

ACTS

33028

OF THE

LEGISLATURE

CAPITAL BUILDING

Ninety-Sixth Legislature

OF THE

STATE OF NEW JERSEY,

AND

TWENTY-EIGHTH UNDER THE NEW CONSTITUTION.



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HENRY C. KELSEY,
Secretary of State.

GENERAL PUBLIC LAWS.

GENERAL PUBLIC ACTS

PASSED BY THE

NINETY-SIXTH LEGISLATURE.

CHAPTER I.

A Further Supplement to an act entitled "An Act to provide for the support of the government of this State and to fix the salaries of public officers," approved April fourth, eighteen hundred and forty-five.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Salary.} *the State of New Jersey*, That the governor of this state shall be entitled to receive an annual salary of five thousand dollars.

2. *And be it enacted*, That this act shall take effect January 16, 1872.

EDWARD BETTLE,
President of the Senate.

NATHANIEL NILES,
Speaker of the House of Assembly.

Approved January 10, 1872.

THEODORE F. RANDOLPH,
Governor.

CHAPTER VII.

An Act to amend the act entitled "An Act giving the consent of the State of New Jersey to the erection of defenses at Finn's Point, New Jersey."

Consent of
state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act giving the consent of the state of New Jersey to the erection of defenses at Finn's Point, New Jersey," approved April sixth, 1871, shall be so construed as to give the consent of the state to the purchase by the United States of the land on Finn's Point, for the erection of fortifications thereon.

EDWARD BETTLE,
President of the Senate.

NATHANIEL NILES,
Speaker of the House of Assembly.

Approved February 1, 1872.

JOEL PARKER,
Governor.

CHAPTER X.

Supplement to An Act to regulate the business of fire, life, accident, marine and live stock insurance by companies or associations not incorporated by this State, approved April ninth, one thousand eight hundred and sixty-seven.

Secretary of
state to com-
pute value of
policies and
bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of every life insurance company incorporated by the laws of this state, to make return in January of each year to the secre-

tary of this state, showing all its policies and annuity bonds in force on the first day of said month, with such particulars of the same as are necessary for the valuation thereof as hereinafter directed; the secretary of state shall thereupon compute or cause to be computed the value of such policies and bonds, or what is known as the reinsurance fund therefor, according to the American experience table of mortality, and interest at the rate of four and a half per centum per annum; upon such valuation being made, and a certificate thereof furnished by the secretary, each company shall pay to said officer to defray the expense thereof, the sum of one cent for every thousand dollars of the whole amount insured by its policies so valued.

2. *And be it enacted*, That when by the laws of any other state or nation any taxes, fines, penalties, licenses, fees, deposits of money or of securities, or other obligations or prohibitions are imposed on life insurance companies of this state doing business in such other state or nation, or upon their agents therein, so long as such laws continue in force the same taxes, fines, penalties, licenses, fees, deposits, obligations and prohibitions, and no other of whatever kind shall be imposed upon all such insurance companies of such other state or nation doing business within this state and upon their agents here; *provided*, that nothing herein shall be held to repeal the license fee of fifty dollars required of life insurance companies of other states doing business in this state, or the further payment of twenty dollars for each and every agent appointed by and acting for them.

Licenses and
taxes.

Proviso.

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

Repealer.

Approved February 6, 1872.

CHAPTER XIII.

A Further Supplement to an act entitled "An Act relative to the compensation and duties of the Law and Chancery Reporters of the State."

Treasurer to
cause copies
to be bound

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the treasurer to cause the copies of reports which are required by law to be delivered to him, to be bound at the expense of the state, in good and substantial law binding, in the manner provided by law, and to make distribution of the same pursuant to the statute.

Extension of
act.

2. *And be it enacted*, That the second section of the act to which this is a supplement, be and the same is hereby continued in force for five years, unless sooner altered or repealed.

Repealer.

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

4. *And be it enacted*, That this act shall take effect from the fourth day of April next.

Approved February 6, 1872.

 CHAPTER LXXVIII.

A Further Supplement to an act entitled "An Act to regulate fisheries in the river Delaware, and for other purposes," passed November twenty-sixth, one thousand eight hundred and eight.

Preamble.

WHEREAS, by the sixth section of a supplement to an act entitled "An Act to regulate fisheries in the river Delaware, and for other purposes," passed March fifteen, one

thousand eight hundred and seventy-one, it was enacted that said act should not go into operation until the legislature of Pennsylvania should approve of the same by the enactment of a similar act, in whole or in part; and whereas, the said legislature of the state of Pennsylvania has failed to approve said act, or concur in the law so passed as aforesaid; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Repealer} *the State of New Jersey*, That the sixth section of said supplement, approved March fifteenth, eighteen hundred and seventy-one, be and the same is hereby repealed.

2. *And be it enacted*, That the said supplement of March ^{When supplement shall have effect.} fifteenth, one thousand eight hundred and seventy-one, shall go into immediate operation; *provided*, that so much of the ^{Proviso.} second section of said supplement as requires concurrent legislation in the state of Pennsylvania to make it operative, shall not go into effect until such concurrent legislation is had; *and provided further*, that the fourth section of said ^{Proviso.} supplement be amended by inserting the word "such" between the words "all" and "weirs" where the same occurs in said section, and adding to said section the following ^{Proviso.} proviso; "*provided*, that the said fish wardens shall first give notice in two newspapers of their respective counties, that said contrivances are known to exist and are declared common nuisances, ordering them to be dismantled by their owners or managers, so as to render them no longer capable of taking or injuring the fishes of the streams, of whatever kind; and if, at the expiration of ten days from the date of said notice the dismantling shall not have taken place, then the said fish wardens or others shall proceed to remove or destroy or dismantle the said obstructions as hereinbefore directed."

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

Approved February 28, 1872.

CHAPTER LXXX.

A Supplement to an act entitled "An Act to provide additional accommodations for the insane of this State," approved March thirty-first, one thousand eight hundred and seventy-one.

Commissioners to have control and management of lands, buildings, &c

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the "commissioners to select a site and to build an asylum for the insane of this state," appointed by virtue of the act to which this is a supplement, shall be vested with full control, management, and care of the lands, premises, buildings, built or to be built, and appurtenances, heretofore purchased and hereafter to be purchased by them for the purposes of the proposed asylum, with authority to grade, plant, fence, and improve the said lands.

Purchases of land confirmed.

2. *And be it enacted*, That whereas said commissioners, in order to complete the site, to secure a full supply of pure and wholesome water and valuable quarry of stone, and make the necessary changes in the public roads required for the same, were obliged to purchase more land than was authorized by the act to which this is a supplement, the purchases of land heretofore made by them as described in their report to the governor and legislature, dated December fifteenth, one thousand eight hundred and seventy-one, are hereby ratified and confirmed, and the commissioners are also authorized and empowered to purchase such other tracts or parcels of land, as may be necessary for the completion of the site, and the changes required in the public roads, conveyances for the same to be made to the state of New Jersey.

Authorized to sell land.

3. *And be it enacted*, That the said commissioners are authorized in their discretion when deemed best for the interest of the state, to sell such part or parts of the lands purchased for the said asylum as may be necessary for the purposes of the same, and the governor is authorized and directed to make title to the purchasers of said lands by good and sufficient deed, signed by him under the great seal of the state and countersigned by the secretary of state, when

required so to do by the said commissioners, if approved by him, and the monies arising from said sales shall be appropriated towards the purposes of carrying out the provisions of the original act and this supplement.

4. *And be it enacted*, That for the purpose of preserving and maintaining order and preventing disturbances and trespassing on the lands of the asylum and the adjoining premises, the said commissioners shall have police jurisdiction within the grounds owned by the state, and one mile beyond the boundaries of said grounds, and it shall be lawful for said commissioners to appoint one or more fit, proper, and discreet person or persons, who shall take and subscribe an oath or affirmation before the clerk of the county of Morris, which oath or affirmation shall be filed by said clerk in his office, and shall be in like form and effect as now required by law for constables to take and subscribe; and which person or persons so appointed and sworn or affirmed, shall receive the same compensation and possess the same power and authority on the premises of said asylum, and on the premises adjacent thereto, within the limits named in this section, which constables now possess in criminal cases and in actions of trespass; and they shall have power and authority to arrest all persons who shall there be found unlawfully trespassing upon said premises or violating any of the laws of this state, or who shall conduct themselves in an immoral or disorderly manner, or in violation of the rules and regulations provided by said commissioners for the government of said grounds and premises, such rules and regulations not being in conflict with the constitution and laws of this state or of the United States, and said parties so arrested shall be taken without delay before some justice of the peace, or other proper officer having jurisdiction of the case, to be dealt with according to law, and that the provisions and powers of this section be extended to and conferred upon the managers appointed under the act entitled "An Act to provide for the organization of the state lunatic asylum, and for the care and maintenance of the insane," approved February twenty-third, one thousand eight hundred and forty-seven, and the several supplements thereto.

5. *And be it enacted*, That it shall not be lawful for any of the surveyors of the highways, or other person or persons, to lay out or maintain any new road or public highway, or railway through or upon the lands purchased or to be pur-

Commissioners to have police jurisdiction, and may appoint one or more persons who shall have constabulary powers.

Roads not to be laid out without the consent of the commissioners.

chased for the said asylum, without the consent of the above named commissioners in writing being first had and obtained.

May contribute toward maintaining roads.

6. *And be it enacted*, That the said commissioners shall have power to contribute in labor by their employees and teams, or from funds appropriated for the building of said asylum, such amount as in their judgment they shall deem proper for the purpose of opening, working and maintaining the public roads leading to said asylum.

May construct a railway.

7. *And be it enacted*, That it shall be lawful for said commissioners to grade, lay down, maintain and open for the purposes of said asylum, a railway over any of the public highways leading to the same, or over any private property required for such railway, full compensation to be first ascertained and made to the owner or owners of such private property so taken by the commissioners, such railway to connect with any railway now built or hereafter to be built; *provided*, such railway shall not exceed four miles in length, and shall not interfere with the traffic on the said public highway.

Proviso.

Proceedings when the commissioners and owners cannot agree.

8. *And be it enacted*, That in case the said commissioners shall not be able to agree with the owner or owners of private property or lands necessary to be taken for said railway, or for any purposes necessary for the said asylum, and for carrying into effect the provisions of this act, as to the amount of damage or compensation to be paid for the same, or if by reason of the absence or legal incapacity of the owner or owners, no such agreement can be made, the said commissioners shall make or cause to be made, a survey of the land required for the purposes of this act, and a particular description of the same, and shall appoint a particular time when they shall meet on the said land for the purpose of ascertaining and determining the value of the same and assessing the damages, and shall cause ten days' notice of such meeting, and a copy of such particular description of the land to be given in writing to the parties interested, if known, or if out of this state, such notice to be published in one of the newspapers published in the county of Morris, for a period of at least ten days prior to the time appointed for such meeting, and the said commissioners shall meet at the time and place so appointed, and proceed to view and examine the said land, and make a just and equitable appraisal or estimate of the same, and assessment of damages, which report shall be made in writing, under the hands and

seals of the said commissioners, or a majority of them, and filed within ten days thereafter, together with the aforesaid survey and description of the lands, in the clerk's office of the county of Morris, to remain of record therein, which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered plenary evidence of the right of the state to have, hold, use, occupy, possess and enjoy the said land, and the said commissioners shall at the said time of filing the said report pay the amount of the said award into the circuit court of the county of Morris, for the benefit of the owner or owners of the said land, and the state may take the said land upon the payment of the said award into the said court.

9. *And be it enacted*, That in case the owner or owners of the said land shall be dissatisfied with the report made by the said commissioners, the party so aggrieved may appeal to the circuit court of the county of Morris, at the first term after the filing of the said report, by proceeding in form of petition to said court, which proceeding shall vest said court with power and right to direct an estimate or appraisal of the value of the land and assessment of damages, by a jury to be empanelled and sworn as in other cases, and a view of the premises if desired, and the same to be tried at the next term of the said court to be holden in said county, upon like notice and in the same manner as other issues in the said court are tried, and it shall be the duty of the jury to assess the value of the said land and the damages sustained; and if they shall find a greater sum than the commissioners have awarded, then judgment thereon with costs shall be entered, and such excess, with the costs, shall immediately be paid into the circuit court for the benefit of the parties interested; but if the jury shall find the same or a less sum than the commissioners awarded, then costs shall be paid by the said applicant or applicants, and the payments so made and paid into the circuit court, shall be deemed to be valid and legal payments; and such application for appeal shall not prevent the state from taking the said land.

10. *And be it enacted*, That the said commissioners, before appraising the said lands, shall take and file in the office of the clerk of the county of Morris, an oath, well, truly and faithfully to perform the duties of their appointment.

11. *And be it enacted*, That in order to enable the said commissioners to prosecute the work entrusted to their care,

Proceedings
in case of ap-
peal.

Commission-
ers to file
oath.

Amount of ap-
propriation.

the further sum of one hundred and fifty thousand dollars is hereby appropriated, out of any monies in the treasury not otherwise appropriated, to be drawn and paid in the same manner as provided for in the act to which this is a supplement.

Repealer.

12. *And be it enacted*, That all acts or parts of acts which may conflict with any of the provisions of this act be, and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 28, 1872.

CHAPTER LXXXV.

An Act for the protection of bridges over the River Delaware.

Penalty for
injury to
bridges.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons shall wilfully cut, destroy, break, or remove from any bridge over the river Delaware, between this state and the state of Pennsylvania, any pieces of timber, planks, stones, chains, rods, bolts, screws, or any other materials whatsoever, belonging to said bridge, or shall remove or take away, from within the space of thirty feet from above or below any of the piers or abutments of any such bridge, or from alongside thereof, any sand, gravel, or stones, or other materials used for ripraps, or breakers, or protection of said piers or abutments; or otherwise wilfully, maliciously, or voluntarily damage the same, he or they shall forfeit and pay for every such offence, over and above the damages done, the sum of thirty dollars, with costs of suit, to be recovered by the corporation so injured, before any court having cognizance of that sum, in either of the counties of this state, or of the state of Pennsylvania, where the said bridge may be situated.

Penalty for
crossing the
bridges at a
faster gait
than a walk.

2. *And be it enacted*, That if any person or persons shall ride or drive any horse, mule, or wagon over any of the toll bridges over the river Delaware, as aforesaid, at a faster

gait than a walk, he or they shall forfeit and pay for every such offence, the sum of ten dollars, with costs of suit, to be recovered in the same manner as the penalty in the preceding section; *provided*, that this act shall not be construed Proviso. to prevent any physician or midwife, or persons going for the same and returning from said errand, or riding express, by order of any public officer of these two states, or carrying the mail of the United States, from riding or driving over any of such toll bridges at a faster gait than a walk.

3. *And be it enacted*, That it shall not be lawful for any person or persons passing, riding or driving over any toll bridge, as aforesaid, to carry any lighted cigar or pipe, or to carry fire in any form, or to light any match, or cigar, or pipe, or to fire off any gun, or other fire arms, or to explode any fire works of any description, on said bridge, or within its enclosures; or to engage in any game with cards or other devise for money, or the value of money, or for pleasure, or to engage in any foot racing, or other racing; or to congregate upon such bridge so as, in any wise, to interfere or annoy persons traveling over the same, under the penalty of ten dollars for each and every such offence, to be recovered as aforesaid, with costs of suit against each and every person so offending. Penalty for carrying fire on the bridges or exploding fireworks, &c.

4. *And be it enacted*, That every person passing with horses, mules, cattle, or wagons over any of said bridges, shall keep to the right-hand side of the roadway thereof, under forfeiture and penalty of five dollars, with costs of suit, for each and every violation of this section, to be recovered as aforesaid. Shall keep to the right.

5. *And be it enacted*, That the several toll bridge companies over the river Delaware, shall cause to be placed, and kept up, upon each end of said several bridges, a painted notice, specifying the offences, in this act mentioned, and the penalties therefor, excepting those stated in the first section hereof. Notices to be kept up.

6. *And be it enacted*, That this act shall go into effect so soon as the same shall be ratified by the legislature of the state of Pennsylvania. When act shall take effect.

Approved February 28, 1872.

CHAPTER XCIII.

An Act to make a contribution toward the completion of the
Washington National Monument.

Preamble. WHEREAS, there is now standing in the city of Washington, an uncompleted obelisk or shaft intended as a national monument to the memory of George Washington; therefore, with the intent and for the purpose of completing the said monument before the centennial anniversary of the Declaration of Independence,

Amount of appropriation and when to be paid. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of three thousand dollars is hereby appropriated out of any money not otherwise appropriated in the treasury of this state, as the contribution of the state of New Jersey, to be paid by the treasurer on the warrant of the comptroller, to the treasurer of the National Washington Monument Society, whenever the governor of this state shall certify that he is satisfied a sufficient sum has been subscribed from other sources to enable said society to resume work with a reasonable prospect of completing the obelisk or shaft.

Governor to transmit copy of law. 2. *And be it enacted*, That a copy of this law shall be transmitted by the governor to the governors of other states of the Union, with a request that they communicate the same to the legislatures of their respective states.

Approved February 28, 1872.

CHAPTER XCVI.

An Act to provide building sites for Life Saving Stations on the Coast of New Jersey.

WHEREAS, the congress of the United States has, at the re-^{Preamble.}quest of the legislature of this state, made appropriations for the repairing of the various life saving stations, and the building of additional ones, on the coast of New Jersey, and as difficulties have, in some instances, arisen in procuring, from the owners of lands, proper sites on which to locate their buildings, and as it is deemed important and necessary in this humane cause that the people of this state should, through their representatives, secure to the United States such sites as the honorable the secretary of the treasury may have selected, or may from time to time select, for the erection of buildings for this purpose; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Appointmen}
the State of New Jersey, That the governor shall nominate ^{of commis-}
three citizens of this state, who shall be confirmed by the ^{sioners.}
senate, who shall be a commission, with authority to procure
for the state, by purchase, the title to any land selected by
the secretary of the treasury or his agents, for the purpose
of erecting any buildings connected with the life saving
stations, and not to exceed one-half of an acre of land, at
any one point on the New Jersey coast, at such prices as
said commissioners, or a majority of them, may deem fair
and just; and the title to the same to be taken in the name
of the state of New Jersey.

2. *And be it enacted,* That if the said commissioners ^{Proceedings}
cannot agree with the owner or owners of such required ^{when com-}
lands for the purchase thereof, or when, by the legal incapa- ^{missioners}
city or absence of such owner or owners, no such agreement ^{and owners}
can be made, the said commissioners shall make, or cause to ^{cannot agree}
be made, a survey of the land required for the purposes of ^{as to purchase}
this act, and a particular description of the same; and shall
appoint a particular time when they will meet upon the said
land for the purpose of ascertaining and determining the

value of the same, and assessing the damages; and shall cause ten days' notice of such meeting, and a copy of such particular description of the land, to be given in writing to the parties interested, if known and in this state, or if out of this state, such notice to be published in one of the newspapers published in the county where said lands are situate, for a period of at least thirty days prior to the time appointed for such meeting; and the said commissioners shall meet at the time and place so appointed, and proceed to view and examine the said land, and make a just and equitable estimate or appraisement of the same, and assessment of damages, 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 survey and description of the lands, in the clerk's office of the county where said lands are situate, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall, at all times, be considered as plenary evidence of the right of the state to have, hold, use, occupy, convey, cede, possess and enjoy the said land; and the said commissioners shall, at the said time of filing the said report, pay the amount of the said award into the circuit court of the said county where the said lands are situate, for the benefit of the owner or owners of the said land; and the state may take the said land upon the payment of the said award into the said court.

Proceedings
when appeal
is made.

3. *And be it enacted*, That in case the owner or owners of the said land shall be dissatisfied with the report made by the said commissioners, the party so aggrieved may appeal to the circuit court of the county where the said lands are situate, at the first term after filing of the said report, by proceeding in form of petition to said court, which proceeding shall vest said court with power and right to direct an estimate or appraisement of the value of the land, and assessment of damages, by a jury to be empannelled and sworn as in other cases, and a view of the premises if desired, and the same to be tried at the next term of the said court to be holden in said county, upon like notice, and in the same manner as other issues in the said court are tried, and it shall be the duty of the jury to assess the value of the said land and the damages sustained, and if they shall find a greater sum than the commissioners have awarded, then judgment thereon, with costs, shall be entered, and

such excess, with the cost, shall be immediately paid into the circuit court for the benefit of the parties interested; but if the jury shall find the same or a less sum than the commissioners awarded, then costs shall be paid by the said applicant or applicants, and the payments so made and paid into the circuit court, shall be deemed to be valid and legal payments, and such application shall not prevent the state from taking the said land.

4. *And be it enacted*, That the said commissioners shall take and file in the office of the secretary of state an oath, well, truly and faithfully to perform the duties of their appointment before entering upon said duties. Commissioners to file oath

5. *And be it enacted*, That for the purchase of said land the sum of five thousand dollars be, and the same is hereby appropriated to be paid by the treasurer of this state out of any funds in his hands, not otherwise appropriated, on the warrant of the comptroller, under requisition from the said commissioners. Amount of appropriation.

6. *And be it enacted*, That immediately after the title to the said lands or sites shall have been acquired by purchase or otherwise, the governor of this state is hereby authorized and required to convey the said lands or sites to the United States, by good and sufficient conveyances, and under the great seal of this state, for building sites for life-saving stations, and for no other purpose, and without compensation to be paid by the United States. Governor to make conveyances under the great seal.

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

Approved February 28, 1872.

CHAPTER CVIII.

An Act for the summary conviction of Professional Thieves.

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, if any person shall be charged on oath or affir- Proceedings for summary conviction of professional pickpockets and thieves

mation before the mayor or a justice of the peace, in any town, city or county in this state, with being a professional thief, burglar, or pickpocket, and who shall have been arrested by the police authorities at any steamboat landing, railroad depot, church, banking institution, broker's office, place of public amusement, auction room, store or crowded thoroughfare in any city, town or county in this state, and if it shall be proven to the satisfaction of the said mayor or justice of the peace, that he or she was frequenting or attending such place or places for an unlawful purpose, he or she shall be committed by the said mayor or justice of the peace, to the jail of the county or city in which he or she may have been arrested, for a term not exceeding ninety days, there to be kept at hard labor; or, in the discretion of the said mayor or justice of the peace, he or she shall be required to enter security for his or her good behavior for a period not exceeding one year.

Approved February 29, 1872.

CHAPTER CXXIV.

A Supplement to the act entitled "An Act to provide a Digest of the Law and Chancery Reports of the State of New Jersey."

Justices of the
supreme court
may make and
revoke ap-
pointment of
reporter

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the justices of the supreme court, in their discretion, to revoke any designation or appointment by them made, pursuant to the act to which this is a supplement, and to make a new selection and designation of a person to perform the duties contemplated by said act; and that all the provisions of said act shall, so far as practicable, apply to the person selected and designated, pursuant to the authority hereby granted.

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

Approved March 5, 1872.

CHAPTER CXXVII.

An Act for the better protection of Livery Stable, Boarding,
and Exchange Stable Keepers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all livery stable, boarding, and exchange stable keepers shall have a lien on all horses and other animals left with them in livery, for board, or sale, or exchange; and, also, upon all carriages, wagons, sleighs, and harness left with them for storage, sale, or exchange, for the amount of the bill due to the proprietor of any such stable for the board and keep of any such horse or other animal, and, also, for such storage; and shall have the right, without the process of law, to retain the same, until the amount of such said indebtedness is discharged.

Livery stable
keepers shall
have lien for
debts due.

2. *And be it enacted*, That all property so held by any such livery stable, boarding, and exchange stable keeper shall, after the expiration of thirty days from the date of such detention, be sold at public auction; upon a notice of said sale being first published for the space of two weeks in some newspaper circulating in the city or township in which said livery or boarding and exchange stable is situate; and, also, after five days' notice of said sale, set up in five of the most public places in said city or township, and the proceeds of said sale shall be applied to the payment of such lien, and the expenses of such sale; and the balance, if any remaining, shall be paid over to the owner of such property, or his representatives; and if said balance is not claimed by such owner within sixty days after such sale, then the said balance to be paid over to the overseer of the poor of said city or township, for the support of the poor.

Property may
be sold at pub-
lic auction.

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

Approved March 5, 1872.

CHAPTER CXXIX.

A Supplement to an act entitled "An Act to establish a State Industrial School for Girls," approved April fourth, eighteen hundred and seventy-one.

Justice of the
supreme
court may in-
stitute a sum-
mary exami-
nation, and
commit to in-
dustrial
school.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any girl under the age of sixteen years shall have been committed to the county jail of any county, by any police justice of any city, or by any justice or justices of the peace of any county for crime or vagrancy, it shall be lawful for any justice of the supreme court, on complaint of any citizen, to institute a summary examination; and if he shall be satisfied that she is a suitable subject for the industrial school, he may commit her thereto by warrant, as in other cases in said act provided.

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

Approved March 5, 1872.

CHAPTER CXXXI.

An Act to provide for the Adjustment of Claims in favor of the State.

State lien,
how settled.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the state of New Jersey has any lien or incumbrance upon any lands, and a suit is brought arising out of any previous lien or incumbrance thereon, such lien or incumbrance of the state may be brought in question and definitely settled by any court having jurisdiction over the subject matter of the suit.

2. *And be it enacted*, That in all suits wherein the lien,

incumbrance, or priority of incumbrance of the state shall be brought in question, a notice out of the court stating the names of the parties and the incumbrance or lien of the state sought to be affected, and a day for return, as in writs, out of the same court may issue, directed to the state of New Jersey, and the same may be served upon the attorney general as other process is served out of said court, and on the return of such notice duly served, or on appearance by the attorney general for the state the suit may proceed as other cases, and a decree or judgment therein shall bind the state the same as if it had been made against an individual; and the lien of the state on sale under such decree or judgment shall be cut off and the claim of the state shall be made out of the surplus, if any, in the order of priority in which the incumbrance of the state stands.

Proceedings
when priority
of incum-
brance of the
state shall be
brought in
question.

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

Approved March 5, 1872.

CHAPTER CXXXIII.

A Further Supplement to an act entitled "An Act to regulate the business of fire, life, accident, marine, and live stock insurance, by companies or associations not incorporated by this state," approved April ninth, one thousand eight hundred and sixty seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when, by the laws of any other state or nation, any taxes, fines, penalties, licenses, fees, deposits of money or of securities, or other obligations or prohibitions are imposed on fire insurance companies of this state doing business in such other state or nation, or upon their agents therein, so long as such laws continue in force the same taxes, fines, penalties, licenses, fees, deposits, obligations and prohibitions, and no other of whatever kind shall be imposed upon all such insurance companies of such other

Licenses, fees
and taxes.

Proviso. state or nation doing business within this state and upon their agents here; *provided*, that nothing herein shall be held to repeal the license fee of fifty dollars required of fire insurance companies of other states doing business in this state, or the further payment of a tax of two per centum on all premiums received by said companies in this state for the preceding year.

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

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

Approved March 5, 1872.

CHAPTER CXXXVI.

An Act granting an annuity to Ann B. Brittain, daughter of Joseph Brittain.

Annuity to be paid semi-annually.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and he is hereby authorized and required to pay to Ann B. Brittain, who is the daughter of Joseph Brittain, who donated to this state the land upon which the capitol buildings now stand, or to her order, the sum of two hundred dollars per annum, during the term of her natural life, in equal semi-annual payments, the first payment to be made upon the approval of this act.

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

Approved March 5, 1872.

CHAPTER CXXXVII.

An Act requiring incorporated companies to file a list of the names of their directors and officers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of every corporation incorporated under the laws of this state, whether organised under general or special laws, and of all incorporated companies recognized or to be recognized by the laws of this state, and of all corporations of other states, transacting or to transact business in this state, and they are hereby required, within thirty days after the usual time of annual election of directors, managers, or trustees thereof, to furnish to the secretary of state of this state a complete list, authenticated by the signature of the president and secretary, of the names of their directors, trustees, or managers and officers, with the date of election or appointment and term of office of each such director or officer, with their places of residence, respectively, together with the business and location or principal office or place of business of the company in this state, and it shall be the duty of the secretary of state to file and keep the same in his office.

List of names
and residence
of directors
and officers of
companies to
be filed.

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

Approved March 5, 1872.

CHAPTER CXL.

A Supplement to the "Act concerning Marriages," passed March fourth, one thousand seven hundred and ninety-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the powers conferred on Mayor may solemnize marriages.

justices of the peace by the second section of said act to solemnize marriages, be and the same are hereby extended to and conferred on the mayor of every incorporated city, town or borough of this state, who is required to keep the records and make the returns prescribed in said "Act concerning marriages," and who shall be subject to all the provisions of said act, the same as justices of the peace.

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

Approved March 5, 1872.

CHAPTER CXLV.

A Further Supplement to the act entitled "An Act to incorporate the New Jersey Society for the Prevention of Cruelty to Animals."

Penalty for
cruelty to
animals.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall cruelly treat or torture any mule, horse, ox or other animal, shall forfeit and pay the sum of twenty dollars, to be sued for and recovered in an action of debt, with costs of suit by any person or persons in the name of "The New Jersey Society for the Prevention of Cruelty to Animals," before any justice of the peace in any county of this state, who is hereby authorized to hold a court within such county to hear, try and determine the same, according to law.

Society, by its
officers or
agents may
make arrests.

2. *And be it enacted*, That any member, officer, or agent of "The New Jersey Society for the Prevention of Cruelty to Animals," may take into custody without warrant, any person who, within his view, shall cruelly treat or torture any mule, horse, ox, or other animal, and take said person before the nearest justice of the peace having cognizance of such offence, to be dealt with according to law.

Proceedings,
how regulated

3. *And be it enacted*, That all actions or proceedings before any justice of the peace 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 the court held by every justice of the peace for the purpose aforesaid, shall be a court of record.

4. *And be it enacted*, That every justice of the peace shall be empowered on oath, affirmation, or affidavit made according to law, and filed in his office, that any person has been guilty of a violation of any of the provisions of the first section of this act, to issue a process either in the nature of a warrant or a summons against the person so charged, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in not less than five or more than fifteen days; that such process shall state what act has been violated, and the section thereof, and 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 try the cause and give judgment without the filing of any pleadings, and that the justice, if judgment be rendered against the defendant, shall forthwith issue execution against the goods and chattels and person of the defendant.

Justice of the peace empowered to issue process.

5. *And be it enacted*, That one-fourth of the penalty prescribed for the violation of the first section of this act, shall be paid by the court to the person making complaint and prosecuting said action, and the residue thereof shall be paid to "The New Jersey Society for the Prevention of Cruelty to Animals," for the use thereof, and that the fees and costs in said actions shall be the same as in other actions brought in the courts for the trial of small causes.

Penalty, to whom paid

6. *And be it enacted*, That any justice of the peace in the county wherein any offence under this act shall be committed, is hereby authorized and empowered, upon proof before him that such offence has been committed, and that the arrest of the offender is necessary for the recovery of the penalty prescribed by this act, to issue his warrant, and have such offenders arrested and committed or held to bail in double the amount of the penalty, to answer the charge against him.

Any justice of the peace in the county where offence is committed may hold offender to bail, or commit.

7. *And be it enacted*, That every person against whom judgment may be obtained in the trial before a justice of the peace, under this act, shall have the right of appeal to the higher courts, as in case of civil suits before a justice of the

Appeal may be taken.

peace, and that the president of "The New Jersey Society for the Prevention of Cruelty to Animals" may discontinue all suits which may be brought under the provisions of this act.

President of
the society
may designate
justice or jus-
tices in cities,
who may
have cogni-
zance.

8. *And be it enacted*, That in all cities, wherein the population shall exceed the number of seventy-five thousand, the president of the society for the prevention of cruelty to animals, when directed so to do by the board of directors of said society, may designate, under his hand and seal of said society, the justice or justices of the peace in said city, before whom only, in said city, actions may be brought in the name of said society to recover the penalty provided by this act; and then and in that case no other justices than those thus designated shall, in said city, take cognizance of said actions.

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

Approved March 5, 1872.

CHAPTER CL.

A Further Supplement to an act entitled "An Act to regulate the business of fire, life, accident, marine, and live stock insurance by companies or associations not incorporated by this state," approved April ninth, one thousand eight hundred and sixty-seven.

Valuation of
policies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the secretary of state, in making valuation of policies as required by the first section of a supplemental act, approved February sixth, one thousand eight hundred and seventy-two, shall not be restricted to the standard of valuation in said section mentioned, but may make such valuation according to the actuaries mortality, and four per centum interest, or according to any other recognized standard of valuation, as he may deem best for the security of the business, and the safety of persons insured.

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

Approved March 7, 1872.

CHAPTER CLXXII.

An Act supplementary to an act entitled "An Act to incorporate Benevolent and Charitable Associations," approved March ninth, eighteen hundred and fifty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any benevolent or fraternal organization, or society having a grand lodge, or other legislative head, duly organized and existing in this state, shall determine to establish a college for the education of orphans and others, and a home for widows, orphans and aged members of such society in this state, they may become incorporated under the act to which this act is supplementary, and such organization or society shall have and may retain the right, through its grand lodge or other legislative head, to select and name the persons who shall form such corporation, and be the first trustees thereof, and to prescribe the terms of office of such trustees, and provide for their classification, so that a portion thereof shall go out of office, and their successors be elected at each annual session, and by the members present of such grand lodge or society; the said grand lodge or society may also provide that no person shall be a trustee of such corporation, unless he be a member of such order, organization or society, in good standing; and also requires said board of trustees to report annually to the grand lodge or society founding the same, the condition of affairs of such corporation, and the amount and manner of its receipts and expenditures.

2. *And be it enacted*, That the restriction as to numbers in section one, and as to the amount of income in section three of the act to which this act is supplementary, shall not

Grand lodge, or other legislative head of benevolent societies, &c., may select trustees of its corporation for college or home.

Restriction as to numbers, &c., when to apply.

apply to corporations formed for the purpose of establishing a college and home as above provided.

Approved March 8, 1872.

CHAPTER CCIII.

A Further Supplement to the act entitled "An Act for the preservation of Sheep," approved April fourteenth, one thousand eight hundred and forty-six.

When township committee shall meet

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of section four of the "Supplement to an act for the preservation of Sheep," which said supplement was approved March twenty-fourth, one thousand eight hundred and fifty-two, as requires the meeting of the township committee to be held on the first Monday of October in each and every year, be and the same is hereby repealed; and the said township committee shall hereafter meet on the first Tuesday of September of each and every year.

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

Approved March 8, 1872.

CHAPTER CCVI.

An Act for the preservation of fish in the waters of the Raritan and Sandy Hook Bays and their tributaries.

Factories for obtaining oil from fish not to be established.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons, or any corporation or association, to erect

or cause to be erected any floating factory for the purpose of pressing or obtaining oil from fish in any of the waters of Raritan bay or of Sandy Hook bay, or of any of the tributaries of said bays, or of either of them.

2. *And be it enacted*, That it shall not be lawful for any person or persons, or any corporation or association, to place on board any vessel, of any description whatever, any machinery with intent to use such machinery for pressing or obtaining oil from fish in the waters of the Raritan bay or of Sandy Hook bay, or of any of the tributaries of the said bays, or of either of them.

The placing of machinery on board of any vessel for the purpose of obtaining oil from fish, prohibited.

3. *And be it enacted*, That it shall not be lawful for any person or persons, corporation or association, to permit to flow into the waters of the above named bays, or of their tributaries, from any floating factory, or from any factory located upon the shores of either of said bays, or of either of their tributaries, any soap, pumice, debris, residuum or refuse matter of any description arising from the pressing or manufacturing oils from fish.

Refuse from factories, &c., not to be allowed to flow into the bays or tributaries.

4. *And be it enacted*, That all vessels and floating erections of every description found upon the waters of the Raritan bay or of the Sandy Hook bay, or of any of the tributaries of either of said bays, with machinery and materials for the purpose of manufacturing oil from fish, in either of said bays or their tributaries, shall, with all the machinery, stock and fixtures, be forfeited to the state of New Jersey.

Vessels, &c., when to be forfeited.

5. *And be it enacted*, That all persons employed or in any way engaged in violation of any of the foregoing provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction in any court of competent jurisdiction, shall be punished by fine not exceeding two hundred dollars, or imprisonment at hard labor not exceeding one year, or both, in the discretion of the court.

Penalty for violation.

6. *And be it enacted*, That of all fines, penalties and forfeitures incurred under this act, the informer shall be entitled to receive one moiety of said fines and forfeitures, and the other moiety shall be paid into the treasury of the state.

Fines and forfeitures, how disposed of.

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

Approved March 8, 1872.

CHAPTER CCVII.

A Further Supplement to an act entitled "An Act for punishment of Crimes," approved April sixteenth, eighteen hundred and forty-six.

Penalty when
city, town-
ship, ward or
county offi-
cers unlawfully
obtain or
counsel the
obtaining of
money, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any officer of any city, township, ward or county of this state, shall hereafter obtain, or counsel, aid, assist, or procure in obtaining for any other person or persons, corporation or corporations, any sum or sums of money, notes, bonds, scrip, securities, or other valuable thing, from any such city, township, ward, or county, or from this state, not lawfully and justly due to said officer, or to such other person or persons, corporation or corporations, at the time of obtaining the same, he shall be deemed to be guilty of a high misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding five thousand dollars, or imprisoned in the state's prison not exceeding five years, or both.

