shall have a reasonable time to bring their accounts to a final settlement.

Charter may  
be repealed.

Proviso.

18. *And be it enacted*, That this act shall take effect immediately after its passage.

Approved March 12, 1858.

## CHAPTER CXXXIX.

AN ACT to authorize the trustees of the first Presbyterian church in Newark to increase the assessments or rents upon pews in said church.

Trustees  
may assess  
tax upon  
pews.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the first Presbyterian church in Newark be and they are hereby authorized and empowered to assess such tax or sum upon the pews in said church, over and above the sums heretofore charged upon the same, as a majority of the said congregation present, at their annual meeting, shall determine necessary to meet so much of their yearly current expenses as may exceed the ordinary nett income of said congregation, arising from their property, and to be payable at such times, and in such a manner, as they shall at such meeting direct.

Pews may  
be sold for  
non-pay-  
ment of tax.

2. *And be it enacted*, That if default shall be made in the payment of the tax, or sum so assessed, for the space of ten months next after such assessment is made, it shall be lawful for the said trustees to sell the said pew or pews at public vendue, after ten days' public notice, next before such sale, for the shortest period of time for which any person will take the same, and pay the said tax or sum, and expenses of said sale.

Trustees to  
execute  
lease to pur-  
chaser.

3. *And be it enacted*, That the said trustees shall execute a lease of said pew or pews to the purchaser, which shall give to such purchaser full right and authority to occupy the same agreeably to such sale, subject, however, to be redeemed, as may be done by the owner after one year from said sale (in case the same shall be sold for more than one year), by notice, in writing, to the purchaser, and to the said trustees, thirty days before the expiration of said first year, that said owner will pay the said assessments thereafter to be made thereon, as before provided.

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

Approved March 12, 1858.

## CHAPTER CXL.

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 Downs, in the county of Cumberland, and the townships of Shrewsbury and Ocean, in the county of Monmouth, and the townships of Aquackanonk and Manchester, in the county of Passaic, and the townships of Princeton, Lawrence, and West Windsor, in the county of Mercer, and the townships of Orange, Caldwell, Livingston, and Millburn, in the county of Essex.

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 the said act, be and the same are hereby extended to the township of Downs, in the county of Cumberland, and the townships of Shrewsbury and Ocean, in the county of Monmouth, and the townships of Aquackanonk and Manchester, in the county of Passaic, and the townships of Princeton, Lawrence, and West Windsor, in the county of Mercer, and the townships of Orange, Caldwell, Livingston, and Millburn, in the county of Essex; *provided*, that

Provisions  
of former act  
extended.  
  
Proviso.

no fees shall be paid to any person for driving or conveying any horses, cattle, sheep, or swine to the public pound in either of said townships, by virtue of this act, unless he or she shall be at the time a freeholder or householder of the said township, or is authorized in writing by such freeholder or householder.

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

Approved March 12, 1858.

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## CHAPTER CXLI.

AN ACT SUPPLEMENTAL to the charter of the Reformed Protestant Dutch church of Bergen Point.

Consistory  
authorized  
to assess  
rent on  
pews.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the consistory of the Reformed Protestant Dutch church of Bergen Point be, and they are hereby authorized and empowered to assess such sums of money as a ground rent, upon all the pews of their church, as may be necessary to defray the annual current expenses of the congregation; to be made payable in such manner as the said consistory, by their by-laws, may direct; and in default of the payment of said assessment, or ground rent, so assessed as aforesaid, for the space of one year, the said pew or pews may be sold for the shortest period of time practicable, under the direction of said consistory, to pay all arrears due thereon.

Approved March 12, 1858.

## CHAPTER CXLII.

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

WHEREAS, by an act of the legislature of this state entitled Preamble.

"An act to incorporate the Rahway Fire Company," passed December five, eighteen hundred and twenty-three, and the supplements thereto, a company have been organized and become possessed of valuable real estate, engine-houses, engines, and other fire apparatus, as provided in said act and supplements; and whereas the said Rahway Fire Company are desirous of disposing of their property, so acquired, to the city of Rahway, and cease to exercise their powers as an independent corporation—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the Rahway Fire Company to sell, convey, and otherwise dispose of to "the mayor and common council of the city of Rahway," hereafter to be elected by virtue of the provisions of the act entitled "An act incorporating the city of Rahway," upon such terms as shall be agreed upon between them, all real estate, engine-houses, engines, reservoirs of water, ladders, buckets, fire-hooks, and other implements and machines, as they may now possess, to the sole use and benefit of the said city of Rahway. Fire company authorized to convey property to city.

2. *And be it enacted*, That it shall and may be lawful for the said "the mayor and common council of the city of Rahway," and they are hereby authorized, to raise by tax, in addition to the amount limited in the eighteenth section of the act to which this is a supplement, any sum not exceeding four thousand dollars, for the purpose of purchasing the said property of the said "the Rahway Fire Company." City authorized to raise money by tax.

3. *And be it enacted*, That upon the purchase by the said "the mayor and common council of the city of Rahway," Fire company disbanded upon purchase of property.

of the said property, the said "the Rahway Fire Company" shall be disbanded, and the act incorporating the same, and the supplements thereto shall be, and the same are hereby declared to be repealed.

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

Approved March 12, 1858.

## CHAPTER CXLIII.

A SUPPLEMENT to an act entitled "An act to incorporate the Essex county Mutual Insurance Company," passed February thirteenth, eighteen hundred and forty-four.

Amount to  
be paid on  
promissory  
note.

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 amount or part to be immediately paid by every person who shall become a member of the corporation created by the act to which this is a supplement, by effecting insurance therein upon depositing his promissory note, as provided in the seventh section of said original act, shall not be limited to five per cent. of the amount of said note, but, instead thereof, shall not exceed the sum of twenty per cent. of said amount; which last named sum, or any part thereof, it shall be lawful for the said directors to demand and receive.

Policy for-  
feited for  
non-pay-  
ment of as-  
sessment.

2. *And be it enacted*, That, in case any such member shall neglect or refuse to pay the sum or sums assessed upon him as his proportion of any loss according to the provisions

of the act to which this is a supplement, within the time limited in the eleventh section of said act, he shall forfeit all right and claim to any policy that he may have obtained, and be no longer a member of said corporation, and shall also be liable for the amount of such assessment, with interest, to be recovered by action of debt, with costs of suit, before any court of competent jurisdiction.

Approved March 12, 1858.

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## CHAPTER CXLIV.

A SUPPLEMENT to an act entitled "An act to establish the city of Elizabeth."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, Whereas, there are several roads, highways and streets within the city of Elizabeth, the lines of which are not and cannot be certainly ascertained by reason of the loss of the old surveys, plots, maps and marks thereof; for the better fixing upon and settling the lines and courses of said roads, highways and streets, the city council of said city shall and may appoint, from time to time, three disinterested freeholders of said city, as commissioners, who shall constitute a commission to run, mark, lay out and designate the lines and courses of any such street, road or highway as are not and have not been ascertained and clearly designated, which said commission shall have full power and authority to run, mark, lay out and designate the lines of any such street, road or highway

Commission-  
ers to lay out  
and design-  
ate lines of  
streets, &c.

within said city, and shall make a full and clear map or profile of said street, road or highway, or such part thereof as they shall run, mark and lay out, designating by permanent marks or monuments, the beginnings and endings of said street or part thereof as aforesaid; which said map or profile upon being certified by them, or a majority of them, under their hands, and subsequently ratified by the city council, shall be recorded or filed in the office of the city clerk, and shall thereupon be full evidence of the street, road or highway, or part thereof, as the case may be, and of its lines and courses; *provided*, that private property shall not be taken without compensation to the owners; and said commissioners shall receive such compensation as the city council may order.

Proviso.

City council  
may lay out  
and open  
streets, &c.

2. *And be it enacted*, That the city council may lay out and open any street, road, highway or alley, or park, in any part of said city, and cause any street, road, highway or alley already laid out, or which shall be hereafter laid out, to be vacated, altered, widened or straightened; and to take and appropriate for such purpose, any lands and real estate upon making such compensation to the owners as is hereinafter provided—said city council may likewise cause sewers or drains to be constructed in any part of said city, and if necessary, take and appropriate for such purpose any lands and real estate, upon making compensation to the owner or owners thereof as is hereinafter provided. And said city council may also order and cause any street, or section of a street, within the lamp and watch district of said city, to be gravelled, paved or macadamized, in such manner as they may deem advisable, at the expense of the owners of lands and real estate on the line of said street or section of a street; *provided*, that after any street, or section of a street, shall be once entirely gravelled, paved, or macadamized, at the expense of the owners of property as aforesaid, the city council shall take charge of and keep the same in repair, without further exclusive assessment on the property on such street, or section of a street; *provided also*, that all or any of the aforesaid improvements shall be

Proviso.

Proviso.



made, or work done, only on the application, in writing, to said council, of two-thirds in value of all the owners residents of said city, of land upon or before which such improvement is to be made, or work done; and said two-thirds in value shall be determined by reference to the assessors' books of the last preceding year, excepting in the case of extending any public street not exceeding one thousand feet to tide water, in which case a petition shall be required from two-thirds in value of the owners, residents of said city, of property on the street for the distance of two thousand feet from the commencement of said extension, unless the same has been previously vacated.

3. *And be it enacted*, That whenever the city council shall determine to lay out and open any street, road, highway, alley or public park or square, within said city, or to alter, widen or straighten any street, road, highway or alley, or to make any sewer or drain in any part of said city, and to take and appropriate for such purpose any lands and real estate, they are hereby authorized to treat with the owner or owners thereof, for the same, and may purchase the same, and make such compensation therefor as they shall judge reasonable; and shall thereupon receive from such owner or owners a conveyance of such lands and real estate to the city; and such compensation shall constitute a part of the whole amount of costs, damages and expenses to be assessed under and in pursuance of the provisions of section eight of this act.

City council  
may purchase land  
for laying  
out streets,  
&c.

4. *And be it enacted*, That in case no agreement for such purchase can be made, it shall be the duty of the mayor to appoint, with the approval of the city council, five disinterested freeholders of said city, as near as may be one from each ward, commissioners to make an estimate and assessment of the damages any such owner or owners will sustain by taking and appropriating in the manner aforesaid, such lands and real estate; and in estimating and assessing such damages, the said commissioners shall have due regard both to the value of the lands and real estate, and to the injury or benefit to the owner or owners thereof by making such

Proceedings  
when council  
and owners  
cannot  
agree.

improvement as aforesaid; and if, in any case, the commissioners shall estimate the benefits to any such owner or owners to be greater than the damages, they shall so declare in their report, and shall specially estimate and assess the value of the lands and real estate which are necessary to be taken and appropriated for such improvement; and after such award shall be made, the remaining lands and real estate of any such owner or owners, shall be liable to assessment for the payment of the costs, damages and expenses of such improvement under and in pursuance of the provisions of section eight of this act.

Commissioners to make estimate, &c.

5. *And be it enacted*, That it shall be the duty of the mayor on making such appointment as aforesaid to designate a time and place for the meeting of said commissioners, not less than two weeks from the date of such appointment, of which time and place of their first meeting, he shall give public notice by advertisement for two weeks previously in one or more of the city newspapers; and the said commissioners shall, before they enter upon the execution of the duty required of them, severally take and subscribe an oath or affirmation before the city clerk or mayor of said city, to make the said estimate and assessment fairly and impartially, according to the best of their skill and judgment; and the said commissioners, or a majority of them, when met, shall have power to examine witnesses under oath, to be administered by any one of them, to enter upon and view the premises if they deem it necessary, and to adjourn from time to time, and they shall make a just and true estimate and assessment as aforesaid, and make and sign a report of the same, and file the same with the city clerk, and the same being ratified by the city council, shall be binding and conclusive upon the owner or owners of any such lands and real estate, and the said city council shall cause the same to be converted and used for the purpose aforesaid; *provided*, that any person or persons conceiving himself, herself, or themselves aggrieved by the proceedings under this section of the said city council, or of the said commissioners, may appeal there-

Proviso.

from to the circuit court of the county, within sixty days from the time of making the final order of the city council, and the circuit court shall order a trial by jury to assess the damages sustained by the party aggrieved, the trial whereof shall be conducted as in other cases of trial by jury.

6. *And be it enacted*, That in case of non-payment on demand of any damages estimated and assessed as aforesaid, with interest from the date of the assessment, in case of no appeal to the circuit court as aforesaid, the person or persons entitled thereto, may sue for and recover the same from the mayor and city council of the said city, in an action of debt, with costs, in any court having cognizance thereof, and the said proceedings of the said commissioners and city council, or the award of said jury, as the case may be, shall be conclusive evidence against the defendants.

Persons may sue in cases of non-payment of assessment.

7. *And be it enacted*, That the city treasurer shall, under the direction of the city council, tender and pay to the owner or owners of such lands and real estate, if resident in the said city, the amount of such estimate and assessment of damages due to him, her, or them; but if any such owner is not a resident in this city, or is a lunatic or idiot, or under age, or if for any other lawful cause he is incapacitated to receive the same, or if such owner will not accept the same and sign a proper receipt therefor, when tendered, then the city treasurer shall make affidavit of such facts and file the same with the city clerk; and the city council shall direct the amount to be placed in the city treasury, for the use of the person to whom it may be due; and the said moneys so placed in the city treasury shall be paid by the city to the person or persons entitled thereto, on demand, without interest, except from such time as the demand may be made and payment refused.

City treasurer to pay amount of assessment.

8. *And be it enacted*, That in order to provide for the payment of the costs, damages and expenses of laying out and opening, altering, widening or straightening any street, road, highway or alley within said city, the city council shall ascer-

Assessment of costs, damages, and expenses.

tain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment thereof, upon the owners of all the lands and real estate benefited thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; that in order to provide for the payment of the costs, damages, and expenses of laying out, opening or grading any public park or square within said city, the city council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment of two-thirds of such amount upon the owners of all the lands and real estate benefited thereby, in proportion as nearly as may be, to the advantage each shall be deemed to acquire; the remaining one-third thereof to be assessed upon and paid by the city of Elizabeth; and that in order to provide for the payment of the costs, damages and expenses of constructing any sewer or drain, in any part of said city, the city council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment thereof, either in whole or in part, upon the owners of all the lands and real estate benefited thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; and in case a part only of such amount shall be assessed upon such owners, then the balance of the whole amount of such costs, damages and expenses shall be assessed upon and paid by the city of Elizabeth; and that in order to provide for the payment of the costs and expenses of gravelling, paving, or macadamizing any street, or section of a street, said city council shall ascertain the whole amount of such costs and expenses, and shall cause to be made a just and equitable assessment thereof, upon the owner or owners of lands and real estate on the line of said street, or section of a street so gravelled, paved, or macadamized; *provided*, that the person or persons feeling aggrieved shall have the right of appeal as specified in section five.

Proviso.

Commissioners to take oath.

9. *And be it enacted*, That in all cases of the appointment of commissioners under the fourth section of this act, it

shall be the duty of the same commissioners, upon the request of the city council, subsequently to meet and make an assessment of the whole amount of the costs, damages and expenses of such improvement or work, in the manner herein required; and in all other cases of assessments, the city council shall appoint five disinterested freeholders of said city, residing, as nearly as may be, in different wards, commissioners to make any such assessment; and the said commissioners before they enter upon the execution of the duty required of them, shall take and subscribe an oath or affirmation before the city clerk, or mayor of said city, to make the said assessment fairly and impartially, according to the best of their skill and judgment.

10. *And be it enacted*, That the said commissioners shall make a report in writing of the assessment so made, and before signing the same, shall place the said report in the office of the city clerk, for examination by the parties interested therein, and shall give notice, by advertisement, in one or more of the city papers, for two weeks, that such report has been deposited as aforesaid, and also of the time and place when and where the parties interested can be heard by the said commissioners; and, after hearing the parties, the said commissioners shall proceed and complete the report, and sign the same, and return the said report with all objections, in writing, which shall be presented to, and left with them, by any of the parties interested, to the city council.

Commissioners to make and file report.

11. *And be it enacted*, That every report of assessment made as aforesaid, under the provisions of sections four, five, eight, nine, ten, of this act, and presented to the city council, shall be by them referred to a committee of three members of said council for consideration, and in case of any objections in writing being returned with such report, the said committee shall give notice in one or more newspapers of said city, for two weeks, to the parties interested, of the time and place when and where they will meet to hear them on the objections and report; the said committee shall thereupon examine the matter, and report to the

Proceedings in case of objections to report.

city council, and return to them the said report of the said commissioners, with the objections of the parties, together with the views and opinions of the said committee respecting the said report.

Council may  
correct re-  
port.

12. *And be it enacted*, That the city council shall thereupon examine the matter, and may correct said report and assessment, if they deem proper, and ratify the same; and every report of assessment, from which no appeal shall be taken, which shall be duly ratified by the city council, shall be final and conclusive; or they may return such report and assessment to the said commissioners who may have signed the same, and the like proceedings shall be had when the report is returned, as in the first instance.

Vacancies,  
how sup-  
plied.

13. *And be it enacted*, That in case of the resignation, death, disability, or removal from said city of one or more of the commissioners appointed under the provisions of sections four and nine of this act, it shall be lawful for the city council to supply by appointment the vacancy or vacancies so caused.

Proceedings  
in case of  
non-pay-  
ment of as-  
sessment.

14. *And be it enacted*, That whenever any report of assessment shall be ratified by the city council, such report shall be delivered to the city treasurer, who shall forthwith prepare an abstract of such assessment, and enter the same in a book to be kept for that purpose, and shall give notice in one or more newspapers published in said city, for two weeks, stating in general terms the streets or sections of streets comprised in such assessment, and requiring the owners of land and real estate assessed in such report, to pay the amount to him, at his office, within sixty days from the first publication of the notice; and, in default of such payment, or any part thereof, within the time specified in said notice, it shall be lawful for the city council, as they may deem proper, either to bring an action on the case in any court of competent jurisdiction, against the owner or owners of such lot, tract or parcel of land and real estate, for so much money laid out and expended by them for the use of such owner or owners, and declare generally, and give the special matter in evidence, or they may proceed to

collect such assessment by public sale in the same manner and mode as is provided in section twenty-six of the act entitled "An act to establish the city of Elizabeth" for the sale of lands and real estate for taxes: *provided*, that nothing herein contained shall affect any agreement between landlord and tenant, respecting the payment of any such assessments. Proviso.

15. *And be it enacted*, That a complete record of all taxes and assessments shall be kept in the office of the city clerk; the record of taxes shall be the assessments of taxes prepared and returned by the assessors of the several wards of the said city, the final returns made by the receiver of taxes; the records of assessments shall be the original reports of assessments with the maps accompanying the same, the abstracts thereof, and the transcripts of unpaid assessments prepared by the city treasurer. Record of taxes and assessments to be kept.

16. *And be it enacted*, That sections thirty-two, thirty-three, thirty-four, and thirty-five of the act entitled "An act to establish the city of Elizabeth," be and the same are hereby repealed. Part of former act repealed.

17. *And be it enacted*, That the words "as they are by section twenty-five of this act authorized," &c., in section twenty-nine of the act entitled "An act to establish the city of Elizabeth," be and they are hereby amended, so as to read as follows, viz: "as they are by section twenty-six of this act authorized," &c. Part of former act amended.

18. *And be it enacted*, That the mayor of said city is hereby invested with the powers of a police justice; but he shall not, as a police justice, by virtue of his office, be authorized to hear and try any civil action except such as may be brought to recover a penalty under the ordinances of the said city, in which cases he may act as a justice of peace in his civil capacity. Mayor to act as police justice.

19. *And be it enacted*, That the said mayor as a police justice shall be entitled to use and exercise the like power, authority, and jurisdiction in all criminal matters and complaints arising in the city of Elizabeth, as the justices of the peace in and for the several counties of this state are or Powers and authority of mayor.

may be by law entitled to use and exercise within their respective counties.

Actions and proceedings before mayor as police justice.

20. *And be it enacted*, That all actions and proceedings before said mayor, as a police justice, under the provisions of this act, shall as nearly as may be, be regulated by the provisions of, and conducted in the manner prescribed in and by an act entitled "An act constituting courts for the trial of small causes," and the several supplements thereto, and that the court held by said mayor as police justice, in and for the said city of Elizabeth, shall be a court of record, and vested for the purposes mentioned in this act, with all such power as is usual in courts of record of this state. And said mayor, as a police justice, may, in all matters or causes pending before him, award and issue writs of subpoena *ad testificandum* into any county of this state.

Mayor authorized to issue process, &c.

21. *And be it enacted*, That the said mayor, as a police justice, shall be empowered, on oath, affirmation or affidavit, made according to law, and filed in his office, that any person or persons has or have been guilty of a violation of any ordinance of the said city, to issue a process either in the nature of a warrant, or a summons, against the person or persons so charged, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in not less than five or more than fifteen days; that such process shall state the cause of complaint, and the time when it may be alleged to have been committed, and that on the return of such process, or at the time to which the said mayor as police justice, shall have adjourned the same, the said mayor shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleadings; and that the said mayor as police justice shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants; *provided*, that nothing herein contained shall prevent the enforcement of the ordinances of the said city in the manner hereinbefore provided, or in the act to which this is a supplement.

Proviso.



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

Complaints may be made under oath.

23. *And be it enacted*, That every person against whom judgment may be obtained before said mayor as police justice, for the violation of any of the ordinances of said city, shall have the right of appeal, in common with the city, to the higher courts, as in the case of civil suits before justices of the peace; *provided*, that so much of section twenty-two of the act to which this is a supplement, as authorizes an appeal to the city council in any cases, be and the same is hereby repealed; *provided also*, that there shall be elected, at the annual city election, as often as a vacancy may occur, one police justice in each of the wards of said city, who shall possess the like powers in all respects as are herein conferred on the mayor as a police justice, and who shall hold their offices for the like term and be commissioned in like manner as justices of the peace of the counties of this state.

Persons aggrieved may appeal.

Proviso.

Proviso.

24. *And be it enacted*, That the police officers appointed by the city council, shall, in addition to the authority conferred upon them by the ordinances, rules, and regulations of the city council, possess and have all the powers of constables within the city limits, for the purposes of preserving the peace and enforcing the ordinances of the city, and the city council is hereby authorized annually to designate the number of constables to be elected in each ward.

Duties and powers of police officers.

25. *And be it enacted*, That the city council shall have power to add six per cent. to all taxes unpaid after the fifteenth of December, and an additional six per cent. on

Six per cent. added to unpaid taxes.

all taxes remaining unpaid after the fifteenth day of January thereafter.

Election of collector of taxes.

26. *And be it enacted*, That there shall be one collector of arrears of taxes of the said city elected at the annual charter election, and said city council shall prescribe his duties and fix his compensation; and so much of the act to which this is a supplement, as provides for the election of collectors of arrears of taxes in the respective wards be and the same is hereby repealed.

Part of former act amended.

27. *And be it enacted*, That section twenty-five of the "Act to establish the city of Elizabeth," be and the same is hereby amended so as to read "is prescribed in section twenty-seven," instead of the words "the constables in townships are directed by law" in the last line of said section twenty-five. And section five of the said act be so amended as to read, after the words "township elections" in the fifth line, as follows: "and the officers of said elections shall be eligible to any office to be voted for at such election."

Oaths of school commissioners.

28. *And be it enacted*, That the mayor and city clerk be and the same are hereby authorized severally to administer the oath required to be taken by the school commissioners, in the same manner as the judges or clerk of the late borough court were authorized and required to do.

Board of city canvassers.

29. *And be it enacted*, That no part of section five of the act entitled "An act to establish the city of Elizabeth," shall be so construed as to authorize or empower the assessors and collectors of the respective wards to sit as members of the "board of city canvassers."

City council may borrow money.

30. *And be it enacted*, That in cases where the city council are authorized to make or levy any assessment for any of the said improvements under this act, they shall be authorized to borrow the amount of any such assessment in anticipation of the collection thereof.

Act, when to take effect.

31. *And be it enacted*, That this act shall not go into effect until the electors of the said city of Elizabeth, at public meetings called in the respective wards for the purpose of approving or rejecting the same, shall by a vote of

a majority of the electors present, and voting by ballot, determine to adopt the same; such meeting shall be called forthwith by the mayor of the said city, to be held under the direction of the officers at the last annual state election held in said city, and at the same places and during the same hours, of which time and places, the mayor aforesaid shall give at least one week's previous notice by advertisement in the newspaper of said city, and posting it in the respective wards; and the electors entitled to vote, who are in favor of this act, shall each deposit a ballot with the word "Supplement" written or printed thereon; and those who are opposed shall each deposit a ballot with the words "No supplement" written or printed thereon; and a canvass and a return of the votes shall be made by the judges of election, to the mayor of said city, who shall lay the same before the city council at their next meeting, whereupon said council shall by a resolution declare the result.

Approved March 12, 1858.

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## CHAPTER CXLV.

SUPPLEMENT to the act entitled "An act relative to the Court of Pardons."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the first section of the act to which this is supplementary, as requires the court of pardons to meet statedly at Trenton, on the third day of each regular term of the court of errors and appeals, be and the same is hereby repealed. Part of former act repealed.

Statement of  
evidence to  
be presented  
to the court  
by the attor-  
ney general.

2. *And be it enacted*, That whenever any person is sentenced to the state prison, it shall be the duty of the prosecuting attorney of the county in which such person was convicted, to make a brief statement of the evidence upon which he or she was convicted, which statement shall be signed by the judge who presided at the trial, and forward to the attorney general of this state, who shall attend every session of the court of pardons, upon notice from the secretary of state, and on behalf of the state, present to the court the evidence upon which any applicant for pardon shall have been convicted.

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

Approved March 12, 1858.

## CHAPTER CXLVI.

A FURTHER SUPPLEMENT to an act entitled "An act to enable the owners of the swamps and bog meadows lying on the east and west branches of the Paulings Kill, in the township of Newton, in the county of Sussex, to drain the same," passed March first, eighteen hundred and thirty-six.

Preamble.

WHEREAS, by means of death and other causes, the managers heretofore appointed under the original act, have ceased to act, and whereas the original act and supplement are deemed ineffectual in several respects to carry out the object contemplated thereby, therefore,

Managers  
appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Andrew Shiner, John Baxter,

John Snyder, Jacob Cox, and Harman Hockenberry, be, and they are hereby appointed managers under the said act and supplements thereto, until others may be appointed in their stead, with all the powers and authority given to managers appointed by virtue of the said act, to proceed in the premises.

2. *And be it enacted*, That the commissioners directed by the supplement to the said act to be appointed by the court of common pleas of the county of Sussex, may be appointed by any one of the judges of the said court, upon ten days' notice to be given, as in the said supplement is directed.

Appointment of commissioners.

3. And whereas, there are also large bodies of bog meadows and swamps lying on tributaries or parts of the west branch of said kill, both above and below the great or big spring in said meadows, mentioned in the ninth section of the original act to which the provisions of said act will not apply, therefore, *be it enacted*, that the provisions of the said original bill be extended so as to apply to said meadows and swamp lands, lying on said tributaries or parts of the west branch of said kill, and that the said managers, or a majority of them, are hereby invested with full power and authority to remove all obstructions from the said tributaries or parts of the west branch of said kill, as far up as a majority of the said owners and possessors of the meadows thereon shall elect and determine, and to widen, deepen, and straighten the said tributaries, or parts of said west branch, as to them shall seem from time to time expedient and necessary, to keep the same open, and the flowage thereof clear of obstructions, so as continually to drain the said meadows and swamps on said tributaries respectively; and the said commissioners shall ascertain and assess, and the said managers shall collect in the mode and manner in said act and supplement provided, from the several owners and possessors of the meadows and swamp lying and being on said tributaries, exclusively, all such sums of money as may be necessary to pay the expenses of making such improvements aforesaid on the said tributaries, and for that purpose the said commissioners, and the said mana-

Provisions of original bill extended.

gers shall have the same powers, and the said lands, and the owners and possessors thereof, shall be liable for the said assessments, in the same manner as is in said original act and supplement provided for the lands embraced therein.

Annual  
meetings.

4. *And be it enacted*, That the time for the annual meeting for the choice of managers (as authorized by the supplement passed March seventh, eighteen hundred and thirty-seven), shall be, and is hereby changed from the first Monday in April to the first Monday in May annually.

Public act.

5. *And be it enacted*, That this act shall go into effect immediately on the passage thereof; and that the said original act and supplement thereto, together with this supplement, shall be, and are hereby declared to be, public acts, and shall be received and have effect as such in all courts of law or equity in this state.

Approved March 12, 1858.

## CHAPTER CXLVII.

AN ACT to incorporate the National Fertilizing Company.

Names of  
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Dudley S. Gregory, Charles F. Speiker, James B. Pinneo, Truman Smith, Lewis Harper, Robert Hartshorne, Thomas Arrowsmith, and their associates and successors, be, and they are hereby created a body politic and corporate, by the name of "The National Fertilizing Company," for the purpose of manufacturing ferti-

lizers from marl and other substances, and buying and selling the same, with power to lease, purchase, and hold marl beds, and real and personal estate, in fee or otherwise, as may by said corporation be deemed necessary and advantageous for carrying on said business; 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 provided in and by this act of incorporation.

General  
powers.

2. *And be it enacted*, That the capital stock of this company shall be two hundred and fifty thousand dollars, divided into shares of one hundred 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 the real and personal estate that may be purchased or leased by said company; and it shall be lawful for said company to commence business when ten thousand dollars shall have been subscribed to the capital stock.

Amount of  
capital  
stock.

3. *And be it enacted*, That the property and affairs of this company shall be managed and conducted by a board of directors of not less than three, nor more than seven (as may be fixed by the by-laws of said company), being shareholders, a majority of whom shall be residents of this state; and said board shall organize by appointing one of their number president, and a suitable person secretary; and Dudley S. Gregory, Charles F. Speiker, Truman Smith, James B. Pinneo, and Lewis Harper 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 next, and until others are elected in their stead.

First direc-  
tors.

4. *And be it enacted*, That said company be and is hereby authorized to establish their principal office at such point, in this state, as they may see fit; and that the location of

Place of  
business.

said office may be from time to time changed at the pleasure of said company, or the directors thereof.

Election of  
directors.

5. *And be it enacted*, That the directors of said company shall be chosen annually, at such time and place, and on such public notice as may be established and fixed by the by-laws of said company; all elections shall be by ballot, and each share shall be entitled to one vote, and the vote may be by person or by proxy, 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; any vacancy occurring in the board of directors may be filled, for the unexpired term, by the said board.

Transfers of  
stock to be  
registered.

6. *And be it enacted*, That no transfer of stock of said corporation shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by said company for that purpose, and all the books of said corporation shall be open to the inspection of the stockholders, and all those who may hereafter be appointed by law to examine the same.

Limitation.

7. *And be it enacted*, That this act shall take effect immediately, and shall continue in force for twenty years from the date of its passage.

Approved March 12, 1858.



## CHAPTER CXLVIII.

A SUPPLEMENT to an act entitled "An act constituting the courts for the trial of small causes," 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 in all actions which may be brought, by virtue of the act to which this is a supplement, for all services specified in said act, for which the sum of twelve and a half cents and no more is allowed, that hereafter the sum of fifteen cents and no more shall be allowed. Certain fees increased.
2. *And be it enacted*, That so much of all acts and parts of acts as are contrary to the first section of this supplement be and are hereby repealed. Part of former acts repealed.
3. *And be it enacted*, That this act shall take effect immediately.

Approved March 13, 1858.

## CHAPTER CXLIX.

AN ACT to incorporate the Florence and Jobstown 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 Florence and Jobstown Turnpike Company shall be opened by Richard Jones, William Durell, Empson Haines, Edward Robbins, Josiah Gouldy, and Commissioners to receive subscriptions.

Walter Thompson, or a majority of them, who are hereby appointed to receive subscriptions to said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least one newspaper published in the county of Burlington.

Amount of  
capital  
stock.

2. *And be it enacted*, That the capital stock of said company shall be twenty thousand dollars, with the privilege of increasing it to forty thousand dollars, and shall be divided into shares of twenty-five dollars each; and that, when three hundred or more 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 Florence and Jobstown Turnpike Company," and, by that name and style, shall have, enjoy, and exercise all the rights, powers, and privileges appertaining to corporate bodies and necessary to carry the objects of this act into effect.

Payment of  
instalments.

3. *And be it enacted*, That at the time of subscribing for said stock, one dollar shall be paid upon each share subscribed for to the said commissioners, or any of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and the residue of said subscription shall be paid in instalments, at such time and places and to such persons as the president and directors of the company shall from time to time direct and give public notice thereof in manner aforesaid; and upon failure of the payment thereof, as so directed, the 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.