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

Approved March 8, 1872.

CHAPTER CCVIII.

An Act for the preservation of order in Libraries and Reading Rooms.

Penalty for
disturbance or
disorderly
conduct in
public library
or reading
room.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall by noisy or disorderly conduct in any public library or reading-room in this state, disturb or interrupt the quiet and good order of

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those who resort to and use said library or reading-room for reading or study, may, upon conviction thereof, before a justice of the peace or police court within the city or town where said library or reading-room is established, be fined to an amount not exceeding twenty dollars, or imprisoned in the county jail not exceeding ten days, at the discretion of said court or magistrate.

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

Approved March 8, 1872.

CHAPTER CCXV.

A Supplement to an act entitled "An Act respecting the Orphans' Court and the powers and authority of Surrogates," approved April sixteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the probate of the will of any person resident in this state at the time of his or her decease, which has been or may hereafter be duly admitted to probate in this state, as to any real estate devised by said will, shall be conclusive evidence of the formal execution of said will (so far as the same appears by said probate) in any suit, action or proceeding not commenced within seven years from the time of such probate; *provided always*, that the time during which any person claiming as or under the heir of said testator, shall be under the age of twenty-one years, shall not be taken or computed as part of said period of seven years; *and provided further*, that nothing herein contained shall affect any suit, action or proceeding heretofore commenced and now pending.

Probate of will, when to be conclusive evidence of formal execution.

Proviso.

Proviso.

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

Approved March 13, 1872.

GENERAL PUBLIC LAWS.

CHAPTER CCXVII.

An Act to improve the State Library.

appropriation
state library 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the additional sum of two thousand dollars be appropriated annually for five years for the improvement of the state library; the same to be drawn from the treasury of the state from time to time by the commissioners of the state library, and expended under their direction in the purchase of books.

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

Approved March 13, 1872.

CHAPTER CCXXIV.

A Further Supplement to an act entitled "An Act for the Organization of the National Guard of the State of New Jersey."

governor may
infer brevet
lieut. 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 a lineal or brevet rank for gallant services in the field, upon any officers of the national guard, equal to the lineal or brevet rank they may have held in the service of the United States; *provided*, reviso. that the governor shall nominate the said officers to the senate, and the rank shall be conferred by and with the advice and consent of the senate.

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

Approved March 15, 1872.

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CHAPTER CCXXXVIII.

An Act giving the consent of the State of New Jersey to the purchase by the United States of certain land near Beverly, in Burlington county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the consent of the state be Consent of state given purchase by the United States. and the same is hereby given to the purchase by the United States of that certain piece of ground occupied as a national cemetery, situate near Beverly, in the county of Burlington, and known and described as follows: beginning at a stone set for a corner in the road leading from Beverly to Bridgeborough, and extending thence by land belonging to William Krim, north eighty-one degrees and one-half east, two hundred and sixty-four feet to a stake; thence by lands of Joseph Weyman, north eleven degrees and one-half east, one hundred and thirty-four feet to a stake; thence by other lands of said Weyman north, seventy-eight and one-half degrees west, two hundred and forty-seven feet to a stake in said road; thence along said road eleven degrees and one-half west, two hundred and twenty feet to said stone and place of beginning; containing one acre of land more or less, being the same conveyed by Joseph Weyman to the United States by deed dated August twenty-fifth, eighteen hundred and sixty-four.
Approved March 19, 1872.

CHAPTER CCXXXIX.

A Supplement to an act entitled "An Act to regulate the practice in the Courts of Law."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any action at law in which Costs to be included in taxed bill of costs.

the plaintiff is entitled to costs, when a copy of the declaration has been served on the defendant or defendants, it shall be lawful for such plaintiff to recover for such service the sum of two dollars for each defendant so served, not exceeding three, the same to be included in the taxed bill of costs.

Service of
copy of decla-
ration, how
made.

2. *And be it enacted*, That the service of a copy of the declaration in any cause may be made by delivering the same to the defendant personally, or by leaving the same at his dwelling house or last place of abode; and where a corporation is a defendant, the service of such copy may be made by delivering the same to the president or other head officer, or the secretary or clerk thereof, personally, or by leaving the same at his dwelling house or last place of abode.

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

Approved March 19, 1872.

CHAPTER CCXL.

An Act to amend the act entitled "A Further Supplement to an act entitled 'An Act constituting courts for the trial of small causes.'"

Fees to the
presiding
judge of
courts of over
and terminer.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the second section of the act entitled "A Further Supplement to an act entitled 'An Act constituting courts for the trial of small causes,' " approved April sixth, one thousand eight hundred and seventy-one, be amended by adding after the word "payment" the following: "and such judge shall receive such fees for his services as the county clerks receive for like services," but he shall in no case approve such payment before conviction.

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

Approved March 19, 1872.

CHAPTER CCLXIV.

An Act for an appropriation for the support and maintenance of the Soldiers' Children's Home.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the appropriation for the support of the soldiers' children's home, directed by the act approved April first, one thousand eight hundred and sixty-nine, the sum of six thousand dollars, is hereby appropriated for the object designated by the title of this act, to be expended under the direction of the managers of said home, and the treasurer of the state is hereby directed to pay to the treasurer of the said soldiers' children's home, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, the said sum of money for the purposes aforesaid. Amount of appropriation.

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

Approved March 20, 1872.

CHAPTER CCLXV.

An Act relating to fees for impounding animals in the several townships in this State.

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 pound-keepers in the several townships of this state shall be entitled to have and receive the sum of twenty-five cents for each horse, mule or head of cattle, and fifteen cents for each goat, sheep or swine, to be paid for the use of the pound-keeper for letting in and out of the pound kept by him; and the person bringing such animals to be impounded Fees for impounding animals.

shall also be entitled to receive the same fees for each animal so brought by him; and for feeding and attending, the pound-keeper shall be entitled to receive and have the further sum of forty cents per head for each horse, mule or head of cattle, and twenty-five cents for each goat, sheep, or swine for every twenty-four hours they remain in the pound kept by him; and the further sum of one dollar for setting up the advertisements and notice of sale, and for selling every such animal in the manner prescribed by law.

Repealer.

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

Approved March 20, 1872.

CHAPTER CCXCVIII.

A Further Supplement to the "Act for the Organization of the National Guard of the State of New Jersey."

Authorizing
companies of
colored in-
fantry.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement, shall be and the same is hereby amended as follows, that is to say, by striking out the words "*provided*, that each county of the state shall be entitled to one of said companies," and inserting "*provided*, that in addition to the force now authorized, there be allowed ten additional companies of colored infantry.

Repealer.

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

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

Approved March 21, 1872.

CHAPTER CCCXXXIII.

An Act to establish a uniform standard of Weights and Measures in this State, and to provide for the appointment of a State Superintendent and Inspector of the same.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the standard of weights and measures in this state shall agree exactly with the standard as recognized and furnished by the United States, and shall for the purposes of security and verification be kept at Trenton, in the custody of the secretary of state.

2. *And be it enacted*, That every county in this state, not already provided with the same, shall be furnished so far as needed for practical purposes, with exact copies of standard weights and measures of the United States, duly rated and compared with the standards of this state, such county standards to be made in the most approved manner, regarding essentially accuracy, durability, and economy, and for the purpose of testing and adjusting scales of large capacity, shall consist of an addition of five hundred pounds (avoirdupois) of cast iron weights, or ten weights of the capacity of fifty pounds each, properly verified and marked.

3. *And be it enacted*, That all contracts made with this state, or between citizens of this state, on the basis of weight or measure, in defining or ascertaining quantity, shall be taken and construed, according to and in conformity with the standards hereby defined and adopted by this state; *provided*, that nothing herein contained shall be construed so as to conflict with an act of the congress of the United States, entitled "An act to authorize the use of the metric system of weights and measures," approved April twenty-eighth, one thousand eight hundred and sixty-six.

4. *And be it enacted*, That any person who shall counterfeit, or without authority alter, or with fraudulent or mischievous intent change or deface any weight, scale, measure, beam, or balance, the same having been marked as standard, and to be used for testing and verifying the weights or measures of this state, or of any county of this state, any person

State standard of measures to agree with United States standard.

Counties to have copies of standard weights and measures.

Contracts made on the basis of weight or measure, how construed.

Proviso.

Penalty for altering or counterfeiting

so offending shall be deemed guilty of a high misdemeanor, and on conviction of the same, shall be subject to a fine of not exceeding one thousand dollars, or imprisonment at hard labor not exceeding two years, at the discretion of the court.

Appointment
of superintendent
and inspector.

5. *And be it enacted*, That a superintendent and inspector of weights and measures for this state shall be appointed by the governor, by and with the consent of the senate of this state, who shall be a man of sufficient scientific knowledge, and of known integrity and business ability, who shall hold his office during three years, and until a successor is appointed; the certificate of the governor and secretary of state, duly executed, shall be his evidence of authority to enter upon and execute the duties of his office, as hereinafter defined by this act.

Duties of the
superintendent.

6. *And be it enacted*, That it shall be the duty of the state superintendent to take charge of the standard weights and measures of the state, and to see that all county and city standards are provided and properly verified, and together with all articles used in connection with the same, be well and carefully used, and that all proper provision be made for their protection from injury or damage, when not in use, and to have and exercise a general supervision of the weights and measures of the state.

Original standard
furnished
by the United
States, how
used.

7. *And be it enacted*, That the state superintendent of weights and measures shall procure for the state a complete set of copies of the original standard weights and measures adopted by this act, which shall be used by him for adjusting county or city standards, and in no case shall the original standards furnished by the United States to this state, be used for any other purpose than the proof and adjustment of this set of copies (or in case of loss or accident), for replacing the same, or for scientific purposes, on the order, and in the presence of the secretary of state, or state superintendent.

Superintendent
to direct
device for
county or city
standard of
weights and
measures.

8. *And be it enacted*, That the state superintendent shall see that there are impressed upon the state, city, and county standard weights and measures the denomination or capacity of each, the emblem of the United States, and of this state, with such other appropriate device as he shall direct for each particular county or city.

County stand-
ards to be
kept in the of-
fice of county
clerk.

9. *And be it enacted*, That the county standards shall be deposited in the office of the county clerk, who shall be duly authorized and instructed by the state superintendent in regard to testing and verifying weights and measures within

said county, and the county clerk of each and every county in this state so qualified and instructed, shall be furnished with a copy of this act and shall immediately post in his office due notice of his authority and readiness to act as inspector and sealer of weights and measures, and shall advertise the same in two papers in said county, for the month of January in each year.

10. *And be it enacted*, That all expenses justly chargeable to any county in this state, and incurred in and immediately connected with procuring county standards of weights and measures, and noticing and advertising the same in furtherance of the provisions and intentions of this act, shall, on presentation of proper and sufficient vouchers to the county freeholders, be accepted and paid by said county. Expenses to be paid by the county.

11. *And be it enacted*, That the state superintendent, and each and every county or city inspector and sealer of weights and measures in this state shall, before entering upon the performance of any official duties, described or implied in this act, take and subscribe to the following oath, or affirmation: I, ———, do swear (or affirm), that I will not seal or give any certificate of correctness for any scale, weight, or measure, but such as shall, as nearly as possible, agree with the standard in my keeping, as the standard of the state of New Jersey, and of the United States, and that I will, to the best of my ability, execute and discharge truly and faithfully, the trusts reposed in me, so help me God: Which oath or affirmation shall be filed in the office of the secretary of state. Form of oath of office.

12. *And be it enacted*, That the state superintendent of weights and measures shall procure for the state an official seal of suitable form and device, to be used by him during his term of office, and duly surrendered by him to his successor; he shall also provide for himself, and for the use of county inspectors, certificates of proper form and wording, to be attached to scales, weights, or measures which shall have been examined and approved in due form and by proper authority; he shall, also, keep books of record and account in detail of all transactions and expenditures for the state, and for any of the counties in this state, in furtherance of the business and trusts to him confided, and shall, once in each year, render a statement and report to the governor and legislature. State superintendent to have an official seal.

13. *And be it enacted*, That the state superintendent of

- Compensation weights and measures shall receive a salary of \$2, per year, to be paid semi-annually, by his draft on treasurer, countersigned by the state comptroller, and such additional payments and expenses as he may properly and legitimately incurred in carrying out the provisions and instructions contained in this act, shall, on statement of the same properly verified, be examined and audited by the state comptroller, and if approved, the treasurer of the state is hereby authorized and directed to pay the same; *provided also*, that at the expiration of three years the salary shall be \$500 per year.
- Proviso.
- Duty of superintendent. 14. *And be it enacted*, That the superintendent of weights and measures is duly empowered, in virtue of his office to inspect, adjust, and seal any hay, coal, grain, or mill scales, or any and all track, weigh lock, railroad, or depot scales in this state.
- Penalty for fraud. 15. *And be it enacted*, That any person in this state, who shall after thirty days subsequent to published notice from the county inspector and sealer of weights and measures, provided in section ninth of this act, be found using any false or fraudulent beam, scale, weight, or measure, and who shall fail or neglect, on written notice of the same from any person aggrieved, or in any way cognizant thereof, to have such imperfect beam, scale, weight or measure duly inspected and by proper authority adjusted and sealed, or who shall use the same scale, weight, or measure subsequent to such notice, without correction or adjustment as provided in this act, any person so offending shall be liable to an action in law and penalty of ten dollars for each and every offence; one half to be paid to the complainant, and one half into the educational fund of the county within the limits of which the action was brought.
- Fees of county inspectors. 16. *And be it enacted*, That the county inspectors and sealers of weights and measures in the several counties of this state shall charge for testing or sealing any beam scale, the sum of fifty cents, and for each and every weight or measure, ten cents, to be paid by the owner or applicant.
- Avoirdupois weight of certain articles to the bushel. 17. *And be it enacted*, That the bushel of wheat in this state shall consist of sixty pounds; of rye or Indian corn of fifty-six pounds; of buckwheat, fifty pounds; of barley forty-eight pounds; of oats, thirty pounds; of flax-seed fifty-five pounds; of clover-seed, sixty-four pounds; of potatoes, sixty pounds; of sweet potatoes, fifty-four pounds;

as, sixty pounds; of peas, sixty pounds; of onions, fifty-
 n pounds; of dried peaches, thirty-three pounds; of
 d apples twenty-five pounds; rated by the standard pound
 rdupois weight.

8. *And be it enacted*, That this act shall take effect im- Act when to
take effect.
 iately, except so far as section nine and fifteen and
 een, and in respect to them, shall take effect as soon as
 county or city inspector of weights and measures shall
 e been furnished with standard weights and measures,
 qualified and instructed as provided in this act.

9. *And be it enacted*, That the act and provisions of the Repealer.
 e in regard to weights and measures, approved April
 nteenth, one thousand eight hundred and forty-six,
 ether with all subsequent acts or supplements relating
 eto, shall be, and the same are hereby repealed. •
 'assed March 25, 1872.

CHAPTER CCCXXXVII.

Further Supplement to an act entitled "An Act for the
 punishment of Crimes."

1. BE IT ENACTED *by the Senate and General Assembly of* Penalty for
maliciously or
without law-
ful justifica-
tion causing
or procuring
the miscar-
riage of any
woman preg-
nant with
child.
State of New Jersey, That if any person or persons ma-
 ously, or without lawful justification, with intent to cause
 l procure the miscarriage of a woman then pregnant with
 ld, shall administer to her, prescribe for her, or advise or
 ect her to take or swallow any poison, drug, medicine, or
 cious thing, and if any person or persons maliciously, and
 hout lawful justification, shall use any instrument or means
 atever with the like intent, shall, on conviction thereof, be
 judged guilty of a high misdemeanor; and if the woman
 child die in consequence thereof, shall be punished by fine
 t exceeding one thousand dollars, and imprisonment at hard
 or for a term not less than ten years; and in case the
 man or child do not die in consequence thereof, such
 ender on conviction thereof shall be adjudged guilty of a

misdemeanor, and be punished by fine not exceeding five hundred dollars and imprisonment at hard labor for a term not less than two years.

Appearance of
witness may
be compelled.

2. *And be it enacted*, That any person offending against either of the provisions of this act shall be competent witness against any other person so offending, and may be compelled to appear and give evidence before any magistrate, grand jury, or in any court, in the same manner as other persons; but the testimony so given shall not be used in prosecution or proceeding, civil and criminal, against the person so testifying.

Repealer.

3. *And be it enacted*, That section one hundred and three of the supplement of the act to which this is a further supplement, be and the same is hereby repealed.

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

Approved March 26, 1872.

CHAPTER CCCXXXVIII.

A Supplement to an act entitled "An Act relative to Bribery," approved March thirty-first, one thousand eight hundred and seventy-one.

Provisions ex-
tended to
election for
electors for
president and
vice president

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement, together with its fines and penalties be extended to elections for electors for president and vice-president of the United States.

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

Approved March 26, 1872.

CHAPTER CCCXXXIX.

An Act to facilitate the opening of Public Roads.

WHEREAS, in many places, especially in the vicinity of our towns and villages, public roads become necessary, and are opened by the owners of lands, without the same being regularly laid by the surveyors of the highways, and therefore cannot be put upon record:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the owner or owners of any land shall open a road of lawful width, and dedicate the same to public use as a public highway, and shall deliver a declaration of such dedication, together with a map or survey of the said road, to the township committee of the township in which the said lands may lie, upon the acceptance thereof by the township committee, endorsed thereon, the same may be put upon record as a public highway, and shall thenceforth be a public highway to all intents and purposes.

Preamble.
Map or survey
of road accept-
ed by town-
ship commit-
tee may be
put on record
as a public
highway.

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

Approved March 26, 1872.

CHAPTER CCCXL.

A Further Supplement to the act entitled "An Act respecting the Orphans' Court, and the power and authority of Surrogates," approved April sixteenth, one thousand eight 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 any executor

Proceedings when executor or executors, &c., have filed account exhibiting balance of any estate in his or her hands at the date of filing the same.

or executors, administrator or administrators, *cum testamento annexo*, or otherwise, shall have filed any account or accounts, exhibiting the balance of any estate in his, her or their hands, up to the date of filing the same, which said accounts shall have been duly allowed in all things as stated by the decree of the orphans' court of any county of this state; that it shall and may be lawful to and for the orphans' court having cognizance of said accounts, upon the application of any party in interest, to adjust, order and make just distribution in accordance with the directions and provisions of the last will and testament in each case of what shall remain clear after all debts and expenses shall have been allowed and deducted; and the said orphans' court shall have full power to enforce its decree as aforesaid, by attachment, sequestration or other process, and in any and every manner, and with like effect that similar decrees can now be enforced in or by the court of chancery of this state, and reserving and hereby giving to every one feeling aggrieved by any such decree of distribution as aforesaid, the right to appeal to the prerogative court concerning any such decree or the enforcement thereof; *provided*, that if any executor or executors, administrator or administrators, as aforesaid, shall appeal from any such decree of distribution or proceeding in the orphans' court, as aforesaid, for the enforcement of the same, said appeal shall be filed within twenty days next ensuing the date of said decree of distribution, and the appellant with two sufficient sureties, to be approved of by the said orphans' court, shall give a bond to the ordinary of this state, in double the sum adjudged due to the parties entitled to the same, and conditioned to pay such sum, costs, interest and damages accruing by reason of any such appeal, if the said order of distribution and enforcement be affirmed.

Proviso.

Proceedings where persons have a life interest in property bequeathed.

2. *And be it enacted*, That whenever personal property is bequeathed to any person for life, or for a term of years, or for any other limited period, or upon a condition or any contingency, the executor or executors of any last will and testament, or any administrator or administrators *cum testamento annexo*, or otherwise, shall not be compelled to pay or deliver the property so bequeathed to the person or persons having any such life interest, or other interest, as aforesaid, until security shall be given in the orphans' court, having jurisdiction of any such executor's or administrator's accounts as aforesaid, and in such sum and form

as in the judgment of the said orphans' court shall sufficiently secure the interest of the person or persons entitled in remainder, whenever the same shall accrue or vest in possession; but in no case or event, where the person or persons next immediately in remainder shall be the lineal descendant of any such life tenant, or person having any limited estate as aforesaid, and said executor or executors, administrator or administrators as aforesaid, shall not have filed any security, shall such life tenant or other person having said limited interest or estate as aforesaid, be required to give security, as hereinbefore provided for, in a greater sum than fifty thousand dollars.

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

Approved March 26, 1872.

CHAPTER CCCXLI.

Supplement to an act entitled "An Act respecting the Orphans' Court and the power and authority of surrogates," approved April sixteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the thirteenth section of the act to which this is a supplement, be and the same are hereby extended to all cases of trustees heretofore or hereafter appointed by the said orphans' court, who after such appointment have died or may die, or who neglect or refuse to act. Trustees appointed by orphans' court.

2. *And be it enacted*, That in case any trustee heretofore or hereafter appointed by the said court under said act, shall desire to be relieved from the further execution of such trust, and shall signify such desire by notice in writing to the surrogate of such county, then it shall and may be lawful for the said court, if deemed proper and safe, to appoint some suitable person in the place and stead of the person so de- Proceedings when trustee desires to be relieved from execution of trust.

siring to be relieved, and the said person so appointed shall give bond as required by the said act of the person first appointed, and the said trustee so relieved shall, on demand, turn over to his successor all moneys, securities, vouchers, papers and everything in his hands appertaining to the said trust, whose receipt therefor duly acknowledged, shall be a final discharge to the trustee so relieved and his sureties.

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

Approved March 26, 1872.

CHAPTER CCCLXXXIV.

A Supplement to an act entitled "A Further Supplement to 'An Act to incorporate Trustees of Religious Societies,' approved April seventeenth, eighteen hundred and forty-six," which further supplement was approved March twenty-ninth, eighteen hundred and sixty nine.

Preamble.

WHEREAS, the Young Men's Christian Association, of the city of Elizabeth, is now incorporated under the act to which this is a supplement, and it is desirable to enlarge and increase its powers; therefore,

Directors to
be managers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the business affairs, transactions and estate of the said corporation, shall not be managed by the board of trustees as provided in the act to which this is a supplement, but by the board of directors of the said association, their associates and successors, who shall have all the power in their corporate name, that is given to the board of trustees by said act to which this is a supplement.

Election of di-
rectors.

2. *And be it enacted*, That the successors to the present board of directors shall be elected in accordance with the provisions of the constitution of the said association as it now is or may be amended from time to time; *provided*, that at all elections for directors under this law, ten days notice in writing, set up at the regular place of meeting in plain

Proviso.

view, shall be given, and it shall be lawful at such meeting to elect any number of directors, or fill vacancies in the said board of directors as required and provided for in the constitution of the association; *provided*, that the whole number of directors shall not exceed fifteen. Proviso.

3. *And be it enacted*, That the constitution and by-laws of the said association now in force, with such alterations and amendments as may be made from time to time by the said association, not inconsistent with the objects of the association or the laws of this state, shall continue to be the constitution and by-laws of the said association. Constitution and by-laws.

4. *And be it enacted*, That the objects of this association shall be the improvement of the spiritual, mental and social condition of young men and other persons, by means of lectures, sermons, reading-rooms and social meetings, and by such other means as the board of directors shall desire. Objects.

5. *And be it enacted*, That the said association by its corporate name shall have power to take by purchase, gift, devise or bequeath, and to hold, convey, sell, and dispose of any real or personal estate, money, goods, chattels, or other property, for the use of the said association, not exceeding in value one hundred thousand dollars, and said property to the amount of ten thousand dollars shall be exempt from state, county and municipal taxes. May hold and convey real estate.

6. *And be it enacted*, That any of the young men's christian associations of this state are hereby authorized by a majority of the votes cast at a meeting of the association held in their regular place of meeting, called in the same way as meetings for the election of directors are provided for in this act, to adopt all the provisions of this act, and fully to carry out the same, to all intents and purposes, in their respective associations, adopting their own name and constitution and by-laws; a copy of the resolution declaring any association incorporated under this law, with the names of the first board of directors elected after accepting the same, together with a copy of the official seal of the said association, certified to be correct, under oath, by the officers of the meeting or meetings when said resolution was adopted, directors elected, and seal adopted, shall be filed in the office of the clerk of the county in which said association is located. Certificate of incorporation to be filed with clerk of county in which association is located.

7. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same Repealer.

are hereby repealed, and this act shall be deemed a public act and take effect immediately.

Approved March 26, 1872.

CHAPTER CCCLXXXVIII.

An Act to defray incidental expenses of New Jersey Legislature for the session of eighteen hundred and seventy-one.

Treasurer to make payment, upon the warrant of the comptroller, of incidental expenses for the year eighteen hundred and seventy-one.

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, upon the warrant of the comptroller, to the several persons hereinafter named, the following amounts, viz :

Item No. 1. To Ivins and Mount, carriage hire for governor to asylum and state prison, nine dollars and fifty cents,	\$9 50
Item No. 2. To Thomas R. Dyer, for coach furnished committee on soldiers' children's home, sixteen dollars,	16 00
Item No. 3. To Thomas R. Dyer, for coach furnished committee on state's prison, four dollars,	4 00
Item No. 4. To Thomas R. Dyer, for coaches furnished committee on lunatic asylum, eighty dollars,	80 00
Item No. 5. To Ivins and Mount, for coaches furnished committee on soldiers' children's home, fifty-six dollars,	56 00
Item No. 6. To Ivins and Mount, for coaches furnished committee on state's prison, eight dollars,	8 00
Item No. 7. To Ivins and Mount, for coach furnished committee on soldiers' children's home, eight dollars,	8 00
Item No. 8. To Ivins and Mount, for coaches furnished committee on soldiers' children's home, forty-eight dollars,	48 00
Item No. 9. To Ivins and Mount, for coach furnished committee on state prison, four dollars,	4 00

Item No. 10. To Ivins and Mount, for coach furnished committee on lunatic asylum, eight dollars,	\$8 00
Item No. 11. To A. H. Riekey, for parchment roll for oath of members of senate and general assembly, twenty-five dollars,	25 00
Item No. 12. To Murphy and Bechtel, for stationery furnished clerk of assembly, seventy-eight dollars and twenty-five cents,	78 25
Item No. 13. To Murphy and Bechtel, for stationery furnished clerk of assembly, one hundred and six dollars and seventy cents,	106 70
Item No. 14. To Murphy and Bechtel, for stationery furnished clerk of assembly, one hundred and fifteen dollars and fifty cents.	115 50
Item No. 15. To Murphy and Bechtel, for stationery furnished to secretary of senate, one hundred and forty-eight dollars and seventy-five cents,	148 75
Item No. 16. To William T. Nicholson, for stationery furnished to door-keeper in house of assembly, one hundred and eight dollars,	108 00
Item No. 17. To John P. Lansing, for advertising incidental expenses, account of legislative session one thousand eight hundred and seventy-one, five dollars,	5 00
Item No. 18. To Murphy and Bechtel, for stationery furnished secretary of senate, two hundred and ten dollars,	210 00
Item No. 19. To William T. Nicholson, for stationery furnished secretary of senate, seventy-five dollars and fifty cents,	75 50
Item No. 20. To John Torrey, jun., for expenses incurred in contested election case, Hooper vs. Torrey, one thousand dollars,	1,000 00
Item No. 21. To Murphy and Bechtel, for stationery furnished secretary of senate, one hundred and seventy-eight dollars and fifty cents,	178 50
Item No. 22. To A. M. Johnston, for minute books furnished for house of assembly, forty-two dollars,	42 00
Item No. 23. To Naar, Day and Naar, for making books for clerk of house of assembly, thirty dollars and seventy five cents.	30 75

GENERAL PUBLIC LAWS.

Item No. 24. To Murphy and Bechtel, for stationery furnished clerk of house of assembly, fifteen dollars and ninety cents,	\$15 90
Item No. 25. To Ivins and Mount, for coach furnished committee on soldiers' children's home, five dollars,	5 00
Item No. 26. To Charles Scott, for stationery furnished engrossing clerk of house of assembly, one hundred and forty seven dollars and ninety-seven cents,	147 97
Item No. 27. To Charles Scott, for stationery furnished engrossing clerk of senate, one hundred and eighty-three dollars and forty cents,	183 40
Item No. 28. To John P. Lansing, for services as clerk of incidental committee, fifty dollars,	50 00
Item No. 29. To John F. Babcock, for rent of office and furniture for the secretaries of the senate for eighteen hundred and seventy-one, one hundred dollars,	100 00
Item No. 30. To Murphy and Bechtel, for books furnished clerk of house of assembly, thirty-seven dollars and fifty cents,	37 50
Item No. 31. To Murphy and Bechtel, for books furnished clerk of senate, thirty-seven dollars and fifty cents,	37 50
Item No. 32. To Edward D. Fox, for extra services rendered in executive department during the session of one thousand eight hundred and seventy-one, one hundred dollars,	100 00
Item No. 33. To S. M. Dickinson, for services as master in chancery, drawing and taking affidavits to amounts presented and paid at the office of comptroller, to facilitate the business of said office from July first, one thousand eight hundred and sixty-six to April first, one thousand eight hundred and seventy-one, two hundred and fifty dollars,	250 00
Item No. 34. To H. P. Arnel, for services rendered in treasurer's office from January first, one thousand eight hundred and seventy, to March twenty-fifth, one thousand eight hundred and seventy-one, two hundred and fifty dollars,	250 00
Item No. 35. To George T. Dudley, for stationery furnished sergeant-at-arms of senate, one hundred and seven dollars and ten cents,	107 10

Item No. 36. To George T. Dudley, for stationery furnished the officers and members of the senate, five hundred and ten dollars,	\$510 00
Item No. 37. To John P. Lansing for services rendered to the joint committee on treasurer's accounts, one hundred dollars,	100 00
Item No. 38. To George T. Dudley, for stationery furnished assistant clerk of assembly, forty-six dollars and fifty-five cents,	46 55
Item No. 39. To George T. Dudley, for stationery furnished sergeant-at arms of house of assembly, two hundred and eleven dollars and fifty-five cents,	211 55
Item No. 40. To George T. Dudley, for stationery furnished clerk of house of assembly, one hundred and forty-four dollars and thirty-one cents	144 31
Item No. 41. To George T. Dudley, for stationery furnished engrossing clerk of house of assembly, one hundred and seventeen dollars and eighty-five cents,	117 85
Item No. 42. To George T. Dudley, for cancelling stamp for engrossing clerk of senate, eight dollars,	8 00
Item No. 43. To John H. Knapp, for gold pens and pencils furnished legislature 1869,	464 00
Item No. 44. To R. M. Jordan, for stationery furnished members of senate, two hundred and ten dollars,	210 00
Item No. 45. To E. King, for reporting addresses to senate in assembly chamber, evening of March first, one thousand eight hundred and seventy-one, twenty-five dollars,	25 00
Item No. 46. To B. F. Coles, for rent of office and furniture for engrossing clerk of house of assembly, one hundred and eleven dollars and thirty cents,	111 30
Item No. 47. To Trenton Gas Light Company, for gas bill for engrossing clerk of house of assembly, two dollars and forty cents,	2 40
Item No. 48. To James Moore, for rent of office and furniture for the engrossing clerk of the senate for eighteen hundred and seventy-one, one hundred dollars,	100 00

Item No. 49. To Murphy and Bechtel, for stationery furnished as per bill rendered the house of assembly, three hundred and sixty dollars and forty cents, \$360 40

Item No. 50. To the officers of the senate and general assembly, including G. W. Jenkins and John F. Joline, who are to be regarded by the disbursing officers of the state treasury as the journal clerks of the two houses of the legislature for the session of 1871, for extra services, an additional compensation of twenty per centum upon their salaries for the session of eighteen hundred and seventy-one.

Item No. 51. To William H. Wilson for extra services as page to president of the senate, one hundred dollars, 100 00

Item No. 52. To Jeremiah Dally, as librarian, for extra services during session of legislature 200 00

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

Passed March 27, 1872.

CHAPTER CCCXC.

A Further Supplement to the act entitled "An Act to regulate Elections," approved April sixteenth, anno domini one thousand eight hundred and forty-six.

Congressional
districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of electing members of the house of representatives of the United States, this state shall be divided into seven districts, as follows, to wit :

First district.

I. The counties of Camden, Cape May, Cumberland, Gloucester, and Salem, shall constitute and be called the "first district ;"

Second dis-
trict.

II. The counties of Atlantic, Burlington, Mercer, and Ocean shall constitute and be called the "second district ;"

III. The counties of Monmouth, Middlesex, and Union ^{Third district.} shall constitute and be called the "third district ;"

IV. The counties of Hunterdon, Somerset, Sussex, and Warren ^{Fourth district.} shall constitute and be called the "fourth district ;"

V. The counties of Bergen, Morris, and Passaic shall constitute and be called the "fifth district ;" ^{Fifth district.}

VI. The county of Essex shall constitute and be called the "sixth district ;" ^{Sixth district.}

VII. The county of Hudson shall constitute and be called the "seventh district." ^{Seventh district.}

2. *And be it enacted*, That each of said districts shall elect one person to represent this state in the house of representatives of the United States ; which election shall be held on the Tuesday next after the first Monday in November next, and on the Tuesday next after the first Monday in November in each second year thereafter, until congress shall otherwise provide. ^{Time of holding election.}

Approved March 27, 1872.

CHAPTER CCCXCI.

An Act for the support of the State Reform School for Boys.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the support of the state reform school for boys, the maintenance and instruction of its pupils, and some needful improvements to the farm, the sum of twenty thousand dollars be and the same is hereby appropriated, which sum the treasurer of the state is hereby directed to pay to the trustees of the school, upon the warrant of the comptroller. ^{Amount of appropriation.}

2. *And be it enacted*, That in case any boy under the age of sixteen years, shall have been sentenced, after conviction in any county court to imprisonment in the jail thereof, or in the state prison, it shall be lawful for any justice of the supreme court on complaint of any citizen, to constitute a summary examination, and if he shall be satisfied that he is a ^{Justice of the supreme court may commit to the reform school.}

suitable subject for the reform school, to commit him thereto by warrant, as in other cases provided.

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

Approved March 27, 1872.

CHAPTER CCCXCII.

An Act entitled "An Act to repeal an act entitled 'A supplement to the act entitled an act relative to the probate of wills from other or foreign States,' " approved March twenty-eighth, one thousand eight hundred and sixty-six.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A supplement to the act entitled 'An Act relative to the probate of wills from other or foreign states,' " approved March twenty-eighth, one thousand eight hundred and sixty-six, be and the same is hereby repealed.

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

Approved March 27, 1872.

CHAPTER CCCCXV.

A Supplement to the act entitled "An Act to fix the salaries of the officers of the Senate and General Assembly of the State of New Jersey," approved February twenty-fifth, one thousand eight hundred and sixty-one.

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

clerk of the house of assembly, the assistant secretary of the senate and assistant clerk of the house of assembly, the engrossing clerks and journal clerks of both houses, the sergeants-at-arms and door keepers of both houses, the keepers of the galleries of both houses, the pages and private secretaries of the president of the senate and speaker of the house of assembly, shall receive the same compensation as was received by the officers of the legislature of the same grades for the session of one thousand eight hundred and seventy-one.

Compensation
to legislative
officers.

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

Approved March 29, 1872.

CHAPTER CCCCXVI.

Supplement to an act entitled "An Act for the better preservation of the Early Records of the State of New Jersey."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of three thousand dollars be appropriated by the state to procure copies of colonial documents, papers and minutes of council, directly referring to the history of the provinces of East and West Jersey and of New Jersey, now on file in the state paper office, in London, England, the said documents, papers and minutes to be procured, and said sum to be expended under the direction of the New Jersey Historical Society, and paid to them by the treasurer of this state on their order for that purpose, the same to be placed in the state library.

Appropriation
for procuring
copies of colo-
nial docu-
ments, &c.

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

Approved March 29, 1872.

CHAPTER CCCCXXXIII.

A Further Supplement to an act entitled "An Act to prevent the taking of unlawful toll or fare on Canals and Railways," passed March twelfth, eighteen hundred and thirty-nine.

Preamble.

WHEREAS, The evils recited in the preamble of the act of which this is a supplement, have greatly increased since the passage of said act; therefore,

Penalty for taking unlawful toll or fare by incorporated companies

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any incorporated company or companies in this state which is or are, or shall be authorized by law to take toll, or to charge for the transportation of passengers, goods, wares, or merchandise, which shall, directly or indirectly, through or by any agent, director, or other officer whatever, take or demand of any passenger or person, under any pretence whatever, more than the charge, toll rates, or fare allowed by law, shall forfeit and pay the sum of one hundred dollars for each and every such offence, to be recovered in an action of debt, by any person who may sue for the same, the one-half to the prosecutor, and the other half to the use of the state, before any court of competent jurisdiction, together with the costs of prosecution.

Pending suits not to be affected.

2. *And be it enacted*, That all penal suits now pending in any of the courts of this state, whether pending under the said act, passed March twelfth, eighteen hundred and thirty-nine, or under the act amendatory thereof, approved March seventeenth, eighteen hundred and seventy, shall, each and all of them, be determined under the law as it stood at the time said penal suits or actions were commenced, and all penalties and forfeitures under either the said act, passed March twelfth, eighteen hundred and thirty-nine, or under the said act amendatory thereof, shall be recoverable as fully, to all intents and purposes, as though no subsequent amendment or repeal of either of said acts by any law or laws of this state had been made or enacted.

Repealer.

3. *And be it enacted*, That the act entitled "A supplement to an act to prevent the taking of unlawful toll or fare on

canals and railways," passed March twelfth, eighteen hundred and thirty-nine, and which said supplement was approved April sixth, eighteen hundred and seventy-one, and all acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

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

Approved April 1, 1872.

CHAPTER CCCCXXXIV.

Supplement to an act entitled "An act to increase the School Fund of this State," passed April sixth, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all leases which shall hereafter be made of lands belonging to the state, now or formerly lying under water, or which have been made since the sixth day of April, 1871, shall be transferred to the trustees of the school fund of this state, and become a portion of the free school fund; and that the annual income arising from said leases shall be distributed by the said trustees for the support of free public schools, in the same manner that other moneys are now distributed for that purpose.

Money for
leases of lands
under water
to be a portion
of the free
school fund.

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

Approved April 2, 1872.

CHAPTER CCCCLXXXV.

A Supplement to an act entitled "An Act to regulate Fences," approved January twenty-third, seventeen hundred and ninety-nine.

Damages by
trespass, how
appraised.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That damages by trespass of persons or animals shall be appraised by parties owning a class of property similar to that damaged, unless otherwise agreed upon between plaintiff and defendant.

Approved April 3, 1872.

CHAPTER CCCCLXXXVI.

A Supplement to an act entitled "An Act to provide additional accommodation for the insane of this State," approved March thirty-first, one thousand eight hundred and seventy-one.

The selling of
liquor on land
owned by the
state for the
accommoda-
tion of the in-
sane, prohib-
ited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall not be lawful for any person or persons to sell, or cause or knowingly permit to be sold, directly or indirectly, any malt, vinous, spirituous or intoxicating liquors, or any composition of which such liquors, or any of them shall form the chief ingredient, within the grounds owned by the state, nor on any other lands or place lying and being within one mile of the boundary of the grounds owned by the state for the accommodation of the insane, and any person so offending shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than fifty nor more than one hundred dollars for the first offence, and not less

than one hundred dollars for each subsequent offence together with the costs of prosecution.

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

Approved April 3, 1872.

CHAPTER CCCCLXXXVIII.

A Further Supplement to the act entitled "An Act to establish a system of Public Instruction," approved March twenty first, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the support of the normal school, and for carrying out the purposes of the act to which this is a further supplement, the annual sum of fifteen thousand dollars is hereby appropriated, to be paid out of the treasury of this state on the warrant of the comptroller.

Appropriation
for support of
normal school.

2. *And be it enacted*, That the sixtieth section of the act to which this is a further supplement, be and the same is hereby repealed, and that this act shall take effect immediately.

Repealer.

Approved April 3, 1872.

CHAPTER CCCCLXXXIX.

An Act granting the consent of the State of New Jersey to the purchase by the United States, of certain lands for the purpose of the erection of a government building, at Trenton, New Jersey, and ceding jurisdiction over the same.

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

Consent of the
state to the
purchase of
land by the
United States.

New Jersey is hereby given to the purchase, by the United States, of one or more pieces of land situate in the city of Trenton, not exceeding one acre in quantity, on which to erect a government building; and the said United States shall have, hold, use, occupy and own the said land or lands, when purchased, and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereinafter mentioned.

Jurisdiction
ceded.

2. *And be it enacted*, That the jurisdiction of the State of New Jersey in and over the said land or lands mentioned in the foregoing section, when purchased by the United States, shall be, and the same hereby is ceded to the United States, but the jurisdiction hereby ceded, shall continue no longer than the said United States shall own the said land or lands.

Consent and
jurisdiction
ceded condi-
tionally.

3. *And be it enacted*, That the said consent is given, and the said jurisdiction ceded upon the express condition that the State of New Jersey shall retain concurrent jurisdiction with the United States in and over the said land or lands, so far as that all civil process in all cases, and such criminal or other process as may issue, under the laws or authority of the state of New Jersey, against any person or persons charged with crimes, misdemeanors, committed within said state, may be executed therein, in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

Exemption
from taxes,
&c.

4. *And be it enacted*, That the jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said land or lands, by purchase or grant, and so long as the said land or lands shall remain the property of the United States, when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of this state.

Penalty for
injury to
grounds or
building.

5. *And be it enacted*, That any malicious, wilful, reckless or voluntary injury to or mutilation of the grounds, building, or appurtenances shall subject the offender or offenders to a fine of not less than twenty dollars, to which may be added, for an aggravated offence, imprisonment, not exceeding six months in the county jail or workhouse, to be prosecuted before any court of competent jurisdiction.

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

Approved April 3, 1872.

CHAPTER CCCCXC.

A Supplement to the act entitled "An Act to increase the revenue of the State," approved March thirty-first, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to increase the revenue of the state, approved March thirty-first, one thousand eight hundred and sixty-nine, be and the same is hereby repealed. Repealer.

2. *And be it enacted*, That this act shall be a public act, and shall have immediate effect.

Approved April 3, 1872.

CHAPTER CCCCXCI.

A Further Supplement to the act entitled "An Act to establish a system of Public Instruction," approved March twenty-first, one thousand eight hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the school year, so far as regards the state normal school, shall hereafter terminate on the last day of June. Day when normal school year shall terminate.

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

Approved April 3, 1872.

CHAPTER CCCCXCIV.

A Supplement to the act entitled "An Act to appoint Commissioners to erect an addition and make repairs to the State House," approved March thirty-one, eighteen hundred and seventy-one.

Appropriation
for comple-
tion of addi-
tion, &c.
to state house.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there be appropriated the additional sum of one hundred and twenty thousand dollars, to be expended by the said commissioners named in the act to which this is a supplement, for the completion of the addition and repairs to the state house, and for resetting the fence and flagging on Delaware street.

Appropriation
for executive
and court
rooms.

2. *And be it enacted*, That there be appropriated the further sum of three thousand dollars for furnishing and fitting up in a suitable manner the executive chamber and suite of rooms, to be expended under the direction of the governor; and that there be further appropriated the sum of two thousand dollars, to be expended for furnishing and fitting up the court of chancery and ante-rooms, under the direction of the chancellor; and that there be appropriated the further sum of two thousand dollars, to be expended for finishing and fitting up the supreme court and ante-rooms, under the direction of the chief justice; and the further sum of two thousand dollars for furnishing and fitting up the several offices on the first floor of the east wing, to be expended as aforesaid; and that the comptroller and treasurer be associated with the said commissioners in carrying out the provisions of this section.

Comptroller
and treasurer
to act with
commission-
ers.

Commission-
ers to account
to comptroller
for expendi-
tures.

3. *And be it enacted*, That the comptroller shall, from time to time, draw his warrants upon the treasurer in favour of said commissioners, for such sum or sums as shall be necessary for the purposes aforesaid; and the said commissioners shall account to the said comptroller for the expenditures as aforesaid, as required in the act to which this is a supplement.

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

Approved April 4, 1872.

CHAPTER CCCCXCVI.

An Act relating to the National Cemetery at Antietam.

WHEREAS, the legislature of this state, by joint resolution,^{Preamble.} approved April fourth, eighteen hundred and sixty-six, provided for the removal and deposit in the cemetery at Antietam, of the remains of the soldiers from this state, who were interred on the battlefield of Antietam, or the fields of other battles fought in that part of Maryland, limiting the expense therefor to the sum of five thousand dollars; and whereas, the purposes of said resolution have been accomplished at an expense of two thousand eight hundred and forty-six dollars and forty cents; and whereas, it is proposed by the trustees of the Antietam National Cemetery to erect a monument in said cemetery to the memory of the soldiers from the various states of the Union whose bodies are there interred:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and is hereby directed to pay to the trustees of the Antietam National Cemetery, upon the warrant of the state comptroller, such portion of the unexpended balance of the said five thousand dollars, toward the erection of said monument, as the governor may deem to be the proper contribution of this state, compared with other states contributing to the same object.

Treasurer to pay portion of unexpended balance to the trustees of national cemetery.

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

Approved April 4, 1872.

CHAPTER CCCCXCVII.

Supplement to an act entitled "An Act to establish a uniform standard of weights and measures for this state, and to provide for the appointment of a State Superintendent and Inspector of the same," passed March twenty-fifth, one thousand eight hundred and seventy two.

- Superintendent of weights and measures shall procure for each county a surveyor's chain of standard measurement.
1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the duties as defined in section six of said act, the state superintendent shall procure for and at the expense of each and every county in this state a surveyor's chain of standard measurement, which shall for purposes of proof and verification be kept in the office of the county clerk for each and every county, and by him to be used to compare and prove all chains used or to be used for measuring or surveying land; and the said clerk shall be entitled to receive from the applicant the sum of fifty cents for each chain by him proved and sealed.
- Chain to be compared and proved.
2. *And be it enacted*, That every surveyor in any county in this state shall, and is hereby required, within sixty days after notice as provided in section nine of the act to which this is a supplement, to prove any chain used or to be used by him or any other person in surveying land in this state, and to have the same sealed as correct, and thereafter to have the same compared and proved as often as once in two years.
- Salary of superintendent.
3. *And be it enacted*, That the salary of the state superintendent and inspector of weights and measures shall be reduced for the second year to one thousand dollars, and for the third year and thereafter to five hundred dollars per year, and that so much of said act to which this is a supplement in regard to the salary named therein as is inconsistent with this act be, and the same is hereby repealed.
4. *And be it enacted*, That this be regarded as a public act, and to take effect immediately.

Approved April 4, 1872.

CHAPTER CCCCXCVIII.

An Act making an appropriation to furnish books for the Blind of this State.

WHEREAS, there has been established at Louisville, Kentucky, ^{Preamble.} by an act of the legislature of said state, a company known as the "American Printing House for the Blind," the purpose of which is to print and publish books in raised letters, for the use of the blind in the United States; and whereas, section seventh of the charter of the said American Printing House provides, "that every school for the blind, located in a state whose legislature or citizens contribute to the funds of the American Printing House, shall, in proportion to the funds contributed, be entitled to copies of every book published by said house, to be distributed gratuitously to such blind persons as are unable to purchase them;" and whereas, it is both proper and desirable that the citizens of the state of New Jersey should share the burdens and benefits of this institution; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Advisory board.} *the State of New Jersey,* That Marcus L. Ward, Frederick T. Frelinghuysen and Theodore F. Randolph, of this state, be and the same are hereby constituted an advisory board, to advise and co-operate with any auxiliary society or executive board for the state of New Jersey, of the said American Printing House, in raising funds to be expended in furnishing the works of the printing house to such of the blind of said state as are unable to purchase them; and any vacancy occurring in said advisory board by death, resignation, or otherwise, shall be filled by the remaining members of said board.

2. *And be it enacted,* That the sum of five thousand dollars, ^{Amount of appropriation.} of any money in the state treasury not otherwise appropriated, be placed in the hands of the aforesaid board, the interest only of which sum shall be used, each and every year, for the purchase of books and other appliances for the blind from the aforesaid American Printing House, at the exact cost of manufacture; which books and appliances so purchased shall

be distributed gratuitously, from time to time, by said board, among the indigent blind of the state of New Jersey.

Approved April 4, 1872.

CHAPTER CCCCXCIX.

An Act relative to the Law Reports of New Jersey.

Treasurer to
purchase
copies of law
reports that
may be re-
printed.

Proviso.

Treasurer
shall pay for
such reports
out of moneys
in the state
treasury.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any of the law reports of this state shall be reprinted, it shall be lawful for the state treasurer to purchase two hundred copies of such reports at the same price, and to be distributed in the same manner as the law and chancery reports are now purchased, paid for and distributed; *provided*, that such reports shall be published under the direction and supervision of such person as the chief justice of the supreme court may appoint.

2. *And be it enacted*, That the state treasurer shall pay for such reports, on the delivery thereof, out of any moneys in the treasury of this state not otherwise appropriated, and that this act shall take effect immediately.

Approved April 4, 1872.

CHAPTER D.

A Supplement to the act entitled "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," approved April fourteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this supplement, it shall be, and it is hereby made the duty of the chosen freeholders or freeholder, in each and every township of this state, to make out and file with the township committee of their respective townships, a full, detailed and correct account and statement of all moneys expended by them or appropriated in their respective townships under and by direction of the board of chosen freeholders of their respective counties, for the year then elapsed, for the construction or repair of bridges or other county purposes, which statement or account of said expenditure shall be filed as aforesaid by said chosen freeholders or freeholder with said township committee, at least ten days before the annual town meeting held in each of said townships, under a penalty of fifty dollars for each omission of said duty, to be recovered of such delinquent officers by action of debt, to be brought by and in the name of said township for the use thereof.

2. *And be it enacted*, That it shall be the duty of the township committee of each of the townships in this state to read said statement and account so filed with them as aforesaid to the inhabitants of said township, when assembled by law in their annual town meetings, and to file the same among the township records with the clerk thereof.

Approved April 4, 1872.

CHAPTER DI.

A Supplement to the act entitled "An Act concerning Roads," approved April sixteenth, eighteen hundred and forty-six.

Preamble.

WHEREAS, it is represented that overseers of the highways sometimes neglect or refuse to make and keep open necessary gutters, drains or ditches in their respective road districts, by reason of which neglect or refusal the water accumulates in said districts and overflows and injures the property of land owners in the adjoining townships or wards; for remedy whereof,

Court of common pleas to appoint chosen freeholders to view land or road injured by flow of water, and to make report to clerk of county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any land in any township or ward of this state, or any street or road, shall be injured by a flow of water in consequence of the refusal or neglect of the overseer or overseers of the highways in an adjoining township to cut, make and keep open necessary gutters, drains or ditches in his or their road district to draw off the water from his or their district, the owner of said land, or overseer or street commissioner of the road or street so injured, may present a petition to the court of common pleas in which said road district is located, setting forth the facts under oath or affirmation, and thereupon said court shall appoint three of the chosen freeholders in said county, not residing in said townships or wards, who first having taken an oath or affirmation to act faithfully and impartially in the premises, shall proceed to view said road district and inquire into said injury on their own view, or by the testimony of witnesses, and if in their opinion the facts stated in said petition are true, they shall designate in writing where necessary gutters, drains or ditches shall be made in said road district to convey or draw off the water from the highway with the least disadvantage to the owner of the land, and make their report in writing to the clerk of said county, who shall file and record the same; and if thereafter said overseer or overseers shall wilfully refuse or neglect to cut, make, cleanse and keep open such gutters, drains and ditches so

Penalty for neglect.

designated, the said township in which said road district is located, shall be liable in damages to any land-owner of an adjoining township or ward, or to the adjoining township or ward for any injury sustained by reason of such neglect or refusal.

2. *And be it enacted*, That any person or persons, townships or wards, may, within sixty days, appeal from the decision of said freeholders to the court of common pleas of said county, who shall give final judgment on the same. Appeal may be made.

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

Approved April 4, 1872.

CHAPTER DXXVIII.

A Further Supplement to an act entitled "An Act to establish a system of Public Instruction," approved March twenty-first, one thousand eight hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state superintendent of public instruction shall (unless the state board of education shall, for good cause shown, otherwise direct) have power, and it shall be his duty to direct and cause the county collector of any county to withhold from any county superintendent any portion of his salary, until he has fully complied with the provisions of the act to which this is a supplement, or any of its supplements relating to his duties; and (unless the state board of education shall, for good cause shown, otherwise direct) it shall be his duty to direct and cause the county superintendent of any county, or any board of trustees or school officers, to withhold from any officer, or district, or teacher, that part of the state appropriation derived from the revenue of the state, until such officer, district, or teacher, shall have complied with the provisions of the act to which this is a supplement, or any of its supplements, relating to his, its, or their duties, and with all the rules and regulations Powers and duties of the state superintendent of public instruction.

made in pursuance of any of these acts by the state board of education; and by and with the advice and consent of the state board of education, he shall have power, and it shall be his duty to suspend or revoke the license of any teacher, when the county superintendent shall make formal report that such teacher does not possess the attainments or qualifications which are essential to his office, or that the school or department of a school under the charge of such teacher is suffering from his or her incompetency, or from his or her failure or inability to govern or instruct the children who are under his or her care.

Appointment
of county su-
perintendents

2. *And be it enacted*, That the state board of education shall appoint the county superintendents of the several counties in the state, subject to the approval of the board of chosen freeholders of the several counties, but in all cases where a month elapses and no action is taken by any board of chosen freeholders approving or disapproving, then the appointments made by the state board shall be valid without such approval.

Annual meet-
ing to be held.

3. *And be it enacted*, That the state association of school superintendents shall meet annually, at such time and place as the state board of education may appoint, and at such other times and places as they may agree upon.

Township
boards of trus-
tees to meet
semi annually

4. *And be it enacted*, That the township boards of trustees of the several townships of this state shall meet semi annually at such times and places as the county superintendent may appoint.

Board of trus-
tees may bor-
row money
for purpose of
repairs, &c.

5. *And be it enacted*, That in addition to the duties prescribed by the third subdivision of the thirty-ninth section of the act of which this is a supplement, the board of trustees shall have power to build, repair or improve school buildings, and to borrow money, or incur a debt or debts for such purposes, as they may be directed by a majority of the legal voters present at any legally called meeting of the district; and that, wherever in the act to which this is a supplement, or the supplements to which this is a further supplement, it requires two-thirds of those present to empower the trustees to do certain acts, shall be so amended that a majority of those present, upon due notice given, shall be sufficient to empower the trustees to do all acts that it now requires two-thirds to agree to.

6. *And be it enacted*, That the applicants for admission to the normal school shall give on admission a written obliga-

tion, signed with their own hands, that their object in seeking admission to the school is to qualify themselves for the employment of public school teachers, and that it is their intention to engage in that employment in this state for at least two years, or refund to the state the cost of their tuition; and, in addition to the annual sum appropriated for the support of the normal school, there is hereby appropriated annually the sum of five thousand dollars, to be paid out of the treasury of the state in like manner, which shall constitute a scholarship fund, to be applied as follows: there shall be fifty scholarships of one hundred dollars each, two of which shall be allotted to each county, to be competed for by the pupils in the normal school from that county; and the remainder shall be open to free competition by pupils in the normal school from the state at large; the competitive examinations above mentioned shall be conducted by the principal of the state normal school and his assistants; *provided*, Appropriation to constitute a scholarship fund. Proviso. that scholarships shall be awarded to those pupils only who shall first enter into a satisfactory bond to the treasurer of the state, obligating themselves to teach in the public schools of this state for the term of five consecutive years, or to refund the amount paid them upon a failure to do so from any cause save continued sickness or death.

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

Approved April 4, 1872.

CHAPTER DXXIX.

A Further Supplement to an act entitled "An Act to authorize an extension of the State Prison," approved April second, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of finishing the new or east wing of the state prison, and defraying the expenses already incurred in connection therewith, the sum of twenty-eight thousand and seven hundred dollars, be and Appropriation to state prison

the same is hereby appropriated to be paid on the warrant of the comptroller to the board of supervisors as they may direct.

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

Approved April 4, 1872.

CHAPTER DXXX.

An Act making an appropriation for the repairing of the Surveyor General's Office of the Eastern Division of New Jersey.

Preamble.

WHEREAS, the building now occupied by the surveyor general of the eastern division of New Jersey, contains many important titles and other valuable papers connected with the early settlement and location of lands in this state; and whereas, it is virtually important to keep and preserve the same; and whereas, the said building needs repairing to make it a safe and proper place for the purposes designated; therefore,

Amount of appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one thousand dollars be and the same is hereby appropriated for the purpose set forth in the preamble of this bill, and that the treasurer of this state be and is hereby authorized and required to pay to the treasurer of the said eastern division of New Jersey the aforesaid sum of one thousand dollars out of any moneys of the state not otherwise appropriated.

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

Approved April 4, 1872.

CHAPTER DXXXI.

A Supplement to the act entitled "An Act to authorize the establishment and to prescribe the duties of companies for manufacturing and other purposes," approved March second, eighteen hundred and forty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any company organized for all or any one or more of the purposes mentioned in a supplement to said act, approved February twenty-fifth, eighteen hundred and fifty-two, may mortgage their lands, and any term for years they may have or may acquire in any lands or franchises, to secure any bonds of said company which may be issued, which they are hereby authorized to issue, to carry on their business, or to execute any franchises they may possess or acquire by contract, either in fee simple or for a less estate, which they are hereby authorized to acquire by contract as aforesaid, or to construct their works or to acquire any real estate or other property useful to carry out the objects of the corporation.

May mortgage
lands for
terms of
years, and ac-
quire lands or
franchises.

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

Approved April 4, 1872.

CHAPTER DXXXII.

An Act to defray incidental expenses of New Jersey Legislature for the session of eighteen hundred and seventy-two.

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

Treasurer to
pay incidental
expenses of
legislature for
session of
eighteen hun-
dred and sev-
enty-two.

suror of this state to pay, upon the warrant of the comptroller, to the several persons hereinafter named the following amounts, viz:

- No. 1. To George Dudley, for stationery for house of assembly, certified to by sergeant-at-arms, three dollars and sixteen cents, \$3 16
- For stationery for house of assembly, certified to by engrossing clerk, one hundred ninety-three dollars and eighty-five cents, 193 85
- For mucilage for house of assembly, certified to by clerk of house, fourteen dollars and seventy-five cents, 14 75
- For stationery for senate, certified to by sergeant-at-arms of senate, one hundred and thirty-six dollars and ninety cents, 136 90
- For stationery for senate, certified to by engrossing clerk of senate, one hundred and eighty-one dollars eighty cents, 181 80
- For stationery for house, certified to by clerk of house, three dollars and sixty cents, 3 60
- For stationery for house of assembly, certified to by speaker, fifteen dollars and seventy-five cents, 15 75
- For stationery for house of assembly, certified to by sergeant-at-arms, one hundred fourteen dollars and thirty cents, 114 30
- For stationery for house of assembly, certified to by sergeant-at-arms, ninety dollars twenty-five cents, 90 25
- No. 2. Ivins & Mount, for coaches furnished members of legislature, certified to as follows:
- By Thomas Beesley, ninety-five dollars, 95 00
- By Henry Irick, one hundred and fourteen dollars, 114 00
- By Thomas Beesley, thirty-two dollars, 32 00
- By Henry Irick, six dollars, 6 00
- No. 3. William S. Sharp, for stationery for house of assembly, certified to by clerk of house, eighteen dollars, 18 00
- No. 4. D. Lodor, for office use in senate, certified to by secretary of senate, sixteen dollars and fifty cents, 16 50
- No. 5. Joseph McPherson, for two satchels for

secretaries of senate, certified to by secretary of senate, sixteen dollars and seventy-five cents,	\$16 75
No. 6. James & Dunham, for paste and brushes for senate, certified to by secretary of senate, eighteen dollars,	18 00
James & Dunham, for mucilage for senate, certified to by secretary of senate, six dollars,	6 00
James & Dunham, for mucilage for senate, certified to by secretary of senate, twenty-eight dollars and seventy cents,	28 70
No. 7. Hon. Dennis Reardon, for expenses contesting seat in house of assembly, per vouchers, five hundred dollars,	500 00
No. 8. William H. Campbell, chairman of educational committee, for expenses of self and others of committee, eighteen hundred and seventy-one, one hundred and four dollars, ninety-eight cents,	104 98
William H. Campbell, for printing several different forms of school bill, per vouchers, two hundred and sixty-four dollars,	264 00
No. 9. Mrs. Louisa Antwirth, for cleaning, for slop work about legislative chambers, for the session, one hundred dollars,	100 00
No. 10. Murphy and Bechtel, for stationery for senate, certified to by secretary of senate, seven hundred and seventy-four dollars and seventy five cents,	774 75
No. 11. B. S. Anderson, detective policeman, for special service, ten dollars,	10 00
No. 12. William S. Sharp, for stationery for senate, certified to by president of senate, thirteen dollars,	13 00
William S. Sharp, for stationery for senate, certified to by engrossing clerk, six dollars,	6 00
No. 13. J. Herbert Potts, for services assisting journal clerk of house of assembly, five hundred dollars,	500 00
No. 14. Augustus O. Evans, balance said to be due on account of printing the volume of public documents in the year eighteen hundred and seventy, four hundred and forty-six dollars,	446 00
No. 15. Theodore W. Freese, on account of printing assembly bills for the present session of	

the legislature, as per resolution adopted by the house January ninth, eighteen hundred and seventy-two, the balance of the bill to be paid by the comptroller when the whole bill shall have been rendered, two thousand dollars, \$2,000 00

No. 16. Dyer and Reeves, for coach hire, certified to by Henry Irick, chairman committee soldiers' children's home, one hundred and twenty-four dollars, 124 00

No. 17. William G. Allen, for coaches, certified to by Charles Hewitt, thirty-five dollars, 35 00

Certified to by J. H. Cavalier, thirty-two dollars, 32 00

No. 18. J. D. Hall, for parchment rolls for senate and house of assembly, at the usual rates, twenty-five dollars, 25 00

No. 19. To the officers of the senate and general assembly, including the journal clerks and the private secretaries of the president of the senate and speaker of the house, for extra services, an additional compensation of twenty per centum upon their salaries for the present session.

No. 20. Samuel Prior, for taking measurements of New Jersey state prison, twenty-five dollars, 25 00

No. 21. To the several pages of the senate and house of assembly an addition of twenty per cent. to the amount of compensation provided by the act of March 29, 1871.

No. 22. George K. Coleman, on account of services as reader for the assembly, one hundred dollars, 100 00

No. 23. That fifty dollars be allowed to Jeremiah Dally the state librarian, for moneys paid out by him for extra services.

No. 24. Murphy and Bechtel, for stationery furnished the house of assembly, as certified to by the clerk, three hundred dollars, 300 00

No. 25. To Theodore Cook, for chairs, tables, &c., ordered by committee, for engrossing clerk's office for eighteen hundred and seventy for the house of assembly, twenty-eight dollars and seventy-five cents, 28 75

No. 26. To the clergy of the city of Trenton ten dollars for each week's service in opening the sessions of the legislature with prayer in the years eighteen hundred and seventy-one and eighteen hundred and seventy-two.

No. 27. To Jeremiah Dally, state librarian, for lighting up at night and other extra services, two hundred dollars,

\$200 00

Approved April 4, 1872.

CHAPTER DXXXIII.

An Act to regulate the sale of Ale, Strong Beer, Lager, Porter, Wine and other Malt Liquors in the State of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful to sell ale, strong beer, lager beer, porter, wine or other malt liquors (except where the same is compounded and sold as a medicine), in quantities less than a quart, if the same is drank on or about the premises where sold, in the state of New Jersey, without a license first had and obtained for that purpose from the judges of the court of common pleas of the county, or from the other authorities now having power by law to grant license.

License to sell must be first had and obtained.

2. *And be it enacted*, That a written application for the license shall be made and signed by the applicant, stating the kind or kinds of malt liquor he proposes to sell, and the place or township where he proposes to locate his place of business, which application shall also be signed by ten freeholders of the township, who have not signed another petition or application, where he proposes to locate his saloon or shop, who shall recommend said applicant as a sober and honest man, after which shall follow an affidavit of applicant that said persons recommending him are freeholders of said township, and that he will keep a quiet and orderly house, according to the requirements of the law.

Application for license.

Bond of recognizance shall be given before receiving license.

Form of recognizance.

Before whom recognizance may be taken.

Fees.

Form of license.

3. *And be it enacted*, That every person, before he or she shall receive such license, shall become bound by recognizance to the state in the sum of one hundred dollars as principal, with two sufficient sureties, being freeholders in the county, in the sum of fifty dollars each, with condition following, to wit: the condition of the recognizance is such that whereas the above bounden ——— is licensed by the court to sell malt liquors in the house at ———, in the township of ———, in the county of ———, for the space of one year next ensuing; if, therefore, the said ———, during the continuance of his license shall not keep a disorderly house, nor violate the provisions of this or other laws against encouraging and harboring drunken persons, vagrants, idle and vicious persons, thieves, gamblers, prostitutes and other disorderly persons, but shall, in all things respecting him or her, use and maintain good order and rule, and observe the directions of the law, then this recognizance to be void, or else to remain in full force and virtue.

4. *And be it enacted*, That this recognizance may be taken before any judge of common pleas, out of court, master in chancery or supreme court commissioner, and being signed by said applicant, sureties, and acknowledged before said officer and filed by the clerk of said court of common pleas, shall have the same force and effect as if the same had been taken in open court.

5. *And be it enacted*, That the officers taking such recognizance shall be entitled to the sum of fifty cents, the court for inspecting paper and granting license the sum of one dollar, and the clerk of the court for drawing and filing such recognizance, drawing license and affixing thereto the seal of the court and making entry in the minutes of such license, shall demand and receive the sum of two dollars.

6. *And be it enacted*, That every license to sell malt liquor shall be signed by the clerk of the court granting the same, and shall have the seal of said court affixed thereto by said clerk; which license shall be in the words and to the effect, following, viz: “——— county, to wit: at an inferior court of common pleas, in and for said county, held at ———, in the same, the ——— day of ———, in the year of our Lord one thousand ———, the said court doth hereby allow and license ———, of the township of ———, to sell malt liquors in the place he now keeps for one whole year from day aforesaid, and no longer, so that said ——— shall use and exercise

this license during the said term, according to the just and true meaning of the laws in such cases made and provided. Given under my hand and the seal of said court the day and year first above written. _____, Clerk."

7. *And be it enacted*, That no license shall entitle a person to keep and sell malt liquors in any other place than that in which it was first kept by virtue of such license, and such license, with regard to other places and persons, shall be void. License, when void.

8. *And be it enacted*. That application for license under this act shall be made on the first day of the session of such court, and the said court shall, on that day, or on some other day publicly fixed by said court on said first day, determine in open court on said application, by granting or refusing the same. Application for license to be made on the first day of session.

9. *And be it enacted*, That every such license shall be made to continue for one year, and no longer, but may be renewed yearly by said court, upon like recommendation, penalties, assessments and fees as when such license was first granted. Renewal of license.

10. *And be it enacted*, That every person licensed under this act shall, before license is delivered to him, pay the clerk of the court such sum as the court shall assess, which shall not be less than ten, and not more than fifty dollars, and no license shall be delivered to any person unless the money so assessed for the same, and all fees, shall have been paid to the clerk. Court to assess sum for license.

11. *And be it enacted*. That it shall be the duty of the clerk to enter in the minutes of said court a statement of all persons licensed, and place of location, together with sums assessed for said licenses, and date of receiving the same, and within one month after receipt of such moneys, shall pay them over to the county collector, for the use of the county. Duty of the clerk.

12. *And be it enacted*, That if any person or persons shall, without a license for that purpose first had and obtained according to this act, sell, or cause, or knowingly permit to be sold, directly or indirectly, any ale, strong beer, porter, lager beer, wine or other malt liquors (except such as are compounded and sold as a medicine), under the quantity of one quart, if the same is drank in, on or about the premises where sold, then he or she so offending shall forfeit and pay, for every such offence, the sum of fifty dollars, to be recovered. Penalty for selling without license.

by action of debt, with cost, by any person who shall sue for the same, in any court of record having cognizance of that sum, one-half to the prosecutor, and the other half to the inhabitants of the county.

Penalty for
selling on Sun-
day.

13. *And be it enacted*, That in addition to the penalties imposed in section twelve of this act, if any person or persons shall sell any of the liquors aforesaid, without license first had and obtained according to this act, or shall sell on Sunday, then such person or persons shall be held as a keeper or keepers of disorderly houses, and shall be liable to indictment as keepers of disorderly houses, and upon conviction shall be subject to like pains and penalties as are now imposed by law on keepers of gambling houses, houses of prostitution, and other common nuisances.

Where provi-
sions of this
act shall not
apply.

14. *And be it enacted*, That the provisions of this act shall not apply to any township, city or incorporated town in which laws are in force regulating the sale of any of the liquors mentioned in this act.

Approved April 4, 1872.

CHAPTER DXXXIV.

An Act making an appropriation to furnish the Legislature with a Digest of the Laws of this State.

Preamble.

WHEREAS, it has come to the knowledge of the legislature that Nixon's Digest is out of print and cannot be procured for the use of the members of the senate and house of assembly; therefore,

Treasurer to
forward copy
of digest of
the laws.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the digest of the laws of New Jersey shall have been published, it shall and may be lawful for the treasurer of this state, and he is hereby empowered and directed to forward by express at the cost of the state, one copy of the said digest to the address of each member and officer of the senate and general assembly of the ninety-sixth legislature of New Jersey.

2. *And be it enacted*, That the comptroller of the state is hereby authorised and required to audit the bill for the purchase of the said copies of said digest, and the treasurer of this state is authorised and required to pay the same out of any money in the state treasury not otherwise appropriated. Comptroller audit the bill.

3. *And be it enacted*, That the sum of money required to pay for said digest, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purposes herein before set forth. Appropriation to pay for digest.

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

Approved April 4, 1872.

CHAPTER DXXXV.

A Further Supplement to the act entitled "An Act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be assessed, levied and collected on the inhabitants of the state, and upon the taxable real and personal property, as exhibited by the abstracts of ratables from the several counties, made out by the several boards of assessors for the year one thousand eight hundred and seventy-one, and filed in the office of the comptroller of the treasury, a state tax of one mill on each dollar of the valuations contained in said abstracts, which is hereby appropriated and shall be applied as follows, to wit: two hundred and sixty-four thousand seven hundred and seventy-eight dollars, or so much thereof as may be needful, for the payment of the principal falling due on the first day of January next, and such interest as shall have accrued on said first day of January, and on the first day of July next thereafter, of and on a loan authorised by an act entitled "An Act authorising a loan for the purposes of war, to repel invasion, and suppress insurrection, and appropriating the same," An assessment of one mill on a dollar to be made

Proceeds of tax, how appropriated.

and providing for the payment thereof," approved May tenth, one thousand eight hundred and sixty one, and the several supplements thereto; and the surplus of said sum, if any there be, remaining after such payments, shall be applied and added to the sinking fund provided for by the fifth section of said act, toward the payment of the principal of said loan, and the residue of said tax shall be applied to the purpose of defraying the necessary expenditures of the state for the current year; which tax and the sums required to be raised for county, city, township and other public taxes, shall be levied, assessed and collected, on the persons and property, and in the manner directed by the above recited act, entitled "An act concerning taxes," and the several supplements thereto, and the laws of this state which shall be in force at the time the said taxes shall be assessed, regulating the assessment and collection of taxes, except as in and by this act otherwise ordered and directed.

2. *And be it enacted*, That it shall be the duty of the comptroller aforesaid to apportion the said tax, and at the rate aforesaid, among the several counties in proportion to the amount of taxable real and personal estate in said counties respectively, as shown by the abstracts respectively as aforesaid; and it shall be his duty to transmit, within thirty days after the approval or passage of this act, to the county collector of each county, a statement of the amount of said tax apportioned to said county, and said county collector shall lay said statement before the assessors of the townships or wards within his county, at their next meeting to apportion the township taxes, and said assessors shall thereupon proceed to assess said tax according to law.

3. *And be it enacted*, That it shall be the duty of the comptroller to furnish to the collectors of the several counties printed forms on which the boards of assessors shall make their returns of the amount of ratables of their respective counties, upon which forms there shall be printed the oath required to be taken by the assessors as provided by section twelve of an act entitled "A further supplement to an act entitled, 'An Act concerning taxes,'" approved April fourteenth, one thousand eight hundred and forty-six, which supplement was approved April eleventh, one thousand eight hundred and sixty-six, and no abstract of the amount of ratables from any county shall be deemed to have been made

Surplus, how
disposed of.

How levied,
assessed and
collected.

Comptroller
shall appor-
tion.

And transmit
statement to
county collec-
tors.

Comptroller
to furnish col-
lectors print-
ed forms for
assessors' re-
turns of rata-
bles.

according to law, unless said oath shall have been taken and subscribed by each member of the board of assessors.

4. *And be it enacted*, That the provisions of the act entitled "A further supplement to the act entitled 'An act concerning taxes,'" approved April fourteenth, one thousand eight hundred and forty-six, which said further supplement was approved April first, one thousand eight hundred and sixty-nine, shall be and the same are hereby held to apply and be in force so far as they do not conflict with the provisions of this act. Former acts applied.

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

Approved April 4, 1872.

CHAPTER DXXXVI.

An Act granting the consent of the State of New Jersey to the purchase by the United States of certain lands for the purpose of the erection of a public building at Trenton, and ceding jurisdiction over the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the consent of the state of New Jersey is hereby given to the purchase by the United States of one or more pieces of land situated in the city of Trenton, not exceeding one acre in quantity, on which to erect a building for a post office and other public purposes, and the said United States shall have, hold, use, occupy and own the said land or lands when purchased, and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereinafter mentioned. Consent of state to the purchase of land by the United States.