Act void if  
shares are  
not subscrib-  
ed for in two  
years.

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 book, this act, and all the subscriptions under it, shall be null and void, and the said commissioners, after deducting thereout the ex-

penses 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 three hundred shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as 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 five directors, a majority of whom shall be citizens of this state, to manage the affairs of said company for one year, of which election the said commissioners, or a majority of them, shall be judges; and at the expiration of that term, and annually thereafter, upon like notice being given by the directors for the time being, the said stockholders shall elect by ballot the same number of directors, a majority of whom shall be citizens of this state, as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share, by the holder or holders thereof, either in person or by proxy.

Election of directors.

6. *And be it enacted*, That within twenty days after the election aforesaid, the directors shall elect from their number a president of the said company, who shall hold his office for one year and until another shall be elected, and receive such compensation for his services as a majority of said directors shall direct, and shall be presiding officer at all meetings of said directors, and shall have a casting vote when they shall be equally divided; he shall have charge of the seal of the company, and he shall appoint the judge or judges of all elections of stockholders, or in case of his death or absence, or inability so to do, the said directors shall appoint some other suitable person, who, for the time being, shall possess the same power and authority, and perform all the duties herein prescribed.

Election of president.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval

Duties and powers of directors.

between the annual elections, by death, resignation, removal, or refusal to act of any president or director, and may appoint a treasurer 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 duties or trusts as they may think expedient; they shall regulate the tolls, and have the superintendence and direction of all receipts and disbursements and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient to regulate the transfer of stock and the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution and laws of this state or of the United States.

Proviso.

Annual statement to be made.

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

Special meetings may be called.

9. *And be it enacted*, That special meetings of the stockholders may be called by order of the president and directors, or by the stockholders owning one-fourth of the 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 of the proceedings of the company, to be exhibited to them by the president and directors.

Charter not void 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 are elected in their stead, and that this charter shall not be defeated nor avoided by reason of irregularity or want of such election.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Florence to Jobstown, in the county of Burlington, beginning at low water mark of the Delaware river at Florence, thence by the most convenient and direct route to Jobstown; which said turnpike road shall not exceed sixty-six feet in width, and sixteen feet of the same 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 the said sixteen feet shall be so graded, that in its progress no part of it shall rise above an angle of six 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 sixteen feet in width; and whenever 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 railing to be erected and maintained at the side, so as to prevent horses and carriages from running off; *provided*, that before the said company shall construct the said turnpike road as aforesaid, they shall pay to the respective owners of the land over which the same may pass all damages which the said owners shall sustain by reason of the construction of said turnpike road; and in case said owners and said company 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 damages which any land owner or owners may sustain by the taking of stone or gravel, sand or clay, from his lands for the construction or maintaining of said turnpike road.

Description  
of road.

Proviso.

12. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers, and

Proceedings  
in case com-  
pany and  
owners can-  
not agree.

workmen, with carts, wagons and other carriages, and with beasts of burthen and draft, and all necessary materials and tools, 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 under drains across and through such lands necessary for properly draining said road; and that when the said company or its agents cannot agree with the owner or owners of said lands or materials for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands or materials so required for the use of the said company in the construction of 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, and their residence, if the same can be ascertained, to one of the judges of the court of common pleas of the county of Burlington, who shall cause the said company to give notice thereof to the persons interested, if known or 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 the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders commissioners to examine and appraise the said lands and materials, and to assess the damages, upon such notice to the persons interested as shall be directed by the 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 to make a true report,

according to the best of their skill and understanding), to meet at the place and time appointed, and to view and examine the said lands and materials, and make a just and equitable appraisal of the value of the same and assessments of damages, to be paid by the said company for such lands or materials and damages aforesaid, and to make report thereof, under the hands and seals of said commissioners, or any two of them, and file the same within ten days thereafter, 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 on record therein, and shall be recorded by the said clerk; which report, or a copy of it, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said lands or materials after payment of the value and damages so assessed, and of the right of 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 being made of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage; and the said judge shall tax and allow such costs, fees, and expenses, to the judge, clerks, commissioners, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company.

13. *And be it enacted*, That as soon as the said company shall have constructed, in a workmanlike manner, the said road, 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 travelling each mile, and all fractions over half a mile of said road, not exceeding the following rates: Rates of toll.

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-gatherers to stop persons riding, leading, or driving any horses, cattle, mules, calves, sheep, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have paid the toll, as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of, or from, any person passing to or from public worship, 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.

Proviso.

Mile-stones  
to be erect-  
ed.

14. *And be it enacted*, That before the said company shall receive toll for travelling 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 post or stone shall be fairly and legibly marked the distance the said post or stone is from Florence; and shall cause to be fixed and always kept up at the gates or turnpikes afore-said, in some conspicuous place, a printed list of the rates of tolls which may be lawfully demanded, and also a board, on which shall be painted, in large letters, "Keep to the right, as the law directs."

Penalty for  
injuring  
works.

15. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile-stones or posts so erected on the said 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 paying 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 gates on private grounds adjacent thereto, and enter again on the 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 be 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.

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

Penalty for  
taking illegal  
toll.

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 free and clear for other carriages, sleighs, or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

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 Burlington, he shall immediately appoint, by writing, three disinterested freeholders of said county, who shall view 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

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

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 the same open, 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 travellers, 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 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 the said company, again to view the said road or bridge, and report as aforesaid 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 company may erect gates.

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

Company may use public road.

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

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

Read to be commenced within three years.

Approved March 16, 1858.

## CHAPTER CL.

AN ACT to incorporate the Burlington and Beverly 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 Burlington and Beverly Turnpike Company shall be opened by Paul Farnum, Benjamin A. Farnham, Andrew Manderson, Charles Marter, and William Heisler, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in the county of Burlington.

Commissioners to receive subscriptions.

2. *And be it enacted*, That the capital stock of said company shall be three thousand dollars, with liberty for the said company to increase the same to five thousand dol-

Amount of capital stock.

lars, and shall be divided into shares of twenty-five dollars each, and that when one 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 Burlington and Beverly 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, five dollars shall be paid upon each share subscribed for, to the commissioners, or any of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed, and the residue of the subscriptions shall be paid in 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 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 the said company; *provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed for, as aforesaid; *provided also*, that no subscription for less than six shares of said stock shall be reduced by such apportionments.

Proviso.

Proviso.

Act void if  
shares are  
not sub-  
scribed for  
in two years.

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

5. *And be it enacted*, That when one 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 such meeting as hereinbefore directed, with regard to the opening of the said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, five directors, a majority of whom shall be citizens of this state, to manage the affairs of said company for one year, of which election the said commissioners, or a majority of them, shall be 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, 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 a vote, a vote may be given for each share by the holder or holders thereof, either by person or by proxy; *provided, nevertheless*, Election of directors. Proviso. that no stockholder shall have more than twenty votes, although he or she may have a greater number of shares.

6. *And be it enacted*, That within twenty days after the annual election as aforesaid, the said directors shall elect from their number a president, of their said company, who shall be a citizen of this state, and resident in the county of Burlington, who shall hold his office for one year and until another shall be elected, and receive such compensation for his services as a majority of the said directors shall direct; and shall be the presiding officer at all meetings of said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of said company, and shall appoint the judge or judges of all elections of the stockholders, or in case of his death, absence, or inability so to do, the said directors shall appoint some other suitable person, who, for the time being, shall possess the same power and authority, and perform all the duties herein prescribed. Election of president.

Duties and powers of directors.

7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval between annual elections, by death, resignation, removal, or refusal to act, of any president or director; and may appoint a treasurer, who shall be a citizen of this state, and resident of the county of Burlington, and all officers, agents, superintendents, and other servants, that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls and 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 think expedient for regulating the transfer of the stock, and for the general government of the company, and management of its officers; *provided*, the same are not repugnant to the constitution or laws of this state or of the United States.

Proviso.

Annual statement to be made.

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

Special meetings may be called.

9. *And be it enacted*, That special meetings of the stockholders may be called by the order of the said president and directors, or by the stockholders holding one-fourth of the whole stock of the 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 object of the meeting, but that no business of the company shall be transacted at such special meetings, unless a majority in value of the stockholders attend and concur therein, who may require the books, accounts, and other papers and proceedings of the company to be exhibited to them by the president and directors.

Charter not void for failure to elect on day prescribed.

10. *And be it enacted*, That if, from any cause, any election hereinbefore named shall not be had at the time specified

by this act, the same may be made at any other time, on notice as aforesaid; and that until such election be had, the officers of the preceding year shall continue to hold their respective offices until others be elected in their stead, and that this act of incorporation shall not be defeated or avoided by reason of the irregularity or want of such election.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road, two and a half rods wide, from the junction of the river road or Warren street, with the Burlington and Willingborough turnpike, to that point in said river road or Warren street where the eastwardly line of the city of Beverly crosses the same in the township of Willingborough, which said turnpike road shall be constructed on and along the said river road or Warren street, and the width of the said turnpike road shall be the same as the said river road or Warren street is now laid out.

Company  
authorized  
to construct  
road.

12. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth, along the middle, as 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 eighteen 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 eight degrees with the plane of the horizon; and the said company shall make good and sufficient bridges along the line of said road; 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.

Description  
of road.

13. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers, and workmen, with carts, wagons, and other carriages, and with beasts of burden and draught, and all necessary mate-

Proceedings  
in case com-  
pany and  
owners can-  
not agree.

rials, 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 necessary for properly draining said road; and when the said company or its agents cannot agree with the owner or owners of such required lands, 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 so required for the use of the said company in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer, or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, or to one of the judges of the court of common pleas of the county of Burlington, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of 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 such time upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice or judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully and impartially to examine the matter in question, and make a true report according to



the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands or materials and make a just and equitable estimate or appraisement of the value of the same, and assessment of damages to be paid by the said company for such land or materials, and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county of 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 and 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 the said valuation, with interest and cost, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage; and the said justice or judge 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.

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

Rates of toll.

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 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, or hogs, or carriages of pleasure or burthen, from passing through the said gates or turnpikes until they have paid the toll as above specified; *provided*, that nothing in this act shall be so construed as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the Sabbath day, or 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 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.

15. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause mile-stones or posts to be erected and maintained, one for each and every mile on said road, and on each stone or post shall be fairly and legibly marked, the distance the stone or post is from Beverly; and shall cause to be fixed and always kept up at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board, on which shall be painted in large letters, "Keep to the right, as the law directs."

Penalty for  
injuring  
works.

16. *And be it enacted*, That if any person shall wilfully break; throw down, or deface any of the mile-stones or posts so erected on the said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down, or destroy, or otherwise injure any gates,

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 turnpike, such persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action of damages for the same, to be recovered by the said company by action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person with his or her carriage, team or horse, turn out of said road to pass a gate or gates, on private grounds adjacent thereto, and again enter on said road with the intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

17. *And be it enacted*, That all the drivers of carriages, sleighs or sledges, 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 a 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 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 any such offence, to be recovered with costs of suit.

Penalty for obstructing passage.

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

Penalty for taking illegal tolls.

19. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any judge of the court of common pleas of the county of Burlington, who may be disinterested,

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

said judge shall immediately appoint, in writing, under his hand and seal, three disinterested freeholders, resident in the township wherein the cause of complaint arose, which three persons, 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 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 judge, in writing, under their hand and seal, 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 road, the said judge 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 judge to keep open the said gate or turnpike, exact toll of travelers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who will prosecute the same in an action of debt, with costs of suit; and the 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, and report, as aforesaid, their opinion to the said judge, who shall, if authorized by the report of said persons, or any two of them, by license under his hand and seal, directed to the toll-gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before; but if on the first view, as before mentioned, the report of the persons appointed shall be in favor of the company, the same fees shall be allowed as before prescribed and paid by the person making complaint.

Act, when to  
take effect.

20. *And be it enacted*, That this act shall not take effect until the public highway upon which this said turnpike road is authorized to be located and made, is vacated as a public highway, according to law, and if the said road is not commenced within two, and completed within five

years from the passage of this act, that then and in that case this act shall be void; and the said corporation shall possess the several powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved the fourteenth day of February one thousand eight hundred and forty-six, so far as the same are applicable.

Approved March 16, 1858.

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## CHAPTER CLI.

AN ACT to incorporate the Allentown and Imlaystown 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 named, 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 Allentown and Imlaystown Turnpike Company," and that the following named persons, viz., George Middleton, William C. Norton, John Longstreet, Abel Cafferty, James Giberson, Ephraim I. Liming and James J. Conover, 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

Commissioners to receive subscriptions.

prior to the opening of said books, by publishing the same in two of the county newspapers.

Amount of  
capital  
stock.

2. *And be it enacted*, That the capital stock of said company shall be eight thousand dollars, with power to increase the same to fifteen 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 on each share subscribed for, to the said commissioners or any of them, which money shall be paid over to the treasurer of the said company, 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.

Election of  
directors.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of seven directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; 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 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 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 a 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 said 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 dissolv-  
ed for failure  
to elect on  
day pre-  
scribed.

4. *And be it enacted*, That so soon as conveniently may be after the first and subsequent annual election of directors, they shall elect from their number a president of said company, for the term of one year, and until another shall be elected, who shall receive such compensation for his services as the board of directors may direct; he shall keep the seal of the company and preside at all meetings of said board, and, in case of his absence, the said board shall appoint one of their number, who, for the time being, shall possess the same power and authority, and perform the like duties; and the board of directors may fill any vacancy that may occur therein, until the next annual election, and may exact from the president, treasurer, and other officers and agents of said company, such security for the due performance of their respective trusts as they may deem expedient, and special meetings of the said stockholders may be called by the said board, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, and the object for which such meeting is called.

Election of  
president.

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

Annual  
statement to  
be made.

6. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike along or near the main road from Allentown to Imlaystown, commencing at or near what is called or known as John Robbin's corner, and ending at or near what is called the

Company  
authorized  
to make  
road.

Proviso.

Saw-mill Bridge at Imlaystown; *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 the said damages, then the said 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 of his or her land for the constructing or maintaining of turnpike road.

Description  
of road.

7. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth, along the middle, as near as may be, of the Allentown and Imlaystown 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.

Proceedings  
in case com-  
pany and  
owners can-  
not 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 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 enclosure thereof, and to make all ditches and under-drains across and through such lands as are necessary for



the proper draining of 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 Monmouth, 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 Monmouth, 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 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 orders of said court, for the use of said owner or owners.

9. *And be it enacted*, That as soon as said company shall have constructed said road according to the directions of this act, and the true meaning and intent thereof, it shall

Rates of toll.

and will be lawful for said company to erect gates or turn-pikes 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:

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, or 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 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 other person passing to or from his common business on his farm.

Proviso.

Mile-stones  
to be erected.

10. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause mile-stones to be erected and maintained, and on each stone shall be fairly and legibly marked, the distance said stone is from the village of Allentown; and, shall cause to be fixed at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll, which may be lawfully demanded, and also a board, on which shall be printed in large letters, "Keep to the right, as the law directs;" penalty ten dollars.

Penalty for  
injuring  
works.

11. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile-stones so erected on said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down, or destroy, or otherwise injure any gates, turnpikes or bridges, that shall be erected pursuant to this-act, or shall forcibly pass the same without having paid the legal

toll at such gates or turnpike, 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 an action of debt or other proper action, in any court of competent jurisdiction, with cost of suit; and if any person with his or her carriage, team or horses, turn out of said road, to pass a gate or gates upon private grounds adjacent thereunto, and enter again<sup>2</sup> on 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 the costs of suit.

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.

Penalty for taking illegal tolls.

13. *And be it enacted*, That all drivers of carriages, sleighs or sleds, of every description, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, 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 so obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Penalty for obstructing passage.

14. *And be it enacted*, That if the said company shall not keep the road and bridges in repair, it shall be the duty of any judge of the court of common pleas of the county of Monmouth, 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 particu-

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

lar 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 Monmouth, not residing in any township 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 or 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 or part of the road 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 the sum of 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.

Public act.

15. *And be it enacted*, That this act shall be taken and construed as a public act, and shall take effect immediately.

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

Corporation  
may use  
public road.

Approved March 16, 1858.

## CHAPTER CLII.

AN ACT to incorporate Egg Harbor City.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the county of Atlantic included within the following bounds, that is to say: between the Little Egg Harbor or Mullicas river on the northeast, and the Camden and Atlantic railroad on the southwest, and between a straight line commencing at the mouth of Pine creek and running in a southwestwardly direction and perpendicularly to the Camden and Atlantic railroad, until it meets the said railroad on the northwest, and a line commencing at a point southeast of the forty-second mile-stone of the Camden and Atlantic railroad, on the line of said railroad, and the middle of an avenue named Bremen avenue, on the plan of said city, and running thence in a straight line perpendicularly, to said railroad, in a northeastwardly direction, along the middle of said Bremen avenue, until it meets a street laid out on the

Boundaries  
of city.

plan of said city, called Welker street, thence southeastwardly along said street until the same crosses an avenue laid out on the said plan, called Frankford avenue, thence following said avenue, in a northeastwardly direction, until the same crosses a street laid out on the said plan, called Zschocke street, thence southeastwardly, following the line of said street, until it meets an avenue laid out on said plan, called Vienna avenue, and thence northeastwardly along the line of this avenue until it reaches the Little Egg Harbor or Mullicas river, and comprising parts of Mullica and Galloway townships, and all the freemen, citizens of this state, and residing within the limits aforesaid, shall be and are hereby made a body corporate and politic, by the name of "Egg Harbor City," and by that name shall have perpetual succession, and be capable of suing and being sued, defending and being defended, in all courts and places whatsoever, and in all manner of actions, complaints, and causes whatsoever, and may have a common seal, and alter the same at pleasure; and by said corporate name shall be in law capable of purchasing, holding, and conveying any estate, real or personal, for the public use of said corporation.

City officers.

2. *And be it enacted*, That for the good order and government of said city, there shall be elected henceforth, in said city, one mayor, who shall be the keeper of the seal of the city, and nine common councilmen (three of whom shall be elected for one year, three for two years, and three for three years), and annually thereafter there shall be elected three persons as members of said common council, who shall hold their office, respectively, for three years; which mayor and common councilmen shall constitute and be called the common council of said city.

Meetings of  
common  
council.

3. *And be it enacted*, That the said common council shall be summoned and held at such times and places in said city as they may appoint; the mayor shall preside at the meetings of the common council, and have a casting vote only, and if he be absent, one of the common councilmen may be appointed, by the members present, chairman pro

tempore, and a majority of the whole number of members shall be a quorum to transact business; and it shall be the duty of the mayor, when necessary, to call special meetings of said common council, and in case of his neglect or refusal, then it shall be lawful for any four members of said common council, at such time and place as they may designate, to call any special meeting or meetings, by written or printed notice; and in all cases of special meetings, notice shall be given to all the members of the said board of common council, in person, or left at their places of residence.

4. *And be it enacted*, That an election by ballot shall be held on the second Monday of June next, at the Egg Harbor City Hotel, in said city, at which election one mayor, nine common councilmen, three police justices, one clerk, one treasurer, one assessor, one chosen freeholder, two constables, one overseer of the poor, one marshal, one judge of election, three commissioners of appeal in cases of taxation, one harbor master, and one pound-keeper, shall be chosen and elected in said city from among the citizens residing therein; and annually thereafter, on the second Monday in June, excepting the common councilmen, who shall be elected as hereinbefore provided, but after the first election no person shall be elected as mayor or common council of said city who shall not have resided therein at least one year immediately preceding said election; and at the said first election, T. M. Wolsieffer, Lewis Ertell, and Th. Wiswede, shall be judges or inspectors, and at every subsequent election, the judge, treasurer, and assessor, shall be judges or inspectors; and the city council shall, in reference to all subsequent elections, appoint the place where such election or elections shall be held, and the city clerk shall cause public notice thereof to be set up in five or more of the most public places in said city, and also in a public newspaper, if one be published therein, at least ten days previous to the day of such election.

Election of  
officers.

Judges of  
election.

5. *And be it enacted*, That the poll of all elections under this act shall be opened at eight o'clock in the forenoon and

Manner of  
conducting  
elections.

closed at seven o'clock in the evening; and no person shall be qualified to vote at such elections, who shall not be a legal voter of this state; and the name of each elector voting at such election shall be written in a poll list by Charles Herman, at the first election on the second Monday in June next, and by the city clerk at every subsequent election; and after the poll shall be closed, the judges or inspectors shall count the votes given for the several candidates, and certify the results under their hands and seals, and deliver such certificate to the clerk of said city, who shall file and preserve the same in his office; and the persons having the greatest number of votes shall be deemed to be elected to the offices for which they shall be voted for respectively, hold their offices for one year, and until others are elected in their stead, and sworn into office, excepting the common council hereinbefore provided for; and any vacancy in the number of persons named to serve as judges or inspectors and as clerk in the said first election, shall be filled by the remaining of those four persons so named.

Vacancies,  
how sup-  
plied.

6. *And be it enacted,* That in case of death, resignation, inability, disqualification, neglect or refusal to act, or removal out of the city, of any of the officers thereof, it shall be lawful for the common council to appoint others in their place until the next regular election, who shall, during the said time, perform the like services, be entitled to the same fees, and be subject to the same responsibilities, as though elected at the annual election.

Officers to  
take oath.

7. *And be it enacted,* That before any of the said officers shall take upon themselves their respective duties, they shall take and subscribe an oath or affirmation for the due execution of their respective offices, before one of the justices of the peace of the county of Atlantic, who are hereby authorized and required to administer the same, or before the mayor of said city; and the treasurer, constables, marshal, and harbor master so elected, shall each give bond to the said city, in such sum, and with such sureties, as the common council may approve, for the faithful performance



of their respective offices; and no member of common council shall be taken as security upon the bond of any officer.

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

Duties and powers of mayor.

9. *And be it enacted*, That no police justice shall, by virtue of his office, be authorized to hear and try any civil action except such as may be brought to recover a penalty under the ordinances of the said city, in which cases he may act as a justice of the peace in his civil capacity.

Police justice not to try civil suits.

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

Duties and powers of police justices.

Proviso.

11. *And be it enacted*, That unless when otherwise directed, all actions or proceedings before any police justice

Court of police justice to be court of record.

under the provisions of this act, shall, as nearly as may be, be regulated by the provisions of, and conducted in the manner prescribed in, and by an act entitled "An act constituting courts for the trial of small causes," and the several supplements thereto, and that the court held by every police justice in and for the said city of Egg Harbor shall be a court of record, and vested for the purposes mentioned in this act, with all such power as is usual in courts of record of this state.

Justices  
may issue  
subpoena,  
&c.

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

Justice  
may issue  
warrant or  
summons.

13. *And be it enacted*, That every police justice shall be empowered, on oath, affirmation or affidavit, made according to law, and filed in his office, that any person or persons has or have been guilty of a violation of any of the ordinances of the said city, to issue a process either in the nature of a warrant, or a summons, against the person or persons so charged, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons returnable in not less than five nor more than fifteen days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, when, and in what manner the same has been violated, and that on the return of such process, or at the time to which the justice shall have adjourned the same, the said justice shall proceed to hear testimony, and to determine and give judgment in the matter without the filing of any pleadings; and that the justice shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants; *provided*, that nothing herein contained shall prevent the enforcement of the ordinances of the said city in the manner hereinbefore provided.

Proviso.

Complaints  
for violation  
of city ordi-  
nances to be  
made under  
oath.

14. *And be it enacted*, That no warrant, or process in the nature of a warrant, shall be issued by any police justice against any person or persons, on any complaint made as

aforesaid, for the violation of any of the ordinances of the said city, unless upon oath or affirmation made and filed before said justice, establishing to his satisfaction, by one or more particulars mentioned therein, that such process is necessary to secure the due enforcement of the ordinance, in the matter of said complaint, against such person or persons.

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

Persons aggrieved may appeal.

16. *And be it enacted*, That it shall be lawful for a majority of the whole number of members of common council that may be assembled, in council meeting convened, to pass all ordinances for establishing a public ground, or grounds, and for reclaiming, improving, regulating and protecting the public grounds and walks, and for regulating, levelling, grading, paving, flagging, gravelling, improving, clearing, and repairing the avenues, streets, alleys or side-walks therein, for ascertaining and establishing (by appointing a city surveyor, or otherwise) the lines and boundaries of the same, and for preventing and removing all encroachments, incumbrances and nuisances upon the same, and for regulating the planting and protection of shade trees, for compelling the occupiers and owners of lots to grade, curb and pave the side-walks opposite their lots, and to keep the same and the gutters clear, and clear of snow and ice, and other impediments, for regulating wharves, docks and piers, belonging or about said city, and the rates of wharfage for all wharves in charge of, or owned by said city; for abating and removing all nuisances on or in the Mullicas, or Little Egg Harbor river, opposite the said city, and in any creek, street, wharf, or city, or other place in said city, and for preventing or removing all obstructions in the Little Egg Harbor river opposite the same, and for the regulation of the distances any wharf or wharves may be built out

Duties and powers of common council.

into the Little Egg Harbor river, opposite the same, for causing common sewers or drains to be made, and granting permission to construct vaults in any part thereof; for lighting the streets, and for regulating the laying of gas or other pipes in or under the same; for sinking and regulating wells, cisterns, and pumps in said streets; for erecting, maintaining and regulating public markets in said city; for erecting and maintaining a city hall, city prison, school houses and such other public buildings as may be necessary or convenient in said city; for the better regulation and support of the poor; for preventing persons from riding, driving, or passing over or upon the side-walks with horses, wagons, carts or carriages, or animals of any description, and for preventing the immoderate riding or driving through, or in any avenue, street or alley in said city, for the prevention or suppression of fires, for compelling the cleaning of chimneys, for appointing watchmen and additional police, and prescribing their powers and duties; for regulating the vending of meats and vegetables, for regulating butchers, hawkers, peddlers and petty chapmen; for the more effectual suppression of vice and immorality; for preserving peace and good order; for restraining vagrants, mendicants and street beggars; for suppressing and restraining disorderly and gaming houses, or public gaming in the said city; for preventing and restraining riots, routs, disturbances, or disorderly assemblages, and the carrying of concealed weapons in any street, alley, house, or any other place in said city, and on the Little Egg Harbor river, opposite thereto; for preventing the running at large of cattle, horses, goats, geese, dogs and swine, and for imposing a reasonable tax upon the owners or possessors of dogs; for prescribing and defining the duties of the several officers elected in said city; and such other ordinances for promoting the peace, good order and prosperity of said city as they may deem expedient, not repugnant to the constitution of the United States, or of this state; and to enforce the observance of all such ordinances, by prescribing a forfeiture or penalty not exceeding one hundred dollars, to be

recoverable by action of debt, with costs, before any police justice of said city, in the name of "the treasurer of Egg Harbor City," for the use of said city, or they may prescribe punishment therefor by fine or imprisonment in the city prison, or both, to be imposed by the police justice hearing and determining the same, the fine not to exceed one hundred dollars, and the imprisonment thirty days, and until fines and costs be paid; all said ordinances shall be caused to be published by printed handbills, put up in five of the most public places in said city by the clerk of said city, for at least ten days before said ordinances shall go into effect; and no ordinance shall be enacted or passed by said common council, unless the same shall have been introduced before said common council at a previous meeting.

17. *And be it enacted*, That a majority of the whole number of members of common council that may be assembled, exclusive of the mayor, or presiding officer in council meeting convened, shall have the sole, only and exclusive right and power of granting licenses under the common seal of said city, to all and every innkeeper and retailer of spirituous liquors residing within said city, subject to the same provisions, and in like manner, as the same may lawfully be done by the courts of common pleas in this state, except that they may grant them for such length of time, not exceeding one year, as they may deem best; and they shall have the sole, only and exclusive right and power of licensing such and so many keepers of oyster houses and cellars, and places for the sale of fermented liquors, within said city, upon such terms and conditions, and under such regulations, as they may deem most conducive to the good of said city; and the amount assessed and paid upon granting all licenses, shall be paid to the city treasurer for the use of said city.

Common  
council may  
grant licenses  
for inns,  
&c.

18. *And be it enacted*, That it shall be lawful for the voters of said city, at the annual elections, by ballot (by specifying the amount desired, and the object or objects to which it is desired to have it appropriated, and the manner in which it is desired to have it raised, whether by tax or

Money may  
be raised by  
tax.

loan, on the same ticket or ballot on which the names of those voted for the officers in said city, are written or printed), to direct to be raised by loan or by tax, from year to year, such sum or sums of money, in addition to that hereinbefore directed; or authorized to be raised by the common council of said city, as they may deem expedient, for defraying the expense of lighting the streets of said city, supporting a night watch or police therein, supplying the said city with water for the extinguishment of fire and for other purposes, for the repairing and improving of the streets of said city, for improving the public grounds, for erecting and maintaining public market houses, a town house or city hall, city prison, and school house or houses; and for all other purposes and objects authorized by this act; said loans so directed to be raised shall then be carried out on the best terms they can obtain, by the common council of said city, and a certificate or certificates of loan, or a bond or bonds, be issued therefor, as in other cases; and any sum or sums, as hereinbefore directed to be raised by tax, shall be assessed by the assessor upon the actual value of property, and collected in the same manner, and at the same time as other taxes, and when several sums of money are voted for, that receiving the highest number of votes, whether by tax or law, shall be raised.

Compensation of officers.

19. *And be it enacted*, That it shall be lawful for the common council of said city, to pay the treasurer, clerk, assessor, overseer of the poor, marshal, and other officers and agents of said city, such compensation for their services as the said common council may deem reasonable and proper.

Duties of assessor.

20. *And be it enacted*, That the assessor of said city shall assess upon the persons and property of the residents, and the property of non-residents within the said city, and the treasurer shall collect all taxes ordered by the common council of said city, or by the voters thereof at their annual election directed or required to be assessed or collected within the said city, in the same manner as the assessors and collectors of townships are, or may be, by law required

to assess and collect the state and county tax within their respective townships; and the assessor shall, annually, between the twentieth day of April and the twentieth day of June, make the assessments required of him, and return his duplicate to the treasurer, not later than the said twentieth day of June.

21. *And be it enacted,* That the commissioners of appeal in cases of taxation shall convene annually, on the fourth Thursday of July, to hear and determine all appeals, and they shall sit from nine o'clock in the morning to six o'clock in the afternoon, and if necessary so to do, for such further time as may be required.

Meetings of  
commis-  
sioners of  
appeal.

22. *And be it enacted,* That the treasurer shall, at least one week before the day of appeal, in cases of taxation, demand of all persons taxed, the amount of their tax, by notice served upon them personally, if he can find them in the limits of the city, or left at their residence, if living in the city, and shall, at the same time, give notice of the time and place of the meeting of the commissioners of appeal in cases of taxation, and no other notices shall be required; and in case of the non-payment of any taxes by the twentieth day of August in each year (excepting when it shall happen on a Sunday, then on the following day), the treasurer shall make out a list of the names of the delinquents, with the sums due from them respectively, annexed, and deliver the same to the mayor, or a resident justice of said city.

Treasurer to  
notify per-  
sons of  
amount of  
tax assessed.

23. *And be it enacted,* That it shall be the duty of the said mayor or justice of the peace, on receiving a list of the names of such delinquents, to administer an oath or affirmation to the said treasurer, that the moneys in said list had been duly demanded, on due notice given, or left at the usual place of residence of each delinquent, who can be found, or who may then reside in said city, and thereupon to give the said treasurer a receipt for such list, certifying therein the names of the delinquents, and the sums at which they are respectively assessed; and it shall be the duty of said mayor, or justice, within five days after the receipt of

Collection of  
delinquent  
taxes.

the list of names of the delinquents, and deliver to the constable or constables of said city, a warrant or warrants, requiring him or them to levy the tax so in arrears, in the manner prescribed by the laws of the state of New Jersey, relative to the collection of state, county, or township taxes; and the said constable or constables shall, in the collection of said taxes, and in the payment thereof, be governed by the laws of this state regulating the same in the several townships.

Officers of  
election to  
take oath,  
&c.

24. *And be it enacted*, That the judge of election, and the inspectors and clerk thereof, shall take the like oaths or affirmations, and conduct all elections in the same manner as township election officers are or may be by law required to do, and shall be vested with the same powers and authority, entitled to the same compensation, and perform the like duties, and be subject to the same penalties as the like officers of this state are or may be by law invested with, allowed or subject to; and in case of absence, death, incompetency, or refusal to serve, of any of the said officers of election provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships in this state; and the clerk of said city shall procure ballot boxes for the use of said city, in said manner, and of such description, as are required to be procured by the township clerks of this state, and be subject to the same penalties as township clerks are now subject to, for neglecting to procure said boxes, and keep the same in repair.

Duties of  
marshal.