2. *And be it enacted*, That the jurisdiction of the state of New Jersey in and over the said land or lands mentioned in the foregoing section, when purchased by the United States, shall be and the same hereby is ceded to the United States, but the jurisdiction hereby ceded shall continue no longer than the said United States shall own the said land or lands. Jurisdiction ceded.

3. *And be it enacted*, That the said consent is given, and

Consent and
jurisdiction
ceded condi-
tionally.

the said jurisdiction ceded, upon the express condition that the state of New Jersey shall retain concurrent jurisdiction with the United States in and over the said land or lands, so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the state of New Jersey against any person or persons charged with crimes or misdemeanors, committed within said state, may be executed therein, in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may effect the real or personal property of the United States.

Exemption
from taxes,
&c.

4. *And be it enacted*, That the jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said land or lands by purchase or grant, and so long as the said land or lands shall remain the property of the United States, when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments, and other charges which may be levied or imposed under the authority of this state.

Penalty for
injury to the
grounds or
building.

5. *And be it enacted*, That any malicious, wilful, reckless, or voluntary injury to, or mutilation of the grounds, buildings or appurtenances, shall subject the offender or offenders to a fine of not less than twenty dollars, to which may be added, for an aggravated offence, imprisonment not exceeding six months in the county jail or workhouse, to be prosecuted before any court of competent jurisdiction.

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

Approved April 4, 1872.

CHAPTER DXXXVII.

A Supplement to an act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person to be elected a director of any body corporate in this state, issuing stock, unless such person shall be at the time of his election a bona fide holder of some of the stock of said body corporate. Person to be elected a director shall be a stockholder.

2. *And be it enacted*, That when any person, a director of such body corporate, shall cease to be such bona fide holder of some of the stock thereof, he shall cease thereupon to be a director thereof. When not a stockholder he shall cease to be a director.

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

Approved April 4, 1872.

CHAPTER DXXXVIII.

A Supplement to the act entitled "An Act to provide for the registration of persons entitled to the right of suffrage in cities," approved March twenty-second, one thousand eight hundred and seventy-one.

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

2. *And be it enacted*, That the boards of registry, at each meeting thereof, in pursuance of said act, shall remain in

Boards of registry to remain in session until eight o'clock in the evening

Boards of registry to remain in session until eight o'clock in the evening

session until eight o'clock in the evening; and that the seventeenth section of said act be and the same is hereby amended by adding at the end thereof the words, "or whereon said boards of registry shall meet, in pursuance of said act, for the purpose of registration."

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

Approved April 4, 1872.

CHAPTER DXXXIX.

A Supplement to an act entitled "A further supplement to an act entitled 'An Act concerning taxes,'" approved April fourteenth, eighteen hundred and forty-six, which said supplement was approved April eleventh, eighteen hundred and sixty-six.

The word "citizen" shall include bodies corporate.

Repealer.

The word "citizen" shall include bodies corporate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the word "citizen," in part one, of the fifth section of the act, to which this is a supplement, shall be deemed and taken to include bodies corporate.

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

Approved April 4, 1872.

CHAPTER DXL.

An Act to encourage the manufacture of Beet Sugar in this State.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the term of ten years next after the passage of this act, all the machinery, buildings, real estate and all other property owned by any individual or individuals, corporation or corporations organized under any law of this state, and used exclusively in the business of manufacturing beet sugar, are hereby exempted from taxation for any purpose whatsoever; *provided*, that this exemption from taxation shall not apply to lands upon which beets are raised for the purpose of manufacture. Building and machinery exempt from taxation. Proviso.

2. *And be it enacted*, That the stock of any incorporated company engaged exclusively in the manufacture of beet sugar in this state, held and owned by any individual or individuals, shall be exempt from taxation for any purpose for the time specified in the first section of this act. Stock exempt from taxation.

3. *And be it enacted*, That this act shall take effect and be in force from and after its passage.

Approved April 4, 1872.

CHAPTER DXLI.

Supplement to an act entitled "An Act to establish a system of public instruction," approved March twenty-first, one thousand eight hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That the treasurer of this state under the direction of "The trustees for the support of free

Trustees for the support of free schools to make loans for the purpose of building school houses.

schools," is authorized to invest the fund for the support of public schools in this state, in addition to the securities mentioned in the sixty-seventh section of the act to which this is a supplement, in the bonds of the several school districts of this state, and in the bonds of any city or municipality of this state, legally issued, for the purpose of building school houses, either by authority of special acts of the legislature, or by the consent of the inhabitants of the district, as provided for by the eightieth section of the act to which this is a supplement.

Inhabitants to authorize the issuing of bonds.

2. *And be it enacted*, That it shall be lawful for the inhabitants of each district, when met in conformity to the provisions of the eightieth section of the act to which this is a supplement, and the inhabitants so met, shall have power, by the consent of two-thirds of those present, to authorize the trustees, for the purpose of building a school house or school houses in such district, to issue the bonds of the district in the corporate name of such district, in such sums and in such amounts, and payable at such times as the said inhabitants so met may direct, with interest at the rate of seven per centum per annum, payable half yearly, which bonds shall be signed by the trustees of such district and attested by the clerk, under the seal of the district, and the bonds so issued shall be a lien upon the property of the said district.

Mode of assessment.

3. *And be it enacted*, That whenever any district shall order and authorize the issue of bonds, for the purpose aforesaid, it shall be the duty of the district clerk, of such district, each and every year, to issue the warrant of the district, signed by the trustees, and attested by the clerk under the seal of the district, to the assessor or assessors of the township or townships in which such district is situate, directing him to assess upon the inhabitants of said school district, and their estates and the taxable property therein, an amount sufficient to pay the bond or bonds of the district maturing in such year, together with the interest accruing upon the whole issue of the unpaid bonds of such district, which warrant so issued as aforesaid, shall be executed in the same way and manner as is provided by the eightieth section of the act to which this is a supplement.

Proceedings in case of the non-payment of bonds or interest.

4. *And be it enacted*, That in case the bonds of any school district, city or municipality, or the interest upon any bonds, issued by any school district, city or municipality, and held by the trustees for the support of free schools, are unpaid

when the same become due, it shall be lawful for the state superintendent of public instruction, and it is hereby made his duty, to withhold in the apportionment of the school fund, from such district, city or municipality, in default of the payment of either principal or interest on the bonds so held by the trustees for the support of free schools an amount sufficient to pay the unpaid bond or bonds and interest due upon any bonds so held by the said trustees, for the support of free schools, and the said trustees for the support of free schools, shall apply and appropriate such amount so withheld to the payment of the over due bond or bonds so held by them, and the unpaid interest due upon any bond or bonds held by them.

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

Approved April 4, 1872.

CHAPTER DXLII.

A Further Supplement to an act entitled "An Act respecting conveyances."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all leases for estates, in lands and tenements, for a term not less than two years, or for life, being duly signed and sealed, and acknowledged by the parties thereto in the manner prescribed for the acknowledgment of deeds, may be recorded in like manner as deeds are now recorded. Leases for estates, &c., may be recorded.

2. *And be it enacted*, That the record of such lease so recorded shall be evidence of the title of the lessee in the demised premises, and a copy of such record, duly certified by the clerk or register of deeds for the county wherein the demised premises are situate, shall be received in evidence in all courts in like manner as the original lease, so recorded, might be; and such record shall be notice to and valid against subsequent judgment creditors, purchasers, lessees or mortgagees. Record to be evidence of title.

Manner of sale
for payment
of debts.

3. *And be it enacted*, That the estate of any such lessee in the demised premises, the lease whereof shall have been recorded in manner aforesaid, shall be liable to sale for the payment of debts, in like manner only as estates of freehold are now liable therefor.

Assignment of
lease may be
recorded.

4. *And be it enacted*, That any assignment of such lease so recorded, such assignment being signed, sealed and acknowledged in manner aforesaid, may be recorded in like manner, and the record thereof shall have the same force and effect as the record of the original lease, and shall operate to transfer to the assignee thereof the interest in said leasehold premises, and the benefit of all covenants in said original lease contained.

Assignments
of leases by
way of mort-
gage declared
valid

5. *And be it enacted*, That assignments of such leases and leasehold interests by way of mortgage and as security for moneys loaned to or owing by the lessee or assignee of such leasehold estate, shall be valid; and the same being duly signed, sealed and acknowledged in manner aforesaid, may be recorded or registered in like manner as mortgages of freehold now are, and the record or registry thereof shall have the same force and effect.

Agreements
for the sale of
lands, &c.,
may be re-
corded.

6. *And be it enacted*, That agreements for the sale and conveyance of lands and tenements, or of any interest therein, being signed, sealed and acknowledged in manner aforesaid, may be recorded, and the record of such agreement shall be notice to all persons of such agreement from the time of so recording the same, and copies thereof, duly certified as aforesaid, shall be received in evidence in like manner as certified copies of deeds may be received in evidence.

Fees of the
clerks and
register.

7. *And be it enacted*, That the clerks and register of deeds of the several counties of this state, shall be entitled to receive the same fees for services performed under this act, as are provided by law for recording deeds and recording or registering mortgages.

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

Approved April 4, 1872.

CHAPTER DXLIII.

A Further Supplement to an act entitled "An Act to provide for the support of the government of this state, and to fix the salaries of public officers," approved April fourth, one thousand eight hundred and forty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer, prison keeper, and comptroller of this state, shall each of them be entitled to receive an annual salary of four thousand dollars. Salary of the treasurer, prison keeper, and comptroller.

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

Approved April 4, 1872.

CHAPTER DXLIV.

An Act to amend the act entitled "A Further Supplement to the act entitled 'An Act relative to the Court of Errors and Appeals.'"

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "A further supplement to the act entitled 'An Act relative to the court of errors and appeals,' " approved April sixth, eighteen hundred and sixty-five, shall continue in force for three years from the sixth day of April, eighteen hundred and seventy-two. Act continued in force for three years.

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

Approved April 4, 1872.

CHAPTER DXLV.

A Further Supplement to an act entitled "An Act respecting conveyances," approved April fifteenth, eighteen hundred and forty-six.

Acknowledgments, &c., made before a consular agent declared valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any consular agent of the United States shall have power to take the acknowledgment or proof of deeds and affidavits; and all such acknowledgments, proofs or affidavits taken before such consular agent, whether the person or persons executing the deed, making the proof or affidavit does or does not reside in the country or place in which such consular agent is resident, shall be as valid and effectual as if taken within this state before a justice of the supreme court thereof, as provided in the act to which this is a supplement.

Acts legalized.

2. *And be it enacted*, That all acknowledgments, proofs and affidavits heretofore taken or made before any consular agent of the United States, shall be as valid and effectual as if the same had been taken or made under this act.

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

Approved April 4, 1872.

CHAPTER DXLVI.

An Act to organize and establish a State Board of Agriculture.

Preamble.

WHEREAS, the national agricultural convention, at its late meeting in Washington, in taking action for the promotion of agricultural interests, resolved that the several states in

which boards of agriculture do not now exist, be requested to organize such boards by legislative action ; and whereas, such a board in the proper exercise of its functions would become the centre about which to collect the results of successful farming, and from which to send out digested information in regard to the great questions of farm economy, tillage, crops, stock, fertilizers, reclamation of lands, training of farmers, etc.; therefore,

1. BE IT ENACTED, *by the Senate and General Assembly of* State board.
the State of New Jersey, That the board of managers and superintendent of the state geological survey; the president and two of the professors of the state agricultural college, chosen by the college faculty; three members of the board of visitors of the agricultural college, chosen by their board; the president or other representative sent by each of the state and county agricultural societies that may be in correspondence with this board, shall constitute the state board of agriculture.

2. *And be it enacted*, That the members of the board shall Term of office .
 hold office for three years, or until their successors are appointed; except that of the first appointments the members shall be classed in three divisions, one third of which shall retire from office in one year; one third in two years; and the remaining third in three years; the vacancies thus occurring shall be filled in the same way the first appointments were made, other vacancies which may occur shall be filled in the same way, but only for the completion of the term in which they occur.

3. *And be it enacted*, That the board shall meet at the Annual meet-
ings to be held
in Trenton.
 state house in Trenton, at least once in each year, and as much oftener as may be judged expedient; no member thereof shall receive compensation from the state except for personal expenses when engaged in the duties of the board.

4. *And be it enacted*, That the board may appoint their Salary of sec-
retary and
clerks.
 secretary and prescribe his duties; he shall receive a salary, not to exceed two hundred dollars a year; and may with the approval of the board employ a clerk or clerks, at an expense of not more than one hundred dollars a year; which salary and expense shall be paid out of the treasury of the state.

5. *And be it enacted*, That the board may investigate such Powers of the
board.
 subjects relating to the improvement of lands and agriculture in this state, as they think proper, and may take, hold in

trust, and exercise control over donations or bequests made to them for promoting scientific education, or the general interests of agriculture.

Blanks for statistics.

6. *And be it enacted*, That they shall prescribe forms for and regulate returns of the agricultural societies of the state, in correspondence with them, and shall furnish said societies with proper blanks, so as to secure uniform and reliable statistics.

Annual report to be made.

7. *And be it enacted*, That they shall annually, on or before the second Tuesday of January, by their chairman or secretary, submit to the legislature a detailed report of their doings, with such recommendations and suggestions as the interests in their charge may require.

Abstract to be published.

8. *And be it enacted*, That the secretary of the board shall cause to be made and published for distribution, as full an abstract of the returns of the agricultural societies as he judges to be useful.

Approved April 4, 1872.

CHAPTER DXLVII.

A Further Supplement to the act entitled "An Act respecting conveyances," approved April fifteenth, one thousand eight hundred and forty-six.

A married woman may join with her husband in executing letter of attorney to pass estate.

Provide.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any conveyance hereafter made by virtue of and in pursuance of any letter of attorney for the sale, conveyance, assurance, acquittance or release of any lands, tenements or hereditaments executed by any married woman who joins with her husband in executing such letter of attorney, shall be as good and effectual to pass the estate of the said married woman as if she were a feme sole and unmarried; *provided*, a full and particular description of the lands, tenements or hereditaments authorized to be conveyed, shall be contained and set forth in such letter of attorney, and the same shall be acknowledged, and such

acknowledgment certified in the manner prescribed for the acknowledgment of deeds of conveyance of lands, tenements or hereditaments, by the act to which this is a supplement, or by the supplements thereto.

2. *And be it enacted*, That the provisions of the supplement to the "Act respecting conveyances," which supplement was approved March first, one thousand eight hundred and forty-nine, shall extend to letters of attorney made by virtue of this act. Provisions extended.

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

Approved April 4, 1872.

CHAPTER DXLVIII.

Supplement to "An Act to ascertain the rights of the State and of riparian owners in the lands lying under the waters of the bay of New York, and elsewhere in the State," approved April 11, 1864.

WHEREAS, the riparian commissioners recommend some changes in the line for solid filling in the bay of New York and Hudson river, and to enable them to make the changes proposed, and to provide additional wet basins in the same. Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the riparian commissioners may change, fix and establish any other lines than those now fixed and established for pier lines, or lines for solid filling in the waters of the bay of New York or the Hudson river, or make any changes in any basin now fixed and established, or lay out and fix and establish any new basin or basins in the waters of the bay of New York or the Hudson river, and when so fixed and established, the said riparian commissioners shall file a map and surveys in the office of the secretary of state, showing what lines have been fixed and established by them for the exterior lines for solid filling and pier lines, as Commissioners may change lines for solid filling, &c. Map and surveys to be filed

well as for any changes in basins or new basins fixed, laid out and established by them under this act.

Encroach-
ment prohib-
ed.

2. *And be it enacted*, That from and after the filing of said map and surveys in the office of the secretary of state, no encroachment of any kind shall be permitted to be made beyond said lines so fixed and established for solid filling or pier lines, or in or upon any basin or basins so laid out and established.

Commission-
ers may make
lease or sale,

3. *And be it enacted*, That the said riparian commissioners may make, for a satisfactory consideration, any lease or sale to the owners of the lands fronting on the said basin, of the right to have the exclusive use of the said basin or basins, for the purpose of wharfage and docking, and to charge a reasonable sum for the use of the same on the line of bulkhead owned by them respectively; and that from and after the filing of said map and survey, the same shall remain as a public basin or basins, and they are hereby dedicated for that purpose.

Public basins.

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

Approved April 4, 1872.

CHAPTER DXLIX.

A Supplement to an act entitled "An Act to establish a State Industrial School for Girls," approved April fourth, eighteen hundred and seventy-one.

Payment of
rent, salaries,
and incidental
expenses.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That for the purpose of enabling the trustees of the industrial school for girls to pay rent, salaries and incidental expenses, the treasurer of the state is hereby directed to pay to the treasurer of said school, upon lawful warrant, the sum of five thousand dollars.

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

Approved April 4, 1872.

CHAPTER DL.

An Act supplementary to an act entitled "An Act to incorporate Trustees of Religious Societies," approved April seventeenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any religious society in this state, however incorporated, to purchase and hold and also to convey and dispose of any real estate, which they may deem necessary and expedient; *provided*, ^{Power to sell and convey real estate.} that the same shall not be used by the religious corporation requiring the same for any other purpose than the rendering and maintaining in any building now or hereafter erected upon such real estate, the worship of Almighty God, and the furtherance of religion according to the tenets and forms of worship of the religious denomination to which such religious society belongs, or for education, or the administration of charity to the bodies or souls of men. ^{Proviso. 1}

2. *And be it enacted*, That any conveyance or agreement ^{Conveyance or agreement to be valid.} by and between any religious corporations, intended for the purposes aforesaid by or under the authority of such corporations, now made or hereafter to be made, is hereby declared to be valid and effectual in law.

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

Approved April 4, 1872.

CHAPTER DLI.

A Further Supplement to an act entitled "An Act to regulate fisheries in the river Delaware and for other purposes," passed November twenty-sixth, one thousand eight hundred and eight.

Treasurer to
pay to the
commissioners
on warrant
of comptroller

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of three thousand dollars, be and hereby is appropriated for the purpose of propagating shad in the river Delaware, to be expended under the direction of the commissioners of fisheries of the state of New Jersey, and the treasurer shall pay to the said commissioners, from time to time, such moneys as shall be moved by the said commissioners for this purpose, not exceeding the sum hereby appropriated, on the warrant of the comptroller, on accounts rendered to him by the commissioners, accompanied with an abstract of the expenditures and the vouchers duly verified.

When act
shall be opera-
tive and valid.

2. *And be it enacted*, That this act shall not be considered as valid or operative unless the legislature of the commonwealth of Pennsylvania shall, at its present session, appropriate a like sum for the same purpose, and from and after the passage, by the legislature of Pennsylvania, of an act making a like appropriation, this act shall immediately go into full force and effect ; *provided however*, that if the legislature of Pennsylvania have appropriated or shall, at their present session, appropriate a less sum than three thousand dollars, then the sum hereby appropriated, shall not exceed in amount the sum for the like purpose so appropriated by the legislature of Pennsylvania.

Proviso.

Copy of act to
be sent to the
governor of
Pennsylvania

3. *And be it enacted*, That the governor of this state is hereby requested to transmit an attested copy of this act to the governor of the state of Pennsylvania, requesting him to submit it to the legislature of that state.

Approved April 4, 1872.

JOINT RESOLUTIONS.

NUMBER I.

Joint Resolution recommending the purchase of Independence Hall.

WHEREAS, the representatives of the people of the several states did in seventeen hundred and seventy-six declare said states to be "of right free and independent;" and whereas, that declaration pertained to all the states of the confederation, and was confined to no individual member thereof, but was left in perpetuity to every citizen of the original thirteen and to every new member of the galaxy of states; and whereas, the congress of the United States, in view of the approaching centennial of American independence, has made provision for celebrating that august event in the city of its adoption, by holding a national exhibition of arts, manufactories, and the products of the soil and mines thereof,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the senators in congress from this state be instructed, and the representatives requested to introduce, support and vote for a bill providing for the purchase of the hall of independence, and the square on which it stands, situate in the city of Philadelphia, the same to be on the fourth day of July, eighteen hundred and seventy-six, formally dedicated to the republic of the United States, and consecrated to the perpetuation of constitutional liberty and independence, on the condition that the money paid for said hall and square be appropriated by said city to the erection of suitable buildings for the holding of said international exhibition; and if any money shall remain after the erection of said buildings, the same shall be appropriated to the preser-

preamble,

Senators instructed and representatives requested to introduce and support a bill providing for the purchase of independence hall.

vation and improvement of said hall, and the grounds on which it is located.

Approved February 1, 1872.

NUMBER II.

Joint Resolution to authorize the payment of certain expenses.

Treasurer to
pay expenses
of inaugura-
tion of gover-
nor.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state be directed to pay, upon the warrant of the comptroller, such bills for expenses attending the inauguration of governor as shall be approved by the joint committee appointed to make arrangements for the inauguration.

Approved February 8, 1872.

NUMBER III.

Joint Resolution providing for the insuring of the State House Buildings.

Treasurer to
insure library
and state
house build-
ings.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be authorized to cause the state library and state house buildings to be insured.

Payment of
expenses of
insurance.

2. *Resolved*, That the treasurer be directed to pay, upon the warrant of comptroller, the expenses incurred in carrying the foregoing resolution into effect.

Approved March 1, 1872.

NUMBER IV.

Joint Resolution in relation to the construction of an Artificial Harbor on Crow Shoal, Cape May, for the protection of small class vessels.

WHEREAS, the construction of a breakwater or artificial harbor on Crow Shoal, Cape May, for the purpose of affording sufficient protection, especially in stress of weather, to that portion of commerce known as the coasting trade, and to all small class vessels, has long been in contemplation; and whereas, the great increase of this branch of domestic commerce has so increased the demand for this improvement, that what has always been deemed as important, has become an absolute necessity, without which all small class vessels must continue to be exposed to dangers of the ocean, which might be avoided; and whereas, many of the states are equally interested with ourselves, but not having their attention properly called to the subject, and not being altogether aware of the benefits to be derived from the proposed harbor, have not had the feelings of their citizens fully enlisted in the subject; and whereas, it is the interest of New Jersey to adopt immediately some practical measure by which states interested in the subject may become enlisted, and aid from the federal government be obtained; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor be instructed to request the Hon. A. G. Cattell and D. Edmunds to place this matter before the United States congress and urge its passage, and that no monies shall be appropriated for the payment of such services.

Approved March 15, 1872.

Preamble.

Names of persons requested to place the matter before congress.

NUMBER V.

Joint Resolution for appropriation to the Signal Service Department in behalf of the farming interests.

Preamble. WHEREAS, the signal service department of the United States army has proved itself of great value to the commercial interests of the country; and whereas, by increasing its stations it can be utilized to the great benefit of the agricultural interests, which interest is the wealth of the nation.

Recommendation to extend signal service system. 1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our senators and representatives in congress be urged to secure such further appropriation, as will enable the war department to extend its signal service system, so as to secure its advantages to the farming interests of the United States.

Copy to be sent to senators and representatives. 2. *And be it resolved*, That the governor be requested to furnish a copy of the foregoing preamble and resolutions immediately to our senators and representatives in congress.
Approved March 27, 1872.

NUMBER VI.

Joint Resolution, making an appropriation for the necessary amount of money to insure the buildings of the Soldiers' Children's Home.

Providing for the insurance of the soldiers' children's home. 1. BE IT RESOLVED, *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer is hereby authorised to provide for the insurance of the buildings of the soldiers' children's home, and pay for the same from any moneys not otherwise appropriated.

2. *And be it resolved*, That this resolution take effect immediately.

Approved April 3, 1872.

NUMBER VII.

Joint Resolution authorizing the transfer of certain books from the State Library to the Soldiers' Home.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners of the library of this state be and are hereby authorized and empowered to select from the library such books of a miscellaneous and general character as may be adapted to popular reading, and as they may deem can be taken without undue loss to the state, and deliver them to the managers of the New Jersey Home for Disabled Soldiers, to be held by them for the use of the soldiers and sailors in said home, under such regulations as the commissioners aforesaid may prescribe.

Commissioners of state library authorized to transfer books.

Approved April 3, 1872.

NUMBER VIII.

Joint Resolution authorizing the Register of Deeds of Essex county to cancel a certain mortgage.

WHEREAS, the Morris and Essex Railroad Company made and executed to Jeremiah C. Garthwaite, William Lee, and George Vail, commissioners of the school fund of this state, a mortgage, bearing date the seventeenth day of

Preamble.

January, eighteen hundred and forty-three, to secure the sum of thirty thousand dollars, which mortgage is recorded in Book K 2 of Mortgages for Essex county, in this state, on pages 534, &c.; and whereas, the said money secured by the said mortgage has been paid to the treasurer of this state; and whereas, the said mortgage has been lost or destroyed and cannot be produced to be cancelled of record; and whereas, doubts have arisen as to the power of said commissioners to cancel said mortgages; therefore,

Register to
cancel mort-
gage.

1. BE IT RESOLVED, *by the Senate and General Assembly of the State of New Jersey*, That the register of deeds of the county of Essex be and he is hereby directed to cancel of record the said mortgage bearing date the seventeenth day of January, eighteen hundred and forty-three, made by the Morris and Essex Railroad Company to Jeremiah C. Garthwaite, William Lee, and George Vail, commissioners, &c., and recorded in Book K 2 of Mortgages for Essex county, on pages 534, &c.

Approved April 4, 1872.

NUMBER IX.

Joint Resolution relative to the navigation of the channel between Staten Island and New Jersey.

Preamble.

WHEREAS, there exists in the waters between Staten Island and New Jersey certain obstructions to navigation, which makes the same dangerous, and affects the commerce passing through those waters, therefore,

Members of
congress re-
quested to
procure ap-
propriation.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our members of congress, both in the senate and house of representatives, be and are hereby requested to procure, if possible, such appropriation by congress as may be necessary to improve the navigation of said waters, and especially to remove such obstructions as may exist in the channel at the point known as the Corner Stake and Shooters Island.

2. *And be it resolved*, That the governor be requested to furnish a copy of the foregoing preamble and resolution, without delay, to the senators and representatives in congress from the state of New Jersey.

Senators and representatives to be furnished with a copy.

Approved April 4, 1872.

NUMBER X.

Joint Resolution for the relief of the Soldiers' Children's Home.

1. RESOLVED, That the ladies now in charge of the soldiers children's home, be and are hereby requested to take charge of such children of colored sailors or soldiers who served in the army or navy of the United States, and were accredited to the state of New Jersey, at such place as they may designate.

Provision for care of children of colored sailors and soldiers.

2. *And be it resolved*, That the treasurer shall pay on the warrant of the comptroller, drawn by such officers of said soldiers' children's home as are designated in the law governing the soldiers' children's home now in existence, such amounts as may be necessary, not to exceed five thousand dollars, out of any moneys in the treasury of this state not otherwise appropriated.

Expenses, how paid.

3. *And be it resolved*, That this resolution shall take effect immediately.

Approved April 4, 1872.

PROCLAMATIONS.

Proclamation.

The constitution of the State of New Jersey enumerates among other "rights and privileges," that "the people have the right to freely assemble together;" it also proclaims that "no person shall be denied the enjoyment of any civil right merely on account of his religious principles;" it also makes the governor of the state "Commander-in-Chief of the Military and Naval forces of this state;" and under his oath of office makes it his duty "to promote the peace and prosperity and maintain the rights of the state;" now it having come to my knowledge, that a body of inhabitants of this state, in conformity to a custom among them, and in consonance with the custom of other bodies or societies of inhabitants of this state, propose to celebrate what to them is deemed an anniversary day, and it having come to my knowledge that interference with this contemplated celebration may possibly take place, by reason of which a serious disturbance of the peace of the commonwealth would probably ensue:

Now, therefore, I, Theodore F. Randolph, governor of the State of New Jersey, do hereby proclaim that both the letter and spirit of the constitution of our State of New Jersey, as well as the long established custom of our people, to permit and protect all peaceful gatherings of the inhabitants of this state, irrespective of religious or political creed, makes it the lawful right of any body of peaceful citizens to assemble together, and that right cannot be abridged or interfered with by any unauthorized body of men, of any nationality, creed or religion, whatever the real or supposed provocation may seem to be.

And I do therefore enjoin upon all good, law abiding and

peaceful citizens of this our State of New Jersey, to assist in every way in preserving the peace, good order and dignity of the same, not only by abstinence from provocation, but by acts of toleration, forbearance and true manliness.

And I do hereby warn all persons from other states, who may seek, by acts of provocation, to interfere with the peaceful assembling of inhabitants of this state, that such offence against the peace and good order of this commonwealth, will be promptly and rigorously punished by our authorities.

And I do further enjoin and command all legally constituted authorities of this state, to fully protect all peaceful assemblages of our inhabitants, using every means at their command to enforce this proclamation, assuring all such properly constituted authorities that in the event of the insufficiency of the ordinary local power, that the entire power of the state will, if necessary, be called into exercise, to compel, at any cost, respect for and obedience to our laws.

And I do further enjoin upon the members of the society especially proposing to assemble together to-morrow, the exercise of the utmost patience, care and discretion, in the pursuance of their rights, bearing in mind that, to a large portion of our fellow citizens, the peculiar occasion of their gathering is deemed an unnecessary revival of an ancient political and religious feud, of no general interest to the great body of our American citizens; and that though they are sustained in their right to peacefully assemble together, they are by no means sustained, as I firmly believe, by any large number of sincerely patriotic and christian people, in the expediency of the exercise of that right at this time.

Given at the Executive Chamber, in the city of Trenton, this eleventh day of July, in the year of our Lord one thousand eight hundred and seventy-one, and of the independence of the United States of America the ninety-sixth.

THEO. F. RANDOLPH,
Governor.

Attest:

SAMUEL C. BROWN, *Private Secretary.*

Proclamation by Theodore F. Randolph, Governor of the
State of New Jersey.

Whereas, Henry S. Little, who was, on the second day of November, A. D. eighteen hundred and sixty-nine, duly elected to represent the county of Monmouth in the State Senate, has been appointed to and accepted the office of clerk of the court of chancery of this state, whereby a vacancy exists in the representation of said county in the State Senate:

Therefore, I, Theodore F. Randolph, Governor of the State of New Jersey, do hereby issue my warrant to Thomas V. Arrowsmith, esquire, clerk of the said county of Monmouth, commanding and requiring you, that you proceed to give notice according to law, that an election will be held in the several townships comprising the said county of Monmouth, on Tuesday, the seventh of November next ensuing the date hereof, for the purpose of electing a senator to represent said county in the legislature of New Jersey, during the unexpired term of the said Henry S. Little.

Given under my hand and the great seal of the
State of New Jersey, this third day of October,
[L. s.] in the year of our Lord one thousand eight
hundred and seventy-one, and of the indepen-
dence of the United States the ninety-sixth.

By the Governor,

THEO. F. RANDOLPH.

HENRY C. KELSEY, *Secretary of State.*

A Proclamation.

Whereas, the legislature of the State of New Jersey did at its last session, pass a law entitled "An Act relative to Bribery," a copy of which is made a part of this proclamation, now, therefore, I, Theodore F. Randolph, Governor of the State of New Jersey, do hereby enjoin upon all chief judicial officers of this state, upon all local magistrates, upon sheriffs and their deputies, upon police officers and constables, and upon all officers of the state, who have especially taken upon themselves the oath to bear true faith and allegiance to the government of this state, to see that to the best of their ability the provisions of this law be fully and faithfully executed: and I do further enjoin upon the state attorneys for the several counties of this state, the prompt and vigorous prosecution, without fear or favor, of all persons or corporations, who may in any degree render themselves liable to the penalties of the law against bribery at elections; and I do further enjoin upon all good citizens of this state the execution of this law, as far as in their power lies, by rendering information to magistrates, and to grand juries, that will serve to cause the arrest and conviction of any officer of any corporation, or other person or persons, who may directly or indirectly bribe, or attempt to bribe, or give means to bribe, any voter of this State, or who may be guilty of receiving a bribe, from any person or corporation, by which a vote shall be influenced; and I do hereby offer a reward of one hundred dollars for the arrest and conviction of any and every person who may be found guilty of violating the provisions of the said law, at the coming election in this state; said rewards to be paid until the total amount expended for this purpose shall reach the sum of five thousand dollars; the affidavits of persons upon which the arrests and convictions shall be had determining the claimants of reward, and the priority of convictions to determine to whom, within the aggregate amount, the rewards shall be paid.

Given under my hand and seal, at Trenton, this
[L. S.] seventeenth day of October, eighteen hundred
and seventy-one.

THEO. F. RANDOLPH.

Attest:

ARTHUR E. BROWN, *Acting Private Secretary.*

A Proclamation.

Whilst great trials and afflictions have come to the people of sister states, we of this commonwealth, not more deserving of the mercies of God than they, have in a peculiar manner been the recipients of His Almighty care and goodness during the past year. That we may as one people, laying aside all differences of creed or faith, join together in grateful acknowledgment to Almighty God for His mercies and blessings,

I, Theodore F. Randolph, Governor of the State of New Jersey, do hereby appoint Thursday, the 30th day of November, as a day of thanksgiving and prayer, recommending its observance as such by all our people.

Given at the Executive Chamber, in Trenton, this
[L. s.] 7th day of November, in the year of our Lord
1871, and of the independence of the United
States the ninety-sixth.

THEO. F. RANDOLPH.

Attest:

SAM'L C. BROWN, *Private Secretary.*

A Proclamation.

Whereas, by the twentieth section of an act of the Legislature of New Jersey entitled "An act to establish a State Industrial School for Girls," approved April 4, 1871, it is provided as follows: "That when the buildings and premises of the Industrial School authorized by this act shall be prepared for the reception of pupils, the trustees shall, by resolution, inform the governor thereof, upon which he shall issue his proclamation of the fact, and the provisions of this act in relation to commitments shall not go into effect until such proclamation be issued."

And whereas the said trustees incorporated by the said act, under the name of "The Trustees of the State Industrial School for Girls," have, by resolution, informed me that the buildings and premises of the said reform school are now so prepared for the reception of pupils:

Now, therefore, I, Theodore F. Randolph, governor of the State of New Jersey, by virtue of authority in me vested, and in conformity with the provisions of an act of the legislature entitled "An act to establish a State Industrial School for Girls," do issue this my proclamation, and hereby proclaim and declare the fact that the buildings and premises of the Industrial School, authorized by the said act, are now prepared for the reception of pupils, and that the provision of the said act relative to commitments do go into effect from and after the date hereof.

Given under my hand and the great seal of the State
[L. s.] of New Jersey, at Trenton, this twenty-fifth day
of November, eighteen hundred and seventy-one.

By the Governor,

THEO. F. RANDOLPH.

HENRY C. KELSEY, *Secretary of State.*

A Proclamation by the Governor of New Jersey.

Whereas, citizens of New Jersey, while pursuing the occupation of fishing in the river Delaware, on the eastern side of said river, and within the jurisdiction of this state, have recently been arrested by persons claiming to act under the laws and authority of the State of Delaware, and taken as prisoners out of this state.

And whereas, the business of those so arrested has been seriously interrupted, and the like business of many other citizens will be disturbed should similar aggressions upon the authority and jurisdiction of this state be continued.

And whereas, disputes in relation to jurisdiction between states should be submitted to the legal tribunal created with especial reference to such disagreements, and should not be

permitted to result in a collision of opposing local authorities, or in individual retaliation.

Therefore, I hereby give notice and proclaim that the State of New Jersey claims jurisdiction over that part of the river Delaware, between the States of Delaware and New Jersey, which is easterly of the middle line of said river, and further claims that all persons who conform to the fishing laws of the State of New Jersey, have the right to fish on the eastern side of said river, without permission or license of any other state.

And I notify and warn all persons not to molest, disturb, arrest, or attempt to arrest, without lawful process issued by some legal authority in this state, any citizen of New Jersey at any place within her jurisdiction.

And I exhort the people of this state, if any illegal arrest or interference be attempted, to refrain from acts of violence, assuring them that every effort will be made to have the questions involved determined by the proper legal tribunal.

Given at the Executive Chamber, at Trenton, this
[L. S.] eighth day of May, A. D. one thousand eight
hundred and seventy-two.

JOEL PARKER.

Attest:

JNO. A. HALL, *Private Secretary.*

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SPECIAL ACTS.

SPECIAL PUBLIC AND PRIVATE ACTS

PASSED BY THE

NINETY-SIXTH LEGISLATURE.

CHAPTER II.

An Act to extend the charter of the State Bank at New Brunswick.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to establish state banks in New Jersey," passed January twenty-eighth, in the year of our Lord one thousand eight hundred and twelve, with the several supplements thereto, be and the same are hereby continued and extended so far as regards "The President, Directors and Company of the State Bank of New Brunswick," for and during the term of twenty years from and after the first Monday in February, in the year of our Lord one thousand eight hundred and seventy-five, on which last mentioned day and year this act shall take effect.

Certain act
and supple-
ments ex-
tended.

EDWARD BETTLE,
President of the Senate.

NATHANIEL NILES,
Speaker of the House of Assembly.

Approved January 29, 1872.

JOEL PARKER,
Governor.

CHAPTER III.