25. *And be it enacted*, That it shall be the duty of the marshal of said city, to execute all processes issued or delivered to him to be executed by the mayor, or a resident justice of said city, in the same manner, and, to the same extent of jurisdiction as a city constable; and he shall maintain good order, and preserve the peace within the limits of said city, enforce all ordinances, arrest and imprison offenders, keep the city prison and hall, and perform such other duties as the common council may require, or as may be required.



by the ordinances of said city, and give security, and in such sum, as the common council may require.

26. *And be it enacted*, That the constable, or constables of said city, hereafter elected by virtue of this act, shall have the same power and authority and be authorized to perform the same duties, in civil as well as in criminal cases, in all respects, to serve warrants and other processes, in the same manner, and to the same extent of jurisdiction, and be entitled to the same fees and compensation for his or their services, as if he or they had been lawfully elected to the office of constable, at an annual election for township officers in this state, under the laws of this state relating to township constables, and had taken oath or affirmation, and given the security required by law; *provided, always*, that before any such constable or constables shall proceed to exercise the powers conferred on him or them by this act, he or they shall take and subscribe an oath or affirmation for the due execution of his or their office, and enter into such bond, with sureties to be approved by the common council of said city, as he or they would be by law required to take and enter into, if he or they had been elected to the office of a township constable, under the laws of this state relating to township constables, before he or they proceeded to the execution of his or their office.

Duties of constables.

Proviso.

27. *And be it enacted*, That the bond to be given as aforesaid by the said constable or constables, shall be recorded and filed by the clerk of the said city, in his office; and the common council are hereby required and directed, if need be, to prosecute the said bond or bonds, for or in behalf of, and to the use of every person or to all persons whatsoever, who may have sustained loss by the neglect or misconduct of said constable or constables in executing the duties of said office; and suits or actions to be brought or prosecuted on said bond or bonds, shall and may be brought and prosecuted in the manner prescribed by the third section of the act entitled "An act respecting constables," approved April sixteenth, eighteen hundred and forty-six.

Constable's bond to be recorded and filed.

Constables  
to serve pro-  
cess, &c.

28. *And be it enacted*, That it shall be the duty of the constable or constables so elected as aforesaid in said city, to preserve and maintain at all times, the peace and quiet of said city, to arrest and imprison offenders, against the ordinances of said city, or the laws of this state, to serve all process which may be issued by any police justice of the said city, and to perform such other duties, and under such penalties, as the common council of said city shall from time to time prescribe.

Duties of  
clerk.

29. *And be it enacted*, That the clerk of said city shall keep, file, and when necessary, record all official papers belonging to the same; he shall attend all meetings of the common council of said city, and keep accurate minutes of the proceedings thereof; he shall give lawful notice of all such meetings, and of annual and special elections; he shall record in a proper book, to be provided for that purpose, all ordinances passed by said common council, and duly certify the same; and shall perform such other duties as the common council may from time to time prescribe.

Duties of  
treasurer.

30. *And be it enacted*, That the treasurer of said city shall (in addition to the duties of a collector hereinbefore prescribed), receive and pay out all moneys belonging to said city, under the direction and authority of the common council, and shall, at least seven days previous to each annual election, make out a full and true account of all the moneys raised, by tax or loan, for the use of said city, since the last annual election, and of the application and expenditure of the same, and deliver the said account to the clerk of said city, and in default thereof shall forfeit and pay fifty dollars, to be by him filed in his office; and it shall be the duty of the said clerk to cause a copy of said account to be set up in three of the most public places in said city, at least five days previous to the day of each annual election, and in default thereof, shall forfeit and pay fifty dollars.

No tax for  
roads out-  
side of city  
to be levied.

31. *And be it enacted*, That no taxes shall be levied on the persons or property within the limits of the said city by the authorities of the townships in which it is or may

be located, for the improvement or repairs of the roads outside of the boundaries of the said city.

32. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact, to which issue or investigation the mayor, clerk, and common council of said city are a party, or in which they are interested, no person shall be deemed an incompetent witness, or juror, by reason of his or her being an inhabitant or freeholder of said city; and if any person shall be sued or impleaded by reason of anything done by this act, it shall be lawful for such person to plead the general issue, and to give this act, and the matter in evidence at the trial.

Inhabitants  
not incom-  
petent as  
witnesses.

33. *And be it enacted*, That in case it shall so happen by any means that the annual election, hereinbefore provided for, shall not be held at the time designated therefor, as aforesaid, then the mayor and other officers of the said city, of the preceding year, shall continue to exercise their several offices, powers, and authorities, until an election shall be duly held; and it shall be the duty of the common council forthwith to appoint another day for a special election for officers of the said city, of which time the city clerk shall give ten days' notice as aforesaid, and which shall be conducted in all respects in the manner hereinbefore described for holding annual elections.

Special elec-  
tions for city  
officers may  
be called.

34. *And be it enacted*, That the overseer of the poor of said city shall perform and discharge all the duties now required by law to be performed by overseers of the poor of the several townships of this state, and for that purpose it shall be the duty of the common council to pass all ordinances necessary for the regulating and better support of the poor within the corporate limits of said city; but in no case shall the said overseer or common council be entitled to receive any portion of the money which shall be raised for the support of the poor of the townships of Mullica and Galloway; nor shall said city be liable to pay any money for the support of the poor not residing within the limits of said city.

Duties of  
overseer of  
the poor.

Act, when to  
take effect.

35. *And be it enacted*, That this act shall take effect on the second Monday in June next, or as soon thereafter as the officers then elected are sworn into office.

Approved March 16, 1858.

## CHAPTER CLIII.

AN ACT for the cession of portions of the roads of the Essex and Middlesex Turnpike Company, and "The Newark Turnpike Company," to the cities and townships in which they lie.

Act of ces-  
sion and  
transfer to  
be filed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the Essex and Middlesex Turnpike Company, or the Newark Turnpike Company, shall cede and transfer to any city or township of this state, in which their respective roads lie, any part of their said roads not heretofore so ceded pursuant to former legislative acts, and shall file one copy of such act of cession and transfer, in the office of the secretary of state, and another copy in the office of the clerk of the said city or township, the company so ceding as aforesaid any portion of its road, shall be released and discharged from all authority and control over that part of its said road, and from all liability on account of the same; *provided*, that said "Essex and Middlesex Turnpike Company" shall not have authority to cede or transfer to any city or township any part of said road lying or being in the county of Middlesex (excepting so much as lies in the city of Rahway), without the consent of the common council or township committee

Proviso.

of the respective cities or townships; and the same shall thenceforth be to all intents and purposes a public street or highway of such city or township, and be subject to the same jurisdiction, authority and control over the same, by said city or township, as the other streets and highways of said cities or townships, without however affecting the use of such parts of the said turnpike roads, as may be occupied by or with railroad tracks.

Approved March 16, 1858.

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## CHAPTER CLIV.

AN ACT to confirm certain conveyances of land lying in the village of  
Phillipsburgh, in the county of Warren.

WHEREAS, it appears to the legislature, that Alexander Wilson, Depou S. Miller, Russel S. Chidsey, Sarah T. Appleton, and Daniel Black, all of the borough of Easton, in the state of Pennsylvania, were seized in fee of a certain tract of land in the village of Phillipsburgh, in the county of Warren, and being so seized, the said Alexander Wilson and Cornelia F., his wife, Depou S. Miller and Eliza, his wife, Russel S. Chidsey and Lucy M., his wife, and Sarah T. Appleton, executed under their hands and seals, on the fifteenth day of October, in the year of our Lord one thousand eight hundred and fifty-five, a letter of attorney, wherein they constituted and appointed the said Daniel Black their attorney to grant, bargain, sell and convey said tract of land, or any part thereof,

and to make, execute, acknowledge and deliver deeds and conveyances for the same, which said letter of attorney was duly acknowledged by said grantors in the manner and form required by the laws of this state for the acknowledgment of deeds of land by husband and wife, and was duly recorded in the clerk's office of the county of Warren, in book of deeds, volume forty-six, folio two hundred eighty-four, &c.; and whereas it further appears that Alexander Wilson, Daniel V. McLean, Isaac C. Wikoff, Russel S. Chidsey, and Daniel Black, all of the borough of Easton aforesaid, were seized in fee of another tract of land in the village of Phillipsburgh aforesaid, and being so seized the said Alexander Wilson and Cornelia F., his wife, Daniel V. McLean and Evelina B., his wife, Isaac C. Wikoff and Rachel H., his wife, and Russel S. Chidsey and Lucy M., his wife, executed under their hands and seals, on the twenty-first day of May, in the year of our Lord one thousand eight hundred and fifty-three, a letter of attorney, wherein they constituted and appointed the said Daniel Black their attorney to grant, bargain and sell said tract of land, or any part thereof, and to make, execute, acknowledge and deliver deeds and conveyances for the same, which said letter of attorney was duly acknowledged by said grantors in the manner and form required by the law of this state for the acknowledgment of deeds of land by husband and wife, and was duly recorded in the clerk's office of the county of Warren, in book of deeds, volume thirty-nine, folio one hundred and eight, one hundred and nine, and one hundred and ten; and whereas, as it appears that by virtue of said letters of attorney, the said Daniel Black has sold and conveyed in fee simple a large number of lots of said land, but the right of dower of said feme coverts are not barred in law by said conveyances; and whereas it appears that it was the intention and belief of all the parties to said letters of attorney that the dower of said feme coverts should be barred in said conveyances, by said letters of attorney

so as aforesaid executed and acknowledged, and the said Daniel Black has requested the aid of the legislature in the premises, and the same appearing to be reasonable and right to carry out the intention of the said parties,—

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the conveyances mentioned in the preamble of this act, executed by Daniel Black by virtue of the powers of attorney aforesaid, and in his own right, shall be good and effectual to convey said lands intended to be conveyed in said conveyances, and shall be a release and bar of the right of dower of said feme coverts in the same as fully and as effectually, as if said feme coverts had acknowledged said conveyances according to law. Conveyances made valid.

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

Approved March 16, 1858.

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## CHAPTER CLV.

AN ACT to alter the boundary line between the townships of Ewing and Lawrence, in the county of Mercer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Lawrence lying west of the following line—to wit, starting in the line of land of Randolph Hunt and corner to land of Isaac Cadwalader, and running thence south about Part of Lawrence township annexed to Ewing.

fifty-five degrees east along the easterly line of lands of the said Isaac Cadwalader, William A. Green, John Hendrickson and Elias Welling and William Welling, till it strikes the Shabbakonk Creek, which is now the present line between said townships, be, and the same is hereby set off from the said township of Lawrence, and attached to the said township of Ewing.

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

Approved March 16, 1858.

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## CHAPTER CLVI.

AN ACT to establish the width of Market street, in South Ward of the city of Camden.

Width of  
street in-  
creased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Market street, in South Ward of the city of Camden, from Delaware street easterly to Broadway, shall be sixty-six feet in width, measuring thirty-three feet on either side of the middle line thereof, as the same has been recently paved under the authority of said city; and that the owners of lots bounding on said street may enclose or build upon their lots up to the lines thereof, as thus established; *provided*, that this act shall not take effect until approved of by ordinance of said city.

Previso.

Approved March 16, 1858.



## CHAPTER CLVII.

A SUPPLEMENT to the act entitled "An act to incorporate the Mercer Cemetery Company of Trenton," passed February twenty-three, eighteen hundred and forty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the first section of the act to which this is a supplement, as limits the quantity of land to be held by the Mercer Cemetery Company at Trenton, to five acres, is hereby repealed. Part of former act repealed.

2. *And be it enacted*, That the Mercer Cemetery Company at Trenton, shall be capable in law of holding and disposing of lands for the purposes of a cemetery not exceeding in quantity ten acres; *provided*, the said additional five acres are not located on the east side of Clinton street. What lands may be held.

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

Approved March 16, 1858.

## CHAPTER CLVIII.

A SUPPLEMENT to the act entitled "An act to incorporate the Mercer County Mutual Fire Insurance Company."

WHEREAS, doubts exist as to whether the said "The Mercer County Mutual Fire Insurance Company," have power under their act of incorporation to make an assess- Preamble.

ment or assessments for a sum beyond the precise amount of existing losses and expenses; and it is found to be impracticable to make such assessments upon the numerous members of said company to meet small losses and expenses as the same accrue; the costs incident to the making of which, would often exceed the amount of loss or losses to be paid thereby; for recovery whereof, and for the better securing the meaning and construction of said act of incorporation, therefore

Amount of  
assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the directors of said Mercer County Mutual Fire Insurance Company shall have occasion to assess, or settle and determine the sums to be paid by the several members of said company for losses by fire, or for such incidental expenses as shall be necessary for transacting the business of said company, or both, the said act of incorporation shall be so construed as not to limit the amount of the assessment by the precise amount of existing losses and expenses; but the said assessment against the several members of said company may, in the discretion of said directors, exceed the amount of such existing losses and expenses, *provided*, the same is against each member in proportion to the original amount of his or their deposite note or notes, and does not exceed twenty per cent.; and the surplus moneys, if any, collected upon said assessment over and above what is necessary to pay existing losses and expenses shall remain in the treasury of said company for the payment of such further loss or losses and expenses as may thereafter accrue, according to the provisions of said act of incorporation; and the same proceedings, rights and remedies for the collection of such assessment, and the notes of the members of said company, upon default made in the payment of said assessment shall exist, as are given in and by said act of incorporation to which this is a supplement.

Proviso.

Act, when to  
take effect.

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

Approved March 16, 1858.

## CHAPTER CLIX

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the Hudson and Bergen Plank Road Company," approved March twenty-fourth, eighteen hundred and fifty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said corporation are hereby empowered to extend their said road south from the Newark plank road, using the road known as the Old Bergen road, running through Greenville, until it intersects the Jersey City and Bergen Point plank road, and to plank the same, and that the said work shall be completed in one year from the passage of this act. Company authorized to extend road.

2. *And be it enacted*, That the said corporation shall have power to erect gates upon their whole road at such points as they may deem proper, and to demand and receive toll for the use of the same, at and after the following rates,—that is to say, two cents per mile for every vehicle drawn by one beast, and one cent per mile for every additional beast; and that all parts of the act to which this is supplementary, that are inconsistent with the provisions of this act, be and the same are hereby repealed. Rates of toll.

Approved March 16, 1858.

## CHAPTER CLX.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the town of Lambertville, in the township of West Amwell."

Time for making assessment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assessor for the time being of the town of Lambertville, shall annually make the assessment as required by law, between the first day of May and the first day of July, instead of between the twentieth day of May and the twentieth day of August, as provided by the act concerning taxes.

Notice of assessment to be given.

2. *And be it enacted*, That the said assessor shall annually, between the first day of July and the first day in August, deliver to every taxable inhabitant of said town, his or her agent, or leave at his or her place of residence in said town, in case the same can be ascertained, a true copy of the assessment in his tax-book, assessed to such inhabitant or property holder of said town.

Meeting of commissioners of appeal.

3. *And be it enacted*, That the commissioners of appeal in cases of taxation, in and for said town, are hereby required to meet on the third Monday of August annually, for the purpose of discharging the duties of their office, under the act concerning taxes.

Alterations in tax book.

4. *And be it enacted*, That the said assessor shall, before the meeting of the board of assessors, make out a new tax-book, making in the same whatever alterations or corrections the said commissioners of appeal may have ordered to be made in the assessments, and shall make out his abstract for the meeting of the board of assessors from such corrected tax-book.

Notice to be given of meeting of commissioners of appeal.

5. *And be it enacted*, That the said assessor shall annually, at least one month before the time hereinbefore specified for the meeting of said commissioners of appeal, in cases of taxation, give notice of the time and place of said meeting by advertisements set up in at least five of the most public places of said town.

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

Approved March 16, 1858.

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## CHAPTER CLXI.

A FURTHER SUPPLEMENT to the act entitled "An act respecting executions and regulating the sale of personal estate by virtue thereof," approved April sixteen, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the clerk, cashier, or other officer of any joint stock company, that is or hereafter may be incorporated under the authority of this state, who has the custody of the books of registry of the stock thereof, shall be non-resident in this state, it shall be the duty of the sheriff or other officer, receiving a writ of execution issued out of any court of this state against the goods and chattels of a defendant in execution holding stock in such company, to send by mail a notice in writing, directed to such non-resident clerk, cashier, or other officer, at the post-office nearest his reputed place of residence, stating in such notice that he, the said sheriff or other officer, holds such writ of execution, and out of what court, at whose suit, for what amount, and against whose goods and chattels such writ has been issued, and that by virtue of said writ he, the said sheriff or other officer, seizes and levies upon all the shares of the stock of such company held by the defendant in execution on the day of

Notice to  
non-resident  
officers of  
joint stock  
companies.

the date of such written notice; and it shall also be the duty of such sheriff or other officer, on the day of mailing such notice as aforesaid, to affix and set up upon any office or place of business of such company, within his county, a like notice in writing, and on the same day to serve like notice in writing upon the president and directors of said company, or upon such of them as reside in his county, either personally or by leaving the same at their respective places of abode; and the sending, setting up, and serving of such notices in the manner aforesaid shall constitute such levy taken, a valid levy of such writ upon all shares of stock in such company, held by the defendant in execution which have not, at the time of the receipt of such notice by the said clerk, cashier, or other officer, who has custody of the books of registry of the stocks thereof, been actually transferred by the defendant; and thereafter any transfer or sale of such shares by the defendant in execution shall be void as against the plaintiff in said execution, or any purchaser of such stock at any sale thereunder.

Non-resident  
officers to ac-  
knowledge  
receipt of  
notice, &c

2. *And be it enacted*, That the non-resident clerk, cashier, or other officer in such company, to whom notice in writing is sent, as prescribed in the preceding section, shall thereupon be bound to send forthwith, by mail or otherwise, to the officer having such writ, a statement of the time when he received such notice, and a certificate of the number of shares held by the defendant in such company at the time of the receipt by him of such notice, not actually transferred on the books of said company; and the said sheriff or other officer shall, on receipt by him of such certificate, insert the number of such shares in the inventory attached to said writ; and if such clerk, cashier, or other officer in such company, neglect to send such certificate, as aforesaid, or if he shall wilfully send a false certificate, he shall be liable to the plaintiff for double the amount of all damages occasioned by such neglect or false certificate, to be recovered in an action on the case against him, but the neglect to send, or miscarriage of, such certificate shall not impair the validity of the levy upon the stock.

Penalty for  
neglect to ac-  
knowledge,  
&c.

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

Approved March 16, 1858.

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## CHAPTER CLXII.

AN ACT relative to public schools in the township of Union, Camden county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Union, in Camden county, at their annual town meetings, shall be, and they are hereby authorized, to raise such sums of money, to be used for the building of school houses and for the support of public schools within said township, by taxation or otherwise, as shall be determined and fixed upon by a plurality of votes cast at said town meeting; *provided*, that such amount shall in no case exceed the sum of four dollars for each child between the ages of five and eighteen years, belonging to said township.

Inhabitants  
authorized  
to raise money by tax.

Proviso.

2. *And be it enacted*, That whenever a plurality of the votes in school districts number two and three in said township shall determine in favor of uniting said two districts into one school district, it shall be the duty of the town superintendent of public schools in said township for the time being, to so alter and extend the boundaries of said school district number three so that the same shall embrace and incorporate within said school district number three the said school district number two and unite the

Districts No.  
2 and 3 may  
be united.

Proviso.

same into one district, which shall continue to be known as school district number three; *provided*, that said election is held after ten days' notice of the same, to be given by said town superintendent.

Part of former acts repealed.

3. *And be it enacted*, That section five of the act entitled an act to authorize the inhabitants of school district number three, in Union township, Camden county, to raise money to build school houses, and for the support of public schools, approved March seventh, eighteen hundred and fifty, and all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

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

Approved March 17, 1858.

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## CHAPTER CLXIII.

AN ACT to change the name of the Trenton Patent Promoting Company to the Mercer Manufacturing Company.

Corporate name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Trenton Patent Promoting Company shall hereafter be known under the name and style of the Mercer Manufacturing Company, and under that name and style shall be entitled to all the benefits, advantages and restrictions of the said the Trenton Patent Promoting Company.

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

Approved March 17, 1858.



## CHAPTER CLXIV.

AN ACT to incorporate the Girard Hotel Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaac Thayer, J. G. W. Avery, Joseph Bastro, Richard Hacket, Augustus Turner, Samuel Price, John P. Thayer, Edwin M. Thayer, 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 Girard Hotel Company," and by that name shall have power to lease, purchase, and hold real estate in the city of Atlantic, New Jersey, in the county of Atlantic, and to erect a hotel and other buildings and improvements on any part of the said real estate, for the accommodation of the public, and to transact all such business as may be incident or appertaining to the managing, erecting, furnishing, conducting, or leasing said premises, or otherwise disposing of the same.

Names of  
corporators.

2. *And be it enacted*, That the said corporation shall have power to raise by subscription a capital of seventy thousand dollars, which shall be divided into shares of two hundred and fifty dollars each, and shall be transferable in such manner as the by-laws of 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, which may be given either by proxy or in person.

Amount of  
capital  
stock.

3. *And be it enacted*, That no part of the said capital stock shall at any time or in any manner, or under any pretence whatever, be drawn from the legitimate business of the said corporation, or refunded to the stockholders, until all the debts and liabilities of said corporation are fully paid.

Stock not to  
be with-  
drawn until  
debts are  
paid.

4. *And be it enacted*, That the directors shall be elected from among the stockholders, in such manner as the by-laws of said corporation shall prescribe, and shall not be

Election of  
directors.

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.

Debts not to exceed amount of capital stock.

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

Annual statement to be made.

6. *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 except from a clear surplus in hand over and above the full amount of the debts and liabilities of said corporation.

Commissioners to receive subscriptions.

7. *And be it enacted*, That Isaac Thayer, J. G. W. Avery, Joseph Bastro, Richard Hacket, Augustus Turner, Samuel Price, John P. Thayer, and Edwin M. Thayer, or a majority of them, are hereby constituted commissioners to open the books and take subscriptions for the said capital stock, in such manner as they may deem expedient, at such time and place as they shall designate, by notice thereof in writing, published for at least two weeks previous thereto in one of the newspapers of the city of Camden, New Jersey; and whenever the said subscriptions amount to at least twenty-five thousand dollars, the stockholders representing the same may convene upon the call of the said commissioners, or a majority of them, and elect such officers and directors, and make such by-laws as they may deem necessary for conducting the affairs of said corporation; and the remainder of the stock, if any, shall be disposed of under the direction of said officers and directors, or their successors in office.

Approved March 17, 1858.

## CHAPTER CLXV.

AN ACT to define the rights of parties whose property is damaged or taken for public use, in cases of the alteration of the grades of streets or highways.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an action upon the case doth and shall lie in behalf of any person owning any house or other building standing and erected upon any street or highway, the grade whereof shall be, or shall have been, altered by virtue of the ordinance, resolution, or other proceeding of the legislative authority of any city, borough or town corporate in this state, to recover from the said city, borough or town corporate, all damages which such owner shall suffer by reason of the altering any such grade; *provided*, that this act shall not be construed to authorize any action for damages by any such alteration already actually worked and put into effect; and *provided further*, that no such action shall be brought after the expiration of twelve months from the working of any such grade.

Damages may be recovered in cases of alteration of grade.

Proviso.

Proviso.

2. *And be it enacted*, That all provisions in any charter or law of this state, whereby the expenses of working any grade established in lieu of a former grade existing, and according to which buildings have been erected, are directed to be borne by the owners of land in any street or highway so graded, shall be and the same are hereby repealed.

Part of former acts repealed.

3. *And be it enacted*, That this act shall not refer to any city, town or borough whose charter or any supplement thereto now existing or which shall hereafter be passed, provides or shall provide for assessing and paying compensation to persons injured by the making of grades established or to be established.

Act not to apply in cases where compensation is provided for.

4. *And be it enacted*, That the grade of no street, in any city or town which has been built on, shall be altered, unless by the consent of the majority of owners in interest of

Grade not to be altered without consent of a majority of owners.

the lots fronting on the part proposed to be altered, nor without paying to the owners of such buildings, the damages sustained by the alterations of such grade.

Assessment  
of damages.

5. *And be it enacted*, That the damages mentioned in this act, to be paid to such owners, shall be assessed upon and paid by the lands and real estate benefited thereby, in proportion to the benefits received; and such damages shall be ascertained, estimated and assessed, and the amount thereof shall afterwards be justly and equitably assessed and apportioned upon the lands and real estate benefited thereby, by commissioners to be appointed, and who shall act in all things in the same manner as now provided in the respective charters of the several cities, boroughs, and towns corporate in this state, for the laying out, opening, altering, or widening any street, highway, road or alley, and all proceedings in such matters shall be in conformity with, and analogous to, the proceedings directed and the privileges allowed in such charters; and all such provisions are hereby extended and made applicable in all things to the estimating, payment, apportionment, and collection of such damages in the same manner, as if such subject had originally been embraced therein.

Act not to  
affect pre-  
vious con-  
tracts.

6. *And be it enacted*, That nothing in this act contained shall be so construed, as in any manner to affect any contract or contracts which may have been entered into by the authorities of any city, borough, or town corporate in this state, with any person or persons for the working, grading, levelling, or otherwise improving, any street, highway, road, or alley.

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

Approved March 17, 1858.

## CHAPTER CLXVI.

A SUPPLEMENT to the act entitled "An act to incorporate the Hackensack and New York Railroad Company," approved March fourteenth, eighteen hundred and fifty-six.

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 Hackensack and New York Railroad Company to survey, lay out and construct their railroad, from some suitable point at the village of Hackensack, in the county of Bergen, at or within one mile from the court house in said village, to any point on the line of the road of the Northern Railroad Company, as surveyed, or hereafter to be surveyed, laid out and constructed; and for this purpose the said Hackensack and New York Railroad Company shall be invested with all the powers and privileges, and be subject to all the liabilities and restrictions contained in their original act of incorporation; and all subscriptions already made to the capital stock of said corporation, shall be as valid and binding upon the parties, as if this supplement had not been enacted.

Company  
authorized  
to extend  
road.

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

Approved March 17, 1858.

## CHAPTER CLXVII.

A SUPPLEMENT to the act entitled "An act to incorporate the Trenton Patent Promoting Company," passed A. D. eighteen hundred and fifty-seven.

When company may commence business.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for a majority of the persons named in the act to which this is a supplement, to receive subscription to the capital stock, by opening books or otherwise, and as soon as an affidavit is made before any justice of the peace of the amount of said subscription, and a copy filed in the office of the secretary of state, it shall be lawful for said corporators to organize said corporation, and forthwith commence and carry on its business as contemplated under the provisions of said act.

Approved March 17, 1858.

## CHAPTER CLXVIII.

AN ACT to incorporate the Gloucester China Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob Scheetz, Abel Lukens, John H. Shultz, Peleg B. Savery, and Abraham Browning, and their associates, shall be, and they are, hereby created a body politic and corporate, by the name of "the Gloucester China Company," and by that name the said company

shall have power to purchase and hold such real estate as may be necessary or proper, at Gloucester city, in the county of Camden, not exceeding in all five acres of land, and to erect and construct thereon such buildings and machinery for manufacturing and selling, and to manufacture and sell porcelain, china, chemicals, drugs, and other articles of which clay, sand, and other earthy substances, form the basis or principal ingredients; and shall have all such other powers as are necessary or proper to carry into effect the objects of this act, and such other incidental powers as are enumerated in the first section of the act concerning corporations.

2. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, divided into shares of fifty dollars each, and shall be subscribed for and paid in at such time or times, in such manner, and in such instalment or instalments, and upon such notice, as the said corporation may, by by-laws, or otherwise direct or appoint; and in case of a failure by any stockholder to pay his or her instalment or instalments, at the time and place mentioned and appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her share or shares, and all payments thereon, to the use of said corporation; *provided*, said company shall not commence business until the sum of fifty thousand dollars is actually paid in. Amount of capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall be deemed and considered personal property, and shall be transferable in such way as the by-laws of said corporation may direct; that every share of stock shall be entitled to one vote by the holder or holders thereof, which may be given in person or by proxy; and that the board of directors of said company may, at any time hereafter, increase their capital stock to any amount not exceeding two hundred thousand dollars. Proviso.

4. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five directors, any three of whom shall be a quorum for the transaction of business, Stock may be transferred.

First directors.

but any less number shall have the power to adjourn; and that said Jacob Scheetz, Abel Lukens, John H. Shultz, Peleg B. Savery, and Abraham Browning, shall be and hereby are appointed the first board of directors, to serve until the first Monday in May next, or until others shall be elected in their stead; and the said directors, or a majority of them, shall, as soon as conveniently may be hereafter, appoint one of their number to be president of said corporation until the said first Monday in May next, or until another shall be appointed in his stead; and should a vacancy at any time occur in the board of directors, by death or otherwise, the board may, at their next or any subsequent stated meeting, fill such vacancy until the then next annual meeting of directors; and no person shall be a director but a stockholder.

Annual election of directors.

5. *And be it enacted*, That there shall be an annual election of directors held at some place in the county of Camden, on the first Monday in May next, and that all subsequent elections of directors shall be held at such time and place, and upon such notice, as shall be ordained by the by-laws; and the board of directors shall appoint the judge of such elections; but if it should happen that an election of directors should not be had on the said first Monday in May next, or at the time appointed for the holding of any subsequent annual election, the said corporation shall not, for that cause, be deemed to be dissolved, but such election shall be held at such other time and place as the board of directors for the time being shall or may appoint; and the directors for the time being shall continue in office until new ones shall be elected in their stead: and every board of directors, as soon as conveniently may be, after their election, shall appoint from their number, a president of said corporation, to serve until the then next annual election of directors, and another shall be appointed in his stead; that the said president shall preside at all meetings of the board, but in case of his absence, any other of the directors present may be chosen president pro tempore; and all stated meetings of the board shall be held at such



times and places as the by-laws may ordain; and special meetings may be held by appointment of the board, or upon the call of the president.

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

7. *And be it enacted*, That this act shall continue in force Limitation. for twenty years, and the legislature reserves the right, at any time, to alter, amend, or repeal the same.

Approved March 18, 1858.

## CHAPTER CLXIX.

AN ACT to incorporate the Native American Association of the city of Camden.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Scull, Samuel M. Thorn, Edmund Brewer, John H. Jones, Joseph Myers, William I. Miller, S. Reilly Barrett, Reynell Coates, Mark Names of corporators.

B. Wills, John R. Thompson, John K. Roberts, Samuel H. Morton, Charles M. Lane, Joseph H. Peck, Isaac H. Porter, and their associates, and all other persons who shall become subscribers to and owners of the capital stock by this act created, shall be, and they and their successors are hereby made and declared to be a body corporate and politic, in fact and in law, by the name of "the Native American Association of the City of Camden;" and by that name they shall have power to lease, purchase, and hold real estate in the city of Camden, in this state, and to erect thereon a hall or building, in whole or in part for the accommodation of said association and its business, and to make such improvements thereon as they may see fit, and generally to transact all such business, and do all such acts as may properly or necessarily appertain to the erecting, constructing, furnishing, leasing, selling, or otherwise disposing of and conveying such buildings, furniture, improvements, and real estate, or any part of the same.

General powers.

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.

Stock transferable.

3. *And be it enacted*, That the capital stock of said corporation shall be divided into shares of twenty 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, or his lawfully constituted proxy in his stead, to one vote at all elections for officers of said association and in all stockholders' meetings for business or making by-laws for said corporation.

When corporation may commence business.

4. *And be it enacted*, That said corporation shall not go into operation until the commissioners in this act named shall receive subscriptions to said capital stock to the amount of twenty thousand dollars, and money on account of such subscriptions to the amount of ten thousand dollars, and an affidavit thereof, made by one of the said commissioners, shall have been filed in the office of the clerk of the county of Camden, and said subscriptions and money transferred to said corporation, as hereinafter is directed.

5. *And be it enacted*, That the persons named in the first section of this act be and they are hereby appointed commissioners to receive subscriptions (and money on account thereof) to the said capital stock; and said commissioners, or a majority of them, may, immediately after the passage of this act, open books and take subscriptions, and receive moneys for or on account of said capital stock, in such manner as they may deem expedient; and whenever the subscriptions so received by them shall amount to the sum of twenty thousand dollars, and the moneys received by them on account thereof to ten thousand dollars, the said commissioners, or a majority of them, shall convene the stockholders of the corporation, by giving two weeks' notice in a newspaper published in said city of Camden, stating the time, place, and object of the meeting; and the said stockholders, or a majority of them, who shall meet pursuant to such notice, shall proceed then and there to make such by-laws as they may deem expedient; *provided*, Proviso. the same shall not be contrary to the laws of this state or the United States, and to elect from among the stockholders of said corporation, a president, vice president, secretary, and treasurer, and as many managers as there may at the time be wards in the said city of Camden, who, together, shall constitute the board of directors of said corporation, and shall hold offices for one year and until other persons shall be elected in their stead; a meeting of the stockholders for which election shall annually thereafter be held at such time and place in the said city of Camden as by the by-laws of said corporation may be designated for the purpose; and the number of said managers elected at such meetings shall be equal to the number of wards at the time in said city of Camden.