An Act to incorporate the Middlesex County Bank, of Perth Amboy, New Jersey.

- Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William King, Eber H. Hall, U. Burdge Watson, William Hall, Charles McK. Smith, J. Lawrence Kearney, Patrick Convery, John Manning, Florian W. Gordon and their associates, shall be, and they are hereby created a body politic and corporate, by the name of the
- Corporate name and powers. "Middlesex County Bank," and shall be located at Perth Amboy, in the county of Middlesex, state of New Jersey, and by that name they shall have and exercise banking powers, and the incidental corporate powers enumerated in the first section of the "Act concerning Corporations;"
- Proviso. *provided*, that the said corporation shall not trade or deal in anything except money, bills of exchange, promissory notes, gold and silver bullion, and the national legal notes of the United States; and shall in no case hold any real estate, goods, wares, merchandise or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debt, loans or contracts, or shall be conveyed or sold in full or part satisfaction of debts previously contracted in the course of dealing, or shall be purchased upon judgment or execution for the purpose of bona fide making or securing a debt or debts due or owing said corporation.
- Capital stock. 2. *And be it enacted*, That the capital stock of the said corporation shall be fifty thousand dollars, with liberty to increase it to two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and that
- Commissioners to receive subscriptions. the said William King, Eber H. Hall, U. Burdge Watson, William Hall, Charles McK. Smith, J. Lawrence Kearney, Patrick Convery, John Manning, Florian W. Gordon, or a majority of them, shall be and they are hereby appointed commissioners to open books of subscription in the said county of Middlesex, for and receive subscriptions to said capital stock, giving at least fourteen days' notice in one of

the newspapers printed in said county of Middlesex of the time and place of receiving said subscriptions; that the said books, after having been opened, shall be kept open for five successive days, unless the amount of said capital shall be sooner subscribed for; that at the time of subscribing for the said stock the respective subscribers shall pay to said commissioners five dollars upon each share subscribed for, and that the said corporation shall have liberty to commence business as soon and not before fifty per centum of its capital stock shall be actually paid in cash.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of not less than seven nor more than eleven directors, five of whom shall be a quorum for the transaction of business, except in cases of discount, which may be regulated by the by-laws; that the said directors shall be stockholders, and a majority of whom shall be residents of this state, and shall, before entering upon the duties of said office, severally take and subscribe an oath or affirmation faithfully to execute the trust reposed in them as directors; that the directors shall hold their office for one year, and until their successors shall be chosen and qualified; that the annual election of directors shall be held on the second Tuesday of January in every year, at the banking house of said corporation, at such time as the board of directors shall appoint, of which election at least ten days' notice shall be given by the directors by an advertisement in one or more of the newspapers published in the county of Middlesex; that the said election shall be by ballot, those having the greatest number of votes to be deemed elected, and shall be elected by such of the stockholders as may attend in person or by proxy, each stockholder being entitled to one vote for each share of stock standing in his, her or their own name or names on the books of the corporation for thirty days at least next preceeding such election; that for the well ordering of said election the board of directors shall previously thereto appoint three stockholders not being directors to be judges thereof, who shall conduct said election and determine upon the legality of the votes, the eligibility of persons voted for, and who shall be elected, and in all cases of an equality of votes between two or more persons voted for, thereby preventing an election of a full board, the said judges or a majority of them shall thereupon select from those not elected and having the highest number of

Directors, officers, &c.

votes, as many as may be required to make up the full number of directors ; and the directors so elected or chosen shall at the first meeting thereafter, when a quorum shall be present, elect one of their number to be president, as well of their board as of said corporation ; and whenever a vacancy shall occur in said board of directors, by death, resignation or otherwise, such vacancy may be filled for the remainder of the year by the board of directors ; and if at any time it shall happen that an election of directors shall not take place at the time above required, the said corporation shall not for that reason be deemed dissolved, but an election for directors shall in such case be held as soon as conveniently may be thereafter, upon like notice as above directed, and at the place and in the mode above specified.

Failure to
elect directors
not to dissolve

Election of di-
rectors.

4. *And be it enacted*, That as soon as conveniently may be after the sum of twenty-five thousand dollars of said capital stock is subscribed, and actually paid in cash, the said commissioners or a majority of them, shall call a meeting of the subscribers to the said capital stock, in the city of Perth Amboy, to elect the first board of directors, by giving at least ten days notice of the time and place of said meeting by advertisement in one or more of the newspapers published in the county of Middlesex, and at such meeting the said commissioners, or a majority of them, shall be the judges of the said first election, and shall have the same powers as the judges of the annual election of directors ; and they shall conduct the said first election as near as may be in the manner hereinbefore prescribed for said annual elections, such of the subscribers as may attend said meeting in person or by proxy being entitled to one vote for each share of stock respectively subscribed for by them ; and the said first board of directors shall, as soon as conveniently may be after said election, organize by electing a president, in the manner hereinbefore prescribed for the election of a president, and shall also elect a cashier ; and after the said board shall be thus organized it shall be the duty of said commissioners to pay over to the said board of directors all the moneys received by them for subscriptions to said capital stock, deducting and retaining therefrom only the necessary expenses incurred by them, and the receipt of the said president and cashier in behalf of said board of directors for said moneys shall be full and absolute acquittance and discharge therefor, and the said board of directors shall hold their offices until the second

Tuesday in January, in the year one thousand eight hundred and seventy-three, and until their successors are chosen and qualified.

5. *And be it enacted*, That the capital stock shall be deemed personal property, and shall be subjected to such taxes as all other banking institutions in the state are liable to, and the real estate of such corporation may be taxed as other lands of banks in this state are or may be taxed, and that the board of directors, for the time being, shall have full power to call in the residue of the subscriptions to the said capital stock by such installments and at such times as the board may think proper, under the penalty of the holders of said stock forfeiting to the said corporation all previous payments thereon, which forfeiture may be made and declared by order or resolution of said board; *provided*, that at least twenty days' previous notice of the time and place for the payment of any installments for non-payment, whereof said forfeiture is declared, shall be given by advertisement in one or more of the newspapers printed in the county of Middlesex; *and provided*, that said forfeiture shall not relieve subscribers of any liability on their subscriptions.

May call in amount subscribed under penalty of forfeiture.

Proviso.

Proviso.

6. *And be it enacted*, That the cashier shall be appointed by the board of directors; he shall be subject to removal at the pleasure of the board; and on such appointment or re-appointment the said cashier shall, before entering upon the duties of his office, take an oath or affirmation faithfully to perform the duties of his office, and shall give bond or bonds, with good and sufficient security, to be approved by the board of directors, in the penal sum of at least twenty thousand dollars, conditioned for the faithful performance of his duties as cashier of said bank.

Cashier.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of less denomination than one dollar; and the bills or notes which may be issued by said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to bearer, although not under the seal of said corporation, shall be binding and obligatory on said corporation, and of like force and effect, and shall be assignable and negotiable in like manner as if made by a natural person or persons; and all bills obligatory and of credit under the seal of said corporation, which shall be made for the payment of money to any person or persons, shall be

All bills and notes issued binding on the corporation.

assignable by assignment endorsed thereon, under the hand or hands of such person or persons, and his, her or their assignee or assignees, successively, and all bills or notes, bills obligatory, or of credit made or issued by said corporation, shall be deemed and taken to be payable and demandable at the banking house of said corporation.

Semi-annual dividends.

8. *And be it enacted*, That it shall be the duty of the board of directors of the said corporation to make semi-annual dividends, of so much of the profits of the business of said corporation as the board shall deem advisable; but no dividend shall be made of any part of the capital stock.

Rate of discount.

9. *And be it enacted*, That the rate of discount at which loans may be made by said corporation, shall not exceed the legal rate of interest in this state, established for the time being; *provided*, that nothing herein contained shall be construed to prohibit the said corporation from dealing in bills of exchange, and the purchase and sale of the bonds, notes and bills of the government of the United States, and the bonds and securities of the state of New Jersey, or of any town, city or county thereof.

Proviso.

No transfer of stock shall be made by persons indebted to corporation

10. *And be it enacted*, That no transfer of the stock of said corporation shall be made by any stockholder from whom any debts are due to the said bank, or who is the drawer or indorser of any bill of exchange or note discounted and held by said bank, when said bill of exchange or note is due, without the consent of the said board of directors; but such stock shall be and remain liable for the payment of such notes or bills of exchange.

Refusal to redeem to debar banking operations.

11. *And be it enacted*, That if at any time the said corporation shall refuse or neglect, on demand being made at their banking house during the regular hours of business, to redeem in lawful money any of the bills or notes issued by it, and which may then be due and payable, the said corporation shall thereupon under the pain of forfeiting its charter, wholly discontinue and cease from banking operations until such bills or notes are fully paid; *provided*, that the provisions of the act entitled "An act to suspend the penalties of the non-redemption in specie of bank notes," approved March twenty-fourth, one thousand eight hundred and sixty-two, and the supplement thereto, approved March sixth, one thousand eight hundred and sixty-three, be and continue in force in relation to the bank incorporated by this act.

Proviso.

12. *And be it enacted*, That if the said corporation here-
 after become insolvent, the whole assets of the said corpora-
 tion, at the time of its becoming insolvent, shall be first liable
 for its bills and notes then in circulation, and shall be first
 applied to the payment thereof; and in case of a distribution
 of the assets among the creditors of the said corporation,
 under the order or decree of the court of chancery, the hold-
 ers of such bills or notes shall be equal in priority, and shall
 have a preference over all other creditors, except bona fide
 judgment or mortgage creditors.

Assets first
 liable for pay-
 ment of bills
 in case of fail-
 ure.

13. *And be it enacted*, That in case of the insolvency
 of said corporation the directors thereof shall be jointly
 and severally liable for all the bills or notes of said
 corporation which may be in circulation at the time of
 its becoming insolvent, and may be jointly or severally
 prosecuted at law or in equity, by any receiver or receivers
 that shall or may be appointed for the payment of such
 bills or notes as if the same were their joint or several
 bills or notes, and executed by them in their individual ca-
 pacity; and it shall not be lawful for any director of said
 corporation to resign his office to avoid such liability; and in
 case any director shall so attempt to resign his office, he shall
 be and continue liable the same as if such resignation had
 not been attempted, and such liability of the directors shall
 continue after they cease to be directors, either by resigna-
 tion or otherwise, if the said corporation was insolvent when
 they ceased to be directors; and it shall not be lawful for
 any director to assign or transfer his stock to avoid his said
 liability; and in the case of the payment of any such bills
 or notes by any of the said directors, the other directors
 who may be liable shall account in the same way as the other
 joint debtors are accountable to each other; *provided*, no
 such suit shall be prosecuted against the said directors by
 such receiver or receivers, except for such deficiency as may
 remain after the assets of such corporation have been duly
 appropriated to the payment of said bills or notes, except in
 case of fraud committed by said directors.

Directors lia-
 ble for circula-
 tion.

Shall not re-
 sign to avoid
 liability.

Proviso.

14. *And be it enacted*, That if the assets of said corpora-
 tion and the property of said directors shall prove insufficient
 to redeem the whole of said bills or notes, then the amount
 that shall or may be realized from said assets and property,
 shall be distributed ratably among the holders of the said
 bills or notes; and the stockholders of the said corporation

Distribution
 of assets.

at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers, that shall or may be appointed as aforesaid, to an amount sufficient to redeem the said bills or notes, after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than the said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent; and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the stock so held by them; and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.

15. *And be it enacted*, That in case of any action or suit at law against any director or directors of said corporation, by any receiver or receivers thereof, the said receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to the said declaration, setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the numbers and denominations thereof.

16. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment of not less than one year nor more than five years, at the discretion of the court.

17. *And be it enacted*, That it shall be the duty of said corporation on the first Monday in the months of January, April, July and October in each year after commencing the business of banking, to publish in one or more of the newspapers published in the county of Middlesex, a statement, under oath or affirmation, of the actual condition of said corporation, conforming, as nearly as may be, with the annual statement now required by law; and shall within ten days

after making such statement forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier or director shall knowingly and wilfully and falsely swear or affirm to any such statement, he shall be deemed guilty of perjury, and be liable to the pains and penalties therefor.

18. *And be it enacted*, That a majority in interest of the stockholders shall be residents of this state. Majority of stockholders to be residents of this state.

19. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall go into effect immediately, and continue in force for twenty years; but it shall be lawful for the legislature at any time hereafter to alter, modify or repeal the same whenever in their opinion the public good shall require it. Limitation.

Approved February 1, 1872.

CHAPTER IV.

A Supplement to the act entitled "An Act to incorporate St. Michael's Hospital," approved March ninth, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the persons Board of Directors named in the act to which this is a supplement, as composing the board of directors of the corporation by that act created, the parish priest for the time being, of the Roman Catholic parish, in the township of Harrison, in the county of Hudson, and the senior lay member for the time being, of the board of trustees of the parish church of that parish; and also the parish priest for the time being, of each other Roman Catholic parish that may be created in said township of Harrison, or in the township of Kearney, in said county of Hudson; and the senior lay member for the time being of the board of trustees of the parish church of the parish, shall be members of said board of directors.

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

Approved February 1, 1872.

CHAPTER V.

A Further Supplement to an act entitled "An Act to extend an act entitled an act to facilitate the collection of taxes in the township of Mullica, in the county of Atlantic," approved February twentieth, anno domini eighteen hundred and sixty-eight, with the supplements thereto, to the township of Galloway, in the county of Atlantic.

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 facilitate the collection of taxes in the township of Mullica, in the county of Atlantic," approved February twentieth, one thousand eight hundred and sixty-eight, with the several supplements thereto, be and they are hereby extended to the township of Galloway, in the county of Atlantic.

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

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

Approved February 1, 1872.

CHAPTER VI.

A Further Supplement to the act entitled "An Act to incorporate Saint Mary's Orphan Asylum, in the city of Newark," approved March tenth, eighteen hundred and fifty-three.

Election of directors. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the directors mentioned in and provided for by the supplement approved March ninth, eighteen hundred and sixty-six, to the act to

which this is a further supplement, the pastor for the time being of St. Pius' Roman Catholic Church, in the township of Harrison, in the county of Hudson, in this state, and the respective pastors for the time being of any other Roman Catholic Churches which may be established in said townships, or in either of them, shall be *ex officio* members of the board of directors of "Saint Mary's Orphan Asylum in the city of Newark," and that in addition to the directors, by the said supplement directed to be elected, there shall be two persons, laymen, members of the Roman Catholic parish, whereof said St. Pius' Church is the parish church, and two persons, laymen, members of each of the other Roman Catholic parishes that may be hereafter established or created in said township of Harrison, or in said township of Kearney, which lay directors, in this act provided for, shall be elected at the annual election of directors provided for in said supplement.

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

Approved February 1, 1872.

CHAPTER VIII.

A Further Supplement to the act entitled "An Act to incorporate the Washington Manufacturing Company," approved January thirty-first, one thousand eight hundred and forty-four, and renew the charter of said company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the charter of the "Washington Manufacturing Company," incorporated by an act entitled "An Act to incorporate the Washington Manufacturing Company," and all the power thereby granted, or by any supplement and supplements thereto, shall be and the same are hereby extended and continued in full force for and during the term of fifty years from the time by said act

Act extended,
and limitation

limited for its continuance, except so far as the act and supplements are amended by this act.

May increase
capital stock.

Proviso.

Legislature
may repeal.

2. *And be it enacted*, That the said corporation may, by resolution of its board of directors, from time to time and at any time hereafter, increase its capital stock to any amount not exceeding one million dollars; *provided*, that no such increase shall be made until at least two-thirds in interest of the stockholders shall consent in writing thereto.

3. *And be it enacted*, That this act shall take effect immediately; but it shall be lawful for the legislature of this state to alter, modify or repeal the same whenever the public good may require it.

Approved February 1, 1872.

CHAPTER IX.

A Further Supplement to an act entitled "An act to revise and amend the charter of the city of Trenton," approved March fifteenth, one thousand eight hundred and sixty-six.

recapitulate.

WHEREAS, the common council of the city of Trenton find the finances of the city in an embarrassed condition, owing to accumulated bills against the city not presented at the beginning of the year, together with the deficiencies of former years, and sundry extraordinary expenses of the present year not anticipated at the time of making the annual assessment, therefore,

May borrow
money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of the city of Trenton to borrow on the credit of the said city, a sum not exceeding sixty thousand dollars, for the purpose of meeting the present deficiency in the finances of said city, and to such loan the limitation in the thirty-first section of the act to which this is a supplement shall not apply.

2. *And be it enacted*, That to secure the payment of said

loan the common council are hereby authorized to issue the bonds of said city for the amount of said loan, bearing interest at the rate of seven per centum per annum, payable semi-annually, and the principal of said bonds shall be paid within ten years from the date thereof; *provided*, that such loan shall be authorized by an ordinance of said common council, which ordinance shall provide the ways and means exclusive of loans, to pay the principal of said loan, and also the interest of such loan annually, which ordinance shall be irrepealable until such debt be paid; *and provided*, that such bonds shall not be disposed of at less than their par value.

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

Approved February 5, 1872.

CHAPTER XI.

A Supplement to "An Act to incorporate the Millville Insurance Company," approved February twenty first, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of the said company may be increased to any sum not exceeding two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each.

2. *And be it enacted*, That the number of directors of said company may be increased to any number not exceeding thirty, whenever the board of directors shall by a resolution order such increase, and the directors who shall be ordered to be elected shall be elected for the remainder of the year by the old board of directors.

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

being, shall continue to hold their office until new ones shall have been chosen in their places.

Repealer.

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

Approved February 6, 1872.

CHAPTER XII.

An Act to authorize the Trustees of the Methodist Episcopal Church of Woodbury to mortgage certain real estate.

Trustees authorized to mortgage real estate.

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 Woodbury, or their successors in office, be and hereby are authorized and empowered to mortgage all the real estate and appurtenances, situate in Woodbury, in the county of Gloucester, now held by them in trust as the property, or for the use and benefit of the society of the said Methodist Episcopal Church at Woodbury, and for that purpose to make, execute and deliver a good and sufficient deed or deeds of mortgage therefor, to the mortgagee or mortgagees of the same, and that all and every such deed or deeds of mortgage shall be good and effectual in law.

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

Approved February 6, 1872.

CHAPTER XIV.

A Supplement to an act entitled "An Act to incorporate the Humboldt Mutual Fire and Marine Insurance Company of New Jersey," approved March tenth, one thousand eight hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Corporate} *the State of New Jersey,* That hereafter the name and style of the corporation created by the act to which this is a supplement, shall be "The Humboldt Insurance Company of Newark, New Jersey."

2. *And be it enacted,* That it shall be lawful for said corporation to increase its capital stock to five hundred thousand dollars, and to allow each shareholder one vote for every share of one hundred dollars standing in his name on the books of the company. ^{May increase capital stock.}

3. *And be it enacted,* That said company may increase the number of its directors to twenty-one, and that at the first meeting of the board of directors elected after such increase they shall divide themselves by lot into three classes of seven each, and the seats of the directors of the first class shall be vacated at the expiration of the first year, of the second class at the expiration of the second year, and of the third class at the expiration of the third year; and that, at the expiration of the first year, and annually thereafter, seven directors shall be chosen, who shall hold their office for the term of three years, and until their successors shall be elected; and if vacancies happen, by resignation or otherwise, the persons elected to fill such vacancies shall be elected for the unexpired terms only. ^{May increase number of directors.}

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

Approved February 6, 1872.

CHAPTER XV.

A Further Supplement to the act entitled "An Act to incorporate the Passaic Water Company," approved February thirteenth, one thousand eight hundred and forty-nine.

Authorized to
mortgage
lands and
works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of securing the bonds and indebtedness authorized to be made and incurred for any of the purposes mentioned in and authorized by the act entitled "A further supplement to the act entitled 'An Act to incorporate the Passaic Water Company,'" approved February thirteenth, one thousand eight hundred and forty-nine, which said supplement was approved March thirty-first, one thousand eight hundred and seventy-one, it shall be lawful for the said company to pledge, by way of trust, mortgage or otherwise, the whole of the lands, property and works, engines, boilers, reservoirs, pipes and appendages of the said company, now owned and constructed, or which may be purchased and constructed, together with the privileges, franchises and chartered rights of the said company; and such pledge, hypothecation, trust, bonds and mortgage shall have the same validity and effect in all respects as any pledge, hypothecation, trust, bonds and mortgage contemplated and authorized by any of the supplements to said act.

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

Approved February 7, 1872.

CHAPTER XVI.

An Act to incorporate the Rake Pond Cranberry Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph J. White, Benjamin Ridgway, James S. Hulme, Eayre Oliphant, and William Parry, and all such persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate, in fact and in law, by the name of "The Rake Pond Cranberry Company," for the purpose of buying, holding, cultivating and improving lands in the county of Burlington, and for raising and selling cranberries and other fruit, and other produce of said lands, and carrying on the business connected therewith, and erecting such buildings and holding such personal property as may be necessary therefor, and that they and their successors, by the same name, may sell, grant, alien, mortgage and dispose of said lands, tenements and hereditaments, cranberries, produce, fruits, goods and chattels, or any part thereof.

Corporators.

Name and powers.

2. *And be it enacted*, That the capital stock of said company shall be twenty five thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, which shall be divided into shares of fifty dollars each, and the said corporation may issue stock in payment therefor, and the subscriptions for stock shall be opened in the town of Mount Holly, in the county of Burlington, at such time as the directors may designate, under their direction or that of such persons as a majority of them may select.

Capital stock.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five directors, one of whom shall be president, and a majority of whom shall have all the power of the board, and they shall hold their office for one year, and until others are selected in their stead, and shall have power to make by-laws for the government and management of said corporation, and shall hold their meetings at such time and places in this state, as the by-laws may provide; and that until an election for directors shall be

Affairs, how managed.

held, the persons named in the first section of this act shall be directors.

Stock, how
transferred, &c.

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

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

Approved February 7, 1872.

CHAPTER XVII.

A Supplement to an act entitled "An Act to incorporate the Bordentown Female College."

Charter ex-
tended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the charter of the said "Bordentown Female College" shall be extended for twenty years after the time limited in the original act of incorporation.

Approved February 7, 1872.

CHAPTER XVIII.

A Supplement to an act entitled "An Act to incorporate the West Hunterdon Railroad Company," approved March seventeenth, one thousand eight hundred and seventy.

Preamble.

WHEREAS, through inadvertence, the state assessment on the act to which this is a supplement, was not paid within the time required by the act entitled "An Act to increase the revenues of the state of New Jersey," by which inadvertence and non-payment of said state assessment, the said

act became void; and whereas, it is desirable that said act should be revived; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to incorporate the West Hunterdon Railroad Company," approved March seventeenth, one thousand eight hundred and seventy, be and the same is hereby revived, and shall stand in full force and effect, the same as if the state assessment required to be paid by the act entitled "An Act to increase the revenues of the state of New Jersey," had been paid within the time prescribed by law; *provided*, that the state assessment on the said original act of incorporation, and on this supplement be paid before the first day of July next ensuing the passage of this supplement. Act revived. Proviso.

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

Approved February 7, 1872.

CHAPTER XIX.

A Further Supplement to the act entitled "An Act to incorporate the Dime Savings Bank of the City of New Brunswick, New Jersey," approved February seventh, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said "Dime Savings Bank," and the borrowers or lenders of any money secured by mortgage or other security upon personal or real estate, to enter into a contract or agreement whereby the borrower shall pay any part or all of national, state, county or city taxes which may be assessed upon the money so lent, or to be loaned, and the securities for the payment thereof; and all such contracts and agreements are hereby made and declared to be valid and effectual in law, and no such mortgage or other security shall be held, deemed or taken in any court of this state to be usurious or invali- May contract with borrowers to pay all taxes.

dated by reason of any such contracts or agreements, anything in any existing law of this state, to the contrary, notwithstanding.

Money, how
to be invested.

2. *And be it enacted*, That the said corporation may invest the money left with them on deposit in no other public stocks or bonds other than such as are created and issued by the United States, and by the several states of the Union, or by the several counties, cities or towns in this state, or by the cities of New York and Brooklyn, of the state of New York, under the laws thereof; nor on bond and mortgage, except on unencumbered real estate worth at least double the amount invested; *provided*, said corporation may make temporary loans upon personal securities, with the pledge of collateral securities, at least double the amount loaned; *provided*, said loan shall at no time exceed twenty per centum of the whole amount of assets.

Proviso.

Proviso.

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

Approved February 8, 1872.

CHAPTER XX.

A Supplement to the act entitled "An Act to incorporate the Monmouth County Agricultural Railroad Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventeen, of the act to which this is a supplement, be so amended as to read as follows, to wit: "*And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money from time to time as shall be necessary to build, construct or repair said road, and furnish the said corporation with all the necessary engines, machinery, boats and other personal property for the uses and objects of the said company, and to secure the payment thereof by bond or mortgage, or otherwise, on the road, lands, privileges, franchises and appurtenances of or belonging to said corporation."

Amendment.

2. *And be it enacted*, That the said company shall have ^{power to} change the route of said road as the same is at ^{change} ^{route,} present or may hereafter be located and filed; *provided*, ^{Proviso.} *however*, that no such change shall affect the termini of said road as named in the charter, nor shall such change depart more than one mile from the line of the location first filed; and any such change shall be filed in the office of the secretary of state in connection with the original location.

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

Approved February 8, 1872.

CHAPTER XXI.

An act to incorporate the Star Rubber Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Philip P. Dunn, Charles L. ^{Corporators.} Pearson, Thomas Clymer, William W. Ward and James H. Bruere, and their associates and successors, be and they are hereby created a body politic and corporate, by the name of "The Star Rubber Company," for the purpose of making and ^{Name and} ^{powers.} manufacturing india rubber goods, in the county of Mercer, in this state, and shall have power to manufacture and deal in all goods and articles of merchandise whatsoever, which may or can be made wholly or in part of india rubber, and to engage in, and carry on, all business incident thereto; and may purchase and acquire, have, hold, use and enjoy all real and personal estate, mills, buildings, factories, stores, machinery and other property whatsoever, which they may deem necessary or useful for the purposes aforesaid, and may sell, lease, mortgage or otherwise dispose of the same, or any part thereof, as they may deem most for the interest and benefit of the said corporation.

2. *And be it enacted*, That the capital stock of the said ^{Capital stock} corporation shall be one hundred thousand dollars, to be divided into shares of fifty dollars each, with power in said cor-

poration to increase the same to any amount not exceeding two hundred thousand dollars, and said stock shall be deemed personal property, and shall be transferable in such manner as the by-laws may direct.

Election of directors

3. *And be it enacted*, That the business and affairs of said corporation shall be managed and conducted by not less than three nor more than seven directors, a majority of whom shall be residents of this state, and all of whom shall be stockholders in said company, and said directors shall hold their office for one year, and until others shall be duly elected in their stead; and the election for directors shall be held annually at such time and place as the by-laws may direct; and at every election for directors the stockholders shall be entitled to one vote for every share of stock by them respectively owned, and may vote either in person or by proxy; and the board of directors shall have power to make and adopt a common seal for said corporation, and shall choose one of their number to be president, and may appoint from their own number or otherwise a treasurer and secretary and such other officers and agents of said corporation as they may deem necessary, and fix and appoint their salaries or pay, and may make such by-laws, not inconsistent with this act, or with the laws of this state, or of the United States, as they may deem proper for regulating the issue and transfer of stock, and for the general government, management and control of the affairs, manufactures and business of the said corporation; and a majority of the directors shall constitute a quorum for the transaction of all business.

Commissioners to receive subscriptions.

4. *And be it enacted*, That the persons above named, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of said corporation at such times and places in this state, and upon such notice, as they shall direct, and at the time of subscribing for such stock, such amount on each share subscribed for shall be paid to said commissioners as they, or a majority of them, shall determine, and the residue of the subscription shall be paid or satisfied in such installments, and at such times and in such manner, and to such person or persons as the directors may from time to time decide and direct, giving notice of such time and place, and person or persons, by notices published in a newspaper printed and published in said county of Mercer, for two weeks, at least once in each week; and if any person shall fail to pay or satisfy such installment, the directors may declare his

stock forfeited to and for the use and benefit of said corporation; and any buildings, lands, mills, machinery, materials, or other property, which may be useful to said company in carrying on its manufacturing and other business, may be received in payment, in whole or in part, for the subscriptions to its capital stock, and at such valuation as may be decided upon and approved by a majority of said commissioners or directors, or a majority of the stockholders; but this provision as to payments for subscription to stock is not to apply to shares of the increased stock, in case the capital should be increased under the authority herein given.

5. *And be it enacted*, That the said corporation may commence their business and operations whenever fifty thousand dollars of its capital stock shall be subscribed for and paid in, and the said commissioners, or a majority of them, shall thereupon, as soon as they deem it expedient, give notice for ten days at least, by publication in one of the newspapers of said county, of a meeting of the stockholders to be held at a time and place, to be mentioned in said notice, for the election of not less than three nor more than seven directors, who, when duly elected, shall hold their office until the next meeting for the election of directors, and until a new board shall have been elected and qualified in their stead.

6. *And be it enacted*, That it shall be lawful for the directors of said company to borrow from time to time such sum or sums of money as they may deem necessary for the better conducting and managing the affairs of the company, not exceeding in the aggregate twenty-five thousand dollars, and to secure the same by bond and mortgage on the real and personal property of the company, or any part thereof, and in addition to the legal rate of interest, it shall be lawful for said company to pay and for the lender or lenders to receive the taxes which may be assessed on such loan or the securities given therefor.

7. *And be it enacted*, That this act shall take effect immediately, and shall continue in force for thirty years, unless sooner repealed.

Approved February 8, 1872.

CHAPTER XXII.

Supplement to an act entitled "An Act to incorporate the Millville Manufacturing Company," approved March tenth, one thousand eight hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the powers granted by said act, the said company shall have power to purchase and hold all or any of the real estate, late of Richard D. Wood, deceased, situate in this state, and to carry on the branches of manufacture lately carried on by said Richard D. Wood, deceased, in this state, and to transact all business connected therewith.
2. *And be it enacted*, That said company shall have power to purchase, hold, and use such other real estate or personal property as may be necessary or convenient for carrying on the said branches of manufacture, and to use, improve, lease, mortgage, sell, or convey any of their property at pleasure.
3. *And be it enacted*, That the said company may be dissolved by a general meeting of the stockholders specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution, such persons as the stockholders at said meeting may appoint or in default of such appointment, then the directors for the time being, and the survivor or survivors of them, shall be trustees for the settling all the affairs of the company, collecting and disposing of its property and assets, paying its debts, and dividing the surplus among the stockholders in proportion to their respective interests in the stock.
4. *And be it enacted*, That the factories and works of said company may be located in the counties of Cumberland, Burlington and Atlantic.
5. *And be it enacted*, That this act shall take effect immediately.
- Approved February 8, 1872.

Power to purchase and hold real estate.

May lease and mortgage property.

How dissolved.

Proviso.

Works, where located.

CHAPTER XXIII.

An Act relative to the Union Bank at Mount Holly.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin F. Shreve, Benjamin Ridgway, Charles M. Harker, Jacob Merritt, Franklin B. Levis, Edward L. Bowne, Isaac Fenimore, Benjamin C. Campion, Samuel A. Dobbins, Joshua Tomlinson, Josiah B. Pew, Franklin Githens, Samuel H. Horner, John Forsyth, Jacob H. Leeds, Mark H. Sooy, Caleb Wilkins, and their associate shareholders in the Union Bank at Mount Holly, an association formed at Mount Holly, in the county of Burlington, New Jersey, and organized under the provisions of an act of the legislature, entitled "An Act to authorize the business of banking," and their successors and assigns be, and they are hereby constituted a corporation and a body politic, by the name and style of "The Union Bank at Mount Holly," and by that name shall have and exercise banking powers and the incidental corporate powers enumerated in the first section of the "Act concerning corporations; *provided*, that the said corporation shall not trade or deal in anything except money, bills of exchange, promissory notes, gold and silver bullion, and the national legal notes of the United States, stocks of the states or of the United States, and shall in no case hold any real estate, goods or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debts, loans or contracts, or shall be conveyed or sold in full or in part satisfaction of debts previously contracted in the course of dealings, or shall be purchased upon judgment or execution, for the purpose of bona fide making or securing of debt or debts due or owing said corporation.

2. *And be it enacted*, That the capital stock of said corporation shall be one hundred and fifteen thousand dollars, to be divided into shares of fifty dollars each, with the privilege of reducing the paid-up capital, if the directors deem it expedient to do so, to any amount not under fifty thousand dollars, and of increasing said capital to any amount not

Corporators.

Name and powers.

Proviso.

Capital stock.

exceeding three hundred thousand dollars, at any time during the continuance of this act; and that the owners of stock in said association so organized as aforesaid, shall be the stockholders in the corporation created by this act, and shall hold the same number of shares therein that they may hold in the said association at the time of the passing of this act.

Certificate of acceptance to be filed.

3. *And be it enacted*, That the association organized as aforesaid shall, on the passage of this act, and the acceptance of the same by the directors of the said association, and the filing in the office of the secretary of state a certificate of such acceptance signed by the president and cashier under the seal of the association, be deemed and taken to be merged in the corporation created by this act, and from that time all the property, real and personal of said association shall vest in and be deemed and taken to belong to the corporation created by this act, their successors and assigns, and with the same remedies at law and in equity in respect thereto, as if the original association and subscription to the stock had been made under this act; *provided*, that the new corporation shall be liable to all the debts and obligations of the said association.

Proviso.

Board of directors to manage affairs.

4. *And be it enacted*, That the affairs of the corporation shall at present be managed by a board of seventeen directors, all of whom shall be stockholders, and three fourths of whom shall be citizens of this state, a majority of whom shall be a quorum for the transacting of business, except in case of discount, which may be regulated by the by-laws, which directors shall be elected annually in the manner hereinafter described, and shall, before entering upon the duties of said office, severally take and subscribe an oath or affirmation faithfully to execute the trust reposed in them as directors; *provided*, that the stockholders shall have the right and privilege at any annual election of reducing the number of directors, so that not less than nine shall constitute the board; *provided, also*, that the persons named in the first section of this act shall constitute the first directors of the corporation created by this act, and shall hold their offices until their successors are duly elected.

Proviso.

Proviso.

Election of directors.

5. *And be it enacted*, That the first election for directors of the said corporation created by this act, shall be held on the second Tuesday in January, in the year of our Lord, one thousand eight hundred and seventy-three, and on the same day annually thereafter, at the banking house of said cor-

poration in Mount Holly, at such time of day as the board of directors shall appoint, of which election at least fourteen days previous notice shall be given by the directors by an advertisement in one or more of the newspapers published in the county of Burlington, for the well ordering of which election, the board of directors shall previously thereto appoint three stockholders not being directors, to be judges thereof, who shall conduct the election and determine upon the legality of votes, the eligibility of persons voted for, and who are elected (and no person shall be eligible as a director unless he is at the time the bona fide owner in his own right of at least one thousand dollars' worth of the stock of said corporation at the par value thereof), that said elections shall be by ballot, and be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, and each stockholder shall be entitled to one vote for each share of stock held in his, her or their names at the time of the election, and the persons who shall have the greatest number of votes shall be directors; and if it should so happen that two or more persons have an equal number of votes, then the directors of the preceding year or a majority of them shall proceed by ballot and plurality of votes to determine which of the persons so having an equal number of votes shall be the director or directors, so as to complete the whole number; and the directors so elected as soon as may be thereafter, when a quorum shall be present, shall proceed to elect by ballot and by a majority of votes, one of their number to be president, as well of their board as of the corporation, and whenever any vacancy or vacancies shall happen among the directors by death, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year by such person or persons as the other directors for the time being, or a majority of them shall appoint; and if at any time it shall happen that an election of directors shall not take place on the day herein prescribed, the said corporation shall not for that reason be deemed dissolved, but an election may be had as soon as conveniently may be thereafter, upon like notice, and at the place and in the mode specified.

Failure to
elect directors
not to dissolve

6. *And be it enacted*, That the capital stock of said corporation shall be deemed personal property, and shall be transferable on the books of the corporation in the manner prescribed by the by-laws of said corporation; but no transfer

Stock, how
transferable.

of the stock shall be made by any stockholder from whom any debt or debts are due to the said bank, or who is the drawer or indorser of any bill of exchange or note discounted and held by said bank, when said bill of exchange or note is due, without the consent of the said board of directors, but such stock shall be and remain liable for the payment of such notes or bills of exchange.

All bills and
notes issued
binding on
corporation.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of a less denomination than one dollar, and the bills or notes which may be issued by said corporation, signed by the president, and countersigned by the cashier, and when so signed and issued promising the payment of money to any person, or to his order, or to the bearer, shall be binding and obligatory on said corporation as if made by a natural person or persons, and shall be negotiable in like manner, but that the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause, or suffer to be issued bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment of not less than one year, nor more than five years in the discretion of the court.

Cashier.