6. *And be it enacted*, That said commissioners, or a majority of them, as soon as said board of directors shall have been so chosen, shall transfer all moneys and subscriptions so taken and received by them as aforesaid to the board of directors, and said commissioners shall thereupon be discharged, and their further action in the premises cease and

Commissioners to receive subscriptions.

Commissioners to deliver money to directors.

be at an end; and the remainder of said capital stock may be raised as the board of directors of said corporation shall deem expedient.

Stock not to  
be with-  
drawn until  
debts are  
paid.

7. *And be it enacted*, That no part of the capital stock of said corporation shall, at any time or under any pretence, be withdrawn or refunded to the stockholders, until all the debts and liabilities of said corporation shall have been fully paid and satisfied.

Debts not to  
exceed  
amount of  
capital  
stock.

8. *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 of any excess, the directors under whose administration it shall happen (except such director or directors as shall, before the contracting of said debt, file in said clerk's office of Camden county his or their dissent to the contracting of such debt), shall be jointly and severally personally liable to the extent of such excess.

Officers to be  
citizens of  
this state.

9. *And be it enacted*, That the officers of said corporation shall all be stockholders of said corporation and citizens of the United States and of this state, and shall at the time of their election reside in said city of Camden, and be legally entitled to vote therein; and the office or offices of the officers of said corporation shall, with the records, books, and papers of said corporation, be kept in said city of Camden.

Annual  
statement to  
be made.

10. *And be it enacted*, That at the time of each annual meeting of said stockholders for choosing said board of directors, the board of directors of said corporation shall submit to said stockholders a written statement, verified by the accompanying oath of the president (or in case of his absence or inability, the vice-president) and secretary, of the capital stock paid in, the amount of debts existing against the corporation, as well as the receipts, credits, and assets of said corporation; and no dividend shall at any time be declared or paid except from the surplus profits of said corporation.

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

Approved March 18, 1858.

## CHAPTER CLXX.

AN ACT to incorporate the Hainesport Boarding House Company.

WHEREAS, the owners of the premises hereinafter mentioned, situate at Hainesport, in the county of Burlington, and others, are desirous of rebuilding, improving, and fitting up the same as a place of summer resort for persons from Philadelphia and elsewhere; and whereas it is represented that corporate powers are necessary, the more conveniently to carry out the intentions of the said owners and others who wish to join the said enterprise—therefore,

Preamble.

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 constituted and made a body politic and corporate, in fact and in law, by the name of "The Hainesport Boarding House Company;" and that Allen Fenimore, William Irick, John K. Roberts, Peter V. Coppuck, Allen Rogers, Benjamin Buckman, David Darnell, Nathan D. Pancoast, Allen Middleton, Jr., William C. Porter, Thomas M. Adams, Howell Evans, and Barclay Haines, 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, shall direct, giving notice thereof for at least two weeks prior to the opening of said books, by publishing the same in one or more newspapers published in the county of Burlington.

Commissioners to open books for subscription.

2. *And be it enacted*, That the capital stock of said company shall be twenty thousand dollars, with the privilege for the said company to increase the same at any time or times to any sum not exceeding fifty thousand dollars, which shall be divided into shares of one hundred dollars

Amount of capital stock.

each; that at the time of subscribing to said stock, five dollars shall be paid on each share so subscribed for to the said commissioners, and the residue shall be paid in such instalments and at such times as the directors of said company shall direct; and that upon failure of the payment of such instalment, or any of them, the directors shall have power to forfeit the shares of every person so failing to pay the same, to and for the use of said company.

Election of  
directors.

3. *And be it enacted,* That as soon as one hundred and twenty shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving notice as aforesaid, for opening the subscription books, and shall lay the subscription books before the stockholders, who are hereby authorized to elect by ballot, from among said stockholders, seven directors, to whom the management of said company shall be entrusted, at which election and at all other elections by the stockholders every stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock held by such person; and the said directors shall elect from among themselves a person, being a resident of this state, for the president of said company, and may elect such other officers and agents as they may deem necessary.

What real  
estate com-  
pany may  
hold.

4. *And be it enacted,* That as soon as the said directors shall be organized, by the election of a president as aforesaid, the said company shall be authorized to receive a conveyance from the owners of all that lot of land and premises situate at Hainesport, in the county of Burlington, known as Steamboat Hall, which lot is thus bounded, namely: on the north by Cottage street, on the east by Washington street, on the south by the turnpike road leading from Mount Holly to Moorestown, and on the west by Mill street, the said company paying the owners therefor the sum of seven thousand dollars; and after the said conveyance shall have been made, the said company is hereby authorized to purchase such other real estate at Hainesport aforesaid as the said company may deem necessary for the better enjoyment of the premises aforesaid.

5. *And be it enacted,* That the capital stock of said company shall be deemed personal property, and shall be transferable only on the books of the company in such manner as the directors from time to time, by their by-laws, may direct. Stock transferable.

6. *And be it enacted,* That the board of directors elected as aforesaid shall hold their offices until the last Saturday of September of the year succeeding their election, and until others are elected in their place; and that annually, on the day of the annual election, the said directors shall submit to the stockholders a statement of the affairs of the company, and may from time to time declare dividends out of the profits arising from the property of said company. Annual statement to be made.

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

Approved March 18, 1858.

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## CHAPTER CLXXI.

AN ACT to incorporate the Lawrence 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 Lawrence Turnpike Company," and that the following named per- Names of corporators.

sons, viz: Allison A. Perrine, George White, James H. Phillips, James M. Hendrickson, Lewis A. Reeder, Alexander M. Cumming, and Benjamin M. Richardson, 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 ten thousand dollars; with power to increase the same to fifteen thousand dollars, and shall be divided into shares of twenty 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, as 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.

Election of  
directors.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of seven directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; 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 ma-



jority 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 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.

Election of  
president.

5. *And be it enacted*, That at the annual meeting of the stockholders, the board of directors for the preceding year

Annual  
statement to  
be made.

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 Lawrenceville road, from or near the Eight Mile Run, to some convenient point, where it will intersect the Princeton and Kingston Branch Turnpike, or the Trenton and New Brunswick Turnpike, and continued on said old Lawrence (or Maidenhead) road, to the intersection of said road with Greene street, in the city of Trenton; *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 the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners may sustain by taking his or her lands for the constructing of said turnpike road.

Proviso.

Description  
of road.

7. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth, along the middle as near as may be of the said Lawrenceville 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.

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, 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 if the said company or their agents, and the owner or owners of such required land 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

Proceedings  
in case com-  
pany and  
owners can-  
not agree.

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 one or more 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 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.

Proviso.

Mile-stones  
to be erected.

10. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause mile-stones to be erected and maintained, and on each stone shall be fairly and legibly marked the distance the 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 de-

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

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 the 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 this act established, he shall, for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or defrauded.

Penalty for  
taking ille-  
gal tolls.

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 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 com-

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

plained 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.

Road may be  
made free on  
payment of  
cost.

14. *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.

15. *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 complete statement of the cost of construction of said road. Statement of costs to be filed.

16. *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. Road to be commenced within three years.

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

Approved March 18, 1858.

## CHAPTER CLXXII.

AN ACT to legalize certain proceedings of the water commissioners of the city of Hudson.

WHEREAS, it is represented to this legislature, that the water commissioners of the city of Hudson, under the act entitled "An act to authorize the water commissioners of the city of Hudson to contract for and introduce water into said city, and to provide for the payment thereof," approved March twentieth, eighteen hundred and fifty-seven, entered into a contract with the "Water Commissioners of Jersey City," bearing date the twenty-sixth day of August, eighteen hundred and fifty-seven, Preamble.

in relation to the introduction of water into Hudson city; and whereas, it is further represented that the water commissioners of Hudson city did make a contract with William Keeney, John R. Halladay, and Justus Slater, bearing date the twelfth day of September, eighteen hundred and fifty-seven, in relation to the laying of water pipes and the construction of works, and the furnishing materials for the introduction of water into Hudson city aforesaid; and whereas, doubts have been suggested whether the said contracts were lawful and binding, by reason of the fact that one of the commissioners named in the said act of March twentieth, eighteen hundred and fifty-seven, did not give bond as required by the said act; and whereas, it is represented that a portion of the work contracted for and contemplated to be done under the said contracts, has been performed; and to obviate all doubts in reference to the legality of said contracts—now, therefore,

Contracts  
legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said contracts are declared to be legal and binding, notwithstanding any informality in the organization of the board of water commissioners of Hudson city, or informality in the execution of the said contracts; and that the said contracts can be changed, altered or modified, by the consent and approval of the respective contracting parties, notwithstanding any informality in the organization of the board of water commissioners of the city of Hudson.

Water scrip  
not to be  
deemed in-  
valid.

2. *And be it enacted*, That the "Hudson city water scrip," that has been, or shall or may be issued under and by virtue of the said act entitled "An act to authorize the water commissioners of the city of Hudson to contract for and introduce water into said city, and to provide for the payment thereof," approved March twentieth, eighteen hundred and fifty-seven, shall not be deemed invalid by reason of any informality, as set forth in this act and the preamble thereto.



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

Approved March 18, 1858.

## CHAPTER CLXXIII.

AN ACT to determine the number of chosen freeholders, and providing for the election of a county collector, in the county of Camden.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the first and at all subsequent annual town meetings, hereafter held in the several townships in the county of Camden, there shall be but one chosen freeholder elected in each township, instead of two, as heretofore, and that there shall be elected annually at the annual spring elections held in the city of Camden, for the election of city and ward officers, one chosen freeholder in and for each ward of said city.

Number of  
chosen free-  
holders.

2. *And be it enacted*, That at the first annual election for members of the general assembly, after the passage of this act, and at such election every three years thereafter, there shall be chosen by the electors of said county, one person to be county collector of said county, who shall hold his office for three years, and until his successor shall be lawfully elected; the person so chosen shall give bonds, as now is or may be required by law, and shall exercise all the rights, and be subject to all the penalties that county collectors now are; the electors of said county shall vote for said county collector upon the same ballot, and the elec-

Election of  
county col-  
lector.

tion shall be conducted, and the result determined, in the same manner as the elections for the office of sheriff now are, and may be required by law.

Vacancies,  
how sup-  
plied.

3. *And be it enacted*, That in case any vacancy shall occur in the office of county collector, by death, removal, resignation or otherwise, the clerk of said county of Camden shall, in the case of the election of a successor, give two weeks' notice of an election to fill such vacancy, which election shall be conducted, and the results determined in the same manner as the annual elections for said officers now are, or may be by law required.

Compensa-  
tion of off-  
icers.

4. *And be it enacted*, That each of the said chosen freeholders shall receive, as a full compensation for all his services as such officer, the sum of twenty-five dollars, except those who shall be selected as trustees of the county poor house, who shall receive an additional sum of twenty-five dollars for their services as such trustees; and the said county collector shall receive as full compensation for his services the sum of four hundred dollars, in quarterly payments upon the order of the director of the board of chosen freeholders; and no mileage or other fees shall be allowed to any of said officers.

Chosen free-  
holders not  
to be inter-  
ested in  
contracts for  
work done  
by authority  
of board.

5. *And be it enacted*, That the said chosen freeholders shall not be interested in any contract for work to be done by authority of said board, nor shall their teams be employed at the expense of the said county in doing said work, under a penalty for every offence against this section, of one hundred dollars, to be sued for and recovered, with costs, in an action of debt, in the name of the county collector, by any inhabitant of said county, one-half of which penalty, when collected, shall be paid to the informer, and the other half to the county.

Debts not to  
exceed cer-  
tain amount.

6. *And be it enacted*, That the debt of said county, by loans, shall not at any time exceed fifty thousand dollars, unless the proposed indebtedness shall be first submitted to and sanctioned by a majority of the voters voting at the annual election for chosen freeholders.

7. *And be it enacted*, That all acts and parts of acts conflicting with the provisions of this act be and they are hereby repealed. Part of former acts repealed.

Approved March 18, 1858.

## CHAPTER CLXXIV.

AN ACT supplemental to the act entitled "An act to incorporate the Weehawken Turnpike Company," passed second of March, eighteen hundred and thirty-seven.

WHEREAS, under the power granted in said act and the supplement that passed on the twenty-seventh February, eighteen hundred and thirty-eight, a road has been for many years opened in the township of North Bergen, in the county of Hudson, from the Bull's Ferry road, connecting with the "Bergen Turnpike," with a branch therefrom, near the south termination, connecting through what is known as King's Ravine with said turnpike, and the same has never been improved or occupied as a turnpike, but has been abandoned as such, therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the first day of May next, said road and branch shall be deemed a public highway, subject to the control of the township committee, and entitled to the benefits of any road money which may be raised in said township for highways. Road made public highway.

No toll to be  
collected on  
roads.

2. *And be it enacted*, That it shall not be lawful for any person or persons to erect on said road or branch any gate or interruption thereto, or to collect any toll for the use thereof.

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

Approved March 18, 1858.

## CHAPTER CLXXV.

AN ACT to authorize the inhabitants of the township of Upper Penn's Neck, in the county of Salem, to vote by ballot at their town meetings.

Officers to be  
elected by  
ballot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Upper Penn's Neck, in the county of Salem, authorized by law to vote at their town meetings, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are now, or hereafter may be, fixed by law; that is, in the said township, a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highway, three commissioners of appeal, one or two overseers of the poor, as many overseers of the roads as there are road districts, a town committee consisting of five persons, a superintendent of common schools, as many justices of the peace as the respective township may be constitutionally entitled to elect, one or

more constables, one or more pound-keepers, and all such other officers as the inhabitants of the said township now are or hereafter may be authorized to elect, and also upon the same ballot designate the place for holding next town meeting.

2. *And be it enacted*, That the officers now authorized by law to receive and canvass the votes for justice of the peace, in the said township of Upper Penn's Neck, shall be, and are hereby, authorized and required to receive and canvass at the same time, and in the same manner, the votes for the several township officers as aforesaid; and shall make a return of the result of the said vote to the clerk of the township, and publish a list thereof in the same manner as is now required by law; *provided*, however, that when no justice or justices of the peace are to be elected, it shall be lawful for the officers aforesaid to open the polls at nine o'clock A. M., and close the same at three o'clock P. M., the same day.

Officers of election.

Proviso.

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

Approved March 18, 1858.

## CHAPTER CLXXVI.

AN ACT to confirm acknowledgments and proofs of deeds, and other instruments, taken by Samuel Alpheus Smith.

WHEREAS, it appears to the legislature of the state of New Jersey that Samuel Alpheus Smith was duly appointed

Preamble.

one of the commissioners to take acknowledgments and proofs of deeds in the state of New York for the state of New Jersey, on the eighth day of February, eighteen hundred and fifty-three, and was commissioned and sworn into office by virtue of said commission, and did thereafter exercise the office of commissioner as aforesaid; and whereas, it appears that by misadventure the affidavit made by the said Samuel Alpheus Smith was not filed in the office of the secretary of state in this state, as provided by law, therefore,

Acknowledgments confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acknowledgments and proofs of deeds and other instruments taken and certified by the said Samuel Alpheus Smith as commissioner, be, and the same are hereby confirmed and declared valid and effectual, in like manner as though the same had been taken and certified by a lawful commissioner.

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

Approved March 18, 1858.

RECEIVED

## CHAPTER CLXXVII.

AN ACT for the better disciplining of the Newark Brigade.

Trial of officers for neglect of duty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any commissioned officer of or in the Newark Brigade of the militia of this state, or of, or in, or attached to any regiment, battalion or company

of, or attached to said brigade, who shall be guilty of wilful neglect of duty shall be tried and punished therefor; such trial to be by a general court martial to be ordered by the brigadier general or commandant of said brigade, and the sentence to be approved or disapproved by the officer ordering the court, as in other cases of trial by general court martial in said brigade, and the offender on conviction thereof by such court shall be cashiered or fined in a sum not exceeding fifty dollars, at the discretion of the court.

2. *And be it enacted*, That the provisions of this act shall not be deemed, or held to conflict with, or affect any enactment heretofore made in respect to the city battalion attached to said brigade, or the government thereof. Act not to affect city battalion.

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

•Approved March 18, 1858.

## CHAPTER CLXXVIII.

AN ACT to authorize the erection of a bridge over Pennshawkin creek.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That as soon as conveniently may be after a road shall have been laid out, and duly established by law, from a road in the township of Delaware, in the county of Camden, usually called the Upper Cove road, to a suitable point on Pennshawkin creek, to connect with a road now running from Rancocas, through the north- Freeholders authorized to erect bridge.

western part of the township of Chester, in the county of Burlington, to the said creek, so as to form a continuous route, when connected by a bridge, to the city of Camden, it shall be lawful for the board of chosen freeholders of the counties of Camden and Burlington, to construct a good and sufficient bridge over the said Pennshawkin Creek, at such point as shall be most convenient for the connection of the said roads, the under surface of which in the centre, shall be elevated at least seven feet above ordinary high water mark, and its whole construction such as to impede as little as possible, the navigation of said creek.

Approved March 18, 1858.

## CHAPTER CLXXIX.

AN ACT to erect an election district in the township of Woodbridge, in the county of Middlesex.

Northeast  
election dis-  
trict of  
Woodbridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Woodbridge, lying in the city of Rahway, shall be an election district, and to be called the northeast election district of Woodbridge, and all inhabitants therein entitled to vote at all general and town elections shall vote at a poll, to be opened within said limits, at all state and county elections.

First elec-  
tion.

2. *And be it enacted*, That the first election to be held under this act, shall be held at the hotel kept by Stewart Crowell, at the city of Rahway in said township of Wood-



bridge, and each election until otherwise ordered at the annual town meeting of said township, and said election shall be conducted in all respects as elections are now conducted by the several townships of this state.

3. *And be it enacted*, That there shall be elected at the annual town meeting in the township of Woodbridge, next succeeding the passage of this act, and at every annual town meeting, three judges and one clerk of election to conduct the election in said election precinct, until others shall be chosen according to law in said precinct, the polls to be opened at eight o'clock in the morning, and to be kept open until seven o'clock in the evening.

Election  
officers.

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

Mode of con-  
ducting elec-  
tion.

5. *And be it enacted*, That it shall be the duty of the clerk of the township of Woodbridge to give notice of the first election, authorized by this act in the same manner as is now authorized by law, and that the judges and clerk of elections shall be entitled to the same fees as is now allowed by law in other townships in this state.

Compensa-  
tion to offi-  
cers.

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

Approved March 18, 1858.

## CHAPTER CLXXX.

AN ACT to repeal part of a supplement to the act to "Establish Public Schools," approved February tenth, eighteen hundred and fifty-four.

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to the act to establish public schools, approved February tenth, eighteen hundred and fifty-four, so far as it relates to the townships of South Brunswick and Monroe, in the county of Middlesex, be and the same is hereby repealed.

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

Approved March 18, 1858.

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CHAPTER CLXXXI.

AN ACT to prevent swine from running at large in the village of Cookstown, in the county of Burlington.

Swine running at large may be impounded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any person or persons to drive or convey to the public pound any swine found running at large in the public streets and highways in the village of Cookstown and its vicinity, within a circuit of one half mile from the Cookstown bridge in said village of Cookstown, and impound the same, and the keeper of the pound is hereby authorized and required to receive all such swine, and the party shall have twelve

and a half cents per head for impounding each swine, and the keeper of the pound shall have the same fee for letting in and out of the pound, and for feeding and attending five cents per head for every twenty-four hours they shall continue in said pound; and if the owner or owners of said swine so impounded shall not pay the charges aforesaid within four days after such swine shall be impounded, and take said swine away, it shall then be the duty of said pound keeper to set up advertisements in at least three of the most public places in said village, particularly describing such swine, and giving at least ten days' notice of an intended day and place of sale, and if the owner or owners of such swine do not appear and redeem the said swine before the time so notified, the said pound-keeper shall sell the same, accordingly, and out of the money arising from such sale shall pay the charges of conveying to the pound, and retain in his hands his fees for impounding, keeping and feeding said swine, and twenty-five cents for the sale of each swine, and collecting the money, and return the surplus to the owner of the swine, and if no owner appear and claim such surplus within six months after such sale, the same shall be paid to the overseer or overseers of the poor of the township of New Hanover, for the use of the poor.

2. *And be it enacted*, That the legal voters within the bounds aforesaid, shall meet together in Cookstown annually and every year, on the third Saturday in March, at two o'clock P. M., and elect one pound keeper, who shall reside within the bounds laid down by this act, a notice of such meeting to be given ten days previous to such election by any of said legal voters, and said pound keeper shall cause to be prepared a suitable and safe pound within said bounds for the keeping of swine, at an expense not exceeding five dollars, to be paid by the said township of New Hanover.

Election of  
pound  
keeper.

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

Approved March 18, 1858.

## CHAPTER CLXXXII.

AN ACT relative to the debts of the Lunatic Asylum.

Preamble.

WHEREAS, the appropriation for the lunatic asylum, authorized by an act entitled "An act making an appropriation for the lunatic asylum," approved March nineteenth, eighteen hundred and fifty-seven, has not been paid—therefore,

Interest to be allowed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That interest be allowed on said appropriation until paid by the treasurer.

Approved March 18, 1858.

## CHAPTER CLXXXIII.

AN ACT entitled an Act to authorize the sheriffs of the counties of Camden and Atlantic to sell the "Camden and Atlantic Railroad."

Writs to be directed to sheriffs of Camden and Atlantic.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any writ or writs of fieri facias shall hereafter issue out of the court of chancery for the sale of the Camden and Atlantic Railroad, the same shall be directed to the sheriffs of the counties of Camden and Atlantic.

Fees of sheriffs.

2. *And be it enacted*, That the said sheriffs shall be entitled to the same fees as are now allowed by law on other writs of fieri facias.

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

Approved March 18, 1858.

## CHAPTER CLXXXIV.

AN ACT to fund the floating debt of the county of Camden, and to provide 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 lawful for the board of chosen freeholders of the county of Camden, to borrow such sum or sums of money from time to time as they may think necessary for the payment of the floating debts of the county, and to cause the bonds of the county to be issued for the same to an amount not exceeding in the whole the sum of fifty thousand dollars.

Chosen freeholders authorized to borrow money.

2. *And be it enacted,* That at the first annual meeting in each year of said board, or at any special meeting called for that purpose, there shall be appointed from among the members of said board one freeholder, who, together with the director of said board and the county collector, for the time being respectively holding said offices, shall have the charge of issuing said bonds, as hereinafter provided, and also of the moneys to be raised for the payment thereof, and who shall be known as the commissioners of the sinking fund; said commissioners shall, if required to do so by the said board, enter into bond to the county in such sum

Commissioners of sinking fund.

as said board shall require for the faithful performance of their duties under this act, and shall also make report at the regular annual meeting in each year of said board of the state of said sinking fund, the amount of bonds issued, and the amount of the same paid.

Bonds to be  
issued.

3. *And be it enacted*, That whenever at any stated meeting of said board, or at any special meeting held for that purpose, it shall be resolved to borrow any sum of money for the purpose aforesaid, it shall be the duty of said commissioners to cause bonds to be prepared in sums of five hundred or one thousand dollars each, or both, as they shall deem best, payable in from one to ten years after date, with interest not exceeding six per cent. per annum, payable half-yearly, which bonds shall be given in the corporate name of the county, signed by the then director of the board with the seal of the county affixed, and countersigned by the remaining two of the commissioners aforesaid: said bonds shall be numbered and registered by the county collector, and, together with the coupons attached, may be made payable at such place as the said commissioners shall determine and designate therein, and the same when so issued shall be deemed and taken to be public stock, created under the laws of this state.

Money may  
be raised by  
tax.

4. *And be it enacted*, That in order to provide for the payment of the interest and principal moneys of said bonds as the same shall become due and payable, there shall be raised by tax at the same time and in the same manner as the other county taxes are raised, the sum of seven thousand dollars annually, in addition to the other moneys raised by taxes in said county of Camden; which said sum so annually raised shall be under the care and management of the said commissioners of the sinking fund, whose duty it shall be to apply so much of the same as may be necessary for the purpose, to the payment of the interest accruing from time to time on said bonds, and to use and apply the balance thereof as a fund for the payment of the principal moneys of said bonds, as the same shall respectively become due.

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

Approved March 18, 1858.

## CHAPTER CLXXXV.

AN ACT to authorize Albert M. Zabriskie to build piers and wharfs in front of his land at Bergen Point, Hudson county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Albert M. Zabriskie, of Bergen Point, in the county of Hudson, be, and he is hereby authorized and empowered, to erect and build all such docks and piers in front of his land situate at Bergen Point, in the county of Hudson, as may be necessary and suitable for the purpose of a steamboat landing to carry passengers and freight to and from New York, and to extend the same below low water mark in the Kill Van Kull, as far as may be requisite for said purpose, and to hold and enjoy the same, and to charge wharfage therefor; *provided, however*, A. M. Zabriskie authorized to build piers, &c. that nothing herein contained shall be so construed, as to authorize the said Albert M. Zabriskie to build in front of any other person's land, or in any way to interfere with, or obstruct the navigation of said Kill Van Kull. Proviso.

Approved March 18, 1858.

## CHAPTER CLXXXVI.

AN ACT to authorize Holmes Conover, late sheriff of Monmouth county, to appoint an attorney to settle up the business of his office.

Late sheriff  
authorized  
to appoint  
attorney.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Holmes Conover, former sheriff of Monmouth, in this state, is hereby empowered and authorized to appoint, by writing under his hand and seal, duly acknowledged in the manner in which deeds for the conveyance of real estate are acknowledged in the manner in which deeds for the conveyance of real estate are acknowledged by law, an attorney to perform all the duties which he, the said Holmes Conover, as late sheriff, is bound and has authority to perform, by virtue of any execution which came to the hands of said late sheriff during his term of office, which power of attorney may be made to apply to any execution, to several executions, or to all the executions which came to his hands, and which remain open and unsettled, and said power of attorney shall be recorded in the office of the clerk of the county of Monmouth, and any deed or deeds made by said attorney, either in his own name or in the name of said Holmes Conover, as late sheriff, by virtue of any such execution or executions, and any other act done by said attorney, by virtue of any such execution or executions, and under and by virtue of said power of attorney, shall be as valid and effectual as if made, executed and performed by said Holmes Conover, as late sheriff; *provided*, that the liability of the security of said Holmes Conover, as late sheriff, shall not be affected by the appointment of such attorney; *and also provided*, that the securities of said Holmes Conover, as late sheriff, who survive, for any year for which said securities became security, shall execute under their hands and seals a certificate that they confirm the appointment of such attorney, which cer-

Proviso.

Proviso.



tificate shall be duly acknowledged or proved and recorded in the clerk's office of the said county of Monmouth.

Approved March 18, 1858.

## CHAPTER CLXXXVII.

*An act making an appropriation to the state prison.*

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the sum of five thousand dollars be paid by the treasurer, out of the treasury, to the keeper of the state prison, to be applied to the payment of the debts now due and unpaid against the aforesaid institution: and also the further sum of five hundred dollars, to be expended under the direction of the inspectors and keeper in the erection of workshops within the enclosure of the state prison.

*Appropriation to be applied to payment of debts.*

2. *And be it enacted*, That the keeper of the state prison is hereby authorized from time to time to employ in said workshops, as many of the convicts in said prison as may be deemed expedient for the interests of the institution.

*Convicts to be employed in workshops.*

3. *And be it enacted*, That an accurate and true account of the debts liquidated out of the money above appropriated, stating the amount of such debts respectively, for what purpose contracted, and to whom and when paid, shall be kept by the said keeper, and a true copy thereof annexed to his annual report to the legislature.

*Statement of debts, &c., to be made to legislature.*

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

Approved March 18, 1858.

## CHAPTER CLXXXVIII.

AN ACT to confirm acknowledgments and proofs of deeds and other instruments taken by George W. Williams.

Preamble.

WHEREAS, it appears to the legislature of the state of New Jersey that George W. Williams was duly appointed one of the commissioners to take acknowledgments and proofs of deeds in the state of Pennsylvania, for the state of New Jersey, on the tenth day of March, eighteen hundred and fifty-three, and was commissioned and sworn into office by virtue of said commission and did thereafter exercise the office of commissioner as afore-said; and whereas it appears that by misadventure the affidavit made by the said George W. Williams was not filed in the office of the secretary of state in this state, as provided by law—therefore

Acknowledgments confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acknowledgments and proofs of deeds, and other instruments, taken and certified by the said George W. Williams, as commissioner, be, and the same are hereby confirmed and declared valid and effectual, in like manner, as though the same had been taken and certified by a lawful commissioner.

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

Approved March 18, 1858.

## CHAPTER CLXXXIX.

AN ACT relative to the sale of Geological Reports.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act relative to the Geological Survey, passed March fourteenth, eighteen hundred and fifty-six, as relates to the price at which county reports and maps shall be sold, and also the number of copies which shall be printed, be repealed. Part of former act repealed.

2. *And be it enacted*, That the treasurer shall furnish copies of the county reports and maps, to such as desire them, at prices only sufficient to cover the expenses of printing, coloring and binding; the expenses of engraving and stereotyping not being included. Price of copies.

Approved March 18, 1858.

## CHAPTER CXC.

AN ACT authorizing the clerk in chancery and state treasurer to make additions to their respective offices.

WHEREAS, it is necessary for the transaction of the public business that the clerk in chancery shall have additional room to accommodate clerks, &c., and that the state treasurer should have an additional office for the safe and proper transaction of the increasing duties of that office—therefore, Preamble.

Clerk and  
treasurer  
authorized  
to build ad-  
dition to  
offices.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk in chancery and the state treasurer severally be authorized to have constructed an additional room to their offices, on the south side, to conform with the present exterior of the building to be executed in a proper and workmanlike manner, under the direction of Chauncey Graham, architect; *provided*, the same can be completed for a sum not to exceed five hundred dollars each.

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

Approved March 18, 1858.

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## CHAPTER CXCI.

AN ACT to authorize the election of overseers of the highways by districts in the township of Chatham, in the county of Morris, and in the township of Hope, 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 overseers of the highways of the several road districts in the township of Chatham, in the county of Morris, and in the township of Hope, in the county of Warren, shall be elected by the legal voters of the several districts, as the same may be arranged from time to time by the township committee in said township; and for the purpose of carrying this provision into effect, it shall be the duty of the township committee of the said township to give public notice of the

time and place of holding the first district road meetings under this act, and which meetings shall be held on the Saturday next previous to the annual town meeting in said townships; and shall cause notice thereof to be posted up in some conspicuous place in such districts, respectively, at least five days before the time of holding any such meeting, which shall be some convenient place in the district, when and where the legal voters in the townships, residing in such road district, shall assemble for the purpose of such election; and when so assembled, the said voters having been called to order by any one of their number, shall proceed by the holding up of hands to elect a moderator of such meeting, by a plurality of votes; and being thus organized, the meeting shall proceed, in the same manner, by the holding up of hands, to elect an overseer of the highway for such road district; and the moderator of such first meeting shall, at the first annual town meeting next after the said election, notify the township committee of said townships of the said election, and of the name of the person so elected overseer; and in case of the failure of any district to elect an overseer, or of the person so elected to accept of his appointment, the said township committee shall fill such vacancy, and shall furnish a list of the names of said overseers of the highway so elected or appointed, to the clerk of the townships, and he shall publish the same, with the names of the officers and the proceedings of the said first town meeting held after such election.

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

District road  
meetings,  
how called.

such vacancy, and cause the names of the persons so elected or appointed to be published as aforesaid by the clerk of said township, upon their receiving from the moderators of such subsequent meetings, respectively, the names of the persons so elected thereat, and which said moderators are hereby required to notify said township committees of the names of the persons so elected, at the said annual town meeting next after such election.

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

Approved March 18, 1858.

## CHAPTER CXCI.

AN ACT relative to the appropriation of moneys for common school education, being supplementary to the "Act to establish public schools."

Amount of  
appropriation  
from  
school fund.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of fifty thousand dollars per annum be, and the same is hereby appropriated from the income of the fund, under the direction of the trustees, for the support of free schools in New Jersey, to be apportioned among the several counties in this state, as directed by the first section of the act entitled "A supplement to the act entitled 'An act to establish public schools,'" approved March fourteenth, eighteen hundred and fifty-one.

Amount of  
appropriation  
from  
state fund.

2. *And be it enacted*, That, from the revenue of the state, the sum of thirty thousand dollars per annum shall be ap-

propriated to be apportioned in the same manner among the several counties of this state, in addition to the sum of fifty thousand dollars from the annual income of the school fund, as mentioned in the preceding section of this act.

3. *And be it enacted*, That the trustees of the school fund of this state shall have authority to divide the aforesaid sum of eighty thousand dollars, in two or more annual instalments, which shall be paid by the state treasurer to the several county collectors, at such times as the said trustees may direct. Appropriation, when paid.

4. *And be it enacted*, That all laws or parts of laws inconsistent with this act be, and the same are hereby repealed, and that this act shall take effect immediately. Part of former acts repealed.

Approved March 18, 1858.

## CHAPTER CXCIH.

AN ACT relating to the proceeds of real estate sold or taken by law.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any lands, tenements, hereditaments, or real estate, shall be sold or taken upon compensation, pursuant to any competent judicial authority, or any law of this state, and the proceeds of such sale or the compensation for such taking, shall be paid into any court of this state, pursuant to such authority or law, such court shall order and direct such payment or payments, in gross, to be made out of such proceeds, as compensation to such person or persons as shall be entitled to any vested Distribution of proceeds of sale by court.

certain and absolute estate or interest, less than the fee simple, of, in, and to such lands, tenements, hereditaments and real estate, or any part thereof, as such court shall deem a just and reasonable satisfaction for such estate or interest, and as the person so entitled shall consent, in writing, to accept in lieu thereof; but in case any such person shall fail to give such consent, before the making of the order for the distribution of such proceeds or compensation, then such court shall ascertain and determine what proportion of such proceeds or compensation will be just and reasonable to be reserved for the benefit of such person, and shall order the same to be put out at interest on sufficient security of real estate, or invested in public stock, under the direction and control of such court, for the benefit of such person.

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

Approved March 18, 1858.

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## CHAPTER CXCV.

AN ACT to repeal the charters of certain turnpike companies for non-user of their franchises.

Certain  
charters re-  
pealed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all acts, supplements to acts, and acts relative to acts, incorporating such turnpike companies as have failed to use and exercise their corporate rights, privileges, and franchises, for the space of twenty



years prior to the passage of this act, be and the same are hereby repealed.

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

Approved March 18, 1858.

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## CHAPTER CXCIV.

AN ACT relative to freight on railroads in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any railroad and transportation company, chartered by this state, to sell at public auction all articles of freight or baggage, transported by such company to any station on their respective roads, which may have remained at such station for six months or over, and not called for by owner or owners, or consignee or consignees, or when the owner or consignees cannot be found, or is unknown; and may in like manner sell all articles of a perishable nature in two days, if such articles would depreciate in value by being longer kept; *provided*, that before such sale shall be made, public notice shall be given by six insertions in the newspapers and by notices set up in at least three of the most public places in the neighborhood, where the sale is to take place, naming the articles to be sold, the time and place of sale, in at least five of the most public places, at least five days before the time of sale; and in case of sale

Company  
may sell  
freight left  
at station.

Proviso.

of perishable articles, such notice shall be at least one full day.

Disposition  
of proceeds  
of sale.

2. *And be it enacted*, That the proceeds of said sale shall go first to defray the costs and expenses of said sale, and then to the account of freight and charges of the railroad company on said freight and baggage, and the balance, if there be any, shall be paid over to the legal owner or owners.

Company  
not respon-  
sible for  
freight in  
certain  
cases.

3. *And be it enacted*, That when any freight may have been carried over any railroad, and delivered by the company at any point specified by the shippers, other than the depot of the company, the said company shall not be responsible for the safety and security thereof.

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

Approved March 18, 1858.

## CHAPTER CXCVI.

AN ACT appropriating one thousand dollars to the use of the State Agricultural Society of New Jersey.

Appropriation to society.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That one thousand dollars be and is hereby appropriated to the use of the State Agricultural Society of the State of New Jersey; and that the treasurer be authorized, upon the warrant of the governor, to pay the said sum of one thousand dollars to the treasurer of the said society; *provided*, that the said sum shall be appro-

Proviso.

priated and applied by the said society to the payment of premiums and other expenses of the said society, for the year one thousand eight hundred and fifty-eight, and for no other purpose.

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

Approved March 18, 1858.

## CHAPTER CXCVII.

A SUPPLEMENT to an act entitled "An act for the more easy foreclosure of mortgages in this state," approved March eighteenth, eighteen hundred and fifty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the circuit courts have jurisdiction in suits for the foreclosure and sale of mortgaged premises, the said circuit courts shall be always open, for the return of writs of subpoena to answer, and for making orders for the appearance of absent or concealed defendants, and that such orders may be, to appear and plead, answer or demur, upon any day either in term or vacation; and in default of such plea, answer, or demurrer, a decree pro confesso, may be taken on any day.

2. *And be it enacted*, That in all cases where a decree pro confesso, may be taken in vacation, it shall be lawful to make all orders of reference, and other proceedings to perfect a final decree; and to make a final decree in vacation.

Courts to be  
always open  
for return of  
writs, &c.

Final decree  
may be  
made in va-  
cation.

Provisions  
of act not to  
apply in cer-  
tain cases.

3. *And be it enacted*, That neither the provisions of this act nor the provisions of the act to which this is a supplement, shall extend or be made to apply to any suit for foreclosure, in which any other persons or person shall be made defendants, except the person or persons who executed the mortgage upon which the suit may be brought.

Provisions  
of act not to  
apply in cer-  
tain cases.

3. *And be it enacted*, That neither the provisions of this act nor the provisions of the act to which this is a supplement, shall extend or be made to apply to any suit for foreclosure, in which any other persons or person shall be made defendants, except the person or persons who executed the mortgage upon which the suit may be brought.

Approved March 18, 1858.

## CHAPTER CXCVIII.

A SUPPLEMENT to an act entitled "An act for the collection of demands against ships, steamboats, and other vessels," approved March twentieth, eighteen hundred and fifty-seven.

Debts for  
work done,  
&c., to be a  
lien.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That whenever a debt amounting to fifty dollars or upwards shall be contracted by the master, owner, agent, or consignee of any ship or vessel within this state, for either of the following purposes, namely: on account of any work done or materials or articles furnished in this state, for or towards the building, repairing, fitting, furnishing, or equipping such ship or vessel, or for wharfage and the expenses of keeping such

vessel in port, including the expense incurred in employing persons to watch her, such debt shall be a lien upon such ship or vessel, her tackle, apparel and furniture, and shall be preferred to all other liens thereon except mariners' wages.

2. *And be it enacted*, That so much of the act to which this is a lien, as allows or authorizes a lien for provisions, be and is hereby repealed. Part of former act repealed.

3. *And be it enacted*, That all parts of said act contrary to this supplement, be and are hereby repealed. Part of former act repealed.

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

Approved March 18, 1858.

## CHAPTER CXCIX.

A SUPPLEMENT to the act entitled "A supplement to the act entitled 'An act relative to the court of pardons,'" approved 18th March, 1858.

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

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

Approved March 18, 1858.

## CHAPTER CC.

A SUPPLEMENT to an act entitled "An act for suppressing of lotteries," approved April tenth, eighteen hundred and forty-six.

Indictments  
under act to  
suppress  
lotteries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be necessary, in any indictment found under the act to which this is a supplement, or any supplement thereto, to aver, nor upon the trial of such indictment, to prove where, or in what state, or by authority of what state, any lottery existed or exists, which it shall be necessary or proper to mention in such indictment; but that in all cases, it shall be sufficient to aver in such indictment, that such lottery was erected, set up, and opened, and thereafter drawn, in a certain state to the grand jurors finding such indictment, unknown.

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

Approved March 18, 1858.

## CHAPTER CCI.

SUPPLEMENT to an act entitled "An act relating to hawkers, peddlers and petty chapmen," approved April tenth, eighteen hundred and forty-six.

Penalty for  
selling with-  
out license.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall follow, use

or exercise the business or calling of a hawker, peddler, petty chapman, or itinerant auctioneer, in this state, or shall go, or travel from town to town, or to houses of other persons, either on foot or with a horse or horses, mule or mules, or other beast or beasts of burthen, carrying, selling or exposing, either at private or public sale, any goods, wares, or merchandise, not the growth, product or manufacture of this state, without having first obtained a license therefor, as provided by the act to which this act is a supplement, he, she, or they shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars, or imprisoned for any term not exceeding one year or both.

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

Approved March 18, 1858.

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## CHAPTER CCII.

A SUPPLEMENT to an act entitled "An act for the maintenance of bastard children."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon application by the overseer or overseers of the poor of any township wherein any bastard child shall be born, to any two justices of the peace of the county, within which such child shall be born, made pursuant to the first section of the act to which this is a supplement, it shall be the duty of such justices to appoint a

Justices to  
appoint time  
for examination  
of complaint.

time and place at which they will attend for the examination of the cause and circumstances, and to cause notice thereof in writing, under their hands, to be directed to the person accused, according to said act, of being the father of such bastard child, which notice shall be served and returned in the manner, and at the time required by law, in the service and return of a summons from the court for the trial of small causes.

Proceedings  
in case per-  
son accused  
does not ap-  
pear.

2. *And be it enacted*, That if at the said time and place in said notice specified, said person shall not appear, or if he appear and shall make no demand of a jury, as hereinafter provided, then the said justices shall proceed to examine the cause and circumstances, and make such order, pursuant to the first section of said act, as they shall think fit.

Jury may be  
summoned if  
demanded.

3. *And be it enacted*, That if such person so accused, shall at any time before such examination is entered upon, deny that he is father of said bastard child, of being whose father he is accused, and shall demand a trial by jury, it shall be the duty of such justices to issue a venire facias to any constable of said county to summons a jury of twelve men competent as jurymen, according to law, to be and appear before said justices at such time and place as shall be expressed in such writ, to make a jury for the trial of such accusation made against said person, of being the father of such bastard child, a return of which jurors shall be made, as made in cases arising under the act for the trial of small causes, and as to any or all of whom the same right of challenge shall belong to both parties, that exists in civil cases at law.

Justice to  
empanel and  
swear jury.

4. *And be it enacted*, That the said justices shall proceed to empanel and swear such jury, and the witnesses produced to establish and rebut such accusation, and the said accusation shall thereupon be tried, as in cases in courts of common law, before such jury, who shall by their verdict declare and find whether or not the said person accused be the father of such bastard child, or not.

Proceedings  
on verdict of  
jury.

5. *And be it enacted*, That if the said jury shall find that the said person accused is the father of such bastard child,



the said justices shall proceed to record the said verdict, and thereupon they shall adjudge the said person to be the putative father of said bastard child, and shall thereupon, at their discretion, take decree for the better relief of such township wherein said child shall have been born, and shall enforce the same as in said act is provided; but if the said jury shall find that such person is not such father as aforesaid, then the said justices shall record the said verdict, and thereupon all proceedings against the said person shall cease and be discharged.

6. *And be it enacted*, That the jurymen and witnesses shall receive such pay, and be subject to such fines and punishments for non-attendance, and other offences as are established by law in cases of actions before the inferior courts of common pleas, and such justices and officers shall receive each such fees for their services as are allowed them for like services in courts for the trial of small causes, the losing party to pay all costs of the suit, as in ordinary cases at law.

Compensation to jurors and witnesses.

7. *And be it enacted*, That on appeal to the court of general quarter sessions of the peace, in any county according to said act, to which this is a supplement, said person appealing may demand a trial by jury before such court, whether the same was tried by a jury before the justices or not, which said court is thereupon required to grant, and thereupon shall proceed to empanel a jury to try whether the said person is the father of such bastard child, and shall adjudge and proceed thereon as is by this act provided, in case of such trial before such justices.

Proceedings on appeal.

Approved March 18, 1858.

## CHAPTER CCIII.

A SUPPLEMENT to the act entitled "An act to incorporate the Raritan and Delaware Bay Railroad Company," approved March 3d, 1854.

Former act  
repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act approved April 6th, 1855, entitled a further supplement to an act entitled an act to incorporate the Raritan and Delaware Bay Railroad Company, approved March 3d, 1854, be, and the same is hereby repealed.

17th section  
of supple-  
ment re-  
pealed.

2. *And be it enacted*, That the seventeenth section of the act to which this is a supplement, be, and the same is hereby repealed.

Branch rail-  
road to be  
constructed.

3. *And be it enacted*, That when the Raritan and Delaware Bay Railroad Company shall have constructed their said road from Raritan Bay to Ocean county to the point in the line of said road which shall be nearest to the village of Tom's river, it shall be the duty of the said company, and that they are hereby required to construct a branch railroad from the main line of their railroad commencing at a point not exceeding eight miles to the westward of said village to the village of Tom's river, as soon as any of the persons, residents of the village of Tom's river, shall subscribe and pay, or procure to be subscribed and paid for, additional capital stock of the said company, at the rate of four thousand dollars per mile for the length of the said branch road, for the purpose of aiding in the construction thereof; and the persons so subscribing and paying for the said stock, shall be stockholders, respectively, of said company, to the amount of one share of the capital stock for every one hundred dollars so subscribed and paid by them.

Road to be  
completed in  
eight years.

4. *And be it enacted*, That if the said road be not commenced within three years, and completed within eight 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," so far as the same are applicable.

Approved March 18, 1858.

## CHAPTER CCIV.

SUPPLEMENT to "An act to incorporate the Hoboken and Hudson River Turnpike Company," passed March twelve, eighteen hundred and fifty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the number of shares of capital stock required by the fourth section of the act, to which this is a supplement, to be subscribed before the first election of directors, shall be four hundred, instead of eight hundred shares; and that the acts, proceedings, and organization of said company, and its board of directors, shall be and are hereby declared to be lawful and valid.

Acts of directors made valid.

2. *And be it enacted*, That it shall be lawful for said company to locate and construct their road, or any part of the same, upon any public highway or street or proposed street, or land dedicated for a street, and to locate and construct branches thereto with the same powers as are or shall be granted to them for the construction of their road; *provided*, said branches do not pass over the lands of Francis Price.

Company may use public road.

Proviso.

3. *And be it enacted*, That the time of the completion of the survey and location of said road and branches, and for filing the map thereof with the secretary of state, be ex-

Time for completion extended.

tended till the first day of January, eighteen hundred and fifty-nine.

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

Approved March 18, 1858.

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## CHAPTER CCV.

A SUPPLEMENT to an act entitled "An act to extend the provisions of the act entitled 'An act to prevent horses, cattle, sheep, and swine, from running at large in the townships of Hackensack and Harrington, in the county of Bergen,' approved February twelfth, eighteen hundred and fifty-two, to certain specified townships and villages in this state."

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act approved March twelfth, eighteen hundred and fifty-seven, entitled "An act to extend the provisions of the act entitled 'An act to prevent horses, cattle, sheep, and swine, from running at large in the townships of Hackensack and Harrington, in the county of Bergen,' approved February twelfth, eighteen hundred and fifty-two, to certain specified townships and villages in this state," be, and the same is hereby repealed, so far as the same relates or extends to the township of Hamilton, in the county of Mercer.

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

Approved March 18, 1858.

## CHAPTER CCVI.

A SUPPLEMENT to an act entitled "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 the State of New Jersey*, That the seventh section of the act approved January thirty-first, eighteen hundred and forty-six, to which this is a supplement, be and the same is hereby amended, that the time for the commencement of said railroad be extended to the fourth day of July, eighteen hundred and seventy.

Approved March 18, 1858.

Time for  
commence-  
ment of road  
extended.

## CHAPTER CCVII.

SUPPLEMENT to an act entitled "An act to establish public schools."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Deptford, in the county of Gloucester, are hereby authorized and empowered, at their annual town-meeting to raise by a poll-tax, of not less than fifty cents, nor more than three dollars, on each tax payer in said township, a further sum, in addition to the amount now required and authorized by law for the support of public schools.

Money may  
be raised by  
tax.

Duties of assessor and collector.

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

Taxes collected to be paid to superintendent.

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

Proceedings in case no board of examiners is appointed.

4. *And be it enacted*, That in case the board of chosen freeholders in any county of this state shall neglect to appoint a board of examiners, then and in that case no license shall be granted to a teacher to teach in any of the public schools of this state, unless the town superintendent of schools of the township in which such license shall be granted shall vote for the said license and sign his name thereto.

Approved March 18, 1858.

## CHAPTER CCVIII.

A FURTHER SUPPLEMENT to the act entitled "An act to authorize the business of banking," approved March fifth, eighteen hundred and fifty-two.

Additional stocks to be used for banking purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any association of persons, formed and organized under the act to which this is a supplement, to deposit in addition to the stocks mentioned in said act, and the supplements

thereto, the stock of the states of North Carolina, Louisiana, Tennessee, Missouri, and of Iowa, and the bonds of the city of Paterson, authorized by an act of the legislature, approved February twelfth, eighteen hundred and fifty-eight, and the Hoboken city water scrip, authorized by an act of the legislature, approved March twentieth, eighteen hundred and fifty-seven, and the Hudson city water scrip, authorized by an act of the legislature, approved March twentieth, eighteen hundred and fifty-seven, as a basis or security for their circulating notes, subject to all the provisions and restrictions in said act authorizing the business of banking.

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

Approved March 18, 1858.

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## CHAPTER CCIX.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon all contracts hereafter made in that portion of the township of Woodbridge, included within the corporate bounds of the city of Rahway, in the county of Middlesex, for the loan of, or the forbearance, or giving day of payment for any money, wares, merchandise, goods, or chattels, it shall be lawful for any person to take the value of seven dollars for the forbearance of one

Seven per  
cent. interest  
authorized  
on contracts.

Proviso.

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*, the contracting parties, or either of them, shall be, at the time of making the contract, resident of, or located in the said township of Woodbridge, or out of this state.

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

Approved March 18, 1858.

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## CHAPTER CCX.

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

Provisions  
of former  
acts extend-  
ed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An act for the preservation of sheep," approved April fourteenth, eighteen hundred and forty-six; also the supplement thereto, approved April fourteenth, eighteen hundred and forty-six; also the first section of the supplement thereto, approved March sixth, eighteen hundred and fifty, be and the same are hereby extended to the township of Pahaquarry, in the county of Warren.

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

Approved March 18, 1858.



## CHAPTER CCXI.

A FURTHER SUPPLEMENT to an act entitled "An act for the relief of creditors against absconding and absent debtors."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That nothing in the act entitled "A further supplement to an act entitled 'An act for the relief of creditors against absconding and absent debtors,'" approved on the twentieth day of February, A. D. eighteen hundred and fifty-eight, shall be deemed or construed in any wise to affect or impair the rights of parties to any suit or action pending at the time of the passage or approval thereof; but all such suits or actions shall be continued and prosecuted in the same way as if such act had not been passed.

Provisions  
of former act  
not to impair  
rights of parties  
to suits  
pending.

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

Approved March 18, 1858.

## CHAPTER CCXII.

A FURTHER SUPPLEMENT to the act entitled "An act constituting courts for the trial of small causes."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no constable or other officer, authorized to serve a subpoena, summons or other mesne pro-

Fees for service of subpoena, &c., to be paid.

cess issued out of the court for the trial of small causes, shall be required to serve such process until his legal fees and mileage for so doing shall have been paid to the officer of whom such service is required.

Judgment in courts for trial of small causes may be docketed in court of common pleas.

2. *And be it enacted*, That any final judgment of any court for the trial of small causes, in any county in this state, for any amount above ten dollars, may be docketed in the court of common pleas of such county, by complying with the provisions of an act entitled "An act to regulate the mode of recording judgments, obtained in courts for the trial of small causes, in courts of common pleas," approved March second, eighteen hundred and forty-eight, and such judgment when so docketed shall have the same force and effect, and may be executed in the same manner, as if the same were for an amount above the sum of twenty-five dollars, as provided by said act.

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

Approved March 18, 1858.

## CHAPTER CCXIII.

A FURTHER SUPPLEMENT to the act entitled "An act for the more easy partition of lands held by coparceners, joint tenants, and tenants in common," approved April sixth, eighteen hundred and forty-six.

Partition or sale may be made of lands held by joint-tenants.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where there is an estate for life or lives, or other less estate, in any lands or tenements

situate in this state, and the reversion or remainder in fee is owned by several persons, as joint tenants, coparceners, or tenants in common, and the particular tenant or tenants shall consent thereto, partition of the said lands or tenements may be made among said joint tenants, coparceners, or tenants in common, by any court or jurisdiction having authority to make partition of lands; and the said particular tenant or tenants shall have the same estate or estates in the respective parts which may be set off in severalty, as he, she or they may have had in the whole lands or tenements, before such partition shall have been made; and in case partition cannot be made of such lands or tenements, or any part thereof, without great prejudice to the said joint tenants, coparceners, or tenants in common, so that a sale thereof shall be ordered, the whole estate, in possession as well as in expectancy, in the said lands or tenements, or in the said part thereof which cannot be divided, shall be sold, and such portion of the proceeds of said sale shall be paid to the particular tenant or tenants, as shall be just and reasonable, according to the quantity of his, her, or their estate and interest in said lands or tenements, and as shall be ascertained by the court ordering such partition or sale.

Approved March 18, 1858.

## CHAPTER CCXIV.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the Camden and Atlantic Railroad Company," approved March nineteenth, eighteen hundred and fifty-two.

Branch rail-  
road autho-  
rized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Camden and Atlantic Railroad Company, to survey, locate, and construct a branch railroad from any point on the line of said company's road, between Cooper's Point, in the city of Camden, and the village of Haddonfield, to any point on the river Delaware, within the bounds of the said city of Camden, according to the provisions of the original act to which this is a supplement, with all the powers and privileges, and subject to all the conditions and limitations in said original act.

Road to be  
constructed  
in six years.

2. *And be it enacted*, That unless the said company shall construct said branch road within six years from and after the passage of this act, the powers and privileges hereby granted, shall cease and become null and void.

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

Approved March 18, 1858.

## CHAPTER CCXV.

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 charges ordered to be paid.

1. To B. S. Disbrow, for furniture and work, one hundred and eighty-two dollars and thirty-eight cents (\$182.38).

2. To S. H. Blackwell, for repairs to stove in state library, three dollars (\$3).

3. To Charles B. Cogill, for work and furniture for library, twenty dollars and fifty cents (\$20.50).

4. To Phillips & Boswell, for printing ordered by the clerk in chancery, sixty-five dollars and fifty cents (\$65.50).

5. To Titus H. Stout, for making fires in the state house and general work and services, one hundred and twenty-five dollars (\$125).

6. To David Clark, for stationery for clerk in chancery's office, three hundred and eight dollars and twenty-one cents (\$308.21).

7. To Charles Scott & Company, for stationery for clerk in chancery's office, eight dollars (\$8).

8. To David S. Anderson, for work done and materials furnished to the state library and chancery office, one hundred and fifty-eight dollars and eighty-nine cents (\$158.89).

9. To Wm. L'Hommedieu, for stationery furnished the house of assembly by order of committee of assembly, six hundred and ten dollars and twenty-eight cents (\$610.28).

10. To Wm. H. Hemenover, for printing one hundred copies of rules and regulations of senate and binding same, fifteen dollars (\$15).

11. To Upton & Miller, for repairs done to the state house, and other materials furnished, four hundred and forty dollars and sixty-three cents (\$440.63).

12. To Merchants' Transportation Company, for freight on books and cartage for state superintendent of public schools, five dollars (\$5).

13. To E. R. Borden, for services as private secretary of the governor during the present session of the legislature, three hundred dollars (\$300).

14. To Chas. Scott & Company, for stationery furnished to the clerk of the supreme court, one hundred and thirteen dollars (\$113).

15. To Chas. Scott & Company, for stationery furnished to the late clerk of the supreme court, seventy-one dollars and fifteen cents (\$71.15).

16. To Chas. Scott & Company, for books and stationery furnished to the treasurer's office, seventy-two dollars and thirteen cents (\$72.13).

17. To U. T. Scudder, for carpet for state house, eleven dollars and seventy-seven cents (\$11.77).

18. To William R. Barricklo & Company, for sundries to governor's room, three dollars and twenty-five cents (\$3.25).

19. To Upton & Miller, for merchandize, by order of senate and assembly committees, two hundred and eighty-two dollars (\$282.00).

20. To Charles Scott & Company, for stationery furnished to the house of assembly, by order of committee, four hundred and twenty-eight dollars and thirty-seven cents (\$428.37).

21. To Trenton Gas Light Company, for gas furnished to state house, one hundred and nineteen dollars and seventy cents (\$119.70).

22. To Charles Scott & Company, for books and stationery furnished to the office of the secretary of state, fifty-five dollars and nine cents (\$55.09).

23. To Charles Scott & Company, for stationery furnished to the court of errors and appeals and prerogative court, forty dollars and sixty-seven cents (\$40.67).

24. To C. J. Ihrie, librarian, for services rendered in

removing law library and other services, two hundred and one dollars and fifty cents (\$201.50).

25. To Charles Brearley & Company, for articles furnished state house, thirty-seven dollars and two cents (\$37.02).

26. To Willet Hicks, for tumblers and pitchers furnished to the legislature, seventeen dollars and fifty-eight cents (\$17.58).

27. To Lewis Parker, Anthony Rowley and Charles Brearley, for services in taking appraisement at state prison, one hundred and fifty-three dollars (\$153.00).

28. To Charles Scott & Company, for sixty-six copies of Nixon's forms and sixty-six copies of Legislative Guides, ordered for the senate and house of assembly, two hundred and four dollars and sixty cents (\$204.60).

29. To Samuel R. Smith, to enamelled leather for state library, eight dollars and sixty cents (\$8.60).

30. To A. R. Titus, for carpet for the supreme court office, seventy-eight dollars and thirty-eight cents (\$78.38).

31. To S. & E. Roberts, to brass clock for library and French clock for chancery office, thirty-three dollars and fifty cents (\$33.50).

32. To Bernard Smith, for hauling sand, &c., for state house yard, three dollars and eighty-seven cents (\$3.87).

33. To Silas S. Cook, to stationery furnished to the house of assembly, by order of committee, one hundred and seven dollars and seventy-five cents (\$107.75).

34. To Upton & Miller, for carting and fitting up stove for arsenal, two dollars and fifty-cents (\$2.50).

35. To R. M. Smith, cash paid John Taylor, for carting books to the state house, four dollars (\$4.00).

36. To Anthony Rowley, for mats, pails, brushes, &c., for legislative halls and offices of the state house, eighty-seven dollars and eighty-nine cents (\$87.89).

37. To Silas S. Cook, for stationery furnished to the senate by order of the committee, thirty-one dollars and fifty cents (\$31.50).

38. To D. S. Anderson, for work done in altering the

galleries of the senate and assembly rooms, thirty-three dollars and twenty-six cents (\$33.26).

39. To B. W. Titus & Company, for carpets, curtains, &c., for the executive chambers, \$314.69; for carpet for office of clerk in chancery, \$99.13; for carpet in office of secretary of state, \$83.19; for carpet in ante-rooms of supreme court, \$73.34, and other items for other rooms in state house, \$96.56; in all making the sum of five hundred and ninety-three dollars and fifty-seven cents (\$593.57).

40. To Edward N. Fuller, to printing one hundred and twenty-five copies of the rules of the house of assembly, sixteen dollars (\$16.00).

41. To Reuben Bechtel, to furniture for senate and assembly galleries, twenty-two dollars (\$22.00).

42. To Ralph Green, to repairing iron gates in front of state house, &c., one dollar and sixty-two cents (\$1.62).

43. To Phillips & Howell, for lumber for state house, twenty-nine dollars and twenty-one cents (\$29.21).

44. To Uriel T. Scudder, for carpeting, oil cloths, &c., in state house, forty-two dollars and forty-four cents (\$42.44).

45. To William R. Barricklo & Co., for pitchers and tumblers for legislative chambers and offices of the state house, thirty-five dollars and thirty-eight cents (\$35.38).

46. To B. W. Titus, for articles furnished to the state house and for work done, one hundred and eighteen dollars and twenty-five cents (\$118.25).

47. To Parham & Brother, for repairing water pipes, gas fixtures, and other work at the state house, one hundred and twenty-five dollars and forty-three cents (\$125.43).

48. To William A. West, for ice furnished to the court rooms, &c., at state house, sixteen dollars and twenty-two cents (\$16.22).

49. To J. M. Vancleve, to six days' service as one of the appraisers at state lunatic asylum, eighteen dollars (\$18.00).

50. To Reuben Bechtel, for per diem taking inventory at lunatic asylum, fifteen dollars (\$15.00).

51. To Isaac Fowler, for materials and labor repairing



governor's room, twenty-one dollars and twenty-five cents (\$21.25).

52. To S. Van Sickell, for materials furnished to senate and assembly rooms and work done, two dollars and seventy-five cents (\$2.75).

53. To the proprietor of the Salem Sunbeam newspaper, published at Salem, for advertising for adjutant-general, in eighteen hundred and fifty-five, three dollars (\$3.00).

54. To Joshua Jeffries, for painting and other work at state house, thirty-nine dollars and eighty-five cents (\$39.85).

55. To Princeton Bank, to amount of interest money accrued on seven thousand dollars, one hundred and fifty-eight dollars and sixty-six cents (\$158.66).

56. To Trenton Banking Company, to amount of interest money accrued on thirteen thousand dollars, two hundred and sixty-five dollars and thirty-three cents (\$265.33).

57. To the quarter-master general, for sundry items for the arsenal, collecting state arms, &c., to wit: Andrew Hammill, eighteen dollars; Camden and Amboy Railroad Company, forty-dollars and fifteen cents; George Smith, one dollar and fifty cents; Charles Brearley & Co., nineteen dollars and sixty-six cents; John Nutt, fifty cents; F. Hanson, seven dollars and fifty cents; John Nutt, seventy-five cents; T. P. Howell & Co., eight dollars; Rice & Brother, thirteen dollars and twenty-five cents; New Jersey Express Company, five dollars and twenty-five cents (\$114.56).

58. To the Trenton Water Works Company, for water supplied to state house, as per agreement, one hundred dollars (\$100.00).

59. To Jeremiah Connell, to work done at state house, seventeen dollars and twenty-five cents (\$17.25).

60. To Israel Wells, to binding books for clerk of supreme court, twelve dollars (\$12.00).

61. To S. Van Sickell, to furnishing and fitting up the

senate and assembly galleries, one hundred and two dollars (\$102.00).

62. To David Clark, to stationery for house of assembly, per order of clerk, sixty-four dollars and thirty-eight cents (\$64.38).

63. To David Clark, to stationery for assembly room, fifty-one dollars and fifty cents (\$51.50).

64. To Charles Nutt, for lumber and work done for clerk of the supreme court's office, nine dollars and twenty cents (\$9.20).

65. To David Clark, to stationery for state library, twenty-one dollars and eleven cents (\$21.11).

66. To Edward Williams, for materials furnished and painting done for the office of the court of chancery, supreme court office and law library, one hundred and ninety-seven dollars and seven cents (\$197.07).

67. To Wm. A. Benjamin, for postage for quarter-master general, twelve dollars (\$12).

68. To Joseph McPherson, for articles furnished to the quarter-master general, three dollars and thirty-eight cents (\$3.38).

69. To C. B. Van Sickell, for articles furnished to court room, two dollars and twelve cents (\$2.12).

70. To David Clark, to stationery for court of errors, eight dollars and seventy-five cents (\$8.75).

71. To David Clark, for books for clerk in chancery's office, two hundred and forty-seven dollars and fifty cents (\$247.50).

72. To George H. Dean, for services as page to the governor, one hundred and two dollars (\$102).

73. To David Clark, for stationery furnished to the clerk of the supreme court, forty-eight dollars and thirty-seven cents (\$48.37).

74. To Charles Scott & Company, for stationery for the executive department, fifty-one dollars and fifty-eight cents (\$51.58).

75. To Charles Scott & Company, for stationery furnished

for the office of the quarter-master general, eleven dollars and nineteen cents (\$11.19).

76. To David S. Anderson, for materials and work done in raising the president's platform in senate chamber, fourteen dollars and seventy-nine cents (\$14.79).

77. To Charles Scott & Company, for record books and stationery for the use of the senate and the engrossing clerk and secretaries, three hundred and seventy-eight dollars and fifty-nine cents (\$378.59).

78. To Charles Scott & Company, for blank books and paper for the house of assembly, forty-one dollars and seventy-five cents (\$41.75).

79. To Charles Scott & Company, for record books and stationery for the engrossing clerk, and for the house of assembly, three hundred and five dollars and seventy-six cents (\$305.76).