8. *And be it enacted*, That there shall be a cashier of said bank appointed annually, liable, however, to be removed and another appointed in his stead at the pleasure of the said board of directors, such appointment or removal only to be made by a majority of the directors, and on such appointment the said cashier shall, before he enters upon the duties of his office, take an oath or affirmation faithfully to perform the duties of his office, and shall give bonds with good and sufficient security, to be approved by the board of directors, in a sum not less than twenty-five thousand dollars, with conditions for the faithful performance of his duties as cashier of said bank.

Semi-annual
dividends.

9. *And be it enacted*, That it shall be the duty of the board of directors of the said corporation to make semi-annually dividends of so much of the profits of the business of said corporation as the said board shall deem advisable, but no dividend shall be made of any part of the capital stock.

10. *And be it enacted*, That the rate of discount at which

loans may be made by said corporation shall not exceed the legal rate of interest in this state established for the time being; *provided*, that nothing herein contained shall be construed to prohibit the said corporation from dealing in bills of exchange, and the purchase and sale thereof, and the purchase and sale of the bonds, notes, and bills of the government of the United States, and the bonds and securities of the state of New Jersey, or of any town, city, or county thereof.

11. *And be it enacted*, That if at any time the said corporation shall refuse or neglect, on demand being made at their banking house during the regular hours of business, to redeem in lawful money any of the bills or notes issued by it, and which may then be due and payable, the said corporation shall thereupon, under the pain of forfeiting its charter, wholly discontinue and cease from banking operations until such bills or notes are fully paid; *provided*, that the provisions of the act entitled "An Act to suspend the penalties of the non-redemption in specie of bank notes," approved March twenty-fourth, one thousand eight hundred and sixty-two, and the supplement thereto approved March sixth, one thousand eight hundred and sixty-three, be and continue in force in relation to the bank incorporated and chartered by this act.

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

13. *And be it enacted*, That three fourths of the directors of said corporation shall be residents of this state, and all of them shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted at law or in equity by any receiver or receivers that shall or may be appointed for the payment of any such bills or notes, as if the same were their joint and several bills or notes executed by them in their

individual capacity; and it shall not be lawful for any director of said corporation to resign his office to avoid such liability, and if any director shall so attempt to resign his office, he shall be and continue liable the same as if no such resignation had been attempted; and such liability of directors shall continue after they cease to be directors, either by resignation or otherwise, if said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and if in case of payment of any such bills or notes by any of said directors, the other directors who may be liable, shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver under the provisions of this act shall be sold until after the expiration of six months from the date of such judgment or decree; *provided also*, no such suit shall be prosecuted against the said directors by such receiver or receivers, except for such deficiency as may remain after the assets of such corporation have been duly appropriated to the payment of such bills or notes, except in case of fraud committed by said directors.

Proviso.

Proviso.

Stockholders
liable for cir-
culation.

14. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of said bills or notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of the said bills and notes; and the stockholders of the said corporation, at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills or notes after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder, other than the said directors, shall be made liable to an amount exceeding the par value of the stock held by him at the time said corporation becomes insolvent; and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them, and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.

Proviso.

15. *And be it enacted*, That in case of an action or suit at Action at law. law against any director or directors, stockholder or stockholders under any of the preceding sections of this act, the receiver or receivers may declare ~~generally~~ for money had and received; *provided*, that a schedule shall be annexed to Proviso. the said declaration setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on and the numbers and denominations thereof.

16. *And be it enacted*, That it shall be the duty of said Statements to be made. corporation on the first Monday in the months of January, April, July and October, in every year, to make the statements required to be made by the other banks of this state by the act entitled "An Act to punish frauds committed on the incorporated banks of this state, and for the better regulation of said banks," approved April sixteenth, one thousand eight hundred and forty six.

17. *And be it enacted*, That a majority in interest of the Majority in interest to be residents of this state stockholders shall be residents of this state, and this act shall be deemed and taken to be a public act and shall go into effect immediately, and continue in force for twenty years; Limitation. but it shall be lawful for the legislature at any time hereafter to alter, modify or repeal the same whenever, in their opinion, the public good shall require it.

Approved February 8, 1872.

CHAPTER XXIV.

A Supplement to an act entitled "An Act to incorporate the German Hospital."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of the act entitled Amendment. "An Act to incorporate the German Hospital," approved the thirteenth day of February, 1868, be and the same is hereby amended so as to read, "The board of directors shall

consist of twelve persons, to be elected at the annual election meeting of its members, who shall divide themselves into two classes, six of them to serve for one year and the other six for two years; the successors of all these directors to be elected for two years at any subsequent election."

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

Approved February 8, 1872.

CHAPTER XXV.

An Act to confirm the acknowledgment of a certain deed for lands in Elizabeth, Union county, made by Henry S. Dickenson.

Preamble. WHEREAS, it appears that Henry S. Dickenson, at that time vice chancellor of the state of Mississippi, on the thirtieth day of March, in the year eighteen hundred and fifty-three, took the acknowledgments of Willis Pope, jr., and Sarah F. his wife, to a deed of conveyance for certain lands, in Elizabeth, Union county, which deed of conveyance was made by said Willis Pope, jr. and his said wife, to Abel S. Hetfield, bears date the tenth day of January, eighteen hundred and fifty-three, and was recorded in the clerk's office of the said county of Union, in Book sixty-four of Deeds, pages one hundred and ninety-nine and two hundred; and whereas, said Henry S. Dickenson was not empowered by the laws of this state to take such acknowledgment, therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said acknowledgment of said deed of conveyance be, and the same is hereby confirmed and declared valid and effectual in like manner as though the said Henry S. Dickenson, at the time of his taking and certifying the same, had been authorized by the laws of this state to take and certify the same; and that said record of said deed shall be as good and sufficient evidence of the title

Acknowledg-
ment declared
valid.

of the lands described therein, as though such acknowledgment had been taken and certified by a master in chancery of this state.

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

Approved February 8, 1872.

CHAPTER XXVI.

An Act to enable the Trustees of School District Number Sixty-six, in the township of Pittsgrove, in the county of Salem, to erect a school house, and to raise money to pay for the same.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district number sixty-six, in the township of Pittsgrove, in the county of Salem, be and they are hereby authorized to erect a building for the public school in said district, with the necessary fences, out-houses and conveniences, and to provide the said school house with proper furniture, apparatus and fixtures, and to pay the cost and expenses thereof, not exceeding the sum of two thousand dollars. Trustees authorized to build a school house.

2. *And be it enacted*, That it shall be the duty of the trustees of said school district to certify to the assessor of taxes of the township of Pittsgrove, in the county of Salem, on or before the first day of June, in the year one thousand eight hundred and seventy-two, the amount, not exceeding the sum of two thousand dollars, that will be necessary to pay the cost of said school house and furniture; which sum of money, so as aforesaid certified, said assessor is hereby authorized and required to assess as a special tax, upon the personal property of the inhabitants of said school district, and upon the real estate situate within said school district, in the same manner as township taxes shall be assessed; which special tax shall be collected upon a duplicate thereof, delivered to the collector of said township of Pittsgrove by said assessor, at the same Tax for building school house, how assessed and collected,

time, and in the same manner, as township taxes shall be collected; and shall be accounted for and paid over by the said township collector, for the purposes specified in this act, upon the order of the trustees of said school district.

Trustees to
award con-
tract.

3. *And be it enacted*, That it shall be the duty of the trustees of said school district to procure plans and specifications of said school house, and to give ten days' public notice for proposals, and to award the contract for building said house to the lowest responsible bidder.

Trustees to
make report,
&c.

4. *And be it enacted*, That said trustees shall keep accurate accounts of all moneys received and expended for the erection of said building, and shall make a report of the same at the first annual meeting held for the election of trustees, subsequent to the completion of said building.

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

Approved February 8, 1872.

CHAPTER XXVII.

An Act to authorize the Trustees of the Methodist Episcopal Churches of New Providence and Union Village to sell and convey certain real estate.

Trustees au-
thorized to
sell real estate

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal Church of New Providence, in the township of New Providence, and county of Union, and the trustees of the Methodist Episcopal Church of Union Village, in the township of Warren, and county of Somerset, or their successors in office, be and hereby are authorized and empowered to sell and convey the real estate, or any part thereof, with the appurtenances to the same belonging, or in any wise appertaining thereto, situate in New Providence, and now held by the two boards of trustees aforesaid, in joint and special trust, and known as the parsonage property, and now occupied as such; and to make, execute and deliver a good and sufficient

deed of conveyance therefor to the purchaser or purchasers thereof, and that such deed of conveyance shall be good and effectual in law.

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

Approved February 8, 1872.

CHAPTER XXVIII.

An Act to incorporate the Hamilton Rubber Works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert S. Manning, Robert L. Hutchinson, George W. Norton, Charles V. Mead and Augustus G. Richey, and their associates, be and they are hereby created a body politic and corporate, in fact and in law, by the name and style of "The Hamilton Rubber Works," for the purpose of manufacturing and selling rubber goods, and carrying on the business incident thereto; and for such purpose the said company shall or may raise by subscription, by opening the books therefor, or otherwise, a capital stock of one hundred and fifty thousand dollars, to be divided into shares of five hundred dollars each, with the privilege of increasing the same to two hundred and fifty thousand dollars; and it shall be lawful for said company to issue certificates of stock; *provided*, such stock shall be paid up in cash, in whole or in part payment for any real or personal property purchased or leased by said company for the purpose of their business aforesaid.

2. *And be it enacted*, That said corporation may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease, or otherwise dispose of the same at pleasure, and may borrow money and issue bonds therefor to an amount not exceeding at any one time one half of their paid up capital stock; and may sue and be sued in all courts of law or equity, and may have and use a common seal, and

- may change and alter the same at pleasure, and may make such by-laws for their regulation and government as they may deem proper; *provided*, the same are not inconsistent with the constitution or laws of the United States, or of this state.
- Proviso.**
- Affairs to be managed by directors.**
3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president; and said directors shall be stockholders in said corporation, and shall hold their offices for one year, and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day, and at such place as the by-laws of the said corporation shall direct; and until such annual election shall take place Robert S. Manning, Robert L. Hutchinson, Charles V. Mead, George W. Norton and Augustus G. Richey, being stockholders, shall be directors of said corporation; a majority of the directors shall on all occasions when assembled at such place as the by-laws of the said corporation shall direct, constitute a body competent to transact business, and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancies by the appointment of any stockholder.
- First directors**
- Failure to elect not to dissolve.**
4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days' notice being given of the time and place of such election.
- Statement to be made.**
5. *And be it enacted*, That the said directors shall submit to the stockholders at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained.
- Principal office.**
6. *And be it enacted*, That the principal office of said company shall be in the county of Mercer, where regular books of account shall be kept, to which any stockholder shall have

free access at all reasonable times, for the purpose of inspection; and that books of transfer of the stock shall also be kept, and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

7. *And be it enacted*, That the said corporation hereby ^{How dissolved} created may be dissolved by a general meeting of the stockholders of the same, specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders ^{Proviso.} shall concur therein; and upon such dissolution, the directors for the time being, and the survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for settling all the affairs of the company, collecting and disposing of all its property and assets, paying its debts and dividing its surplus among the stockholders in proportion to their respective interests in the stock.

8. *And be it enacted*, That the corporation hereby created ^{General powers.} shall possess the powers and be subject to the general restrictions set forth in an act entitled "An Act concerning corporations," approved on the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same may be applicable.

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

Approved February 8, 1872.

CHAPTER XXIX.

An Act to incorporate the Alden Fruit Preserving Company of Camden.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Oscar Vezin, R. H. Morris, ^{Corporators.} Edward W. Keene, and their associates and successors, are hereby made and constituted a body politic and corporate in law, by the name of "The Alden Fruit Preserving Company ^{Name.} of Camden," for the purpose of purchasing, preserving, and

- selling fruits, vegetables, meats, fish, &c., and for the purpose of transacting any business that may be properly connected therewith; that the factories or works of the said The Alden Fruit Preserving Company of Camden, shall be located in the county of Camden, in this state; that the capital stock of the said company shall be twenty thousand dollars, and shall be divided into shares of one hundred dollars each.
- Capital stock.** 2. *And be it enacted*, That the said corporation may purchase, hold, and enjoy any such real estate, and erect any such buildings thereon, and obtain and possess and enjoy any such machinery, goods and chattels as may be necessary or expedient to said corporation for carrying on its business; and whenever it shall see fit, the said corporation may sell, mortgage, lease, or otherwise dispose of the same at pleasure.
- May purchase and hold real estate.**
- How managed** 3. *And be it enacted*, That the business or affairs of the said corporation shall be managed by not less than three nor more than seven directors, one of whom shall be president of said corporation; and said directors shall be stockholders in said company, and shall hold their office for one year and until others shall be chosen to fill their places; that the directors shall be elected at such time and place as the by-laws of the said corporation may fix, and annually thereafter; and that until such election the associates named in this act shall be directors of said corporation; and a majority of the directors at any time shall constitute a board competent to transact business, and all business before them shall be decided by a majority of votes of those present; and in case any vacancy shall occur in the board of directors by death or resignation, the directors who may remain, or a majority of them for the time being, may appoint any stockholder to fill the said vacancy.
- Directors.**
- Failure to elect not to dissolve.** 4. *And be it enacted*, That in case an election for directors shall not take place upon the day designated for that purpose by the by-laws, the said corporation shall not be dissolved, but the stockholders may proceed and hold an election at any time, upon giving ten days' notice of the time and place of holding such election.
- Stock, how transferable.** 5. *And be it enacted*, That the capital stock of the said corporation shall be deemed personal estate, and be transferable in such manner as may be prescribed by the by-laws of said corporation.
- Directors to make by-laws.** 6. *And be it enacted*, That a majority of the directors for the time being shall have power to ordain and establish such

by-laws and regulations as shall seem necessary for the management of the affairs of the said corporation; *provided*, Proviso. that the same shall not be contrary to the constitution of the United States or of this state.

7. *And be it enacted*, That regular books of account shall be kept, in which shall be entered the transactions of the said corporation, and that books of transfers of the stock shall also be kept, and shall be evidence of the ownership of said stock. Books of account to be kept.

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

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

Approved February 8, 1872.

CHAPTER XXX.

An Act to incorporate the Camden Rifle Club.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Anthony Kobus, Christopher Schweinhagen, Louis Creeger, Frederick Brum, Christopher Schemner, Edward Shuster, John Pfeifer, Anthony Voll, Adam Schweinhagen, Henry Groskopf, John Welsh, G. Goetz, and their associates, successors and assigns, shall be and they hereby are created a body politic and corporate, in deed and law, by the name, style and title of the Camden Rifle Club, Corporators. and by that name shall have perpetual succession, and shall sue and be sued, plead and be impleaded, to purchase, receive, hold, and enjoy to them and their successors, all property of what nature or kind soever, be the same real, personal or mixed, and the same, or any part thereof, to sell, assign or otherwise dispose of for the use of said association; Name.

- Proviso. *provided*, that the clear annual value of the property possessed by said association shall not exceed ten thousand dollars (\$10,000.)
- Capital stock, and object. 2. *And be it enacted*, That the capital stock of said association shall be fifty thousand dollars (\$50,000), with power to increase the same to one hundred thousand dollars, to be divided into shares of twenty-five dollars each; and the object of said association shall be to purchase a lot of ground and erect the necessary improvements thereon, to afford to its members and others opportunities of acquiring skill in the use of the rifle, and to test the comparative merits of the various kinds of fire-arms, without prejudice to the public convenience and safety.
- Powers. 3. *And be it enacted*, That the said association shall have power to make and use a common seal, and the same to alter or renew at pleasure, and to issue certificates of stock in such form and subject to such regulations as they, from time to time, by their by-laws may prescribe, and to make such by-laws, rules and regulations as may be deemed necessary and proper for the management of their said association; *provided*, that no by-law, rule or regulation shall be contrary to the constitution and laws of the United States, or of this state.
- Proviso.
- Approved February 8, 1872.

CHAPTER XXXI.

An Act incorporating the Good Will Hook and Ladder Company, of Freehold, county of Monmouth.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Haight, Aaron R. Throckmorton, James J. Conover, George C. Hulett, Enoch L. Cowart, David S. Crater, Thomas A. Ward, Charles J. Parker, George B. Cooper, Charles F. Richardson, and all persons who now are or hereafter shall become associates of the Good Will Hook and Ladder Company, of the borough

of Freehold, county of Monmouth, be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Good Will Hook and Ladder Company, of Freehold," 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 whatever; and that they and their successors may have a common seal, and shall have power to make, change and alter the same at their pleasure, and by their corporate name aforesaid, and under their 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.

Name and
powers.

2. *And be it enacted*, That the capital stock of said company shall not exceed the sum of ten thousand dollars (\$10,000), which shall be applied to the purchase and holding of real estate, and the procuring of 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.

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 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 company.

Officers.

4. *And be it enacted*, That the Good Will Hook and Ladder Company, of Freehold, be, and they are hereby authorized to submit to the commissioners of the borough of Freehold their list of members, constitution and by-laws, and they shall be subject to such regulations as the said board of commissioners shall deem best to make, so long as they may

List of mem-
bers, &c. to
be returned.

be entrusted with any property belonging to the town in charge of said board.

Annual state-
ment.

5. *And be it enacted*, That an annual statement of the financial affairs of the said company, signed by the president thereof, shall be placed upon the records of said company, not less than fifteen days, and not more than thirty days, before each annual election.

Property ex-
empt from
taxation.

6. *And be it enacted*, That the property of said company, held under this act, shall be free and exempt from taxation and assessments.

Members ex-
empt from
jury duty.

7. *And be it enacted*, That all persons during the period of their actual membership of the company organized by this act, shall be exempt from jury and military duty, and all persons having served as members of said company for a period of seven years, and having received a certificate from the officers of said company to that effect, shall be forever exempt from such duty in this state.

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

Approved February 14, 1872.

CHAPTER XXXII.

A Supplement to the act entitled "An Act to incorporate the Half-Dime Savings Bank of the town of Orange, in the county of Essex," approved March seventeenth, eighteen hundred and seventy.

Change of
name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporation created by said act shall hereafter be known under and by the name of "The Half Dime Savings Bank."

Vacancy, how
filled.

2. *And be it enacted*, That it shall be lawful for any number, not less than ten, of the board of managers of said corporation to declare vacant the seat of any manager who may have neglected to attend the regular meetings of said board for the space of six months or longer, and to fill any vacancy

which may at any time occur in said board, by death, resignation or otherwise: and also to establish the rate of compensation, if any, to be paid to the several officers mentioned in the fourth section of said act.

3. *And be it enacted*, That the fourteenth section of said ^{Repealer.} act, as well as all other parts of said act which are inconsistent with the provisions hereof, shall be and the same are hereby repealed; and that this act shall take effect immediately.

Approved February 14, 1872.

CHAPTER XXXIII.

A Supplement to "An Act to incorporate the Washington Fire Company, Number One, of Mattawan township, Monmouth county," approved March seventeenth, eighteen hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the following boundaries, and ^{Boundaries.} them only, shall embrace the jurisdiction of the trustees of the said fire company: beginning at the mouth of Mohingson creek; thence up said creek to the Freehold and Keyport turnpike; thence in a straight line to the easterly corner of the dam that forms Doc. Gerans ice pond on Gravelly brook; thence up said brook to a point in the line between Garret A. Roberts and the estate of D. P. Baily, deceased; thence on a north-westerly course along the line of said Roberts and Bailey to the Freehold and Keyport turnpike; thence south along said turnpike to a point opposite to the southerly point or corner of John Donnelley's land; thence on a north-westerly course to a point near the head or source of Mattawan creek; thence down and along the line of said creek to the place of beginning.

2. *And be it enacted*, That the members of the said fire ^{Trustees.} company be, and are hereby authorized at their next annual meeting, and annually thereafter, to elect by a plurality of

votes, five trustees, whose duties shall be the same as specified in the act to which this is a supplement; and that the present trustees shall hold their office until others are elected.

Money, how
assessed and
collected.

3. *And be it enacted*, That the legal voters embraced within the aforesaid boundaries, are hereby authorized to raise by taxation (to be assessed and collected as other taxes are assessed and collected), a sum of money not to exceed two thousand dollars, to be divided into, and voted for in such yearly sums as the trustees of said fire company may deem expedient; and to be applied as the act, to which this is a supplement, directs; and when the aforesaid sum is collected, then the said legal voters may raise, as aforesaid, a further sum, not to exceed one hundred dollars annually, to be paid over to the said trustees, and to be by them applied for the purpose of improving and keeping in repair the property of the said fire company.

Money raised,
how applied.

Election.

4. *And be it enacted*, That an election to carry this act into effect, shall be held on the second Tuesday in May next, and annually thereafter, between the hours of 9 o'clock, A. M., and 4 o'clock, P. M., at the engine house of said company, and the said trustees shall give eight days public notice of the time and place of holding such election, and shall appoint two of their number to act as inspector and clerk of such election; who shall be governed by the laws regulating elections in this state; and a plurality of the legal votes cast at said election for the amount of money specified to be raised, shall be binding and collectable in law, on the inhabitants of said fire district.

Repealer.

5. *And be it enacted*, That so much of the act, to which this is a supplement, as conflicts with the provisions of this act be, and they are hereby repealed.

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

Approved February 14, 1872.

CHAPTER XXXIV.

An Act for the purpose of raising money to construct and complete a Public School Building in District Number Eleven, of Readington township, Hunterdon county.

WHEREAS, the trustees of school district number eleven, of Hunterdon county, have purchased a lot, and partly erected thereon, a public school building, which land and building when finished, and furniture necessary in said building, will cost about the sum of six thousand dollars; and whereas, an assessment of one thousand dollars thereof, was made on the taxable inhabitants of said school district for said purpose in the year eighteen hundred and seventy-one, which has been paid, by said taxable inhabitants, in part; but some of said inhabitants have not paid their assessment by reason of technical objections to the form of the proceedings by which the assessment was laid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees of said district number eleven, and their successors in office, are hereby authorized to finish the erection and construction of said public school building, and to construct and excavate a well and cistern on the said lot, and to provide the necessary furniture and apparatus and outbuildings in said school buildings, and on said premises; and to pave and flag so much of said lot, or the walks therein, as may be desirable; and to construct fences in and around the same, and to make such other improvements, as to said trustees or their successors, may seem desirable, in order to protect the health and secure the comfort and cleanliness of the children; and to pay for the work already done, and materials furnished in and about the location and construction aforesaid; and to expend there-
Trustees to finish &c school building.
 for any sum or sums of money that may be necessary, not exceeding six thousand dollars in all; and it shall be lawful, and the township committee of said township of Readington, are hereby authorized and required, whenever called upon by the trustees of said school district for the time being, for that purpose, to issue bonds in the name of "the inhabitants
May expend money.

- Bonds to be issued. of the township of Readington, in the county of Hunterdon," payable to the bearer thereof, with interest at seven per centum per annum, payable annually, under the hands and seals of the members of said township committee; the said bonds to be at the disposal of said trustees for the time being,
- Proviso. for the purposes named in this section; *provided*, however, that said members of said committee, shall not be personally liable on said bonds.
- Bonds, when payable. 2. *And be it enacted*, That said bonds shall be of the denominations which said trustees, for the time being, shall direct; that not exceeding two thousand dollars of the whole sum for which said bonds shall be issued, shall be due and payable in one year from the date of their issue; that one thousand dollars of said sum shall be due and payable annually thereafter; and that said bonds shall be made payable accordingly.
- Power of the township committee. 3. *And be it enacted*, That said township committee shall have power and authority, and are hereby required to provide for the payment of said bonds, and the interest thereon, as the same shall become due and payable, by taxation on the estates of the inhabitants of said school district number eleven; and on all the lands liable to be taxed therein, which taxes shall be assessed, levied and collected, in the same manner, at the same time, and by the same means as other township taxes are; but in assessing the first amount, not exceeding two thousand dollars, the assessor of taxes for the said township, for the time being, shall assess the amount, the town committee shall direct to be raised, in excess of one thousand dollars, only upon those taxable inhabitants of said school district, who have not paid their aforesaid assessment, made in the year eighteen hundred and seventy-one.
4. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.
- Approved February 14, 1872.

CHAPTER XXXV.

An Act to authorize the trustees of School District Number Sixteen, of the county of Burlington, in the township of Beverly, to borrow money by issuing bonds to purchase land for and erect and furnish a school building.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district number sixteen, of Burlington county, New Jersey, be and they are hereby authorized to borrow any sum of money, not exceeding twenty thousand dollars in all, that they may find necessary, for the purpose of purchasing land, and erecting school buildings thereon, within said school district, and furnishing the same. Trustees may borrow money

2. *And be it enacted*, That for the purpose of securing the payment of said loan, with interest, the said trustees may issue bonds in their corporate name and capacity, to the lenders of said moneys, in amounts not less than one hundred dollars each, with coupons attached; said bonds to draw interest at the rate of seven per centum, payable semi-annually, and to be redeemable at the pleasure of the board, in not less than two nor exceeding twenty years; and said bonds shall be registered, or not, at the option of the purchaser, in a book to be provided and kept for that purpose by said trustees; and said bonds shall be assignable at law, and shall be a first lien in the nature of a mortgage upon the lot of land and buildings thereon, to be purchased and erected with the proceeds thereof, and such lien may be enforced by any court of competent jurisdiction, in the same manner as ordinary mortgage liens now are, or hereafter may be enforced; *provided*, that the lien of such bonds may be postponed to the lien of a mortgage for consideration money for said lot of land. May issue bonds. Proviso.

3. *And be it enacted*, That in order to provide for the payment of the said loan, as the same matures, with the interest which shall from time to time accrue thereon, it shall be the duty of the assessor of Beverly township annually to levy and assess upon the inhabitants of said district, and their Special tax, how assessed and collected.

estates, according to the boundaries of said district, and in the same manner as other taxes are now levied and assessed, a special tax of two and one-half mills on each dollar of said personal and real estates, which assessment shall be collected by the officers now or hereafter authorized by law to collect township taxes, and shall be separately accounted for by him to the school trustees quarterly, and to the people at the annual town meeting; and shall pay all interest coupons as they mature, and all balances remaining upon orders drawn by the board of trustees for the payment of bonds; said trustees to give preference in the redemption of bonds in the order of their number.

Treasurer.

4. *And be it enacted*, That the funds raised by the negotiation of said bonds shall be received by the treasurer of said board of school trustees, and shall be accounted for by him to the district, and be used for the purposes mentioned in the first section of this act; and such treasurer shall, before he receives any portion of said loan, give good and sufficient security to the said district, by its incorporate name, to be approved by the trustees, for his faithful conduct in the execution of his office, and for rendering a just and true account of all moneys received and paid out by him, and for the payment to his successor in office of any balance found in his hands; and said successor shall also in his turn give like security with like condition.

Act to take effect when approved by legal voters.

5. *And be it enacted*, That this act shall not take effect unless it be first approved by a majority of such legal voters of said school district, as may attend and vote at a meeting of said voters, held after ten days' notice thereof, given by the district clerk of said district, by at least five printed notices, put up in five of the most public places within said district, setting forth the time, place and objects of said meeting, which vote shall be taken by ballot, to be written or printed, or partially written and partially printed, with the words "for approval," or "against approval;" and the board of trustees shall constitute a board of election of the said school meeting, and shall declare the result; and in case of the absence or failure to serve of any or all of said trustees, then the inhabitants so assembled shall choose two of their number, who shall be judges of said election; and the said district clerk shall be clerk of said meeting, and shall keep a list of all voters who shall vote at said meeting; and the polls shall be kept open at least two hours, and the bal-

Election, how conducted, &c.

lots shall be numbered and strung, and the result certified in the same manner, as near as may be, as elections for members of assembly now are ; and the said poll-lists and ballots shall be preserved and filed in the county clerk's office ; and if the election shall result in an approval of this act, the said judges of election and district clerk shall make, sign, and verify by oath or affirmation, before a competent officer, a certificate of such result, which shall be filed and recorded by the county clerk, in the book of religious corporations ; and the record thereof, or a duly certified copy, shall be plenary evidence of such result ; and the clerk of said district shall annex to such certificate, to be filed and recorded therewith, an affidavit of the posting of the notices of such meeting.

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

Approved February 14, 1872.

CHAPTER XXXVI.

An Act to create the Lafayette Masonic Hall Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaac Van Saun, Jeremiah B. Cleveland, James Stevens, E. M. Pritchard, Cornelius Vreeland, W. W. Edwards, John E. Halliday, Francis Clark, Andrew J. Martin, George R. Hillier, James R. Hillier, T. B. Chidester, John Cable, T. J. Mallory, Jacques Hill, Henry Klaproth, William Fitch, M. H. Gillett, John P. Culver and David Williams, their heirs and assigns, be and they are hereby created a body politic, in law and in fact, with all corporate powers, for the purpose of building and erecting a masonic hall in the county of Hudson, and state of New Jersey, to be known as the "Lafayette Masonic Hall ;" and that the aforesaid incorporators shall be the original trustees, with power to raise funds for the purchase of lands for the erection of said hall and building, either by stock, subscription or otherwise not in contravention of the laws of this state ; and

Capital stock	that the capital of said corporation, so as aforesaid, shall be thirty thousand dollars (\$30,000), to be raised and created as the trustees, by their by-laws, shall designate.
Meetings of trustees	2. <i>And be it enacted</i> , That said trustees shall hold their meetings in the county of Hudson; and, as soon as said hall shall be erected, at said hall.
Number of trustees may be increased, &c.	3. <i>And be it enacted</i> , That they shall be empowered, by their by-laws, to increase the number of trustees by adding thereto, and decrease the same for any failure on their part to comply with the commands and directions of said by-laws.
Limitation.	4. <i>And be it enacted</i> , That said incorporation shall be for thirty years, and that this act shall take effect immediately.

Approved February 14, 1872.

CHAPTER XXXVII.

An Act to incorporate the Grand Encampment of the Independent Order of Odd Fellows, of the State of New Jersey.

Corporators.	1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> . That Augustus S. Clark, John H. Vinson, Hiram H. De Grofft, Lewis Parker, jr., David Campbell, John B. Love, Israel Harris, Aaron B. Crane, Nelson Benedict, Amos Howell, Jeremiah Griswold, Frank R. Force, Dayton B. Whitaker, Theodore A. Ross, William Gopsill, Benjamin T. Bright, John W. Matlack, A. Frank Carll, William B. Robertson, John E. Cheesman, William P. Mulford, James W. Wroth and Benjamin P. Thompson, and their associates, officers and members of the Grand Encampment of the Independent Order of Odd Fellows, of the State of New Jersey, and their successors, be and they are hereby constituted and declared to be a body corporate and politic in law,
Name and powers.	by the name, style and title of "The Grand Encampment of the Independent Order of Odd Fellows, of the State of New Jersey," and by that name they and their successors shall, and may at all times hereafter, be capable in law of having,

purchasing, holding and possessing any lands, tenements, hereditaments and personal estate, purchased, devised or bequeathed by any person or persons, bodies corporate or politic, capable of making the same; and said corporation may sue and be sued, implead and be impleaded, in any court of law or equity; and may adopt a common seal, and alter the same at pleasure, and possess generally all the powers, and be subject to all the liabilities of corporations under the laws of this state.

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

Approved February 14, 1872.

CHAPTER XXXVIII.

An Act to incorporate the Eureka Waste Cleansing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That John D. Emack, C. S. Emack, ^{Corporators.} Isaac S. Stover, Jacob Stover, Jordan H. Stover and Martin Wyckoff, and such other persons as may hereinafter become associated with them, or the survivors of them, their successors and assigns, shall be and they are hereby constituted a body politic and corporate in fact and in law, by the name of "The Eureka Waste Cleansing Company," for the purpose ^{Name and powers.} of cleansing all kinds of waste and fibrous substances, and of extracting and purifying the oils therein; and for the purchase and sale of the same; and by their said name they shall have perpetual succession, and shall be capable of suing and being sued, and of pleading and being impleaded, and of receiving and granting, in its corporate name, property, real, personal or mixed; and of holding lands, and making a good conveyance thereof; and for the purposes aforesaid, shall or may, raise by subscription, by opening books therefor, or otherwise, a capital stock of twenty thousand dollars, to be ^{Capital stock.} divided into shares of one hundred dollars each, with the

privilege of increasing the same from time to time to sixty thousand dollars, with the consent of a majority of the stockholders in interest; and it shall be lawful for said company to issue stock in whole, or in part payment, for any real or personal property purchased or leased by said company, for the purposes of said business.

May issue
bonds.

2. *And be it enacted*, That said corporation may issue bonds for the loan of money for the use of said corporation, not to exceed, at any time, one half of their paid up capital; and may have and use a common seal, and may alter the same at pleasure; and may make such by-laws for their regulation and government, and alter the same, as they may deem proper; *provided*, the same are not inconsistent with the laws of the United States, or of this state.

Proviso.

Election of di-
rectors.

3. *And be it enacted*, That the affairs and business of the said corporation shall be controlled and managed by five directors, who shall elect one of their number president; and said directors shall be stockholders in said corporation, and shall hold their office for one year, and until others shall be chosen to fill their places; said directors to be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day, and at such place, upon such notice as the by-laws of said corporation shall prescribe; and until such election shall be held, the corporators mentioned in this act shall choose from among their number, who may be stockholders, the names of five persons, by voting either in person or by proxy, who shall be the first directors of said association, and shall act until the annual election shall take place as aforesaid; a majority of the directors shall, at all times, and upon all occasions, when assembled, at such time and place as the by-laws shall direct, constitute a body competent to transact business; and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors, by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors, for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

Officers.

4. *And be it enacted*, That the officers of said corporation shall consist of a president, to be elected, as in the third section of this act provided for; a treasurer, secretary and superintendent, to be elected as shall be provided for by the

by-laws of said corporation, and whose duties shall be therein defined.

5. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day assigned for that purpose, the said corporation shall not be deemed to be dissolved on that account; but the stockholders may proceed to hold an election on any other day; ten days previous notice of the time and place of such election being given. Failure to elect directors not to dissolve

6. *And be it enacted*, That the capital stock of said company shall be deemed personal property; and that each stockholder shall have as many votes as he or she shall have shares thereof, at any annual or special meeting of the stockholders, and may vote by proxy or in person. Capital stock personal property.

7. *And be it enacted*, That 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 money due to and from said corporation, and from and to whom due, and the amount of all assets or property belonging to said corporation, as nearly as the same can be ascertained, verified by the oath of the treasurer. Statement to be made.

8. *And be it enacted*, That the said corporation may organize and commence the transaction of business under this act whenever five thousand dollars of the capital shall have been actually subscribed and paid in. When to commence business.

9. *And be it enacted*, That the principal office of the said corporation, and its manufactory, buildings and real estate shall be at, or near Frenchtown, in the county of Hunterdon; and that regular books of account shall be kept in the said office, to which books of account any stockholder may have free access at all reasonable times, for the purpose of inspection; and that books of transfer of stock shall be kept, and shall be evidence of the ownership of said stock in all elections, and other matters submitted to the decision of the stockholders of said corporation. Principal office.

10. *And be it enacted*, That the said corporation, hereby created, may be dissolved by a general meeting of the stockholders of the same, specially called for that purpose; *provided*, that at least two thirds in value of the stockholders shall concur therein; and upon such dissolution, the directors, for the time being, and the survivors and survivor of them, or such persons as the stockholders shall appoint, if they choose to appoint, shall be trustees for the settling of all the How dissolved Proviso.

affairs of the company; collecting and disposing of all its property and assets, and applying the proceeds to the paying of its debts, and dividing its surplus among the stockholders, in proportion to their respective interest in the stock.

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

Approved February 14, 1872.

CHAPTER XXXIX.

An Act to vest the title of real estate in the city of Trenton, in Rachel Smith and Sarah Ann Smith.

Preamble. WHEREAS, Anthony Rumsey, formerly of the city of Trenton, departed this life anno domini eighteen hundred and sixteen, seized of a lot of land situate in said city of Trenton, which was conveyed to him by James Kirkpatrick and wife, by deed dated September twelfth, one thousand eight hundred and nine; and whereas, the said Rumsey died intestate, and without issue, leaving Tamer Rumsey, his widow, him surviving; and whereas, the said Tamer Rumsey, who has been in possession of said land and premises, since the death of the said Rumsey, has lately died intestate, leaving two children by a second marriage with one Cyrus Smith, to wit: Rachel Smith and Sarah Ann Smith, her surviving; and whereas, her said second husband, Cyrus Smith, has also departed this life intestate; and whereas, the said Anthony Rumsey has left no lawful heirs, by reason whereof the said lot of land and the appurtenances must escheat to the state; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the estate, title, interest and right of the said Anthony Rumsey, deceased, at the time of his death, of, in and to the lands and premises above described, be vested in the said Rachel Smith and Sarah Ann Smith, as tenants in common, their heirs and assigns.

Title vested.

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

Approved February 14, 1872.

CHAPTER XL.