80. To David Clark, for stationery for house of assembly, twenty-five dollars (\$25.00).

81. To David Clark, for books and stationery furnished to the treasurer's office, seventeen dollars (\$17.00).

82. To David Clark, for stationery furnished to house of assembly per order of committee, seventy-two dollars and fifty cents (72.50).

83. To D. S. Anderson, for work done and materials furnished to state library, eight dollars and fourteen cents (\$8.14).

84. To David Clark, for stationery for governor's room, five dollars and thirty-nine cents (5.39).

85. To David Naar, for printing for state library, fourteen dollars and twenty-five cents (14.25).

86. To David Naar, for printing notice to county collectors and annual bank statements, seven dollars and seventy-five cents (\$7.75).

87. To David Naar, for printing adjutant general's order and advertising, sixteen dollars (16.00).

88. To David Naar, for printing parchment, &c., for chancery office, forty dollars (40.00).

89. To Fish & Green, for lumber furnished, thirteen dollars and fifty cents (13.50).

90. To Freese & Borden, for printing adjutant general's order and printing two hundred extra copies of governor's message, and other printing, forty-six dollars and ninety-one cents (46.91).

91. To David Naar, for printing sundry blanks, per order of quarter-master general, twenty-three dollars and sixty-five cents (23.65).

92. To David Naar, for advertising governor's proclamation, six dollars (\$6.00).

93. To Jonathan Pickle, Charles Skelton and James Hammell, for making inventory of property at state prison, forty-five dollars (\$45.00).

94. To David Clark, for stationery ordered by house committee, ten dollars (\$10.00).

95. To David Naar, for printing notices of election of militia officers, two dollars and twenty-five cents (\$2.25).

96. To Charles Scott & Company, for stationery ordered by the committee of the senate, four hundred and forty-eight dollars and sixty-two cents (\$448.62).

97. To the inspectors of the state prison, for expenses in inspecting the prisons in the eastern states, two hundred and ninety-one dollars and seventy-five cents (\$291.75).

98. To Joseph McPherson, to sundry items for clerks of the house of assembly, ten dollars and twenty-five cents (\$10.25).

99. To the Newark Daily Advertiser, for advertising proclamations for governor, twenty dollars (\$20.00).

100. To G. Winkler, for making keys for assembly room, senate, and for court of chancery's room, fifteen dollars and nineteen cents (\$15.19).

101. To F. A. Pitman, to stationery furnished for office of the clerk of supreme court, twelve dollars and sixty-nine cents (\$12.69).

102. To Isaac D. James, for sundry articles for house of assembly, thirteen dollars and eighty-one cents, for senate eleven dollars and twenty-three cents, for state house three

dollars and seventy-five cents, for Wm. Darmon, late clerk of the house, one dollar and thirty-eight cents (\$40.17).

103. To William Pearson, for making key for state house, one dollar (\$1.00).

104. To Joseph G. Brearley & Co., for sundries for court room and court of chancery, six dollars and thirty-eight cents (\$6.38).

105. To the editor of the West Jerseyman, to advertise adjutant general's orders, four dollars (\$4.00).

106. To Brewer & Ott, for carriages for committee on prison, arsenal, and asylum accounts, twenty-eight dollars (\$28).

107. To Wm. A. Benjamin, for postage stamps and envelopes to members of the senate and assembly, session eighteen hundred and fifty-eight, eight hundred and eighty-three dollars and thirty cents (\$883.30).

108. To Benjamin K. McClurg, assistant clerk of assembly, and to D. L. M. Moore, assistant secretary of the senate, for their services during the present session of the Legislature, the sum of three hundred dollars (\$300.00) each.

110. To C. J. Ihrie, for services rendered as state librarian, seventy-two dollars and thirteen cents (72.13).

111. To William W. Norcross, for candles for state house eighteen dollars (\$18.00).

112. To Van Camp, Cogill and Bodine, for sundries for secretary of senate, six dollars (\$6.00).

Approved March 18, 1858.

## COMMONWEALTH OF PENNSYLVANIA.

Act relating to fisheries in the river Delaware.

AN ACT giving the assent of this commonwealth to the act of the legislature of New Jersey, entitled "A further supplement to the act entitled 'An act to regulate the fisheries in the river Delaware, and for other purposes,'" passed the twenty-sixth day of November, Anno Domini eighteen hundred and eight, approved February twenty-sixth, eighteen hundred and fifty-eight.

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 assent of this commonwealth be, and the same is hereby given to the provisions mentioned and contained in the act of the legislature of the state of New Jersey, passed the twenty-sixth day of February, Anno Domini one thousand eight hundred and fifty-eight, entitled "A further supplement to the act entitled 'An act to regulate the fisheries in the river Delaware, and for other purposes,'" passed the twenty-sixth day of November, Anno Domini eighteen hundred and eight, and the said act of the legislature of the state of New Jersey, is hereby adopted, ratified and confirmed by this commonwealth; and the said act of the state of New Jersey shall be annexed to this act, and be 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 secretary's office of this commonwealth, and transmit an attested copy of this act to the governor of the state of New Jersey.

## STATE OF NEW JERSEY.

A FURTHER SUPPLEMENT to the act entitled "An act to regulate the fisheries in the river Delaware, and for other purposes," passed the twenty-sixth day of November, Anno Domini eighteen hundred and eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons shall cast, draw, or otherwise make use of any seine or net, of a larger mesh than three inches, for the purpose of catching fish in the river Delaware, within the jurisdiction of this state, below the head of Trenton Falls, between the tenth day of June and the tenth day of July, in any year, or above the head of Trenton Falls, of any seine or net of a larger mesh than two inches, between the fifteenth day of June and the tenth day of July, in any year, he, she or they so offending shall forfeit and pay the sum of one hundred dollars, together with costs of suit, for each and every offence.

2. *And be it enacted*, That it shall not be lawful for any person or persons, for the purpose of catching fish in the river Delaware, within the jurisdiction of this state, to anchor, stake down, or otherwise fasten any drift net or gilling seine in or across said river; and that if any person or persons shall so anchor, stake down, or otherwise fasten any drift-net or gilling seine in or across said river, within the jurisdiction of this state, for the purpose of catching fish, he, she or they so offending shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or both, at the discretion of the court before which such offender or offenders shall be convicted; and any such net or seine so anchored, staked down, or otherwise fastened in or across said river, shall be deemed and considered a public nuisance, and liable to be abated or removed by any person or persons who may deem proper to abate or remove the same.

3. *And be it enacted*, That the second section to the supplement of the aforesaid act, passed on the fifteenth day of February, Anno Domini eighteen hundred and thirty-three, be and the same is hereby repealed; but this act shall not go into operation until the legislature of the state of Pennsylvania shall approve of the same, by the enactment of a similar act, in whole or in part; and that from and immediately after the said legislature shall so approve of this act, either in whole or in part, then this act, or such parts thereof as may be so approved of, shall go into operation and take effect.

Approved February 26, 1858.

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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 an act passed by the legislature of said state, and approved by the Governor, February twenty-sixth, eighteen hundred and fifty-eight, as taken from and compared with the original on file in my office.

In testimony whereof, I have hereunto set my hand and affixed my seal of office, at Trenton, this twenty-seventh day of February, eighteen hundred and fifty-eight.

[L. S.]

THOMAS S. ALLISON,  
*Secretary of State.*

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STATE OF NEW JERSEY: I, William A. Newell, Governor of the State of New Jersey, do hereby certify that Thomas S. Allison, Esquire, who hath signed the preceding certificate, and whose official seal is thereto annexed, is



Secretary of State of the State of New Jersey, duly appointed, commissioned, and sworn, and that full faith and credit are to be given to his official attestations; that the said signature is in the proper handwriting of the said Thomas S. Allison, and the seal his seal of office, and that the said certificate is in due form of law.

In testimony whereof, I have hereunto set my hand, and caused the great seal of the State of New Jersey to be hereunto affixed, at the city of Trenton, in said state, this twenty-seventh day of February, in the year of our Lord one thousand eight hundred and fifty-eight, and of the Independence of the United States the eighty-second.

By the Governor,

[L. S.]

WM. A. NEWELL.

THOMAS S. ALLISON,

*Secretary of State.*

A. BROWER LONGAKER,

*Speaker of the House of Representatives.*

WILLIAM H. WELSH,

*Speaker of the Senate.*

Approved the second day of April, A. D. 1858.

WM. F. PACKER.

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OFFICE OF THE SECRETARY OF THE COMMONWEALTH,  
Harrisburg, April 2d, A. D. 1858.

PENNSYLVANIA, ss: I do hereby certify that the foregoing and annexed is a full, true, and correct copy of the original act of the General Assembly as the same remains on file in this office.

In testimony whereof, I have hereunto set my hand and caused the seal of the Secretary's office to be affixed, the day and year above written.

[L. S.]

WM. M. HEISTER,

*Secretary of the Commonwealth.*

COMMONWEALTH OF PENNSYLVANIA: I, William F. Packer, Governor of the Commonwealth of Pennsylvania, do hereby certify that William M. Heister, Esquire, who hath signed the preceding certificate, and whose official seal is thereto annexed, is Secretary of the Commonwealth of Pennsylvania, duly appointed and commissioned, and that full faith and credit are to be given to his official attestations; that the said signature is in the proper hand-writing of the said William M. Heister, and the seal his seal of office, and that the said certificate is in due form of law.

Given under my hand and the great seal of the State, at Harrisburg, this second day of April in the year of our Lord one thousand eight hundred and fifty-eight, and of the Commonwealth the eighty-second.

[L. S.]

WILLIAM F. PACKER.

# JOINT RESOLUTIONS.

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## NUMBER I.

Allowing to the Trustees of the State Normal School the use of mathematical apparatus and minerals employed and collected in the geological survey.

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 permit to the trustees of the State Normal School, for the benefit of that institution, during the suspension of the geological survey of this state, the use of the mathematical and other instruments and apparatus belonging to the state, which have been heretofore employed in said survey, subject to such regulations for their safe keeping and freedom from injury, as he shall deem necessary; and also to deposit in the cabinet of said school, to be arranged in proper order by themselves, for the use of said school, one set of the mineral collections which have been made in the said survey.

Trustees of  
normal  
school to  
have use of  
instruments,  
&c.

Passed February 23, 1858.

## NUMBER II.

Relative to the erection of public buildings in the City of Trenton by the general government.

Preamble. WHEREAS, the public welfare would be promoted by having at Trenton a suitable building in which to hold the United States courts, where all the records pertaining to said courts could be kept, and in which the collector and postmaster could have convenient offices—therefore,

Appropriation for public building. 1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the senators and representatives in congress from this state be requested to use their exertions to obtain from the general government a sufficient appropriation to purchase a proper site, and to erect thereon such a building, at Trenton.

Building to be of iron. 2. *And be it resolved*, That inasmuch as the production and manufacture of iron are pursuits in which the people of this state, and of all the middle states, have a large interest, it is fitting that all the encouragement which can be constitutionally given by government to this great branch of public industry, should be accorded to it, especially that enlargement of the home market which a judicious direction of the public expenditure in the use of iron for building purposes would create, we therefore join with the citizens of Trenton in advising that the building above named be of iron.

Copies of resolution to be sent. 3. *And be it resolved*, That the governor be requested to send a copy of the foregoing preamble and resolutions to each of the senators and representatives in congress from this state.

Passed February 24, 1858.

## NUMBER III.

WHEREAS, New Jersey does not receive credit for the Preamble.  
 amount of commerce to which she is entitled, and suffers  
 much inconvenience from the fact that ports in the state  
 are attached to the revenue districts of New York and  
 Philadelphia; and whereas her citizens engaged in the  
 coasting trade are subjected to great loss of time and  
 expense, from the want of a sufficient number of ports  
 of entry, as well as by reason of the onerous laws exist-  
 ing in relation to the said coasting trade—therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of* Ports of  
entry in this  
state.  
*the State of New Jersey*, That our senators and representa-  
 tives in Congress be requested to urge the passage of a  
 law restoring to New Jersey the ports of Jersey City and  
 Camden, and, if necessary, to make them ports of entry;  
 also to establish ports of entry at Tom's River and Atlantic  
 City, and to use their endeavors to effect such modification  
 of the laws governing the coasting trade as will remove  
 the burdens and exactions now imposed on the owners and  
 masters of vessels.

2. *And be it resolved*, That the governor be requested to Copies to be  
forwarded.  
 forward a copy of the resolutions to each of our senators  
 and representatives in congress.

Passed March 17, 1858.

## JOINT RESOLUTIONS.

## NUMBER IV.

Relative to the New Jersey battalion of volunteers in the war with Mexico.

Preamble.

WHEREAS, a requisition was made in the year eighteen hundred and forty-seven, by the President of the United States, upon the state of New Jersey, for a battalion of volunteers to serve for and during the war with Mexico, which requisition was promptly complied with; and whereas, the state of New Jersey, through her legislature, have, as yet, given no recognition of the services of said volunteers in that memorable campaign which resulted so gloriously for American arms; therefore,

Thanks to officers of battalion.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the thanks of the citizens of this state are due, and are hereby tendered, to the officers, non-commissioned officers, and privates of the New Jersey battalion of volunteers in the war with Mexico.

Governor authorized to confer brevet rank on officers.

2. *And be it resolved*, That the governor of this state be hereby authorized and directed, to issue commissions to the surviving commissioned officers of said battalion, in service at the termination of hostilities, conferring upon said officers a brevet rank of the next highest grade to that held by them respectively, while in actual service during said war.

Passed March 17, 1858.

## NUMBER V.

Relative to Lieutenant M. F. Maury, of the United States Navy.

1. *BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey*, That among those whose services have been most beneficial to mankind, Lieutenant M. F. Maury, of the United States Navy, stands prominent; in that his great practical mind has, by close attention, and the application of scientific knowledge and skill to the winds of heaven, and the currents of the ocean, given such direction to the commerce of nations as to lessen time, ensure safety, and add the value of millions, and has so acquainted itself with the storm, as to disarm it of its terrors to thousands of mariners, whose daily path is among the perils of the deep.

2. *And be it resolved*, That such services most justly entitle him who has rendered them to the thanks of his countrymen, and the praise of the world, and to honorable advancement and promotion.

3. *And be it resolved*, That our senators and representatives in congress be and they are desired to make known to the President of the United States, the respectful request of this legislature, that Lieutenant Maury may be advanced to that high rank and position in the navy, to which his distinguished services entitle him.

4. *And be it resolved*, That the governor of this state be, and he is hereby requested to transmit a copy of these resolutions to the President of the United States, and to each of our senators and representatives in congress.

Passed March 18, 1858.

## NUMBER VI.

Joint Resolutions for the better preservation of life and property, and the more effective working of the government apparatus on the New Jersey coast.

Preamble.

WHEREAS, the close proximity of the New Jersey coast to the entrance to New York harbor, renders it necessary for vessels bound from the east and south to pass said coast, and the peculiar formation of said coast, running from Barnegat Inlet south, in a southwesterly direction, with bars and shoals, making it probably the most dangerous coast along the Atlantic; and whereas, with our increasing maritime business, both as regards commerce and emigration, there necessarily must be and is an increase of disasters by shipwreck on our coast, without a corresponding increase of the means requisite for saving life and property; and whereas, not more than about one vessel in twenty stranded on our shores properly belongs to New Jersey, while all the large class of vessels carrying passengers are from other states and other nations, whose dead the state of New Jersey are obliged to bury at no inconsiderable expense, making it burdensome and oppressive, and affording the state, we believe, just cause for complaint, and demanding a remedy—therefore,

Appropriation for preservation of life, &c.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our senators and representatives in congress be respectfully requested to use their influence for and urge the passage of a bill making such appropriations for the better preservation of life and property, and for defraying the expenses incurred in burying the dead, not citizens of this state, cast upon our shores by shipwreck, as will be more commensurate with the demand, as follows:

I. For defraying the expenses incurred in burying the dead cast upon the New Jersey coast by shipwreck, not citizens of this state, estimated at three thousand dollars.



- II. Pay of two superintendents, at fifteen hundred dollars per annum, three thousand dollars.
- III. Pay of station-house keepers (twenty-eight in number), to reside in the station-houses, each two hundred dollars, five thousand six hundred dollars.
- IV. Pay of boat's crew (seven in number), at every alternate station-house (fourteen stations), subject to the call of the keeper, only when required, at two dollars per day, when in actual service, say thirty days in the year, five thousand eight hundred and eighty dollars.
- V. Building four station-houses between Squan and Little Egg Harbor, capable of holding three hundred persons, at one thousand dollars each—four thousand dollars.
- VI. For fitting up all the old station-houses in a tenantable condition for the residence of the keepers, say three hundred dollars each—seven thousand four hundred dollars.
- VII. For a good stove, cooking apparatus, water-tank, &c., at each station-house, one thousand two hundred and sixty dollars.
- VIII. For two barrels hard bread, and one each of pork and beef to be placed at every alternate station-house, one thousand and eight dollars.
- IX. For a new wooden boat to be placed at each station-house, four thousand two hundred dollars.
- X. For replenishing apparatus, for erection of signal-poles, &c., at every station; for erection of pointers at intermediate places between the stations directing the lost mariner to the nearest place where shelter and relief can be had; for three six pound guns to be placed at every alternate station-house, to be used as signals to call aid from the main, and also to warn vessels, in port and at sea of an approaching storm—say, three thousand seven hundred dollars.
- XI. To encourage and reward the heroic efforts of those who jeopardize their lives, to save the lives and property of the shipwrecked, to be paid at the discretion of the

secretary of the treasury of the United States—say, one thousand dollars.

XII. For constructing an electro-magnetic telegraph line from the present terminus of the Sandy Hook telegraph, at Squan village, along the coast to Cape May, by which the east and northeast storms (which generally commence south and work north) may be anticipated, and information received at the different stations from twelve to thirty-six hours in advance of their arrival, allowing time to call the crews from the main, and have the apparatus in a state of readiness for an emergency—estimated at fifteen thousand dollars.

XIII. To authorize Lieut. M. F. Maury, of the National Observatory, and Hydrographical office, at Washington, to receive telegraphic weather reports from such points as he may deem most advantageous, and to transmit to the New Jersey coast necessary intelligence of approaching storms, in order that the whole apparatus for saving life and property may be worked advantageously and effectually.

XIV. For supplying copies of Lieut. Maury's "Chart and sailing directions from sea to Sandy Hook," to vessels on receiving their clearance from ports of the United States, through the collectors of said ports, or such medium as the secretary of the treasury may deem best—estimated at.

Copies for  
senators and  
representa-  
tives.

2. *And be it resolved*, That his excellency, the governor of this state be, and he is hereby respectfully requested to transmit to each of our senators and representatives in congress a copy of the above resolutions and preamble.

Copies for  
governors.

3. *And be it resolved*, That the governor of this state be further requested to transmit a copy of the above resolutions and preamble to the governors respectively of the states of Maine, New Hampshire, Rhode Island, Massachusetts, Connecticut, New York, Delaware, Maryland, Virginia, South Carolina, North Carolina, Georgia, and other states interested, requesting them to present the matter before their respective legislatures.

Passed March 18, 1858.

## NUMBER VII.

To authorize the State Treasurer to transfer to the Camden and Amboy and Delaware and Raritan Canal Companies four hundred shares of stock, allotted to the state, a stockholder in said companies, as her share of an extra dividend of stock, made payable May twentieth, eighteen hundred and fifty-seven.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer be authorized and required to transfer to the Camden and Amboy and Delaware and Raritan Canal Companies four hundred shares of the stock of said companies allotted and transferred to the state as an extra dividend on the twentieth day of May, A.D. eighteen hundred and fifty-seven.

Treasurer  
authorized  
to transfer  
shares.

Passed March 18, 1858.

## NUMBER VIII.

Relative to obtaining from the United States a donation of public lands for the founding and maintaining of an agricultural college in the state of New Jersey.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the senators and representatives in congress of this state be and they are hereby requested to use their best exertions to obtain from the general government a donation of public lands, to this state, in common with the other states of the Union, for

Appropriation of land  
for college.

## JOINT RESOLUTIONS.

the founding and maintaining in each of the several states of an agricultural college for the promotion of the science and practice of agriculture; and, for that purpose, to favor any proper bill which is now depending, or which shall hereafter be presented, before the two houses of congress, the object of which may be to secure such donation.

Copies to be  
forwarded.

2. *And be it further resolved*, That the governor of this state be, and he is hereby requested to transmit a copy of these resolutions to each of our senators and representatives in congress.

Passed March 18, 1858.

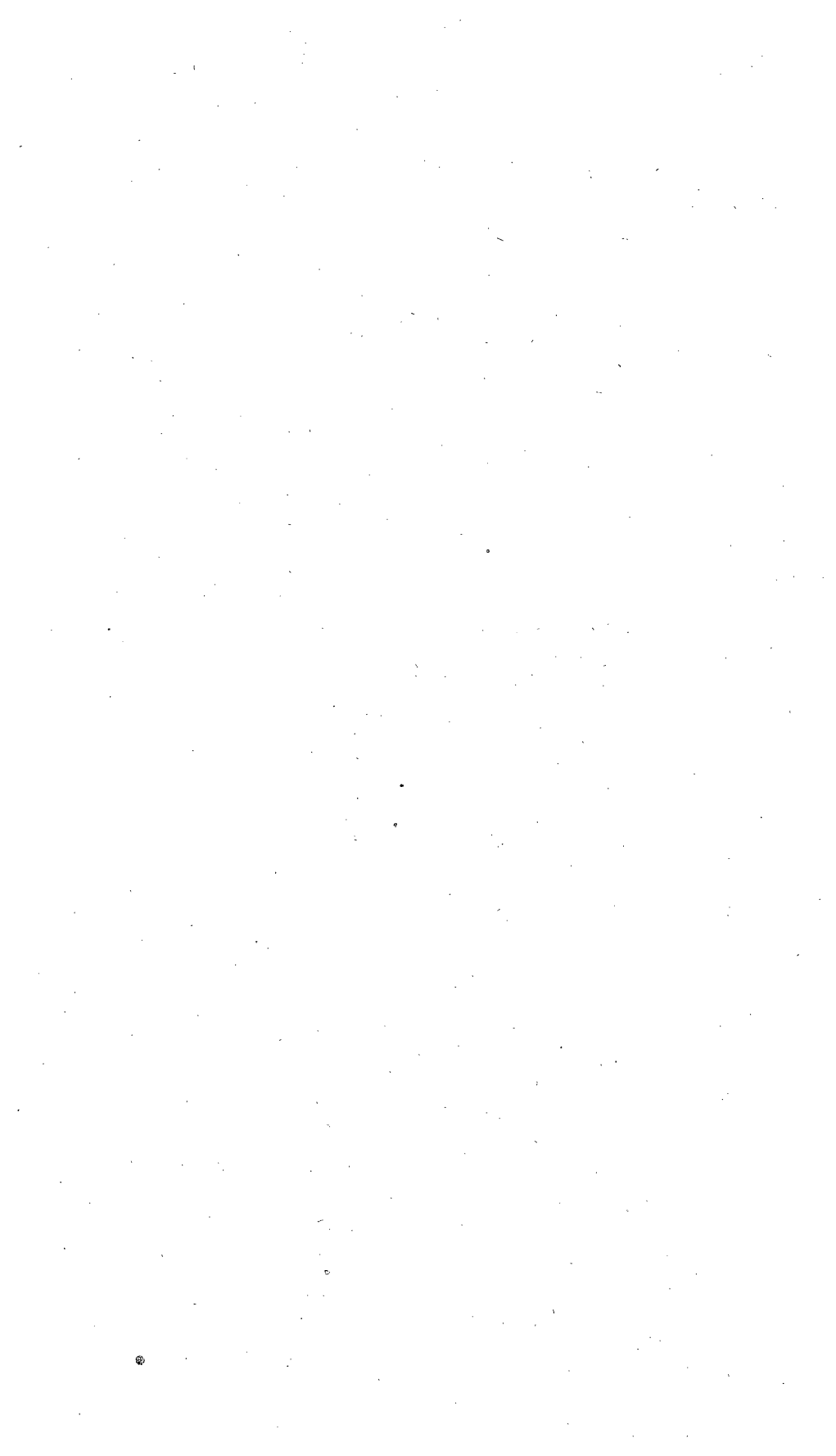
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# CONTENTS.

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## C O N T E N T S.

---

Chap.	Page
1. A supplement to an act entitled "An act to alter and amend the charter of the borough of Bordentown, in the county of Burlington," approved February thirteenth, eighteen hundred and forty-nine.	3
2. A supplement to an act entitled "An act to authorize the inhabitants of the townships of Hanover and Pequannack, in the county of Morris, to vote by ballot at their town meetings."	4
3. An act concerning firemen of the borough of Bordentown, and county of Burlington.	5
4. An act to incorporate the Matavan and Keyport Bridge Company.	6
5. An act to change the name of the Independent Essex Brigade.	10
6. An act entitled an act incorporating the Young America Hook and Ladder Fire Company, of the city of Burlington.	10
7. An act to confirm certain conveyances of land situate in the township of Greenwich, in the county of Gloucester, made by Joseph C. Gill and wife to Stephen H. Miller and others.	12

Chap.	Page
8. An act appointing Edward B. Freeman a trustee in the stead of Daniel Price.	13
9. An act relative to the will of Francis Miles, deceased, late of the township of Lower Penn's Neck, county of Salem, in the State of New Jersey.	14
10. An act supplementary to an act entitled "A supplement to an act entitled 'An act concerning the Firemen of Jersey City, in the county of Hudson,' " passed January twenty-seventh, one thousand eight hundred and fifty-three, which said supplement was approved February twenty-sixth, eighteen hundred and fifty-five.	17
11. An act to incorporate the Trenton Boat and Dockyard Company.	17
12. An act to incorporate the Moorestown Fire Department.	21
13. An act to establish a new township in the county of Gloucester, to be called the township of Clayton.	26
14. An act to alter the boundary line between Somerset and Middlesex Counties.	29
15. An act to authorize Joseph W. Cooper to build wharves in front of his lands, in the city of Camden, in the county of Camden.	30
16. An act respecting the acknowledgments and proofs heretofore made of deeds, mortgages, and other conveyances.	31
17. A supplement to the act entitled "An act constituting courts for the trial of small causes," approved April sixteen, Anno Domini eighteen hundred and forty-six.	33
18. A further supplement to an act entitled "An act	



# CONTENTS.

509

Chap.		Page
	against usury," approved April tenth, eighteen hundred and forty-six.	34
19.	A further supplement to the act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors." Approved April sixteenth, eighteen hundred and forty-six.	35
20.	An act to renew the charter of "the Rahway Mutual Insurance Fire Company."	36
21.	An act to authorize the Paterson and Ramapo Railroad Company to issue new bonds.	37
22.	An act to incorporate the Jersey City Locomotive Works.	39
23.	An act to incorporate the Elizabeth Orphan Asylum Association.	41
24.	An act to alter the northeastern boundary of the city of Trenton.	44
25.	An act to incorporate the Sussex County Agricultural Society.	45
26.	An act further supplementary to an act entitled "An act establishing a militia system," approved April seventeenth, eighteen hundred and forty-six.	47
27.	A supplement to an act entitled "An act to incorporate the Bordentown Machine Company," approved March twentieth, eighteen hundred and fifty-seven.	48
28.	A supplement to the act entitled "An act constituting courts for the trial of small causes."	49
29.	A supplement to an act entitled "An act to incorporate the Hillsborough Mutual Fire Assurance Association, of the county of Somerset,"	

Chap.	Page
	passed March fourth, eighteen hundred and forty-four. 50
30.	A further supplement to an act entitled "An act to incorporate the city of Paterson," approved March nineteenth, eighteen hundred and fifty-one. 51
31.	A further supplement to an act entitled "An act to incorporate the Dundee Manufacturing Company, in the county of Bergen," passed the fifteenth day of March, eighteen hundred and thirty-two. 53
32.	An act supplementary to an act entitled "An act to incorporate Jersey City," approved March nineteenth, eighteen hundred and fifty-one. 59
33.	An act entitled an act incorporating the Vincetown Fire Engine Company. 61
34.	A supplement to an act entitled "An act to establish an independent battalion in the city of Newark," approved April third, eighteen hundred and fifty-five. 62
35.	A further supplement to an act entitled "An act to incorporate the Newark Orphan Asylum Association," approved February ninth, eighteen hundred and forty-nine. 70
36.	An act to authorize the Iron Bank to change their place of business. 70
37.	An act to incorporate the Merchants' Mutual Fire and Marine Insurance Company. 72
38.	An act to incorporate the South Amboy and Cheesequake Bridge Company. 76
39.	An act to incorporate the Monmouth County Mutual Fire Insurance Company. 80
40.	An act to incorporate the Democratic Association of the City of Newark. 86

# CONTENTS.

511

Chap.		Page
41.	An act explanatory of the act entitled A further supplement to the act entitled "An act against usury," approved second March, one thousand eight hundred and fifty-four.	89
42.	A further supplement to the act entitled "An act to register mortgages," approved April fifteenth, eighteen hundred and forty-six.	90
43.	A further supplement to a supplement to "An act to incorporate the Burlington and Mount Holly Railroad and Transportation Company," approved March twentieth, eighteen hundred and fifty-seven.	91
44.	An act for the relief of the Puddle Dock and Wyatt Meadow Companies, in the township of Mannington, and the Denn's Island Meadow Company, in the township of Lower Penn's Neck, in the county of Salem.	92
45.	An act to incorporate the Orange Hotel Company.	96
46.	A further supplement to an act entitled "An act for the relief of creditors against absconding and absent debtors."	98
47.	An act to incorporate the Union Manufacturing Company.	99
48.	An act to confirm the sale of the Mount Pleasant Church, Lower Harmony, to the Lower Harmony Methodist Episcopal Society.	102
49.	A further supplement to an act entitled "An act for the relief of persons imprisoned on civil process," approved April sixteenth, eighteen hundred and forty-six.	103
50.	A further supplement to an act entitled "An act for the more easy partition of lands held by co-parceners, joint-tenants, and tenants in com-	

Chap.	Page
mon," approved April sixteenth, eighteen hundred and forty-six.	104
51. An act authorizing the inhabitants of the township of Howell in the county of Monmouth to sell the church and land of the New Jersey Missionary Society, situated in said township.	105
52. A supplement to an act entitled "An act to simplify the pleadings and practice in courts of law."	106
53. An act to authorize the Board of Education of the city of Camden to build a school house in the north ward of said city.	107
54. An act to incorporate the city of Salem.	109
55. An act to reduce the number of freeholders in the county of Passaic.	120
56. A supplement to an act entitled "An act to authorize the partition of lands in cases where particular undivided shares therein are limited over," approved March sixth, eighteen hundred and fifty-two.	121
57. A further supplement to the act entitled "An act for the settlement and relief of the poor," approved April tenth, eighteen hundred and forty-six.	121
58. An act to incorporate the city of Rahway.	123
59. An act to incorporate the River View Cemetery.	142
60. An act to incorporate "The Mercer Guard" of Hightstown.	143
61. An act to incorporate the Constables Hook and New York Ferry Company.	145
62. An act to incorporate the Freehold and Smithville Turnpike Company.	147

# CONTENTS.

513

Chap.	Page
63. An act to confirm a title of lots in the city and township of Burlington.	158
64. An act to extend the provisions of the act entitled "An act to prevent horses, cattle, sheep, and swine from running at large in the townships of Hackensack and Harrington, in the county of Bergen, approved February twelfth, eighteen hundred and fifty-two," to the village of Plainfield, being partly in the township of Plainfield, in the county of Union, and partly in the township of Warren, in the county of Somerset, and to the township of Hohokus in the county of Bergen.	160
65. An act explanatory of an act entitled "An act to incorporate the Newark Fire Department," passed March fourth, one thousand eight hundred and thirty-seven, and extended by supplement approved February twenty-second, one thousand eight hundred and fifty-six.	161
66. An act to erect part of the township of Princeton, in the county of Mercer, into a permanent school district.	162
67. An act to fund the floating debt of the county of Essex, and to provide for the payment of the same.	167
68. An act to change the name of the second Presbyterian church of Woodbridge, Middlesex county, New Jersey.	169
69. A further supplement to the act entitled "An act to regulate the fisheries in the river Delaware, and for other purposes," passed the twenty-sixth day of November, Anno Domini eighteen hundred and eight.	169
70. An act authorizing the inhabitants of School	

Chap.		Page
	District Number three, in Greenwich township, Gloucester county, to raise money for school purposes.	171
71.	An act to authorize the landowners of West Hoboken, in the county of Hudson, to improve the avenues, streets, highways, and side-walks within the boundaries of the West Hoboken School District, in the township of North Bergen.	173
72.	A supplement to the act entitled "An act respecting writs of error."	177
73.	A supplement to the act entitled "An act to transfer the charge and keeping of the jails and custody of the prisoners in the counties of Essex and Hudson from the sheriffs to the boards of chosen freeholders, and for the employment of the prisoners, and to regulate their term of service therein," approved February twenty-seventh, eighteen hundred and fifty-seven.	178
74.	An act to incorporate the Winslow Turnpike Company.	179
75.	A further supplement to the act entitled "An act establishing a militia system," approved April seventeenth, eighteen hundred and forty-six.	187
76.	A further supplement to the act entitled "An act to incorporate the Jersey Shore Improvement Company," approved March third, eighteen hundred and fifty-four.	189
77.	An act to incorporate the Merchants' Insurance Company.	189
78.	An act to authorize the Governor and Commander in chief to confer the brevet rank of Major General for long and meritorious service in the militia.	193

# CONTENTS.

515

Chap.		Page
79.	An act to prevent horses, cattle, sheep, and swine from running at large in the township of Clinton, in the county of Essex, and the township of Rahway, in the county of Union.	193
80.	A supplement to an act entitled "An act to enable two-thirds of the owners in value of any body or tract of salt marsh or meadow, within this state, using a common road to the fast land, to support the same."	195
81.	An act to authorize the inhabitants of the township of Franklin, in the county of Warren, to vote by ballot at their town meetings.	197
82.	An act relative to freight and fares on railways in this state.	201
83.	An act to authorize the election of overseers of the highways by district, in the township of North Brunswick, in the county of Middlesex, and the townships of Newton and Stillwater, in the county of Sussex, and the township of Livingston, in the county of Essex.	201
84.	A further supplement to an act entitled "An act concerning inns and taverns," approved April seventeenth, eighteen hundred and forty-six.	203
85.	A supplement to the act entitled "An act to incorporate the Long Dock Company," approved February twenty-sixth, eighteen hundred and fifty-six.	204
86.	An act supplementary to an act entitled "An act to incorporate the Hudson County Mutual Insurance Company," passed February eleventh, eighteen hundred and forty-two.	205
87.	Supplement to an act entitled "An act respecting the Independent Essex Brigade, and to better regulate and discipline the same."	206

Chap.	Page
88. An act for the relief of the Old Causeway Meadow Company, in the township of Mannington, in the county of Salem, and the Denn's Island Meadow Company, in the township of Lower Penn's Neck, in the county of Salem aforesaid.	208
89. A supplement to an act entitled "An act to incorporate the Northern Railroad Company of New Jersey," approved February ninth, eighteen hundred and fifty-four.	212
90. A further supplement to an act entitled "An act for establishing a turnpike road from the town of Hackensack to Hoboken, in the county of Bergen."	213
91. An act concerning the sale of railroads, canals, turnpikes, and plank roads.	215
92. A further supplement to an act entitled "An act to authorize the United States to hold its courts in the State House."	217
93. Supplement to the act entitled "An act relating to the powers of commissioners of deeds and the clerks and surrogates of counties," approved March nineteenth, eighteen hundred and fifty-seven.	218
94. An act to authorize the inhabitants of the township of Fairfield, in the county of Cumberland, to improve the navigation of Cedar creek.	218
95. An act to increase the revenues of the state of New Jersey.	220
96. An act to authorize the inhabitants of the township of Mannington, in the county of Salem, and the township of Livingston, in the county of Essex, to vote by ballot at their town meetings.	222
97. An act to incorporate the Bridgeton and Fairfield Turnpike Company.	223



# CONTENTS.

517

Chap.	Page
98. An act to authorize certain streets, marked out on a plan of the city of Hoboken, to be changed.	233
99. An act to vest in the trustees of School District No. I., in the town of Bergen, the lands and tenements known as the Old Academy lot, and to empower them to erect a building thereon, and to raise money for the construction of the same.	235
100. Supplement to the act entitled "An act to incorporate the Princeton Mutual Fire Insurance Company," approved March tenth, eighteen hundred and fifty-six.	236
101. A supplement to an act entitled "An act to authorize and enable the city of Trenton to purchase a part or the whole of the capital stock of the Trenton Water-works Company," approved March second, eighteen hundred and fifty-five.	237
102. An act to incorporate the Howell Turnpike Company.	239
103. An act to incorporate "The United States Patent Grain Huller Company."	250
104. A further supplement to an act entitled "An act to authorize the inhabitants of the townships of Bedminster and Warren, in the county of Somerset, and the townships of Randolph, Chester, and Rockaway, in the county of Morris, and of the township of West Windsor, in the county of Mercer, and of the township of Washington, in the county of Bergen, and of the townships of Hope, Hardwick, and Knowlton, in the county of Warren, and of the townships of Dover and Millstone, in the county of Monmouth, to vote by ballot at their town meetings."	254

Chap.	Page
105. An act to authorize the inhabitants of the townships of Newton, Stillwater, and Lafayette, in the county of Sussex, to vote by ballot at their town meetings.	256
106. An act to provide for the grading and lighting of the streets, and preserving good order in the town of Bridgeton.	258
107. An act to authorize Betsey Ayre to make a will.	261
108. An act to authorize the trustees of the Second Presbyterian Church of Orange to assess sums of money as a tax or rent on the pews of their church.	262
109. A supplement to the act entitled "An act to incorporate Benevolent and Charitable Associations," approved March 9, 1853.	263
110. Supplement to the act entitled "An act relative to Commissioners for taking the acknowledgment and proofs of Deeds," approved April fifteenth, eighteen hundred and forty-six.	264
111. A further supplement to the act entitled "An act to regulate elections," approved April sixteenth, eighteen hundred and forty-six.	266
112. Supplement to an act entitled "An act to incorporate Atlantic City."	267
113. A supplement to an act entitled "An act to authorize the erection of a bridge over Cooper's Creek," approved March sixth, eighteen hundred and fifty-six.	268
114. An act to establish an Independent Battalion in the county of Bergen.	269
115. An act regulating the election of overseers of the highways in the township of Fairfield, in the county of Cumberland.	272

# CONTENTS.

519

Chap.	Page
116. An act to provide for the collection of delinquent taxes in the townships of Raritan, Holmdel and Matavan, in the county of Monmouth.	274
117. An act to incorporate the Morris County Agricultural Society.	275
118. An act to authorize the trustees of the first Methodist Episcopal church at Hightstown to sell and convey land.	277
119. An act to incorporate the Perth Amboy and Bound Brook Railroad Company.	278
120. An act to incorporate the Mechanic's Insurance Company, to be located in the county of Union.	289
121. An act to incorporate the Upper Clonmel Meadow Company.	292
122. An act to authorize commissioners to dig a ditch from some point on the Passaic river, at or near Pine Brook, in a direct course, or as near as may be, to some point on the said river, at or near the mouth of Deepavaal Brook, in the county of Essex, for the purpose of draining the flowed lands on the said river and its tributaries, and to relieve the people in the vicinity thereof of sickness and disease caused thereby.	301
123. An act to alter the boundary line between the townships of Washington and Roxbury, in the county of Morris.	307
124. A supplement to the act entitled "An act to create the county of Union."	308
125. A supplement to the act entitled "An act to establish a new township in the county of Gloucester, to be called the township of Clayton."	310
126. Supplement to an act entitled "An act to incor-	

Chap.	Page
incorporate the Bergen Point and Staten Island Ferry Company."	310
127. A further supplement to the act entitled "An act to incorporate the Long Dock Company," approved February twenty-sixth, eighteen hundred and fifty-six.	312
128. A further supplement to the act entitled "An act to reorganize the courts of law," approved February ninth, eighteen hundred and fifty-five.	313
129. An act to authorize the trustees of the Methodist Episcopal Church at Roseville, in the city of Newark, to sell certain real estate.	314
130. An act to incorporate "The Sussex Lime and Marble Company."	315
131. An act to provide for the collection of delinquent taxes in the township of Pequannock, in the county of Morris, and in the townships of Tewkesbury and Clinton, in the county of Hunterdon.	318
132. An act for the relief of Christopher Wilson, of the county of Mercer, a soldier of the war of eighteen hundred and twelve.	318
133. An act for the relief of Ann Karr, widow of Stacy Karr, deceased, late of the county of Burlington.	319
134. An act to regulate the Shad Fisheries in the Manasquan river.	321
135. An act to pay for repairs to the State Arsenal.	322
136. An act regulating the Public Printing.	322
137. An act to incorporate the Colestown Cemetery Company.	324
138. An act to incorporate the Holmdel Mutual Fire Insurance Company.	327

# CONTENTS.

521

Chap.	Page
139. An act to authorize the trustees of the first Presbyterian church in Newark to increase the assessments or rents upon pews in said church.	334
140. 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 Downs, in the county of Cumberland, and the townships of Shrewsbury and Ocean, in the county of Monmouth, and the townships of Aquackanonk and Manchester, in the county of Passaic, and the townships of Princeton, Lawrence, and West Windsor, in the county of Mercer, and the townships of Orange, Caldwell, Livingston, and Millburn, in the county of Essex.	335
141. An act supplemental to the charter of the Reformed Protestant Dutch church of Bergen Point.	336
142. A supplement to the act entitled "An act to incorporate the city of Rahway."	337
143. A supplement to an act entitled "An act to incorporate the Essex county Mutual Insurance Company," passed February thirteenth, eighteen hundred and forty-four.	338
144. A supplement to an act entitled "An act to establish the city of Elizabeth."	339
145. Supplement to the act entitled "An act relative to the Court of Pardons."	351
146. A further supplement to an act entitled "An act to enable the owners of the swamps and bog meadows lying on the east and west branches	

Chap.	Page
of the Paulings Kill, in the township of Newton, in the county of Sussex, to drain the same," passed March first, eighteen hundred and thirty-six.	352
147. An act to incorporate the National Fertilizing Company.	354
148. A supplement to an act entitled "An act constituting the courts for the trial of small causes," approved April sixteenth, eighteen hundred and forty-six.	357
149. An act to incorporate the Florence and Jobstown Turnpike Company.	357
150. An act to incorporate the Burlington and Beverly Turnpike Company.	367
151. An act to incorporate the Allentown and Imlaystown Turnpike Company.	377
152. An act to incorporate Egg Harbor City.	385
153. An act for the cession of portions of the roads of the Essex and Middlesex Turnpike Company, and "The Newark Turnpike Company," to the cities and townships in which they lie.	400
154. An act to confirm certain conveyances of land lying in the village of Phillipsburgh, in the county of Warren.	401
155. An act to alter the boundary line between the townships of Ewing and Lawrence, in the county of Mercer.	403
156. An act to establish the width of Market street, in South Ward of the city of Camden.	404
157. A supplement to the act entitled "An act to incorporate the Mercer Cemetery Company of Trenton," passed February twenty-three, eighteen hundred and forty-three.	405

# CONTENTS.

523

Chap.	Page
158. A supplement to the act entitled "An act to incorporate the Mercer County Mutual Fire Insurance Company."	405
159. A further supplement to the act entitled "An act to incorporate the Hudson and Bergen Plank Road Company," approved March twenty-fourth, eighteen hundred and fifty-two.	407
160. A further supplement to the act entitled "An act to incorporate the town of Lambertville, in the township of West Amwell."	408
161. A further supplement to the act entitled "An act respecting executions and regulating the sale of personal estate by virtue thereof," approved April sixteen, one thousand eight hundred and forty-six.	409
162. An act relative to public schools in the township of Union, Camden county.	411
163. An act to change the name of the Trenton Patent Promoting Company to the Mercer Manufacturing Company.	412
164. An act to incorporate the Girard Hotel Company.	413
165. An act to define the rights of parties whose property is damaged or taken for public use, in cases of the alteration of the grades of streets or highways.	415
166. A supplement to the act entitled "An act to incorporate the Hackensack and New York Railroad Company," approved March fourteenth, eighteen hundred and fifty-six.	417
167. A supplement to the act entitled "An act to incorporate the Trenton Patent Promoting Company," passed A. D. eighteen hundred and fifty-seven.	418

Chap.	Page
168. An act to incorporate the Gloucester China Company.	418
169. An act to incorporate the Native American Association of the city of Camden.	421
170. An act to incorporate the Hainesport Boarding House Company.	425
171. An act to incorporate the Lawrence Turnpike Company.	427
172. An act to legalize certain proceedings of the water commissioners of the city of Hudson.	435
173. An act to determine the number of chosen freeholders, and providing for the election of a county collector, in the county of Camden.	437
174. An act supplemental to the act entitled "An act to incorporate the Weehawken Turnpike Company," passed second of March, eighteen hundred and thirty-seven.	439
175. An act to authorize the inhabitants of the township of Upper Penn's Neck, in the county of Salem, to vote by ballot at their town meetings.	440
176. An act to confirm acknowledgments and proofs of deeds, and other instruments, taken by Samuel Alpheus Smith.	441
177. An act for the better disciplining of the Newark Brigade.	442
178. An act to authorize the erection of a bridge over Pennshawkin creek.	443
179. An act to erect an election district in the township of Woodbridge, in the county of Middlesex.	444
180. An act to repeal part of a supplement to the act to "Establish Public Schools," approved February tenth, eighteen hundred and fifty-four.	446



# CONTENTS.

525

Chap.		Page
181.	An act to prevent swine from running at large in the village of Cookstown, in the county of Burlington.	446
182.	An act relative to the debts of the Lunatic Asylum.	448
183.	An act entitled an Act to authorize the sheriffs of the counties of Camden and Atlantic to sell the "Camden and Atlantic Railroad."	448
184.	An act to fund the floating debt of the county of Camden, and to provide for the payment of the same.	449
185.	An act to authorize Albert M. Zabriskie to build piers and wharfs in front of his land at Bergen Point, Hudson county.	451
186.	An act to authorize Holmes Conover, late sheriff of Monmouth county, to appoint an attorney to settle up the business of his office.	452
187.	An act making an appropriation to the state prison.	453
188.	An act to confirm acknowledgments and proofs of deeds and other instruments taken by George W. Williams.	454
189.	An act relative to the sale of Geological Reports.	455
190.	An act authorizing the clerk in chancery and state treasurer to make additions to their respective offices.	455
191.	An act to authorize the election of overseers of the highways by districts in the township of Chatham, in the county of Morris, and in the township of Hope, in the county of Warren.	456
192.	An act relative to the appropriation of moneys for common school education, being supplementary to the "Act to establish public schools."	458

Chap.	Page
193. An act relating to the proceeds of real estate sold or taken by law.	459
194. An act to repeal the charters of certain turnpike companies for non-user of their franchises.	460
195. An act relative to freight on railroads in this state.	461
196. An act appropriating one thousand dollars to the use of the State Agricultural Society of New Jersey.	462
197. A supplement to an act entitled "An act for the more easy foreclosure of mortgages in this state," approved March eighteenth, eighteen hundred and fifty-one.	463
198. A supplement to an act entitled "An act for the collection of demands against ships, steamboats, and other vessels," approved March twentieth, eighteen hundred and fifty-seven.	464
199. A supplement to the act entitled "A supplement to the act entitled 'An act relative to the court of pardons,'" approved 18th March, 1858.	465
200. A supplement to an act entitled "An act for suppressing of lotteries," approved April tenth, eighteen hundred and forty-six.	466
201. Supplement to an act entitled "An act relating to hawkers, peddlers and petty chapmen," approved April tenth, eighteen hundred and forty-six.	466
202. A supplement to an act entitled "An act for the maintenance of bastard children."	467
203. A supplement to the act entitled "An act to incorporate the Raritan and Delaware Bay Railroad Company," approved March 3d, 1854.	470
204. Supplement to "An act to incorporate the Ho-	

# CONTENTS.

527

Chap.		Page
	boken and Hudson River Turnpike Company," passed March twelve, eighteen hundred and fifty-seven.	471
205.	A supplement to an act entitled "An act to ex- tend the provisions of the act entitled 'An act to prevent horses, cattle, sheep, and swine, from running at large in the townships of Hacken- sack and Harrington, in the county of Bergen,' approved February twelfth, eighteen hundred and fifty-two, to certain specified townships and villages in this state."	472
206.	A supplement to an act entitled "An act renew- ing 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.	473
207.	Supplement to an act entitled "An act to estab- lish public schools."	473
208.	A further supplement to the act entitled "An act to authorize the business of banking," approved March fifth, eighteen hundred and fifty-two.	474
209.	A further supplement to the act entitled "An act against usury," approved April tenth, eighteen hundred and forty-six.	475
210.	A further supplement to the act entitled "An act for the preservation of sheep," approved April fourteenth, eighteen hundred and forty-six.	476
211.	A further supplement to an act entitled "An act for the relief of creditors against absconding and absent debtors."	477
212.	A further supplement to the act entitled "An act constituting courts for the trial of small causes."	477
213.	A further supplement to the act entitled "An act	

Chap.		Page
	for the more easy partition of lands held by coparceners, joint tenants, and tenants in common," approved April sixth, eighteen hundred and forty-six.	478
214.	A further supplement to the act entitled "An act to incorporate the Camden and Atlantic Railroad Company," approved March nineteenth, eighteen hundred and fifty-two.	480
215.	An act to defray incidental expenses.	481

## COMMONWEALTH OF PENNSYLVANIA.

An act relating to fisheries in the river Delaware.	
An act giving the assent of this commonwealth to the act of the legislature of New Jersey, entitled "A further supplement to the act entitled 'An act to regulate the fisheries in the river Delaware, and for other purposes,'" passed the twenty-sixth day of November, Anno Domini eighteen hundred and eight, approved February twenty-sixth, eighteen hundred and fifty-eight.	490

## STATE OF NEW JERSEY.

A further supplement to the act entitled "An act to regulate the fisheries in the river Delaware, and for other purposes," passed the twenty-sixth day of November, Anno Domini eighteen hundred and eight.	491
---	-----

## JOINT RESOLUTIONS.

No.	Page
1. Joint resolution allowing to the Trustees of the State Normal School the use of mathematical apparatus and minerals employed and collected in the geological survey.	495
2. Joint resolutions relative to the erection of public buildings in the City of Trenton by the general government.	496
3. Joint resolutions relative to establishing ports of entry in the state of New Jersey.	497
4. Joint resolutions relative to the New Jersey battalion of volunteers in the war with Mexico.	498
5. Joint resolutions relative to Lieutenant M. F. Maury, of the United States Navy.	499
6. Joint resolutions for the better preservation of life and property, and the more effective working of the government apparatus on the New Jersey coast.	500
7. Joint resolution to authorize the State Treasurer to transfer to the Camden and Amboy and Delaware and Raritan Canal Companies four hundred shares of stock, allotted to the state, a stockholder in said companies, as her share of an extra dividend of stock, made payable May twentieth, eighteen hundred and fifty-seven.	503
8. Joint resolutions relative to obtaining from the United States a donation of public lands for the founding and maintaining of an agricultural college in the state of New Jersey.	503



---

---

# INDEX.

---

---





# INDEX.

---

## A.

	Page
Agricultural Society—act to incorporate the Sussex county,	45
act to incorporate the Morris county,	275
act making an appropriation to State,	462
Allentown and Imlaystown Turnpike Company—act to incorporate the,	377
Appropriation for relief of Christopher Wilson,	318
for repairs to State Arsenal,	322
for Lunatic Asylum,	448
for State Prison,	453
for making additions to State House,	455
for Public Schools,	458
to State Agricultural Society,	462
Aquackanonk Township—act to prevent cattle from running at large in,	335
Assignments—supplement to act to secure to creditors a just division in cases of,	35
Atlantic City—supplement to act to incorporate,	267
Attachments—supplement to act for relief of creditors against absconding and absent debtors,	98
further supplement to act for relief of credi- tors against absconding and absent debt- ors,	476
Ayre, Betsey—authorized to make a will,	261

## B.

	Page
Bank—act to change location of Iron,	70
Banking—supplement to act to authorize business of,	474
Bastard Children—supplement to act for maintenance of,	467
Benevolent and Charitable Associations—supplement to act to incorporate,	263
Bergen County—act to allow seven per cent. interest in,	34
Town of—act to vest in School District No. I. land known as the Old Academy lot,	235
act to establish an Independent Battalion in county of,	269
Point and Staten Island Ferry Company—supplement to act to incorporate the,	310
Point—supplemental to charter of Dutch Church at,	336
Point—A. M. Zabriskie authorized to build wharves, &c., at,	451
Black, Daniel—act to confirm deeds for lands situate in Phillipsburgh, executed by,	401
Boarding House Company at Hainesport—act to incorporate the,	425
Bordentown—supplement to act to incorporate borough of,	2
act concerning firemen in borough of,	5
act to incorporate Machine Company at,	48
Boundary between Somerset and Middlesex—act respecting,	29
between Ewing and Lawrence—act relative to,	403
of City of Trenton—act to alter the,	44
Bound Brook and Perth Amboy Railroad Company—act to incorporate the,	278
Brevet rank of Major General in certain cases—Governor authorized to confer,	193

# INDEX.

535

	Page
Brevet rank to Officers of Jersey Battalion in the war with Mexico—joint resolution relative to,	498
Bridge over Matavan creek—act to authorize,	6
over Cheesequake creek—act to incorporate the South Amboy, &c.,	76
over Cooper's creek—supplement to act to authorize,	268
over Pennshawkin creek—act to authorize,	443
Bridgeton and Fairfield Turnpike Company—act to incorporate the,	223
act to provide for grading and lighting streets of town of,	258
Burlington—act to incorporate Young America Hook and Ladder Company in city of,	10
and Mount Holly Railroad Company—supplement to act to incorporate the,	91
and Beverly Turnpike Company—act to incorporate the,	367

## C.

Caldwell Township—act to restrain cattle from running at large in,	335
Camden—Board of Education authorized to build school house in North Ward of city of,	107
act to establish width of Market Street in city of,	404
act relative to public schools in Union township, county of,	411
act to incorporate the Native American Association of city of,	421
act to determine the number of chosen freeholders, and to provide for the election of a county collector, in county of,	437
County—moneys received for tavern licenses to be paid over to townships,	203

	Page
Camden County—act to fund floating debt of,	449
and Atlantic Railroad Company—supple- ment to charter of,	480
Cedar creek, Cumberland County—act to improve navigation of,	218
Cemetery Company—act to incorporate the River View,	142
act to incorporate the Colestown,	324
supplement to act to incorporate the Mercer County,	405
Chancery, Court of—supplement to act relating to partition of lands, where shares are limited over,	121
Chatham—act relative to election of overseers of the highways in township of,	456
Cheesequake creek—act to incorporate Company to build bridge over,	76
China Company—act to incorporate the Gloucester,	418
Civil Process—supplement to act for relief of persons imprisoned on,	103
Clayton Township—act to create,	26
supplement to act,	310
Clerks of Courts of Record—may administer oaths, &c.,	218
Clinton Township—cattle, &c., restrained from run- ning at large in,	193
Colestown Cemetery Company—act to incorporate the,	324
Commissioners of Deeds in other States—act authoriz- ing Governor to appoint,	264
acts of Alpheus Smith legalized,	441
acts of George W. Williams legalized,	454
Conveyance from J. C. Gill to S. H. Miller and others, confirmed,	12
act respecting proof of, heretofore made,	31
from Daniel Black confirmed,	401

# INDEX.

537

	Page
Constables Hook and New York Ferry Company— act to incorporate the,	145
Conover Holmes, late Sheriff, &c.—authorized to ap- point attorney,	452
Cooper, Joseph W.—authorized to build wharves in city of Camden,	30
Cooper's creek—supplement to act to authorize bridge over,	268
Cookstown, Burlington County—act to prevent swine from running at large in village of,	446
Courts for trial of Small Causes—supplement to act constituting,	33
supplement to act constituting,	49
supplement to act constituting,	357
supplement to act constituting,	447
of Law—supplement to Practice act,	106
Courts—act authorizing contract with United States for holding in State House,	217
Court of Pardons—supplement to act relative to the,	351
Creditors—supplement to act for relief of, against ab- sconding and absent debtors,	98

## D.

Delaware River—act to regulate fisheries in,	169
law of Pennsylvania agreeing to,	490
Democratic Association of City of Newark—act to in- corporate the,	86
Denn's Island Meadow Company—act for relief of,	92
act for relief of,	208
Deptford Township—act relative to Public Schools in,	473
Downs Township—act relative to cattle running at large in,	335
Drained—act authorizing certain flowed lands along the Passaic River to be,	301

	Page
Dundee Manufacturing Company—act to incorporate the,	53
Dutch Church at Bergen Point—supplement to charter of Reformed Protestant,	336

## E.

Egg Harbor City—act to incorporate,	385
Elections in Franklin Township, Warren County, to be by ballot,	197
in Woodbridge Township—act relative to,	444
Elizabeth Orphan Asylum—act to incorporate the,	41
supplement to act to incorporate city of,	339
Error—act respecting writs of	177
Essex County—act to change name of Independent Essex Brigade to Newark Brigade,	10
act to fund the floating debt of,	167
act relating to fees in work-house of, where persons are sent from other counties,	178
moneys received for tavern licenses to be paid over to township collectors,	203
act to change the numbers of certain assembly districts in,	266
Mutual Insurance Company—supplement to act to incorporate the,	338
and Middlesex Turnpike—act to authorize portion of, to be ceded to cities and townships,	400
Ewing Township—act relative to boundary of,	403
Executions—supplement to act relative to,	409

## F.

Fairfield Township—act to authorize improvement of navigation of Cedar Creek, by inhabitants of,	218
--	-----

# INDEX.

539

	Page
Fairfield Township—act to regulate election of overseers of the highways in,	272
Fees in courts for trial of small causes increased,	357
Fertilizing Company—act to incorporate the National,	354
Ferry Company—act to incorporate the Constables Hook and New York,	145
supplement to act to incorporate the Bergen Point and Staten Island,	310
Fire Department in Moorestown—act to incorporate the,	21
in Newark—act regulating the,	161
Firemen in Borough of Bordentown—act relative to,	5
in Jersey City,	17
Fisheries in Delaware River—act to regulate the,	169
law of Pennsylvania agreeing to,	490
Manesquan River—act to regulate the,	321
Florence and Jobstown Turnpike Company—act to incorporate,	357
Foreclosure of Mortgages—act relative to,	463
Franklin Township, Warren County—elections to be by ballot in,	197
Freeman, Edward B., created trustee under will of D. Tickenor, deceased,	13
Freehold and Smithville Turnpike Company—act to incorporate the,	147
Freights and Fares on Railroads—act relative to,	201
and Fares on Railroads—act relative to,	461

## G.

Geological Reports—act relative to sale of,	455
Gill, Joseph C.—conveyance to S. H. Miller and others confirmed,	12
Girard Hotel Company—act to incorporate the,	413
Gloucester China Company—act to incorporate the,	418

	Page
Governor authorized to appoint Commissioners of Deeds in other States,	264
Grain Huller Company—act to incorporate the United States,	250
Greenwich Township, Gloucester County—act to au- thorize School District No. 3 to raise money,	171

## H.

Hackensack and Hoboken Turnpike Company—au- thorized to lay rails on road,	213
and Harrington—to extend act to prevent cattle from running at large in,	160
and Harrington—to extend act to prevent cattle from running at large in,	335
and New York Railroad Company—supple- ment to act to incorporate the,	417
and Harrington—to extend act to prevent cattle from running at large in,	472
Hainesport Boarding House Company—act to incor- porate,	425
Hamilton Township—act to prevent cattle from run- ning at large in,	472
Hanover Township—act relative to election of over- seers of highway in,	4
Hightstown—act to incorporate Mercer Guards at,	143
act to authorize trustees of Methodist Epis- copal Church at, to sell land,	277
Hillsborough Insurance Company—supplement to act to incorporate,	50
Hoboken—act to authorize land owners in West Ho- boken school district to improve streets, &c.,	173
act to authorize names of certain streets to be changed in city of,	233



# INDEX.

541

	Page
Hoboken—act to legalize proceedings of Water Commissioners in city of,	435
and Hudson River Turnpike Company—supplement to act to incorporate,	471
Hohokus—act to restrain cattle from running at large in township of,	160
Holmdel—collector to have same authority as constable to collect taxes in township of,	274
Fire Insurance Company—act to incorporate the,	327
Hope—act relative to election of overseers of highways in township of,	456
Hotel Company—act to incorporate the Orange,	96
the Girard, at Atlantic City,	413
Howell Township—inhabitants of, authorized to sell certain church and lands,	105
Turnpike Company—act to incorporate the,	239
Hudson County Mutual Insurance Company—supplement to act to incorporate the,	205
and Bergen Plank Road Company—supplement to act to incorporate the,	407
Hunterdon—act extending certain provisions of act relative to the militia to the county of,	47

## I.

Imprisonment in civil process—supplement to act relative to,	103
Incidental expenses—act to defray,	481

### INCORPORATIONS.

Incorporating Borough of Bordentown—supplement to,	3
Company to build bridge over Matavan Creek	6
Young America Hook and Ladder Company in City of Burlington,	10
the Trenton Boat and Dock Company,	17

	Page
Incorporating the Moorestown Fire Department,	21
the Jersey City Locomotive Works,	39
the Elizabeth Orphan Asylum Association,	41
the Sussex County Agricultural Society,	45
the Bordentown Machine Company,	48
the Hillsborough Insurance Company—supplement to,	50
the Dundee Manufacturing Company,	53
Jersey City—supplement to act,	59
the Vincentown Fire Engine Company,	61
the Merchants' Insurance Company at Newark,	72
the South Amboy and Cheesequake Bridge Company,	76
the Monmouth Mutual Insurance Company,	80
the Democratic Association of the City of Newark,	86
the Orange Hotel Company,	96
the Union Manufacturing Company,	99
the City of Salem,	109
the City of Rahway,	123
the River View Cemetery Company,	142
the Mercer Guard,	143
the Constables Hook and New York Ferry Company,	145
the Freehold and Smithville Turnpike Company,	147
the Winslow Turnpike Company,	179
the Merchants' Insurance Company,	189
the Bridgeton and Fairfield Turnpike Company,	223
the Howell Turnpike Company,	239
the U. S. Patent Grain Huller Company,	250
the Morris County Agricultural Society,	275
the Perth Amboy and Boundbrook Railroad Company,	278
the Mechanics' Insurance Company,	289

# INDEX.

543

	Page
Incorporating the Upper Clonmel Meadow Company,	292
the Sussex Lime and Marble Company,	312
the Coléstown Cemetery Company,	324
the Holmdel Insurance Company,	327
the National Fertilizing Company,	354
the Florence and Jobstown Turnpike Com- pany,	357
the Burlington and Beverly Turnpike Com- pany,	367
the Allentown and Imlaystown Turnpike Company,	377
the City of Egg Harbor,	385
the Girard Hotel Company,	413
the Gloucester China Company,	418
the Native American Association of the City of Camden,	421
the Hainesport Boarding House Company,	425
the Lawrence Turnpike Company,	427
Independent Essex Brigade—name changed to New- ark Brigade,	10
supplement to act respecting,	206
Insurance Company—act to renew charter of Rahway Mutual,	36
supplement to act to incorporate Hillsbo- rough Mutual,	50
act to incorporate the Merchants' at Newark,	72
act to incorporate the Monmouth County,	80
act to incorporate the Merchants'	189
supplement to act to incorporate the Hudson County Mutual,	205
supplement to act to incorporate the Prince- ton Mutual,	256
supplement to act to incorporate the Mercer County Mutual,	405
supplement to act to incorporate the Me- chanics'	289
act to incorporate the Holmdel,	327

	Page
Insurance Company—supplement to act to incorporate The Essex County Mutual,	338
Iron Bank—act to change place of business to Morristown,	70

## J.

Jail of Essex County to be used by Union County, of Hudson and Essex Counties—act respecting fees when prisoners are brought from other counties,	308 178
Jersey Shore Improvement Company—supplement to act to incorporate the,	189
Jersey City—act relative to firemen in,	17
act to incorporate Locomotive Works of,	39
supplement to act to incorporate City of,	59
Joint Resolution allowing to State Normal School use of instruments, &c.,	495
relative to erection of public buildings in Trenton by General Government,	496
relative to Ports of Entry in this State,	497
relative to New Jersey Battalion of Volunteers in the war with Mexico,	498
relative to Lieut. M. F. Maury, U. S. Navy,	499
for better preservation of life and property on the New Jersey coast,	500
to authorize the Treasurer to transfer to Joint Companies four hundred shares of stock, &c.,	503
relative to obtaining from the United States a donation of public land,	503

## K.

Karr, Ann—act for relief of	319
-----------------------------	-----

L.