An Act to incorporate the Oldham Quarry Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry Smith, Andrew Kaefer, Charles Hemingway, John Roberts and John Shaw, and their associates and successors, be and they are hereby created a body politic and corporate, by the name, style and title of "The Oldham Quarry Company," and by that name shall be capable of suing and being sued, impleading and being impleaded, in any court of record or elsewhere; and of granting, and of receiving in its corporate name, property, real, personal and mixed, and of holding, quarrying and working stone quarries, and selling, disposing of and delivering the stone obtained from the quarrying and working of such stone quarries on the lands of said corporation in the state of New Jersey and elsewhere; and leasing or disposing of rights and privileges to quarry and work such lands, and sell, dispose of and deliver the stone obtained from such lands, and do such other acts and things as may belong to the quarrying and working as aforesaid; and the sale, disposal of and delivering the stone as aforesaid.

Corporators.

Name and powers.

2. *And be it enacted*, That the said company shall have power to make such by-laws, as they may deem proper, to enable them to carry out the objects of the corporation, and the same to alter, amend, add to or repeal at their pleasure, and to adopt a common seal, and to alter the same; *provided*, that the said by-laws shall not be contrary to the constitution and laws of the United States and of the state of New Jersey.

May make by-laws.

Proviso.

3. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing it to one hundred thousand dollars, divided into

Capital stock.

shares of not less than fifty dollars each; and the business of the company shall be managed by five directors, to be elected annually by the stockholders, at such time and in such manner as the by-laws shall provide, but they shall hold office until their successors shall be elected; and the said Henry Smith, Andrew Kaefer, Charles Hemingway, John Roberts and John Shaw shall be the first directors, and shall hold their offices until the first annual election; and in case a vacancy shall occur in such board of directors, by death, resignation or otherwise, the remaining directors shall have power to fill such vacancy by the appointment of any stockholder.

Vacancy, how filled.

4. *And be it enacted*, That the said company may carry on its business and establish necessary offices, under the direction of its officers, in such places as they may deem expedient, but the principal office shall be located at the city of Paterson, in this state.

Principal office.

5. *And be it enacted*, That this act shall take effect immediately, and shall continue in force for thirty years.

Limitation.

Approved February 14, 1872.

CHAPTER XLI.

An Act to confirm the acknowledgment of a deed of conveyance for lands in Elizabeth, Union county, taken by Nathaniel E. Goodwin.

Preamble.

WHEREAS, it appears that Nathaniel E. Goodwin, at that time judge of probate in and for the county of Lowndes, in the state of Mississippi, on the twenty-fifth day of October, in the year eighteen hundred and fifty-two, took the acknowledgment of Leroy Pope, jr., to a deed of conveyance for certain lands in Elizabeth, Union county, which deed of conveyance was made by said Leroy Pope, Jr., to Abel S. Hetfield, bears date the third day of August, in the year eighteen hundred and fifty-two, and was recorded in the clerk's office of the said county of Union, in book sixty-four of deeds, on pages one hundred and ninety-eight and one

hundred and ninety-nine ; and whereas, said Nathaniel E. Goodwin was not empowered by the laws of this state to take such acknowledgment ; and whereas, the form of the certificate of such acknowledgment, as made by said Nathaniel E. Goodwin, is defective under the laws of this state ; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said acknowledgment of said deed of conveyance be, and the same is hereby confirmed and declared to be valid and effectual, in like manner as though the said Nathaniel E. Goodwin, at the time of his taking and certifying the same, had been authorized by the laws of this state to take and certify the same ; and that said record of said deed shall be as good and sufficient evidence of the title to the lands described therein, as though such acknowledgment had been taken and certified by a master in chancery of this state ; and the certificate of such acknowledgment, made upon said deed by said Nathaniel E. Goodwin, was in all respects conformable to the laws of this state.

Acknowledgment confirmed and declared valid.

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

Approved February 14, 1872.

CHAPTER XLII.

An Act relating to the real estate held by the Porter Methodist Episcopal Church, of West Hoboken, Hudson county.

WHEREAS, an incorporation under the laws of New Jersey, to wit : " The Hoboken Land and Improvement Company," did by deed, dated March twenty-third, eighteen hundred and seventy, convey to the trustees hereinafter named, a certain lot of land situate in the township of West Hoboken, in the county of Hudson, to be held by said trustees, their successors and assigns in trust, that said lot and premises should be used, kept, maintained and disposed of as a place of divine worship, for the use of the ministry and member-

Preamble.

ship of the Methodist Episcopal Church in the United States of America, subject to the discipline, usage and ministerial appointments of said church, as from time to time authorized and declared by the general conference of said church, and the annual conference within whose bounds said premises are situate; and whereas, the society holding said premises are duly incorporated under the laws of the state of New Jersey, by the style and name of "The Porter Methodist Episcopal Church, of West Hoboken;" and whereas, said society, in the erection of their house of worship, have contracted debts which remain unpaid, and to secure which the said society, having obtained consent of said "Hoboken Land and Improvement Company," desire to mortgage said premises; therefore,

Trustees authorized to convey lands

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel H. De Wint, Daniel L. Beatty, James D. Ackerman, Hiram Dodd, George W. Dorr, Garret H. Westervelt and Richard H. Denman, trustees, be and they are hereby authorized and empowered to convey by deed, said premises, so transferred and conveyed to them, in trust as aforesaid, to the said "The Porter Methodist Episcopal Church, of West Hoboken," which deed, when duly executed, shall vest the title to said land and premises in the said "The Porter Methodist Episcopal Church, of West Hoboken," in fee simple.

May mortgage land, &c.

2. *And be it enacted*, That when said premises shall have been conveyed to the said "The Porter Methodist Episcopal Church, of West Hoboken," as aforesaid, the said corporation shall have the authority, and are hereby empowered to mortgage the said land and premises to secure the debts incurred in erecting their said church edifice, and in attaining and effecting the objects and purposes included in the said trust.

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

Approved February 14, 1872.

CHAPTER XLIII.

An Act to amend an act entitled "An Act to consolidate the Hope Hose Company of the city of Burlington, and the Fulton Engine Fire Company of the city of Burlington, supplementary to the charters of the said companies," approved March eighth, eighteen hundred and seventy, by changing the name and title thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name and title of the incorporation authorized and established by an act entitled "An Act to consolidate the Hope Hose Company of the city of Burlington and the Fulton Engine Fire Company of the city of Burlington, supplementary to the charters of the said companies," approved March eighth, eighteen hundred and seventy, shall be, and the same is hereby so changed; and the said incorporation, by said act established, and now known as "The Hope Fire Company, Number One, of the city of Burlington," shall be hereafter designated and known as "The Hope Steam Fire Engine Company, Number One, of the city of Burlington;" and as such, shall have, possess and enjoy all the rights, privileges and powers conferred by law on said corporation so established.

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

Approved February 14, 1872.

CHAPTER XLIV.

An Act to revive an act entitled "An Act to incorporate the Friendly Institution of the city of Burlington," passed the tenth day of March, eighteen hundred and thirty-seven.

Preamble. WHEREAS, the above named act of incorporation having expired on the tenth day of March, eighteen hundred and sixty-seven, without the notice of its members; therefore,
 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said act of incorporation be hereby revived and continued, with all the privileges and restrictions contained therein, until the tenth day of March, nineteen hundred and twenty.
 Approved February 14, 1872.

Act revived,
and continued

CHAPTER XLV.

An Act to incorporate Howell Division, Number Ninety-seven, of the Sons of Temperance, of the State of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Allen, Joseph Perine, Stephen S. Miles, Nathan Harper, James R. Perine, Joseph B. Martin, Charles D. Whitall, Benjamin Wright and Charles W. Bleecker, and their associates, officers and members of Howell Division, number ninety-seven, of the Sons of Temperance, of the State of New Jersey, located at Plainfield, in the county of Union, and their successors, be and they are hereby constituted and declared to be a body corporate and politic in law, by the name, style and title of "Howell Division, Number Ninety-seven, of the Sons of Temperance,"

Corporators.

Name and
powers.

of the State of New Jersey," and by that name they and their successors shall, and may at all times hereafter, be capable in law of having, purchasing, holding and possessing any lands, tenements, hereditaments and personal estate, purchased, devised or bequeathed by any person or persons, body corporate or politic, capable of making the same; and also to have a common seal, and use the same at pleasure; *provided always*, that the said corporation or body politic Proviso. shall not at any time hold or possess property, real, personal or mixed, exceeding in value the sum of fifteen thousand dollars.

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

Approved February 14, 1872.

CHAPTER XLVI.

An Act to enable the First Presbyterian Church, Rahway, to convey certain real estate.

WHEREAS, it hath been represented to the legislature that Preamble. the First Presbyterian Church, Rahway, hath been purchasing land for church and cemetery purposes, from time to time for many years, receiving deeds therefor made out to individuals by name, who were trustees of said church at the times of the execution and delivery of said deeds, and were so designated therein, and who, together with the grantors and said church, believed and intended said deeds to be so drawn as to vest the title to the lands therein mentioned, exclusively in said church; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the present trustees of the said "First Presbyterian Church, Rahway," or their successors in office, be and they are hereby authorized and empowered to sell and convey all those lots of land lying in the city of Rahway, in the county of Union, and described in the deeds above mentioned, which deeds are all recorded in Trustees authorized to sell lots of land.

the books of deeds in the register's office, of Essex county, and are seven in number, whereof the first was given by Samuel Oliver and others, and recorded in Book ninety-three of Deeds, pages forty and forty-one; the second by David S. Craig and others, and is recorded in Book I, three of Deeds, pages four hundred and ninety-four, four hundred and ninety-five; the third by John Y. Van Tuyl, and is recorded in Book I, three of Deeds, pages four hundred and seventy-five, four hundred and ninety-six; the fourth by Henry Ludlow and wife, and is recorded in Book W, four of Deeds, pages four hundred and forty-six, four hundred and forty-seven; the fifth by Samuel Oliver and wife, and is recorded in Book H, six of Deeds, pages twenty four, twenty-five, twenty six; the sixth by Randolph De Camp and wife, and is recorded in Book forty eight of Deeds, pages four hundred and six, four hundred and seven, four hundred and eight; and the seventh by Moses T. Crane and wife, and is recorded in Book two hundred and thirteen of Deeds, pages four hundred and eighty one, four hundred and eighty-two, four hundred and eighty-three; and to execute and deliver to the purchaser or purchasers thereof, under their common seal, good and sufficient deeds therefor, which deed shall convey to, and vest in the said purchaser or purchasers a good and valid title in fee simple to said premises.

All deeds to
convey title.

2. *And be it enacted*, That all deeds heretofore given by authority of the trustees of said church for the time being, purporting to convey any portions of the land above mentioned, shall vest in the purchasers thereof, as complete a title in fee as if the above mentioned deeds had been made to said church in its corporate name.

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

Approved February 14, 1872.

CHAPTER XLVII.

An Act to incorporate the Trenton Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert S. Manning, Charles V. Mead, Willet Hicks, Charles W. Sloan, J. W. Elbersen, and their associates be, and they are hereby created a body politic and corporate, in fact and in law, by the name and style of "The Trenton Manufacturing Company," for the purpose of manufacturing and selling wringers, and carrying on the business incident thereto; and for such purpose the said company shall or may raise by subscription, by opening the books therefor, or otherwise, a capital stock of one hundred thousand dollars, to be divided into shares of five hundred dollars each, with the privilege of increasing the same to two hundred thousand dollars; and it shall be lawful for said company to issue certificates of stock, providing such stock shall be paid up in cash, in whole or in part payment for any real or personal property purchased or leased by said company for the purpose of their business aforesaid.

Corporators.
Name and powers.

Capital stock.

2. *And be it enacted*, That said corporation may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation; and may sell, mortgage, lease, or otherwise dispose of the same at pleasure; and may borrow money and issue bonds therefor, to an amount not exceeding at any one time, one-half of their paid up capital stock; and may sue and be sued in all courts of law or equity; and may have and use a common seal, and may change and alter the same at pleasure; and may make such by-laws for their regulation and government as they may deem proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state.

May borrow money and issue bonds.

Proviso.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president; and said directors shall be stockholders in said corporation, and shall hold their offices for one year, and

Managed by directors.

until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day, and at such place, as the by-laws of the said corporation shall direct, and until such annual election shall take place, Robert S. Manning, Charles V. Mead, Willet Hicks, Charles W. Sloan and J. W. Elberson, being stockholders, shall be directors of said corporation; a majority of the directors shall on all occasions, when assembled at such place as the by-laws of the said corporation shall direct, constitute a body competent to transact business; and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancies by the appointment of any stockholder.

Vacancy, how filled

Failure to elect directors not to dissolve

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days notice being given of the time and place of such election.

Annual statement.

5. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property, belonging to said corporation, as nearly as the same can be ascertained.

Principal office.

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

How dissolved

7. *And be it enacted*, That the said corporation, hereby created, may be dissolved by a general meeting of the stockholders of the same, specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution, the direc-

Proviso.

tors, for the time being, and the survivors of them, or such person as the said stockholders shall appoint, shall be trustees for settling all the affairs of the company, collecting and disposing of all its property and assets, paying its debts, and dividing its surplus among the stockholders, in proportion to their respective interests in the stock.

8. *And be it enacted*, That the corporation, hereby created, shall possess the powers, and be subject to the general restrictions set forth in an act entitled "An Act concerning corporations," approved on the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same may be applicable.

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

Approved February 14, 1872.

CHAPTER XLVIII.

A Supplement to the act entitled "An Act to incorporate the Gesang-Verein Eintracht," approved March first, eighteen hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporation created by the act to which this is a supplement may, for the purpose of purchasing or leasing land and buildings, or of erecting, altering, repairing, fitting and furnishing any buildings or lands purchased or leased by them, or of making any improvements upon any premises in which they may have a fee simple or other interest; issue shares in amounts not less than twenty-five dollars each, redeemable in twenty years or sooner, and bearing interest not exceeding seven per centum per annum; and that said shares may be secured by mortgage or otherwise.

2. *And be it enacted*, That this act, and the one to which it is a supplement, shall be deemed and taken to be public acts, and that this act shall take effect immediately.

Approved February 14, 1872.

CHAPTER XLIX.

A Further Supplement to an act entitled "An Act to incorporate the Dundee Manufacturing Company," passed March fifteenth, eighteen hundred and thirty-two.

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| Name. | 1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That the said company shall hereafter be known as "The Dundee Water Power and Land Company." |
| Notices for meetings declared valid. | 2. <i>And be it enacted</i> , That public notices calling meetings of stockholders for election of directors of said company shall be published in one newspaper only, printed in the county of Passaic, that all elections of directors heretofore held, when notice by advertisement was not given in newspapers printed at Newark, and in the city of New York, are declared valid, just as if notice by such advertisement had been so given and printed. |
| May establish office. | 3. <i>And be it enacted</i> , That it shall be lawful for said company to establish an office in the city of New York, if the same shall be to its advantage for the letting of its powers, or the disposal of its lands, or for any other purpose. |
| May issue bonds, &c. | 4. <i>And be it enacted</i> , That said company shall have power to issue bonds, and secure the same by mortgage upon its property, or any part thereof, to the amount of six hundred thousand dollars, and sell the said bonds and make them valid at any rate upon which they may agree with the purchasers ; |
| Provisc. | <i>provided</i> , that the rate of interest shall not exceed the rate of seven per centum per annum, and divide the proceeds thereof among its stockholders, or they may so divide the bonds themselves ; and that the company shall have power to issue to its stockholders, or to other parties, preferred stock to the amount of two hundred and fifty thousand dollars, or make its common stock preferred to that amount, and to dispose of the same or its proceeds, or to divide the same among its stockholders in such way as the company may see fit. |
| May sell lands. | 5. <i>And be it enacted</i> , That the company may from time to time sell and convey such portions of their lands and pro- |

perty as they may see fit, and such lands and property as they may hereafter acquire by purchase in the counties of Bergen and Passaic, which they are hereby authorized to do, and may divide the proceeds of lands and property so sold among their stockholders, or may make such other disposition thereof as may seem to the best advantage of the company.

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

Approved February 14, 1872.

CHAPTER L.

An Act to enable the Trustees of School District Number Three, in the county of Essex, to mortgage school property.

WHEREAS, the trustees of school district number three, in the county of Essex, were directed by the voters thereof at the last annual district meeting to make alterations and repairs to the school house, to the amount of fifteen hundred dollars, and also were authorized to borrow the amount, securing payment of it by bond and mortgage upon the school property of the district; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district number three, in the county of Essex, are hereby authorized to execute a bond and mortgage in their corporate name for any sum not exceeding fifteen hundred dollars, the said mortgage to be given upon the property owned by the said district, and which shall be a valid lien upon said property.

Preamble.
Trustees authorized to execute bond and mortgage.

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

Approved February 15, 1872.

CHAPTER LI.

An Act to authorize the township committees of the townships of Englewood, Ridgefield and Palisades, in the county of Bergen, to sell their real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the persons qualified to vote at town meetings in the townships of Englewood, Ridgefield, and Palisades, in the county of Bergen, may, at any regular town meeting, or one specially called by the town committee, vote upon the question whether the poor house farm and premises and the other real estate belonging to the late township of Hackensack, in said county, at the time of its division into said three townships, shall be sold or not; that the voting shall be ballot, the ballots in favor of selling to be marked "yes," and those opposed to it to be marked "no," and if at any such election a majority of the ballots cast in the said three townships taken together shall be in favor of selling, then the said township committees shall have the right and power to sell said farm and other real estate at public or private sale, and to convey the same by deed or deeds in the name of "The Inhabitants of the Townships of Englewood, Ridgefield and Palisades, in the county of Bergen," to any purchaser or purchasers, on such terms as they shall deem best; the signatures of a majority of each of the said township committees to said deed or deeds to be sufficient; *provided*, that at least thirty days' previous notice that the question of selling said farm and other real estate is to be voted upon at said meeting, shall be given by advertisements set up by the town clerks in five of the most public places in each of said townships, and by advertisements in the newspapers printed and published in the county of Bergen; *and provided*, that such question shall only be voted upon once in any year.

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

Approved February 15, 1872.

Election to
sell township
property.

Committee
may sell
farm, &c.

Proviso.

Proviso.

Repealer.

CHAPTER LII.

An Act to incorporate St. Mary's Total Abstinence Society of Morristown.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John McGuier, Patrick Han-^{Corporators.} nan, James Timmins, Luke Kilkeney, James Pendergras, and such other persons as are now, or hereafter shall become members of "The St. Mary's Total Abstinence Society, of Morristown," are hereby constituted a body incorporate, by the name aforesaid, to have perpetual succession, and to have a common seal.

2. *And be it enacted*, That the object of this corporation ^{Object.} shall be purely moral and charitable, being to provide for the temporal welfare of the members thereof, by affording relief in case of accident or sickness, assisting to bury deceased members, protecting the widow and orphan of deceased members, encouraging all persons to abstain from the use of intoxicating liquors, and for any other benevolent or charitable purpose appertaining to said society.

3. *And be it enacted*, That said corporation shall have ^{Officers.} power to appoint such officers as to them shall appear necessary for conducting the business of the corporation, which officers so chosen and appointed, shall give bonds for the faithful performance of the duties of their office, respectively, if required, in such sum or sums, and with such securities as may be directed by the corporation.

4. *And be it enacted*, That the said corporation shall, from ^{Powers.} time to time, have power to make, ordain, and establish such by-laws and regulations as they shall judge proper for the election of their officers, for prescribing their respective duties, for regulating the times and places of their meetings, and for the transacting, managing, and directing the affairs of the corporation; *provided*, that such by-laws and regulations ^{Proviso.} shall not be repugnant to the constitution and laws of this state, or of the United States.

5. *And be it enacted*, That the corporation may hold real ^{May hold real estate.} or personal estate, either purchased or devised, not to exceed the amount of twenty thousand dollars.

General powers.

6. *And be it enacted*, That the said corporation shall possess all the powers and privileges, and be subject to all the restrictions and liabilities contained in the act entitled "An Act concerning corporations," passed and approved February fourteenth, one thousand eight hundred and forty-six, and the various supplements thereto.

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

Approved February 15, 1872.

CHAPTER LIII.

A Further Supplement to the act entitled "An Act to incorporate the People's Mutual Fire and Marine Insurance Company of Newark, New Jersey," approved March fifth, eighteen hundred and sixty-six.

Name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title of the act entitled "An Act to incorporate the People's Mutual Fire and Marine Insurance Company of Newark, New Jersey," approved March fifth eighteen hundred and sixty-six, be and the same is hereby amended so as to read, "An Act to incorporate the People's Insurance Company of Newark, New Jersey."

Amendment.

2. *And be it enacted*, That the fourth section of said act be and the same is hereby amended by striking out the words "a plurality of," so as to read "and by the stockholders in person or by proxy."

Repealer.

3. *And be it enacted*, That so much of the act to which this is a further supplement, and so much of the supplement thereto, approved March twentieth, eighteen hundred and sixty-seven, as are inconsistent with this act, be and the same are hereby repealed.

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

Approved February 15, 1872.

CHAPTER LIV.

An Act to incorporate the Ironia Car and Transportation Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel Budd, Edmund Canfield, George Richards, Frederick A. Demott, Jacob Vanatta, Dorastus L. Bryant and Alonzo Bryant, or the survivor or survivors of them, and all such persons as may hereafter be associated with them, or the said survivors, their successors or assigns, shall be, and they are hereby constituted and declared a body corporate and politic, in fact and in law, by the name of "The Ironia Car and Transportation Company," ^{Corporators.} Name. to be located at such point or points in this state as said company shall deem most advantageous for carrying on the manufacture of engines and cars; and that the persons above named, and their successors, by the same name, shall be able and capable in law, to acquire, purchase, receive, have, hold and enjoy, any lands, real estate, tenements, hereditaments, and any goods and chattels of whatsoever kind and quality, necessary or expedient for the purposes of this act; and the said lands, real estate, tenements, hereditaments, goods and chattels, or any part thereof, to sell, grant, demise, mortgage and dispose of.

2. *And be it enacted*, That the capital stock of said com- ^{Capital stock.} pany shall be five hundred thousand dollars, with power to increase the same to one million of dollars, and shall be divided into shares of one hundred dollars each, and after fifty thousand dollars shall have been paid in, said company may purchase real estate, purchase or build manufactories and other property necessary for their business, and issue stock to the amount of the value thereof, in payment therefor; and the stock so issued shall be declared to be, and taken to be, full stock, and not liable to any further calls; and that it shall be lawful for said company to issue bonds to the amount of its capital stock, payable at such times as the said company shall designate; and to execute mortgages upon their property to secure the payment of the said bonds, with the interest.

Books of sub-
scription.

3. *And be it enacted*, That the books of subscription to said stock shall be open at such place and for such time as the above named persons, or a majority of them may designate, under their direction or under the direction of such of them as a majority shall designate for that purpose.

Election of di-
rectors.

4. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by five directors, who shall be stockholders, one of whom shall be president, who shall hold their offices for one year from the first day of May in every year; and that the said directors shall be chosen on the third Monday of April of every year, at such hour and place as shall be designated by the by-laws of said company, of which notice shall be given in the manner provided in the by-laws; and the five persons shall be the directors who shall receive the greatest number of votes; each share of stock entitling the holder thereof to one vote; and if it shall happen that any vacancies occur in any manner, such vacancy may be filled by the remaining directors, or a majority of them, at any meeting of the board of directors, until the time when the persons elected at the next election for directors shall take their offices by virtue of said election.

Vacancy, how
filled.

Principal of-
fice.

5. *And be it enacted*, That the principal office of the said company shall be located at Ironia, New Jersey, but they may have an office in New York for the transfer of stock, and the transaction of such business as may be expedient or necessary; and that it shall be lawful for the said company to lease, rent or sell the cars manufactured by them, to any railroad company now in operation, or that may hereafter be operated, at such sums, or upon such terms as may be agreed upon; may use the same for transportation of freight and passengers over the road or roads of other companies, paying such rates of toll as may be agreed upon by and between such other companies and the company hereby created; and may charge such rates for freight and passengers as may be deemed expedient.

Stock, how
transferable.

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

7. *And be it enacted*, That in case it should happen at

any time that an election should not be held on the day on which, pursuant to this act it ought to be made, the said corporation shall not, for this cause, be dissolved; but it shall and may be lawful to hold such election on such other day as shall be directed by the said company, and until such directors are elected, the old directors shall hold over.

8. *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 be open at all reasonable times 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 meeting for the election of directors hereinbefore provided for.

9. *And be it enacted*, That no transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in the book or books to be kept for that purpose by the directors.

10. *And be it enacted*, That the said corporation hereby created, may be dissolved by a general meeting of the stockholders of the same, especially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein: and upon such dissolution, the directors for the time being, and the survivors of them, or such persons as the stockholders shall appoint, shall be trustees for the settling of all the affairs of the company, collecting and disposing of all its property and assets, paying its debts, and dividing its surplus among the stockholders, in proportion to their respective interests in the stock.

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

Approved February 15, 1872.

CHAPTER LV.

A Supplement to the act entitled "An Act to incorporate the Rankin Mills," approved February twenty-third, eighteen hundred and sixty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the above corporation is hereby changed from "The Rankin Mills" to "The Peters Manufacturing Company," and by that name shall be a corporation for the same manufacturing purposes, with all the powers and privileges, and subject to all the restrictions in said act contained, except as herein mentioned.

2. *And be it enacted*, That the annual meeting of the stockholders shall be held on the first Thursday of February in each year, instead of the first Thursday of January; and nothing in this act contained shall affect or impair the rights of the stockholders of said corporation.

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

Approved February 15, 1872.

CHAPTER LVI.

An Act to incorporate the Continental Steam Boiler Insurance Company of Newark, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Poulson, Robert Wright, James Comack, Peregrine Sanford, jr., Martin Marquand, Charles W. Walker, Franklin B. Parse, and such others as may be associated with them, and their successors, shall be, and are hereby constituted a body corporate and

politic by the name of "The Continental Steam Boiler Insurance Company," and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended, in all courts of law and equity, and by that name may have, purchase and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels and effects of what nature and kind soever, necessary for the purpose of this corporation; and the same to grant, demise, alien and dispose of at pleasure for the benefit of the said company; and may also have a common seal, and alter and renew the same at will.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, to be divided into shares of fifty dollars each, with the privilege of increasing the same to two hundred and fifty thousand dollars at any time during the continuance of this charter.

3. *And be it enacted*, That when the said capital stock of fifty thousand dollars shall have been subscribed, and the sum of twenty-five thousand dollars paid in, that then the subscribers to said capital stock, upon five days previous notice, in a newspaper published in the city of Newark, given by the commissioners hereinafter named, shall proceed to the election of a board of directors, which said board of directors shall then proceed to the election of a president, treasurer and secretary, and the appointment of such other officers as may be necessary to manage the business of the company; and the offices of secretary and treasurer may be held by the same person, and shall be allowed such compensation respectively as may be deemed by the said board to be reasonable and just.

4. *And be it enacted*, That William Poulson, Robert Wright, James Comack, Peregrine Sandford, jr., Martin Marquand, Charles B. Walker and Franklin B. Parse, be and they are hereby appointed commissioners to open books for subscription to the capital stock of said company; and that five days previous notice of the time and place of opening said books shall be given by said commissioners or a majority of them, and that said books of subscription may be kept open as long as it shall be deemed necessary or best by said commissioners, or a majority of them, to do so.

5. *And be it enacted*, That the capital stock may be increased at any time by the directors, to such amount as they may determine, not exceeding the amount provided for in the

Name and powers.

Capital stock.

Election of directors.

Commissioners to open books and receive subscriptions.

Stock may be increased.

second section; and they shall open books for subscription for said increased stock, after giving ten days previous notice thereof, and all persons who shall own the stock of said company shall have the privilege of subscribing for said increased stock for five days; and after that time, if the same shall not have been subscribed for by said stockholders, it may be subscribed for by others, and the terms of said subscription shall be fixed and determined by the said directors, and notice thereof given as above directed.

Directors to
manage af-
fairs.

6. *And be it enacted*, That the stock and other property of said company shall be managed and controlled by a board of thirteen directors, five of whom shall be a quorum for the transaction of business, who may hold their office for one year, or until others are chosen; and shall at all times during their continuance in office be stockholders in said company, and in their own right; and the said directors shall hereafter be elected on the second Tuesday of January, in each and every year, at such hour of the day, and at such place in the city of Newark, as the board of directors for the time being shall appoint, of which election public notice shall be given in a newspaper published in the said city of Newark, at least five days previous to such election; and every such election shall be by ballot, and by a plurality of the stockholders, either in person or by proxy.

May insure
steam boilers.

7. *And be it enacted*, That it shall and may be lawful for said company to insure steam boilers against explosion, and all damage caused thereby, upon such rates, and upon such conditions as shall be contained and stated in the policy of insurance issued thereby.

Policies and
contracts
binding on the
company.

8. *And be it enacted*, That all policies and contracts formed thereon, which shall be made or entered into by the said company, may be made, either under or without the seal thereof, and shall be subscribed by the president, or by such other officer as may be designated for that purpose by the by-laws of said company, and when so attested by the secretary the same shall be binding upon the company according to the tenor, intent and meaning of this act, and of such policies and contracts; and all such policies and contracts may be made, subscribed, attested and executed; and the business of said company may be otherwise conducted and carried on without the presence of a board of directors, by committee, or otherwise, and the same shall be obligatory and binding upon said company.

9. *And be it enacted*, That the stock of said company shall be deemed personal property, and as such assigned and transferred on the books of the company. Stock, how transferred.

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

11. *And be it enacted*, That it shall be lawful for the directors of said company to make dividends of so much of the profits of said company as shall be deemed advisable, and the said dividends shall be paid to the stockholders or to their legal representatives. Dividends.

12. *And be it enacted*, That this act shall be and remain in force for thirty years, and shall take effect immediately. Limitation.

Approved February 15, 1872.

CHAPTER LVII.

A Supplement to an act entitled "An Act to incorporate the Germania Mutual Fire Insurance Company of Newark, New Jersey," approved March seventeenth, eighteen hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title of the aforesaid insurance company be so altered as to read, "The Germania Insurance Company of Newark, New Jersey;" but that no contract or obligation the Germania Mutual Fire Insurance Company may have entered into before the passage of this act, shall lose its effect or legal right on account of changing the corporate name of said company.

Name changed.

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

Approved February 15, 1872.

CHAPTER LVIII.

An Act to authorize the New Market Methodist Episcopal Church, New Jersey, to convey real estate and to change the name thereof.

Preamble.

WHEREAS, William L. Lawrence and Catharine, his wife, by deed dated May seventeenth, eighteen hundred and sixty-six, duly recorded in Book one hundred and two of Deeds, for Middlesex county, page five hundred and ninety-six, &c., did convey to "New Market Methodist Episcopal Church, New Jersey," a tract of land therein described, containing fifty-eight one-hundredths of an acre of land, in trust that said premises should be used, kept, maintained

and disposed of as a place of Divine worship, for the use of the ministry and membership of the Methodist Episcopal Church of the United States of America, subject to the discipline, usage and ministerial appointments of said church, as from time to time authorized and declared by the general conference of said churches, and the annual conference, in whose bounds the said premises are situate; which said fiuciary clause was embodied in said deed of conveyance, at the special instance and request of said church, and not at the request, instigation or suggestion of said grantors; and whereas, it is deemed advisable by said church to sell and dispose of said premises, and purchase a lot elsewhere, whereon to erect their house of worship; and whereas, at a regular church meeting of said church, held on the fourth day of November, anno domini eighteen hundred and seventy-one, the trustees thereof were, by a resolution of said church, unanimously authorized to make sale of said premises; but doubts arising as to the ability of said church to make a valid title to said premises, without a special act of the legislature for that purpose; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "New Market Methodist Episcopal Church, New Jersey," be and hereby is authorized to sell and convey the said land and premises with the appurtenances, and to make, execute and deliver a good and sufficient deed of conveyance therefor to the purchaser thereof; and that such deed shall be good and effectual in law, and shall convey to said purchaser all the right, title and interest of said "New Market Methodist Episcopal Church, New Jersey," in said premises, anything in said deed above recited, contained to the contrary notwithstanding.

2. *And be it enacted*, That the name of the said "New Market Methodist Episcopal Church, New Jersey," be and the same is hereby changed to "The Dunellen Methodist Episcopal Church," by which name said church is hereby authorized to make the conveyance in the foregoing section mentioned and set forth.

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

Approved February 19, 1872.

CHAPTER LIX.

An Act to authorize the appointment of commissioners to lay out streets, avenues and public squares in the township of Clinton, in the county of Essex, and for other purposes.

Commissioners. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Peter Sanford, Sanford B. Hunt, John N. Crawford, John Van Cleve and William Gruman be, and they are hereby appointed commissioners of streets and avenues in the township of Clinton for the term of one year, for the purpose of performing the several acts and duties hereinafter prescribed.

Vacancies, how filled. 2. *And be it enacted*, That in case of the death, resignation, or refusal to act of any or either of said commissioners, it shall and may be lawful for the remaining commissioners, or a majority of them, as often as such event or vacancy shall happen, to appoint a suitable person or persons to fill such vacancy or vacancies, and such appointees, respectively, shall have all the power and authority vested in a commissioner by this act, and at the expiration of the said term of one year fixed in and by the first section of this act, successors of said commissioners shall be appointed by the town committee of said township for the term of one year, and said town committee shall hereafter continue to appoint such commissioners yearly until their duties under this act are completed; and in case of the refusal or omission of said town committee, at any time, to appoint said successors, the commissioners then in office shall continue to hold their said office, and to act as such commissioners until their successors shall be duly appointed; anything hereinbefore contained to the contrary thereof in any wise notwithstanding.

Power to lay out streets, avenues and squares. 3. *And be it enacted*, That it shall and may be lawful for said commissioners, or a majority of them, and they shall have and possess exclusive power to lay out streets, avenues and public squares, within said township, of such width, extent and direction, and of such grades as to them shall seem most conducive to the public good; nothing in this act shall authorize any interference with any roads or avenues hereto-

fore laid out by the Essex road board, or by the surveyors of highways, nor shall said commissioners have power to lay out any public park, and the width of any of said streets or avenues shall not exceed one hundred feet.

4. *And be it enacted*, That it shall be lawful for the said commissioners and for all persons acting under their authority, to enter, in the daytime, into and upon any lands, tenements and hereditaments which they shall deem necessary to be surveyed, used or converted, for the laying out, opening or forming of any street, avenue, or public square as aforesaid. May enter on lands.

5. *And be it enacted*, That the said commissioners, or a majority of them, shall cause two similar maps of said streets, avenues and public squares so to be laid out by them as aforesaid, and of the grades thereof, to be made upon such a scale as they shall deem proper, accompanied by such field notes and explanatory remarks as the nature of the subject may require, which maps, or one of them, shall be deposited at some place in said township, or in the city of Newark, to be designated by said commissioners, or a majority of them, (of which deposit notice shall be given by advertisement in two daily newspapers published in said city of Newark), and shall remain so deposited for the period of (30) thirty days, during which they shall be open to the examination of all parties interested, and any person affected by such map or survey may, during said period, present to said commissioners objections in writing, to the same, or to any part thereof, and said commissioners, or a majority of them, shall thereupon examine and consider such objections, and may alter or modify their said maps and surveys in such manner as, in their judgment, or in that of a majority of them, shall be most conducive to the public good. Maps to be made and be open for examination.

6. *And be it enacted*, That at any time after the said commissioners, or a majority of them, shall finally approve and adopt said maps, the same shall be attested by them, or a majority of them, before any notary public or commissioner of deeds, and shall be filed, one in the office of the clerk of the county of Essex, and the other with the town clerk of said township, and the said commissioners, or a majority of them, shall erect, or cause to be erected, proper monuments, at suitable places, upon such streets, avenues and public squares, so as to denote the position and courses of the same, and to be noted on said maps. Maps, when approved, to be filed.

7. *And be it enacted*, That it shall not be lawful for either

Commissioners to take oath.

of said commissioners until said maps are filed, directly or indirectly, to purchase or contract to purchase any lands, tenements or hereditaments within the said township, and every deed, contract or conveyance contrary to the intent hereof shall be void, and before entering upon their duties the said commissioners shall severally take and subscribe an oath before a judge of the court of common pleas for the county of Essex, faithfully and impartially to execute the duties of their said office, and they shall each receive as compensation for their services the sum of two hundred and fifty dollars yearly.

Compensation

Tax how assessed and collected.

8. *And be it enacted*, That there shall be yearly, and every year during the continuance of said commission, raised in the said township from the real estate therein situate, by tax, such amount not exceeding five thousand dollars as the said commissioners, or a majority of them, shall deem necessary to defray the expense of carrying on the work of the commissioners contemplated by this act, until such work shall be completed, and it shall be the duty of said commissioners, or a majority of them, each year before the time required by law for the assessment of taxes, to make out in writing and deliver to the assessor of said township, a certificate stating the amount of money, not exceeding said sum of five thousand dollars, required to be raised by tax to defray said expenses, and it shall be the duty of said assessor thereupon to make an assessment upon said real estate of the amount so stated in said certificate, which assessment shall be made in the same manner in which other assessments of taxes are now or hereafter may be required to be made by law, and said assessment thus made shall have the same force and effect as any and all other assessments and taxes made according to law, and payment of the taxes then assessed may be enforced in the same manner in which all other taxes are enforced, and the amount so raised shall be paid over by the township collector, or other officer required by law to receive the same, to the said commissioners or to their chairman, president, secretary or treasurer, duly authorized by said commissioners, or a majority of them, to receive and receipt for the same, and said commissioners shall therewith pay the said expenses, and deposit any balance remaining in the Newark Savings Institution, in the city of Newark, to their credit or that of their chairman, president, secretary or treasurer, and said commissioners shall be jointly and sever-

Balance of money, where deposited.

ally responsible for said moneys and for the due and proper application thereof to the purposes of this act.