	Page
Lafayette Township—elections to be by ballot in,	256
Lambertville—supplement to act to incorporate town of,	408
Lawrence Township—act relative to boundaries of,	403
act to restrain cattle from running at large in,	335
Turnpike Company—act to incorporate the,	427
Livingston Township, Essex County—election of overseers of the road to be by districts in,	201
elections to be by ballot in,	222
act to restrain cattle from running at large in,	355
Locomotive Works—act to incorporate the Jersey City,	39
Long Dock Company—supplement to act incorporating the,	204
(extending time for establishing ferry and making tunnel a public highway.)	
supplement to act to incorporate the,	312
(regulating running of trains through tunnels.)	
Lotteries—supplement to act for suppression of,	466
Lower Penn's Neck Township—act relative to property of F. Miles, deceased, in,	14
Lunatic Asylum—act authorizing payment of interest on appropriation,	448

M.

Machine Company—act to incorporate the Borden town,	48
Mannington Township—elections to be by ballot in,	222
Manasquan river—act to regulate shad fisheries in the,	321

	Page
Manchester Township—act to restrain cattle from running at large in,	335
Manufacturing Company—act to incorporate the Dundee,	53
act to incorporate the Union,	99
Marsh or Meadow Lands—act to enable owners to make a common road to,	195
Matavan Township—collector to have same authority as constable for collection of taxes in,	274
or Middletown creek—to authorize bridge over,	6.
Maury, Lieut. M. F.—joint resolution relative to,	499
Meadow Company—act to incorporate the Upper Clonmel,	292
Mechanics' Insurance Company—act to incorporate the,	289
Merchants' Insurance Company at Newark—act to incorporate the,	72
Insurance Company—act to incorporate the,	189
Mercer Guard at Hightstown—act to incorporate the,	143
County Cemetery Company—supplement to act to incorporate the,	405
County Mutual Fire Insurance Company—supplement to act to incorporate,	405
County Manufacturing Company—act relative to,	412
Methodist Episcopal Church—act relative to Mount Pleasant,	102
act relative to Hightstown,	277
act relative to the Roseville,	314
Middlesex and Somerset Counties—boundary line between,	29
Miles, Francis—act relative to will of,	14
Millburn Township—act to restrain cattle from running at large in,	335
Military—act to create Orange Brigade,	187
act relative to Newark Brigade,	10

# INDEX.

547

	Page
Military—act extending provisions of certain law to Hunterdon county,	47
supplement to act to establish Independent Battalion in Newark,	62
supplement to act relative to Independent Essex Brigade,	206
act to establish Independent Battalion in Bergen,	269
act to better discipline the Newark Brigade,	442
act to authorize Governor to confer Brevet rank of Major General,	193
Miners', Manufacturers', and Farmers' Railroad—act to extend charter of,	473
Monmouth County Mutual Insurance Company—act to incorporate the,	80
Monroe Township—act relative to Public Schools in,	446
Moorestown Fire Department—act to incorporate the,	21
Morris County Agricultural Society—act to incorporate,	275
Mortgages—supplement to act to register,	90
act relative to foreclosure of	462
Mount Holly and Burlington Railroad Company—supplement to act to incorporate the,	91

## N.

Native American Association of the City of Camden—act to incorporate the,	421
National Fertilizing Company—act to incorporate,	354
Newark Brigade—act relative to,	10
Independent Battalion—supplement to act to create,	62
Orphan Asylum Association—supplement to act to incorporate,	70
Democratic Association—act to incorporate,	86
act relating to Fire Department of city of,	161

	Page
Newark Brigade—act changing numbers of certain election districts in city of,	266
act to authorize trustees to assess pews of First Presbyterian Church at,	334
Brigade—act for better discipline of,	442
Turnpike Company—act authorizing certain parts of road to be ceded to townships or cities,	400
New Jersey—act to improve the revenues of State of,	220
Battalion of Volunteers in the war with Mexico—joint resolution relative to,	498
Newton Township—Elections to be by ballot in,	256
act to authorize draining of certain lands in, overseers of roads to be elected by districts in,	351 201
Normal School—joint resolution to authorize loan of instruments, &c., to,	495
North Brunswick—overseers of roads to be elected by districts in,	201
Northern Railroad Company—supplement to act to incorporate the,	212

## O.

Ocean Township—act to restrain cattle from running at large in,	335
Old Causeway Meadow Company, Salem County—act for relief of,	208
Orange Hotel Company—act to incorporate,	96
Brigade of Militia—act to establish the,	187
act authorizing assessment of pews in Second Presbyterian Church at,	262
act to restrain cattle from running at large in township of,	335
Orphan Asylum—act to incorporate the Elizabeth,	41



# INDEX.

549

	Page
Orphan Asylum Association of Newark—supplement to act to incorporate the,	70

## P.

Pardons—supplement to act relative to court of,	351
supplement to act relative to court of,	465
Partition of Lands—supplement to act relative to,	104
(part of lands may be sold.)	
where Shares are limited over—supplement to act relative to,	121
held by Coparceners, Joint Tenants, &c.—supplement to act relative to,	478
Passaic County—act to reduce number of freeholders in,	120
River—flowed lands between Chatham and Deepavaal may be drained,	301
Paterson and Ramapo Railroad Company—act to authorize issue of new bonds by,	37
supplement to act to incorporate city of,	51
(authorized to issue bonds.)	
Patent Promoting Company of Trenton—act to change name of,	412
further supplement to act to incorporate,	418
Paulings Kill Creek—act authorizing owners of swamps, &c., lying on branches of, to drain the same,	352
Peddlers, Hawkers, &c.—supplement to act relative to,	466
Pennshawkin Creek—act to authorize building bridge over,	443
Pequannack Township—act relative to election of overseers of highways in,	4
collector to have same powers as constable to collect taxes in,	318
Perth Amboy and Boundbrook Railroad Company—act to incorporate the,	278

	Page
Plainfield—act to restrain cattle from running at large in town of,	160
Plank Road Company—supplement to act to incorpo- rate the Hudson and Bergen,	407
Ports of Entry in this State—joint resolution relative to,	497
Poor—supplement to act for the settlement and relief of,	121
Practice Act—supplement to the,	106
Presbyterian Church of Woodbridge—act to change name of Second,	169
at Orange—act to authorize assessment on pews in Second,	262
at Newark—act to authorize assessment on pews in First,	334
Price, Daniel released from trust under will of D. Tichenor,	13
Princeton—act to erect school district in town of,	163
Mutual Insurance Company—supplement to act to incorporate,	236
Township—act to restrain cattle from run- ning at large in,	335
Printing—act to regulate the public,	322
Private Laws—act to incorporate Young America Hook and Ladder Company, in Burling- ton,	10
act confirming conveyances made by J. C. Gill to S. H. Miller and others,	12
act appointing E. B. Freeman trustee in the stead of Daniel Price,	13
act to incorporate the Trenton Boat and Dock Company,	17
act to incorporate the Moorestown Fire De- partment,	21
act to authorize Joseph W. Cooper to build wharves in the city of Camden,	30

# INDEX.

551

	Page
Private Laws—act to renew charter of Rahway Mutual Insurance Company,	36
act to authorize Paterson and Ramapo Railroad Company to issue new bonds,	37
act to incorporate the Jersey City Locomotive Works,	39
act to incorporate the Elizabeth Orphan Asylum,	41
act to incorporate the Sussex County Agricultural Society,	45
act to incorporate the Bordentown Machine Company,	48
supplement to act to incorporate the Hillsborough Insurance Company,	50
supplement to charter of Dundee Manufacturing Company,	53
act to incorporate the Vincentown Fire Engine Company,	61
supplement to act to incorporate the Newark Orphan Asylum,	70
act to change place of business of Iron Bank,	70
act to incorporate the Merchants' Insurance Company, at Newark,	72
act to incorporate the South Amboy and Cheesequake Bridge Company,	76
act to incorporate the Monmouth Mutual Insurance Company,	80
act to incorporate the Democratic Association, at Newark,	86
supplement to charter of Burlington and Mount Holly Railroad Company,	90
act for relief of the Puddle Dock and Wyatt Meadow Company, and the Denn's Island Meadow Company,	92
act to incorporate the Orange Hotel Company,	96

	Page
Private Laws—act to incorporate the Union Manufac- turing Company,	99
act to confirm sale of the Mount Pleasant Methodist Episcopal Church,	102
act to incorporate the River View Cemetery Company,	142
act to incorporate the Constables Hook and New York Ferry Company,	145
act to incorporate the Freehold and Smith- ville Turnpike Company,	147
act confirming deed from S. R. Wetherell to Wm. Wright,	158
act to change name of Second Presbyterian Church, at Woodbridge,	169
supplement to act to incorporate the Jersey Shore Improvement Company,	189
act to incorporate the Merchants' Insurance Company,	189
supplement to act to incorporate the Hudson County Mutual Insurance Company,	205
act for relief of the Old Causeway Meadow Company, and the Denn's Island Meadow Company,	208
supplement to charter of Northern Railroad Company,	212
supplement to charter of Hackensack and Hoboken Turnpike Company,	213
act to incorporate the Bridgeton and Fairfield Turnpike Company,	223
supplement to Princeton Mutual Insurance Company,	236
act to incorporate the Howell Turnpike Com- pany,	239
act to incorporate the United States Patent Grain Huller Company,	250
act to authorize Betsey Ayre to make a will,	261

	Page
Private Laws—act to authorize assessment of pews in	
Second Presbyterian Church, at Orange,	262
act to incorporate the Morris County Agri-	
cultural Society,	275
act to authorize trustees of Methodist Epis-	
copal church at Hightstown, to sell land,	277
act to incorporate the Perth Amboy and	
Boundbrook Railroad Company,	278
act to incorporate the Mechanics' Insurance	
Company,	289
act to incorporate the Upper Clonmel Mea-	
dow Company,	292
supplement to act to incorporate the Bergen	
Point and Staten Island Ferry Company,	310
further supplement to charter of Long Dock	
Company,	311
act authorizing trustees of Methodist Epis-	
copal church at Roseville, to sell lands,	314
act to incorporate the Sussex Lime and Mar-	
ble Company,	312
act for the relief of Ann Karr,	319
act to incorporate the Colestown Cemetery	
Company,	324
act to incorporate the Holmdel Insurance	
Company,	327
act to authorize trustees of First Presbyte-	
rian church at Newark, to assess pews,	334
supplement to charter of Reformed Protest-	
ant Dutch church, at Bergen Point,	336
supplement to act to incorporate the Essex	
County Mutual Insurance Company,	338
act to incorporate the National Fertilizing	
Company,	354
act to incorporate the Florence and Jobstown	
Turnpike Company,	357
act to incorporate the Burlington and Be-	
verly Turnpike Company,	367

	Page
Private Laws—act to incorporate the Allentown and Imlaystown Turnpike Company,	377
act to confirm deed by Daniel Black for land, situate in Phillipsburgh,	401
supplement to charter of the Mercer County Cemetery Company at Trenton,	405
supplement to charter of the Mercer County Mutual Fire Insurance Company,	405
supplement to charter of the Hudson and Bergen Plank Road Company,	407
act to change the name of the Trenton Patent Promoting Company,	412
act to incorporate the Girard Hotel Company at Atlantic,	413
supplement to charter of the Hackensack and New York Railroad Company,	417
supplement to act to incorporate the Trenton Patent Promoting Company,	418
act to incorporate the Gloucester China Com- pany,	418
act to incorporate the Native American As- sociation of the city of Camden,	421
act to incorporate the Hainesport Boarding House Company,	425
act to incorporate the Lawrence Turnpike Company,	427
supplement to act to incorporate the Wee- hawken Turnpike Company,	439
act to authorize Albert M. Zabriskie to build wharves, &c., at Bergen Point,	451
supplement to charter of Raritan and Dela- ware Bay Railroad Company,	470
supplement to charter of Hoboken and Hud- son river Turnpike Company,	471
supplement to charter of the Miners', Manu- facturers', and Farmers' Railroad Com- pany,	473

# INDEX.

555

	Page
Private Laws—supplement to charter of the Camden and Atlantic Railroad Company,	480
Public Buildings in Trenton—joint resolution relative to erection of, by general government,	496
Lands—joint resolution relative to,	503
Public Laws—supplement to charter of borough of Bordentown,	3
act relative to election of overseers of highways in townships of Hanover and Pequannack,	4
act concerning firemen in borough of Bordentown,	5
act to authorize construction of bridge over Matavan creek,	6
act to change name of Independent Essex Brigade to Newark Brigade,	10
act relative to will of Francis Miles, deceased,	14
act relative to firemen in Jersey city,	17
act to create township of Clayton,	26
act to alter boundary line between Somerset and Middlesex counties,	29
act respecting proof of deeds, &c. &c., heretofore made,	31
act relating to courts for the trial of small causes,	33
act relating to courts for the trial of small causes,	49
act relating to rate of interest in Bergen county,	34
act relating to rate of interest in Union county,	89
act relating to assignments by debtors—what amount of property to be reserved,	35
act to alter boundary of city of Trenton,	44
act extending provisions of a certain militia law to Hunterdon county,	47
supplement to charter of Jersey city,	59

	Page
Public Laws—supplement to act to establish inde-	
pendent Newark battalion,	62
supplement to act to register mortgages,	90
supplement to act for relief of creditors	
against absconding or absent debtors,	98
supplement to act for relief of persons im-	
prisoned on civil process,	103
supplement to act relating to partition of	
lands,	104
inhabitants of Howell township authorized	
to sell a certain church and lands,	105
supplement to the practice act,	106
act to authorize erection of a school house	
in the city of Camden,	107
act to incorporate the city of Salem,	109
act to reduce number of freeholders in Passaic	
county,	120
act relative to partition of lands where shares	
are limited over,	121
act relative to settlement and relief of the	
poor,	121
act to incorporate the city of Rahway,	123
act to incorporate the Mercer Guard,	143
act to restrain cattle, &c., from running at	
large in Hohokus and Plainfield,	160
act relating to fire department of Newark,	161
act for erecting a school district in township	
of Princeton,	162
act to fund certain debt of county of Essex,	167
act to regulate fisheries in river Delaware,	169
law of Pennsylvania, agreeing to foregoing	
act,	490
act authorizing school district number three,	
in Greenwich township, Gloucester county,	
to raise money,	171
act to authorize land owners in West Hobo-	
ken to improve streets, &c.,	173



	Page
Public Laws—act respecting writs of error in criminal cases,	177
act relating to fees, &c., where persons are sent from other counties to the jails in Hudson or Essex counties,	178
act to create the Orange Brigade of Militia,	187
act authorizing the Governor to confer the brevet rank of Major General in certain cases,	193
act to prevent cattle, &c., from running at large in townships of Clinton and Rahway,	193
act to enable two-thirds of the owners of meadow lands to make common road to, &c.,	195
township elections in Franklin township, Warren county, to be by ballot,	197
act relative to freights and fares on railroads,	201
election of overseers of roads in North Brunswick, Newton, Stillwater and Livingston townships, to be by districts,	201
moneys received for tavern licenses, in Essex and Camden counties, to be paid over to townships,	203
act making tunnel through Weehawken Hill a public highway,	204
supplement to act respecting Independent Essex Brigade,	206
act relative to the sale of railroads, turn-pikes, canals and plank roads,	215
act authorizing contract with United States for holding courts in State House,	217
act authorizing clerks of courts to administer oaths,	218
act authorizing the improvement of the navigation of Cedar creek,	218
act to increase the revenues of the State of New Jersey,	220

	Page
Public Laws—Mannington and Livingston Townships	
—elections to be by ballot,	222
act authorizing the names of certain streets in city of Hoboken, to be changed,	233
act vesting title of Old Academy lot, in town of Bergen, in the trustees of School Dis- trict No. I.,	235
supplement to act authorizing the city of Trenton to purchase Water stock,	237
act relative to election of overseers of roads in township of Rockaway,	254
act authorizing town elections, in Newton, Stillwater and Lafayette, to be by ballot,	256
act to provide for paving, grading, &c., the streets in town of Bridgeton,	258
supplement to general act to incorporate benevolent and charitable associations,	263
act authorizing the Governor to appoint com- missioners of deeds, in other States, at his discretion,	264
act to change the numbers of certain assem- bly districts, in the city of Newark,	266
supplement to act to incorporate Atlantic City,	267
supplement to act to authorize building a bridge over Cooper's creek,	268
act to establish an independent battalion in the county of Bergen,	269
act relative to the election of overseers of roads, in Fairfield township,	272
collectors to have same authority as consta- bles, in collecting taxes, in townships of Raritan, Holmdel, and Matavan,	274
act authorizing the drainage of flowed lands along the Passaic River, between Chatham and Deepavaal Brook,	301

	Page
Public Laws—act relative to boundary between Roxbury and Washington Townships, Morris county,	307
supplement to act to create the county of Union,	308
supplement to act to create the township of Clayton,	310
collectors to have same powers as constables in collecting taxes in Pequannock and Tewkesbury Townships,	318
act for relief of Christopher Wilson,	318
act to regulate the shad fisheries in Manasquan River,	321
act to pay for repairs to the State Arsenal	322
act to regulate the public printing,	322
act to extend provisions of acts restraining cattle, &c., from running at large to the townships of Downs, Shrewsbury, Ocean, Aquackanonk, Manchester, Princeton, Lawrence, West Windsor, Orange, Caldwell, Livingston, and Millburn,	335
supplement to act to incorporate the city of Rahway,	337
supplement to act to incorporate the city of Elizabeth,	339
supplement to act relative to the court of pardons,	351
supplement to act relative to draining lands along Paulings Kill Creek,	352
supplement to act relative to the courts for the trial of small causes,	357
act to incorporate Egg Harbor City,	385
act authorizing parts of Essex and Middlesex, and the Newark turnpikes, to be ceded to cities and townships in which they lie,	400
act to alter the boundary line between Ewing and Lawrence Townships,	403

	Page
Public Laws—acts to establish width of Market Street in the city of Camden,	404
supplement to charter of the town of Lam- bertville,	408
supplement to act respecting executions and regulating the sale of personal estate,	409
act relative to public schools in Union Town- ship, Camden County,	411
act to define the rights of parties whose pro- perty is damaged, &c., in cases where grades of streets, &c., are altered,	415
act to legalize certain proceedings of the Water Commissioners of Hoboken,	435
act to determine the number of chosen free- holders, and to provide for the election of County Collector in Camden County,	437
act authorizing elections in Upper Penn's- neck Township, to be by ballot,	440
act legalizing acknowledgments of deeds taken by S. Alpheus Smith of New York,	441
act for the better discipline of the Newark Brigade,	442
act to authorize a bridge over Pennshawkin Creek,	443
act to establish a second election district in Woodbridge township,	444
act repealing part of former law, relative to public schools, in townships of South Brunswick and Monroe,	446
act to prevent swine from running at large in village of Cookstown,	446
act to authorize interest upon appropriation unpaid to lunatic asylum,	448
act to authorize the sheriffs of the counties of Camden and Atlantic, to sell the Cam- den and Atlantic railroad,	448

# INDEX.

561

	Page
Public Laws—act to provide for funding the floating debt of Camden County,	449
act to authorize Holmes Conover, late sheriff of Monmouth County, to appoint an attorney,	452
act to make an appropriation to the state prison,	453
act to confirm acknowledgments of deeds, &c., by George W. Williams,	454
act relative to sale of geological reports,	455
act to authorize building addition to the state house,	455
act to authorize election of overseer of roads, by districts, in the townships of Chatham and Hope,	456
act relative to the appropriation of money for the support of common schools, from the school fund, &c.,	458
act relative to the proceeds of real estate sold by law,	459
act to repeal the charters of turnpikes for non-user, in certain cases,	460
act relative to freights on railroads,	461
act making an appropriation to the State Agricultural Society,	462
supplement to act for the more easy foreclosure of mortgages,	463
supplement to act relating to the collection of debts, &c., against ships, boats, &c.,	464
supplement to act relative to the Court of Pardons,	465
supplement to act for the suppression of lotteries,	466
supplement to act relating to hawkers, peddlers, &c.,	466
supplement to act relating to the support of bastard children,	467

	Page
Public Laws—act extending provisions of law against cattle, &c., from running at large, to the township of Hamilton,	472
act relating to tax for school purposes in Deptford township,	473
further supplement to act relative to the business of banking,	474
further supplement to act against usury,	475
supplement to act for the preservation of sheep,	476
supplement to attachment law,	477
supplement to act constituting courts for the trial of small causes,	477
supplement to act for the more easy partition of lands, &c.,	478
joint resolution, allowing to State Normal School the use of instruments, &c., belonging to state,	495
joint resolution relative to erection of public building in Trenton by general government,	496
joint resolution relative to ports of entry in this state,	497
joint resolution relative to New Jersey battalion of volunteers in the war with Mexico,	498
joint resolution relative to Lieut. M. F. Maury, U. S. Navy,	499
joint resolution for better preservation of life and property, &c., on the New Jersey coast,	500
joint resolution to authorize treasurer to transfer to joint companies four hundred shares of stock, &c.,	503
joint resolution relative to obtaining from the United States a donation of public lands,	503

# INDEX.

563

	Page
Puddle Dock and Wyatt Meadow Company—act for relief of,	92

## R.

Rahway Mutual Insurance Company—act to renew charter of,	36
act to incorporate the city of,	123
supplement to act to incorporate city of,	337
act to restrain cattle from running at large in township of,	193
act to authorize seven per cent. interest in city of,	475
Railroad Company—act to authorize Paterson and Ramapo to issue new bonds,	37
supplement to act to incorporate Burlington and Mount Holly,	91
supplement to act to incorporate the Northern	212
act to incorporate the Perth Amboy and Bound Brook,	278
supplement to act to incorporate the Hackensack and New York,	417
supplement to act to incorporate the Raritan and Delaware Bay,	470
supplement to act to incorporate Miners', Manufacturers' and Farmers',	473
supplement to act to incorporate the Camden and Atlantic,	480
Railroads—act relative to freights and fares on,	201
act relative to freight on,	461
Canals, Turnpikes and Plank Roads—act relative to sale of,	215
Raritan Township—collector to have same authority as constable in collecting taxes in,	274
and Delaware Bay Railroad—supplement to act to incorporate the,	470

	Page
Religious Societies—act to confirm sale of Mount Pleasant Church to Methodist Episcopal Society,	102
sale of church, &c., in Howell township, Monmouth county, authorized,	105
act to change the name of Presbyterian Church, at Woodbridge,	109
act to authorize assessment of pews in Second Presbyterian Church of Orange,	262
act to authorize trustees of Methodist Episcopal Church at Hightstown to sell land,	277
act to authorize trustees of Methodist Episcopal Church at Roseville to sell land,	314
act to authorize assessment of pews in First Presbyterian Church, Newark,	334
supplement to act to incorporate Reformed Protestant Dutch Church, at Bergen Point,	336
River View Cemetery Company—act to incorporate the,	142
Roads, streets, &c., where grades are altered—act relative to,	415
Rockaway Township—mode of electing overseers of roads in,	254
Roxbury Township—act relative to boundary line between Washington and,	307

## S.

Sale of Real Estate—supplement to act relative to,	458
Salem—act to incorporate city of,	109
Salt Marsh, &c.—act to enable owners to make road to,	195
School District—erected in town of Princeton,	162
No. 3, of Greenwich township, Gloucester county, authorized to raise money,	171
Schools in Union Township, Camden County—act relative to,	411



# INDEX.

565

	Page
Schools in Townships of South Brunswick and Mon-	
roe, Middlesex—act relative to,	446
in Township of Deptford—act relative to,	473
act relative to appropriation from State and	
school fund for,	458
Shad Fisheries in Manasquan River—act to regulate,	321
Sheep—supplement to act for preservation of,	476
Sheriffs of Camden and Atlantic Counties authorized	
to sell Camden and Atlantic Railroad,	448
Ships, Steamboats, &c.—supplement to act for collec-	
tion of demands against,	464
Shrewsbury Township—act to restrain cattle from	
running at large in,	335
Smith, Alpheus S.—acts as commissioner of deeds in	
New York legalized,	441
Somerset and Middlesex Counties—boundary between,	29
South Brunswick Township—act relative to schools in,	446
State Prison—act making appropriation for the,	453
State House—appropriation for additions to the,	455
State Arsenal—appropriation to pay for repairs to,	322
Stillwater Township, Sussex County—act regulating	
elections of overseers of the roads in,	201
elections to be by ballot in,	256
Streets, roads, &c., where grades are altered, damages	
to be paid,	415
Supplement to charter of borough of Bordentown,	3
to act authorizing elections of town officers	
in Hanover and Pequannack,	4
to act concerning firemen in Jersey City,	17
to act relating to Courts for the trial of small	
causes,	33
to act relating to Courts for the trial of small	
causes,	49
to act against usury—relating to Bergen	
County,	34
to act against usury—relating to Union	
County,	89

	Page
Supplement to act concerning assignments by debtors,	35
to militia law—extended to Hunterdon County,	47
to charter of Hillsborough Insurance Com- pany,	50
to charter of City of Paterson,	51
to charter of Dundee Manufacturing Com- pany,	53
to charter of the city of Jersey City,	59
to act to establish independent Newark battalion,	62
to charter of Newark Orphan Asylum As- sociation,	70
to act to register mortgages,	90
to charter of Burlington and Mount Holly Railroad Company,	91
to attachment law,	98
to act for relief of persons imprisoned on civil process,	103
to act relating to partition of lands,	104
to act regulating practice in courts of law,	106
to act relating to partition of lands, where shares are limited over,	121
to act for settlement and relief of the poor,	121
to act respecting writs of error,	177
to act respecting the Jails of Essex and Hudson Counties—regulating fees, &c., in cases where persons are sent from other counties,	178
to the act creating a militia system,	187
to the act to incorporate the Jersey Shore Improvement Company,	189
to law enabling two-thirds of owners of salt marsh or meadow grounds to make road to,	195
to act respecting inns and taverns,	203

# INDEX.

567

	Page
Supplement to act to incorporate the Long Dock Com- pany,	204
to act to incorporate the Hudson County Mutual Insurance Company,	205
to act respecting the Independent Essex Brigade,	206
to charter of Northern Railroad Company,	212
to charter of Hackensack and Hoboken Turnpike Company,	213
to act authorizing U. S. Courts to be held in the State House,	217
to act authorizing clerks of courts to admin- ister oaths, &c.,	218
to charter of Princeton Mutual Insurance Company,	236
to act authorizing the city of Trenton to purchase water works,	237
to act authorizing inhabitants of Bedminster, &c., to vote by ballot,	254
to general act to incorporate benevolent and charitable associations,	263
to act authorizing Governor to appoint Com- missioners of Deeds in other States,	264
to the act creating single assembly districts,	266
to act to incorporate Atlantic City,	267
to act authorizing a bridge over Cooper's Creek,	268
to act to create the county of Union,	308
to act to create the township of Clayton,	310
to act to incorporate the Bergen Point and Staten Island Ferry Company,	310
to charter of Long Dock Company,	311
to charter of the city of Rahway,	337
to charter of the Essex County Mutual In- surance Company,	338
to charter of the city of Elizabeth,	339
to act relative to the court of pardons,	351

	Page
Supplement to act authorizing lands along Paulings Kill Creek to be drained,	352
to act relative to courts for the trial of small causes,	357
to charter of the Mercer County Cemetery Company, at Trenton,	405
to charter of the Mercer County Mutual Fire Insurance Company,	405
to charter of Hudson and Bergen Plank Road Company,	407
to act to incorporate the town of Lambert- ville,	408
to act respecting executions, and regulating the sale of personal estate,	409
to the Trenton Patent Promoting Company —name changed,	412
to the charter of the Hackensack and New York Railroad Company,	417
to the charter of the Trenton Patent Pro- moting Company,	418
to the act to incorporate the Weehawken Turnpike Company,	439
to act relating to the foreclosure of mort- gages,	463
to act relating to the collection of demands against ships, boats, &c.	464
to act relative to the Court of Pardons,	465
to act for the suppression of lotteries,	466
to act relating to hawkers, peddlers, &c.,	466
to act relating to the support, &c., of bastard children,	467
to charter of Raritan and Delaware Bay Railroad Company,	470
to charter of Hoboken and Hudson River Turnpike Company,	471
to charter of Miners', Manufacturers', and Farmers' Railroad Company,	473

# INDEX.

569

	Page
Supplement to act to establish public schools, so far as relates to township of Deptford, Gloucester County,	473
to act to authorize the business of banking,	474
to act against usury—relating to city of Rahway,	475
to act for preservation of sheep,	476
to act for relief of creditors against absconding debtors, &c.	477
to act constituting courts for the trial of small causes,	477
to act for the more easy partition of lands, &c.	478
to charter of the Camden and Atlantic Railroad Company,	480
Sussex County Agricultural Society—act to incorporate the,	45
Lime and Marble Company—act to incorporate the,	312

## T.

Tavern Licenses—Moneys received for, in Essex and Camden Counties, to be paid over to township,	203
Tewkesbury Township—collector to have same power as constable to collect taxes in,	318
Townships of Pequannack and Hanover—act relative to elections of overseers of highways in,	4
of Clayton—act to establish,	26
of Clayton—supplement to act to establish,	310
of Howell—inhabitants authorized to sell church and lands,	105
of Hohokus and Plainfield—act to restrain cattle from running at large in,	160
of Clinton and Rahway—act to restrain cattle from running at large in,	193

	Page
Township of Franklin, Warren County—elections to be by ballot in,	197
of North Brunswick, Newton, Stillwater, and Livingston—act to regulate election of overseers of roads in,	201
of Mannington and Livingston—elections to be by ballot in,	222
of Rockaway—act to regulate election of overseers of roads in,	254
of Newton, Stillwater, and Lafayette—elections to be by ballot in,	256
of Fairfield—act to regulate election of overseers of roads in,	272
of Raritan, Holmdel, and Matavan—collectors to have same authority as constables in collection of taxes in,	274
of Roxbury and Washington, Morris County—act relative to boundary line between,	307
of Pequannock and Tewkesbury—collectors to have same authority as constables in collection of taxes in,	318
of Deptford—act relative to public schools in,	473
of Downs, Shrewsbury, Ocean, Aquackanonk, Manchester, Princeton, Lawrence, West Windsor, Orange, Caldwell, Livingston, and Millburn—act to restrain cattle from running at large in,	335
of Upper Penn's Neck—act relative to town elections in,	440
of Chatham and Hope—act regulating elections of overseers of the highways in,	456
of Hamilton—act to restrain cattle from running at large in,	472
Trenton Boat and Dock Company—act to incorporate the,	17
act to alter northeast boundary of city of,	41

# INDEX.

571

	Page
Trenton—act relative to increase of loan of water stock of city of,	237
Patent Promoting Company—supplement to act to incorporate the,	412
further supplement to act to incorporate the,	418
Turnpike Company—act to incorporate the Freehold and Smithville,	147
act to incorporate the Winslow,	179
supplement to act to incorporate the Hackensack and Hoboken,	213
act to incorporate the Bridgeton and Fairfield,	223
act to incorporate the Howell,	239
act to incorporate the Florence and Jobstown,	257
act to incorporate the Burlington and Beverly,	367
act to incorporate the Allentown and Imlays-town,	377
act to incorporate the Lawrence,	427
supplement to act to incorporate the Weehawken,	440
supplement to act to incorporate the Hoboken and Hudson River,	471
act authorizing certain portions of road belonging to Essex and Middlesex and the Newark Turnpikes to be ceded to cities and townships in which they lie,	400
Turnpike Companies—act relative to sale of for non-user,	460

## U.

Union County—supplement to act to establish,	308
Township, Camden County—act relative to public schools in,	411
Manufacturing Company—act to incorporate the,	99

	Page
United States Patent Grain Huller Company—act to incorporate the,	250
Upper Penn's Neck Township—supplement to act relative to town elections in,	440
Clonmel Meadow Company—act to incorporate the,	292
Usury—act allowing seven per cent. interest in Bergen County,	34
act extending provisions of former act to Union County,	89
act extending provisions of former act to City of Rahway,	475

## V.

Vincentown Fire Engine Company—act to incorporate the,	61
--	----

## W.

Washington and Roxbury Townships—act relative to boundary between,	307
Weehawken Turnpike Company—supplement to act to incorporate the,	439
West Hoboken—land owners authorized to improve streets in,	173
West Windsor Township—act to restrain cattle from running at large in,	335
Wilson, Christopher—act for relief of,	318
Will—Betsey Ayres authorized to make a,	261
Winslow Turnpike Company—act to incorporate the,	179
Woodbridge—act to change the name of Second Presbyterian Church at,	169
Township—act to establish election district in,	444



# INDEX.

573

	Page
Workhouse in Newark—act respecting fees, &c., where persons are sent from other counties,	178
Wright, William—deed by Wetherell to, for land in Burlington, confirmed,	158
Writs of Error—act respecting,	177

## Z.

Zabriskie, Albert M.—authorized to build wharves, &c., at Bergen Point,	451
--	-----