9. *And be it enacted*, That the plans and surveys of the said commissioners, or a majority of them, in respect to the laying out and location of streets, avenues and squares within said township, and their maps of the same when filed as aforesaid, shall be final and conclusive, not only as to the said township and the several villages and districts therein, but also as to the owners and occupants of lands, tenements and hereditaments therein, and as to all persons and corporations whatsoever; and no street, avenue or square within the said township shall at any time after the filing of said maps be laid out, opened, graded or worked, except in accordance with the plans and surveys of said commissioners, as shown by said maps made and filed as hereinbefore provided, excepting, however, such public roads as may have been already ordered to be opened by the Essex public road board, or by the surveyors of highways, and any person or persons erecting or placing any building upon any of said streets, avenues or public squares after the filing of said maps, shall not be entitled to compensation therefor in case such street, avenue or public square shall be afterwards opened and worked, but he may be permitted to remove the same therefrom, within such time as may be fixed by said commissioners, or a majority of them.

No street, &c., to be laid out except in accordance with plans and surveys.

10. *And be it enacted*, That the owner or owners of any lands through which the said commissioners shall so lay out any street, avenue or public square, may, at his or their own expense, at any time after the filing of said map, open and work the same in a proper manner within the limits of his or their respective lands, in accordance with the surveys, plans, width and courses laid down by said commissioners in their said maps; and in case of the opening and working of such street, avenue or public square, as hereinafter provided, such owner or owners shall be entitled to an equitable allowance, by way of deduction on any assessment for the opening and working of the same, such allowance to be determined by said commissioners, or a majority of them.

Owners may open and work streets, when laid out, at their own expense.

11. *And be it enacted*, That the owners of the majority of the lineal feet of the lands fronting on any street, avenue or public square so laid out as aforesaid may apply, by written consent or petition to said commissioners, to open and work the same, or any part thereof, and the owners of the majority

Owners may petition, &c.

of the lineal feet of the lands fronting on any block or subdivision of said street, avenue or public square, may, in like manner, apply to said commissioners to open and work such block or subdivision, and the said commissioners, or a majority of them, shall thereupon, within twenty days thereafter, proceed to make, according to the best of their skill and judgment, a fair, just and impartial assessment or award of the damage sustained by the owner or owners of any lands, tenements or hereditaments which may be required to be taken for that purpose, and to assess the said damages and the other expenses of such opening as equitably as may be upon the owner or owners of any lands upon the line of such street, avenue or public square, and such assessments shall be liens upon such lands until the same are paid; and upon payment or tender to such owner or owners of the amount or amounts so awarded him or them respectively, the said street, avenue or public square shall be deemed to be opened, and may be occupied, used and treated as a public street, avenue or public square.

Commissioners to make assessment.

Assessment to be a lien.

Cost and expense to be assessed.

12. *And be it enacted*, That the cost and expense of working, maintaining and regulating any of said streets, avenues or public squares (other than the damages to be awarded as provided in the last preceding section) shall be borne and paid by the owners of the lands fronting thereon, and the same shall be assessed and apportioned by said commissioners, or a majority of them, upon the lands of said owners, respectively, pro rata, in proportion to the respective values of such lands, as fixed by said commissioners, and every assessment so made shall be a lien on such lands until the same shall be paid.

Proceedings in case owner is dissatisfied.

13. *And be it enacted*, That any owner or owners dissatisfied with any award or assessment may appeal and may take and prosecute all the proceedings and shall be entitled to the relief provided in and by section twelve of the act entitled "An act constituting a public road board for the laying out, constructing, appropriating, improving and maintaining public carriage roads in the county of Essex," approved March thirty-one, one thousand eight hundred and sixty-nine.

Lands to be sold for non-payment of assessments.

14. *And be it enacted*, That the assessments hereinbefore provided for shall be collected, and the lands upon which the same may be liens shall be sold for the non-payment thereof, in the manner prescribed in and by the fifteenth section of

said last mentioned act, and that said lands may be redeemed in the manner and on the terms in and by said section prescribed, and the said commissioners, or a majority of them, shall, for the purposes of this act, have, in respect to said assessments, and the collection thereof, all the powers conferred by said fifteenth section of said act upon the Essex public road board therein mentioned.

15. *And be it enacted*, That this act shall be considered, ^{Act, how construed.} adjudged and taken to be a public act, and shall be liberally expounded and construed to advance the ends thereof, and shall take effect immediately.

Passed February 19, 1872.

CHAPTER LX.

An Act to incorporate the Bellevue Nursery Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Absalom B. Woodruff, John Ryle, ^{Corporators.} James Crooks, Henry E. Chitty and Howard De Wolf Woodruff, and the survivor or survivors of them, and such persons as may hereafter be associated with them, or said survivors, their successors and assigns, shall be, and they are hereby constituted and declared a body politic and corporate, in fact and in law, by the name of "The Bellevue Nursery Company," ^{Corporate name and powers.} for the purpose of carrying on the business of propagating plants, trees, flowers, and all business incident or appertaining to the business of a nursery or seedsman, and that the persons above named, and their successors, by the same name shall be able and capable in law to acquire, purchase, receive, have, hold, enjoy and exchange any real and personal property, and the same, or any part thereof to sell, grant, demise, mortgage or otherwise dispose of.

2. *And be it enacted*, That the capital stock of said com- ^{Capital stock.}pany shall be one hundred thousand dollars, divided into shares of one hundred dollars each. and after fifty thousand dollars of said capital stock shall have been subscribed and

paid in, or satisfactorily secured, such company may purchase any real or personal property, or both, they may deem necessary, and issue stock to the amount of the value thereof, in payment therefor, and the stock so issued shall be declared and taken to be full stock, and not liable to any future assessment as payment therefor.

Directors, officers, &c.

Election of directors.

Books of subscription.

Stock, how transferable.

Failure to elect directors not to dissolve

Books of account to be kept.

3. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by a board of directors, composed of three the first year, with liberty thereafter to increase the same to five or seven, as said board may direct, who shall be stockholders, one of whom shall be the president, who shall hold their offices for one year from the time of their election, and until others are lawfully elected in their stead; said directors shall be elected on the first Monday in April in each year, at such place and hour as the directors may appoint by their by-laws, adopted at least six months previous to said election; and in case of any vacancy, the same may be filled by the remaining directors; and the corporators named in the first section of this act shall be the first directors of said company and shall hold their offices till others are elected.

4. *And be it enacted*, That the subscription books for the stock of said company shall be opened at such place and for such length of time as said directors or a majority of them shall designate, and each share of stock shall be entitled to one vote in any election of directors.

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

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

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 during busi-

ness hours be open to the inspection of the stockholders of said company.

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

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

Approved February 20, 1872.

CHAPTER LXI.

A Further Supplement to an act entitled "An Act to incorporate the Camden and Atlantic Land Company," approved March tenth, one thousand eight hundred and fifty-three, and to renew the charter of said company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the charter of the Camden and Atlantic Land Company, incorporated by an act entitled "An Act to incorporate the Camden and Atlantic Land Company," and all the powers thereby granted, or by any supplement thereto, shall be and the same hereby are extended and continued in force for and during the term of fifty years from the time by said act limited for its continuance, except so far as the said act and supplement are amended by this act. Powers extended. Limitation.

2. *And be it enacted*, That the meetings of the board of directors of said company may be held in the state of New Jersey, or at the office of the said company in the city of Philadelphia, in the state of Pennsylvania, as the directors may from time to time appoint; and all meetings of said directors, and the transaction of business thereby, heretofore held and done in the said city of Philadelphia are hereby sanctioned, confirmed and declared to be legal as if the same had been held or done in the state of New Jersey. Meetings.

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

Legislature
may repeal.

diately; but it shall be lawful for the legislature to alter, modify or repeal the same when the public good may so require.

Approved February 20, 1872.

CHAPTER LXII.

An Act to incorporate the Glee Club "Liedertafel," of the town of Union, in the county of Hudson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Delker, Conrad Pieper, Conrad Thomas, Emil Lueders, and Christian Treche, John Gschwind, senior, Frederick Berenbroick, Conrad Schneider, Frederick Michel, Louis Linnewerth, Charles Rau, Jacob Schweitzer, Daniel Bermes, William Peter, August Frederick von der Lieth, Henry J. Rottmann, Theobald Betz, Gottlieb Zurn, Jacob Alt, Henry Zander, and such other persons as now are, and hereafter may be associated with them, shall be, and they and their successors are hereby constituted and created a body politic and corporate, in fact and in law, by the name aforesaid; and by that name, shall have perpetual succession, and shall have and enjoy all the rights, powers and privileges, and be subject to all the restrictions and liabilities contained in the act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty six, and the various supplements thereto.
2. *And be it enacted*, That the object of said corporation is hereby declared to be the encouragement of musical, mental, physical and corporeal education.
3. *And be it enacted*, That the said corporation shall have power to prescribe rules and by-laws for the admission and expulsion of its members, as also for the election, time of service, duties and remuneration or salaries of its officers and employees.
4. *And be it enacted*, That the said corporation shall be capable of having, holding, purchasing and possessing any
- Corporators.
- Powers.
- Objects.
- May make by-laws, &c.
- May purchase, hold and convey lands.

lands, tenements, hereditaments and personal estate, purchased, devised, or bequeathed by any person or persons, bodies corporate or politic, capable of making the same; and also of conveying, selling and mortgaging their said property, real and personal and mixed, as shall be necessary, suitable and expedient for the object of said corporation; *provided* ^{Proviso.} *always*, that the said corporation or body politic shall not at any time hold or possess property, real, personal, or mixed, so purchased, exceeding in value the sum of fifty thousand dollars.

5. *And be it enacted*, That the management and disposition of the affairs and property of the said corporation, shall be vested in seven trustees, who shall constitute and compose the board of directors, to be elected annually, and at such time and in such manner as the said corporation shall, by its by-laws provide; *provided*, such by-laws shall not be repugnant to the constitution and laws of this state, or of the United States; such trustees so constituting the board of directors shall, from their own numbers, then elect a president, a vice-president, a treasurer and secretary, and such other additional officers as the said corporation may from time to time decide. ^{Trustees to manage affairs}

6. *And be it enacted*, That the said association or corporation shall have a common seal, with power, at their pleasure, to change, alter and renew the same. ^{Common seal.}

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

Approved February 20, 1872.

CHAPTER LXIII.

An Act to incorporate the Pavonia Club, of Jersey City.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David A. Peloubet, Adolph ^{Corporators.} Kirsten, Hervey M. Scule, John C. De La Vergne and John F. Jenne, and the other members of the Pavonia Club, be

- and they are hereby declared a body politic and corporate, in fact and in law, by the name and style of "The Pavonia Club," for the purpose of social intercourse among its members, and providing them the conveniences of a club house.
- Name.**
- May make rules.** 2. *And be it enacted*, That the said corporation may make such rules and regulations in reference to the admission, conduct and expulsion of members of said club and its management as it may deem expedient; that all the rights and interest of a member in the property and privileges of the club shall cease with the termination of his membership.
- May purchase, hold and possess lands.** 3. *And be it enacted*, That the said corporation, by its corporate title of "The Pavonia Club," may purchase, hold, possess and enjoy such real and personal estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease, or otherwise dispose of the same at pleasure.
- Affairs, how managed.** 4. *And be it enacted*, That the affairs and business of said club shall be managed by such officers, and in such way and manner, and subject to such regulations as shall from time to time be agreed upon by said corporation.
- Property taxable.** 5. *And be it enacted*, That all the real and personal property of said club shall be taxed the same as the real and personal property of an individual, and not otherwise.
6. *And be it enacted*, That this act shall take effect immediately.
- Approved February 20, 1872.

CHAPTER LXIV.

A Supplement to an entitled "An Act to incorporate the Dolphin Manufacturing Company," passed February twenty-sixth, eighteen hundred and fifty-one.

- May increase capital stock.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Dolphin Manufacturing Company may from time to time increase their capital stock

to any sum not exceeding two hundred thousand dollars, in addition to their present authorized capital.

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

Approved February 20, 1872.

CHAPTER LXV.

An Act to incorporate the Penns Neck and Swedesboro' Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph W. Cooper, William Justice, Henry Barber, William Summerill, Robert Walker, William H. Pedrick, Benjamin S. Green, Edward A. Vanneman, Edward Shoemaker, Joseph G. French, John C. Peterson, John Summerill, junior, John Asheraft, George Lippincott, Charles L. Vanneman, Dr. M. Johnson, Charles Elkington, Dr. J. B. Ware, Elijah B. Horner, Charles S. Plummer, William Summerill, junior, Josiah M. Brick, Thomas Black, Aaron Hurff, Joseph Diver, Joshua S. Thompson, S. R. Leap, and such other persons as may be hereafter associated with them, shall be and are hereby constituted, ordained and declared to be a body politic and corporate, in fact and in law, by the name of "The Penns Neck and Swedesboro' Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the object of this corporation.

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

3. *And be it enacted*, That the above named persons, or a

Commissioners to receive subscriptions. majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, giving at least twenty days' notice of the same, in a newspaper published in the counties of Salem and Gloucester; and that at the time of subscribing five per centum shall be paid for each share subscribed for, to the commissioners, or some one of them; and as soon as forty thousand dollars of the capital stock shall be subscribed, 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 such of the stockholders as shall attend for that purpose, either in person or by proxy; each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those persons duly elected, and deliver 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.

Directors.

Vacancy, how filled.

Failure to elect directors not to dissolve

4. *And be it enacted*, That in case it shall happen that an election of directors should not be made during the day, when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, in the manner provided by law in such cases; and the directors for

the time being shall continue to hold their office until others have been chosen in their places.

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 installments, and at such times, as they may direct; and in case of the non-payment of said installments, or any one of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulating 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 such salaries to them, and also to the president, as to the said board shall appear proper.

May call in amount subscribed under penalty of forfeiture.

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested, with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point on or near the river Delaware, between Dolbow's Landing and Finn's Point, in Salem county, to connect with the Swedesboro' railroad, at or near Swedesboro', in the county of Gloucester, not exceeding one hundred feet wide, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, superintendents, engineers or others in their employ, to enter at all times upon all lands or water for the purpose of exploring, surveying, leveling or laying out the route of such railroad, and locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other works, necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided always*,

Authorized to construct railroad.

May enter on lands.

Proviso.

that the payment or tender of payment of all damages for the occupancy of lands through which the said railroad may be laid out, be made, before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purposes of surveying and laying out the said road, unless the consent of the owner or owners of such land be first had and obtained.

Proceedings
in case com-
pany or own-
ers cannot
agree.

7. *And be it enacted*, That when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by the legal incapacity 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 in writing thereof to the person interested, if known and in this state, or if unknown and out of the state, to make publication thereof, as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named; at which time upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, resident in the county in which the land or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said land or materials, and to assess the damage, 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 make a true report according to the best of their skill and understanding), to meet at the time and place appointed, and to proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisal of the value of the same, and assessment of damages, as shall be paid by the company, for such land

and materials and damages aforesaid, which report shall be made in writing, under the hands and seals of said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials in the clerk's office of the county in which the land or materials are situated, to remain of record therein, which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials, or of the said owner or owners to recover the amount of the said valuation with interest and cost, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall, from time to time, constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax and allow such cost, 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 just, which shall be paid by the company; *provided always*, that should ^{Proviso.} the said company or the owner or owners of any of the land or materials feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said land or materials may lie.

8. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section shall be made in writing, and in the form of a petition to said court, and filed with the clerk of the said circuit court of the county wherein the land or materials appraised by the said commissioners shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the same issue to be tried at the next term of said court to be holden in said county, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the

<sup>Proceedings
in case of ap-
peal.</sup>

said land or materials, and the damage 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 cost, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered, or the said commissioners shall have awarded, then said cost 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 the company until they have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners as the value of such lands or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case of appeal, shall refuse upon tender thereof being made to receive the same, or shall be out of the state or under any legal disability, then the payment of the amount assessed or found as aforesaid into the circuit court of the county where the said lands lie, shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners, may upon tender thereof being made, receive the same without being barred thereby from his, her or their appeal from the report of the commissioners.

Proviso.

Bridges to be
constructed
and kept in
repair.

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

vide and keep in repair suitable and convenient wagon ways over or under said road.

10. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and termination of their railroad, and at any intermediate depot upon the line of the same, at each place so much as may be strictly necessary for switching off at any village or town on the line of said railroad, as the president and directors, or a majority of them, may think proper for their convenience and use, and may erect and build thereon houses, stables, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property, and the construction of carriages and other necessary appendages; and take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain over such rivers, creeks and streams as the road may cross, such piers, bridges and other facilities as they may think expedient and necessary for the full enjoyments of all the benefits conferred by this act; *provided*, the said company whenever it may become necessary to cross any navigable river or creek with their road, shall construct a bridge or bridges with suitable and sufficient draws so as not to obstruct the navigation thereof. May have and hold lands. Proviso.

11. *And be it enacted*, That president and directors of the said company shall declare and make such dividends as they 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 the company shall have power to have constructed, or to purchase with the funds of the company, all machines, engines, wagons, carriages, or other vehicles, for the transportation of persons or any species of property on the railroad, as they may think fit, reasonable, expedient or right; *provided*, they shall not charge more than at the rate of four cents per mile for carrying each passenger on the said railroad, or at the rate of six cents per ton per mile for the transportation of every species of merchandise, produce, property and freight, excepting freight of less weight than one ton. May purchase equipments. Proviso.

13. *And be it enacted*, That it shall be lawful for the said company, at any time during the continuance of its charter, to make contracts and engagements with any other corporation, or with individuals, for transporting or conveying any May make contracts.

kinds of goods, produce, merchandise, freight or passengers, and to enforce the fulfillments of such contracts.

Penalty for injuring works.

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

Statement 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 cost of said road, including all expenses, and the amount of all purchases made by virtue of this act, in the office of the secretary of state; and annually thereafter the president and treasurer of the said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road.

May borrow money and issue bonds.

16. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of the said company, and to secure the payment thereof by bond and mortgage, or otherwise, on the said road, lands, privileges, franchises and appurtenances of, or belonging to, said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury, in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section.

Proviso.

West Jersey Railroad Company may endorse bonds.

17. *And be it enacted*, That the West Jersey Railroad Company be, and they are hereby authorized to endorse the bonds of the Penns Neck and Swedesboro' Railroad Company, and to subscribe for and take any amount they may choose of the capital stock to be issued by said company, and be entitled to all the powers and privileges of stockholders of said company.

Limitation.

18. *And be it enacted*, That if the said railroad shall not be commenced within five years, and be completed at the ex-

piration of ten years from the passage of this act, that then and in that case this act shall be void.

19. *And be it enacted*, That the governor, the chancellor, ^{Free passes.} the justices of the supreme court, and the judges of the court of errors, 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 the term for which they are elected or appointed, also the superintendent of public schools, shall pass and repass on the railroad of said company, in their cars, free of charge.

20. *And be it enacted*, That as soon as the said railroad, ^{State tax to be paid.} or any part of it, is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages and all expenses, in the office of the secretary of state; and annually thereafter, on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipments, appendages, expenses of said road, and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipments and appendages of said road, to be paid annually thereafter, on the first Monday in January of each year, and such other taxes as may be assessed, from time to time, by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws, and until the said railroad, or any part thereof, shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property mortgaged in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose and by the same person or persons as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or as- ^{Proviso.} sessed upon said company.

21. *And be it enacted*, That the said corporation shall ^{Power to erect wharves and docks.} have power to erect and maintain all such wharves, piers, and bulkheads, and docks at the commencement of said railroad in Penns Neck at any point between Dolbow's Landing and Finn's Point, in the county of Salem, on the river Delaware, if deemed necessary; *provided*, that nothing in this

act shall affect the rights of the state to lands lying under water.

Act, how construed.

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

Approved February 20, 1872.

CHAPTER LXVI.

A Supplement to an act entitled "An Act to incorporate the Mount Holly, Lumberton and Medford Railroad Company," passed April second, eighteen hundred and sixty-six.

May extend and connect with other roads.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Mount Holly, Lumberton and Medford Railroad Company to extend its railroad from its terminus, in Medford, county of Burlington, to Atsion, in said county, there to connect with any railroad now built, or that may hereafter be built, running through, or near said village of Atsion.

Act and supplements extended.

2. *And be it enacted*, That all the provisions of the act to which this is a supplement, together with provisions of the supplement approved March thirtieth, eighteen hundred and sixty-nine, be extended to this supplement.

Limitation.

3. *And be it enacted*, That if the said extension shall not be commenced within six years, and not finished within ten years from Medford to or near Atsion, from the first day of May next ensuing, then in that case, this act shall be void.

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

Approved February 20, 1872.

CHAPTER LXVII.

An Act to incorporate the Free Press Printing Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Engel, John Peter Ritter, Mayer Sontheimer, Reinhard Gerke, Frank Stein, Frederick Schroder, John B Lutz, Theodore Terlinde and John N. Burger, and such other persons as may hereafter be associated with them, be and they are hereby created a body politic and corporate by the name of "The Free Press Printing Association," for the purpose of printing and publishing a newspaper in the city of Elizabeth, and doing such other printing and publishing business as they may deem expedient, with authority to purchase and hold such real estate as they may deem necessary for the purposes of the company, and to mortgage, sell or otherwise dispose of the same. Corporators.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, divided into shares of twenty-five dollars each, with liberty to increase the same to any sum not exceeding fifty thousand dollars, which shares shall be deemed personal property, and shall be transferable only on the books of the company, in such manner as the directors by their by-laws or otherwise may direct, each stockholder to have one vote, either in person or by proxy; said stock to be subscribed, called for and paid in at such times, in such instalments, and upon such notice as the directors may appoint. Capital stock.

3. *And be it enacted*, That the property and affairs of the said company shall be managed by a board of directors, not less than three nor more than nine, all of whom shall be shareholders in said company, and who shall reside in the city of Elizabeth, and who shall be chosen at such time and place in the city of Elizabeth, and upon such notice as the directors by the by-laws of the company may direct; and that John Engel, John Peter Ritter, Mayer Sontheimer, Reinhard Gerke, Frank Stein, Frederick Schroder, John B. Lutz, Theodore Terlinde and John N. Burger, shall be the first directors of said company, who shall, as soon as conve- Affairs to be managed by directors.
First directors

nient, after the passage of this act, assemble and organize said company, and shall continue in office until others are elected in their stead.

Powers of directors.

4. *And be it enacted*, That as soon as ten thousand dollars of the said capital stock shall have been subscribed and five thousand dollars paid in, the said company shall be authorized to proceed to carry out the objects of this corporation; that the shareholders shall choose out of the board of directors a president, and the directors shall have power to appoint such officers, agents, clerks and other servants as they may deem expedient, and to fix their compensation; they shall have power to adopt such rules and regulations as they may deem necessary and convenient for the management of said company; to fill vacancies in their own board, until the next annual election, and until others are chosen in their stead; to declare stock forfeited for non-payment of any installment or installments, and to sell and issue stock in lieu thereof for the benefit of said company.

Vacancies.

First election.

5. *And be it enacted*, That the first annual election shall be held on the first Wednesday of June next, at such place as the directors may appoint, and at such hour as shall be fixed by the by laws; and that if it so happen that an election of directors shall not take place on that day, or on any subsequent day appointed for that purpose, the said corporation shall not be dissolved, but an election shall be held subsequently in any such case, at such time and place as the directors may appoint.

Failure to elect not to dissolve.

Annual report

6. *And be it enacted*, That the directors of said company shall make an annual report to the stockholders at their annual meeting, of the condition and affairs of the said company, and no dividends shall be declared except from the actual and net profits of the company.

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

Approved February 20, 1872.

CHAPTER LXVIII.

A Supplement to an act entitled "An Act to incorporate the New Egypt and Farmingdale Railroad Company," approved March seventeenth, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the New Egypt and Farmingdale Railroad Company shall have power to survey, lay out, construct, equip, maintain, operate and extend their railroad from Farmingdale, running from thence by the way of Ocean Grove, to a point at or near Long Branch, and that the said rights, powers, privileges and franchises granted in the act to which this is a supplement, in respect to the locating, laying out, constructing, maintaining and operating their road, be, and they are hereby conferred, in the locating, constructing, running and operating said extension hereby authorized; and that all land necessary for the said extension hereby authorized, may be taken in the same manner and under the same mode of compensation provided for in the act to which this is a supplement.

2. *And be it enacted*, That whenever there shall be one thousand shares of said stock subscribed, the said commissioners shall give like notice as above for a meeting of the stockholders to choose seven directors, a majority of whom shall be residents of this state.

3. *And be it enacted*, That the time mentioned for the completion and putting in use of said railroad, in the twenty-first section of the act, shall be extended for six years, thereby making such time nine years from the first day of May, eighteen hundred and sixty-nine.

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

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

Approved February 20, 1872.

CHAPTER LXIX.

An Act to incorporate the West Jersey Agricultural and Horticultural Association, of the counties of Salem and Gloucester, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaac V. Dickinson, J. Morgan Barnes, Isaac Scull, James D. Lawson, Joseph K. Riley, Joshua Reeves, junior, Charles D. Lippincott, Robert Vanmeter and James L. Summerill, of the state of New Jersey, and their associates and successors, shall be and they are hereby constituted a body politic and corporate, by the name of "The West Jersey Agricultural and Horticultural Association, of the counties of Salem and Gloucester, New Jersey."
2. *And be it enacted*, That the said association shall from time to time, have power to make, alter, ordain and establish such constitution, by-laws and regulations as they shall judge proper for the designation of the officers of said association, the election of the same, for prescribing their respective functions, and the mode of discharging the same, and for the transacting, managing and directing the affairs of the association; *provided*, such constitution, by-laws and regulations shall not be repugnant to the constitution and laws of this state and of the United States.
3. *And be it enacted*, That said association shall, and they are hereby authorized to issue two thousand shares of stock, to be called the capital stock of said association, of the par value of five dollars each, with the privilege of increasing the number of shares as the association may hereafter deem advisable.
4. *And be it enacted*, That the said association may purchase, use, hold, possess and enjoy such real estate as shall be necessary to promote the objects of the association; and whenever it shall see fit, the association may sell, mortgage, lease and otherwise dispose of the same at pleasure.
5. *And be it enacted*, That the said stock shall be deemed and taken as personal property, and transferable on the books

of the said association, and whenever the receipts shall exceed the expenses, the officers of the association shall have power to declare a dividend upon the capital stock, if deemed advisable to be paid to the stockholders.

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

Property exempt from taxation.

Proviso.

7. *And be it enacted*, That from and after the passage of this act it shall not be lawful for any person or persons to erect, place, or have any booth, stall, tent, carriage, boat, building of any description, or other place for the purpose or use of selling, giving, or otherwise disposing of any kind of articles of traffic, spirituous liquors, wine, porter, beer, cider, or any other fermented, mixed or strong kind, or for the purpose of holding, having, or making any show, exhibition, concert, or any other show or amusement of any kind whatsoever, for gain or pleasure, within half a mile of the boundaries of the grounds of said association during the time of any exhibition of said association; *provided*, that nothing in this act contained shall be taken or construed so as to effect any licensed tavern keepers in his or her ordinary and lawful business, at his or her usual place of residence specified in his or her license; nor shall it be so construed as to effect any merchant, shop keeper, farmer, mechanic, or other person in the usual and lawful transaction of his, her, or their ordinary concerns and business, in their usual places of doing such business, nor any person or persons having the written consent of said association.

Liquors not to be sold.

Proviso.

8. *And be it enacted*, That if any person or persons shall or do violate the preceding section of this act, he, she or they shall be liable to the same penalties or forfeitures which shall be enforced in the same manner as is prescribed against offenders under an act of this state, entitled "An Act to prevent the disturbance of meetings held for the purpose of religious worship," passed February second, eighteen hundred and twenty.

Penalty for violation.

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

Approved February 20, 1872.

CHAPTER LXX.

An Act to confirm the acknowledgments and proofs of deeds and other instruments of writing taken by Richard H. Wilson.

Preamble.

WHEREAS, it appears that Richard H. Wilson was duly appointed on the twenty-fifth day of March, in the year one thousand eight hundred and sixty-nine, one of the commissioners to take acknowledgments and proofs of deeds for the township of West Amwell, in the county of Hunterdon, and was commissioned and sworn into office as such commissioner; and whereas, it appears that there were already three duly appointed and qualified commissioners for the taking acknowledgments and proofs of deeds, living and serving in said township of West Amwell, at the time the said Richard H. Wilson was appointed and sworn into office as such commissioner; wherefore, said Richard H. Wilson's appointment was a nullity, and by reason of acknowledgments and proofs taken by him, innocent persons may be subject to great loss; therefore,

Acknowledgment declared valid.

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 of writing, taken and certified by the said Richard H. Wilson, as commissioner, from the time of his entering upon the duties of said appointment to the present time, be, and the same are hereby confirmed and declared valid and effectual, in like manner as if the said Richard H. Wilson had been lawfully authorized to take the same.

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

Approved February 20, 1872.

CHAPTER LXXI.

An Act to incorporate the United Schutzen Association.

WHEREAS, members of the New York Schutzen Corps and ^{Preamble.} the Jersey Schutzen Corps are desirous of uniting for the purpose of promoting skill in the proper and lawful use of firearms, and acquiring property for a shooting park, with suitable accommodations thereon for target shooting and other exercises, in such use of arms, and holding festivals thereon, and also for promoting social intercourse among the members of said association; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Hermann D. Busch, John F. ^{Corporators.} Rottman, Hermann Raschen, John F. Gerdes, John Horsman, Frederick Meyer, W. F. Schumann, Gerd Luerssen, Henry Lembæk, George F. Luerssen, Henry Offermann, Cord Mahnken, Ernst Hermann, John Lindermann, John H. Adelung, Henry Lamcken, Hermann Luhrs, Luer Immen, August Bente, Henry Brummerhop, August Sturmman, Hermann H. Hinslage, Charles Rahe, Bernhard H. Tienken, William Hardekopf, John Huchting, Andrew Icken, Frederick Harenburg, Charles Reinecke, Nicholas Crusius, William Muller, John Gebhrs, Henry M. Bischoff, Henry Hulseberg, H. H. Strothmann, Henry Bischoff, William Tess, Theodore Ploeger, Nicholas Heinson, C. O. Tietjen, F. W. Miller, George A. Kundahl, John Gleistein, Philip Klein, Andrew Wittchen, A. W. Lemcke, John C. Duhrkoop, Henry D. Rottman, August Ingwersen, Henry Rubien, E. Jensen, John F. Gock, George Luhrmann, John H. Deetjen, Adam Gaertner, Hermann Meyer, Anton Koopmann, Diedrich F. Deike, Ernst Loether, John H. Muller, Charles Pirvvano, John H. Doerrbecker, Henry Harms, William Harms, William Woerz, Henry Hardekopf, Henry W. Harms, Frederick Schumann, B. Meissner, John Klinker, August Vorrath, Henry L. Meyer, Ernst Wildhagen, Henry Von Deilen, Nicholas Crusius, Henry Deltmer, H. D. Gerdts, Frederick Ihlenberg, Charles Mencke, John B. Clausen, A. J. Dittmar, John H. Dammeyer, F. Sellnow, William Hardkopf, George

Name and powers.	<p>Werhan, Aaron Browning, William Walbaum, John C. F. Deecken, Henry Knoop, Henry Von Bargaen, Frederick Hansen, Hermann H. Landwehr, John Hillmann, John Ficken, Henry Lohmann, Charles Boesse, John H. Luhrmann, Frederick W. Meyer, Frederick Agatz, Francis Droop, L. Wittpenn, M. H. Schroeder, S. Gohde, Gustavus Lange, Henry Kopf, Henry Seyfried, John F. Steinhoff, Henry Ranken, E. H. Werhan, John H. Stadtlander, Edward Brehm, J. H. Wellbrock, John Prusser, Henry Wellbrock, Henry Steil, Frederick Knebel, John Koster, Carsten Schomaker, Henry C. Hintze, John Cordes, John Knoop, Charles N. Boschen, F. N. Kellers, Gevert Menken, H. W. Brummer, George F. Keller, John H. Tangemann, Michael Hang, Henry Lachmund, Henry Bosch, Gerhard Dohle, Louis Scheither, Cord Otten, Hermann Segelken, Albert Burfeind, and such other persons as shall hereafter be associated with them, be and they are hereby declared a body politic and corporate, in fact and in law, by the name and style of "The United Schutzen Association," for the purposes set forth in the preamble of this act; and they and their successors, by the same name, may purchase, hold, possess and enjoy such real and personal estate in the county of Hudson, and state of New Jersey, as the board of directors shall deem needful for the purposes of said association, and may sell, mortgage, lease or otherwise dispose of the same, or any part thereof, at pleasure; <i>provided</i>, such real estate held by them at one time shall not exceed fifty acres in extent, and whenever they deem it proper so to do they may execute a bond in their corporate name, and secure the payment thereof by a mortgage for any portion of the purchase money, on any real estate purchased by them; and the bond and mortgage shall be payable at such times, and in such manner, with legal interest, and containing such clauses, covenants and conditions as the board of directors may deem just and proper.</p>
May hold real and personal estate.	
Proviso.	
Amount of capital stock.	<p>2. <i>And be it enacted</i>, That the capital stock of said association shall be one hundred and fifty thousand dollars, with the privilege of increasing the same, by resolutions of the board of directors, from time to time, to an amount that shall not exceed the value of any real or personal property held by said association, and the capital stock shall be divided into shares of three hundred dollars each, and be transferable in the manner and upon such conditions as may be prescribed by the by-laws of said association.</p>

3. *And be it enacted*, That no stockholder not a member of the New York Schutzen Corps or Jersey Schutzen Corps, shall be entitled to vote in said association at any election for officers or directors, or for any matter whatever, unless he shall have been elected to membership in said association by a vote of three-fourths of all the directors thereof; that all shareholders members of either of said corps, and all other stockholders elected members as aforesaid, shall be subject to such restrictions and conditions as the by-laws of this association shall prescribe, and each member shall be entitled to one vote for each share of stock held by him; *provided, however*, no member shall be entitled to more than five votes, no matter how many shares of stock he may hold, and any member who may be expelled or suspended from membership in said association, under the constitution or by-laws thereof, shall not be entitled to a vote at any election or meeting of said association, until he shall have been restored to membership or his suspension shall have been removed; at any meeting of the members of said association, fifty members shall constitute a quorum to transact business, and no director shall be declared elected unless he receives at least two-third of the votes given at any election held for directors under this act; no member shall have any right to vote by proxy, and must appear in person at every election or meeting, if he desires to vote.

Elections for
officers and
directors.

Proviso.

4. *And be it enacted*, That the affairs and business of said association shall be managed by a board of twenty-six directors, one half of whom shall be members of the New York Schutzen Corps, and the other half of the Jersey Schutzen Corps, who shall be elected annually by the members of said association at such time and place, and upon such notice as the by-laws shall prescribe, who shall hold their offices for one year, and until others are elected in their stead, and nine of whom shall constitute a quorum to transact business; *provided, however*, that at every meeting of said board each of said corps must be represented by at least four members thereof present thereat; all vacancies in the board of directors may be filled by said board until the next election for directors is held by said association; the captains of the New York Schutzen Corps and the Jersey Schutzen Corps, and such other persons as they may designate, shall be commissioners to obtain and receive subscriptions to the capital stock of said association from the members of their respec-

Directors.

Proviso.

tive corps, and they may call a meeting of the shareholders at any time and place in the county of Hudson, upon such notice as they may deem reasonable, for the election of the first board directors, and the said election may be held in the night time or day time ; and at such first election the stockholders who are members of the New York Schutzen Corps shall, by a separate vote, choose thirteen directors, and the stockholders who are members of the Jersey Schutzen Corps shall, by a separate vote, choose thirteen directors, and the twenty-six thus chosen shall be the directors of said association for the first year, and until others are chosen in their stead.

Directors to
make by-laws.

Proviso.

Funds to be
used for im-
provements.

Cancellation
of stock.

5. *And be it enacted*, That the board of directors, at any meeting, shall have power to make and enact such constitution, by-laws, rules, and regulations for the transacting, managing, and conducting the affairs of said association, and for calling in installments on shares of stock and forfeiting shares for non-payment thereof, and for the maintaining and preserving good order and conduct over and among the visitors on the premises of said association, as they may deem necessary; *provided*, that the same shall not be contrary to the laws and constitution of the United States or of this state, and from time to time may alter, modify, and repeal the same; and by said by-laws, rules, and regulations said association may determine the amount of the regular monthly payments to be required of each member of said association, for the maintenance and support thereof, and may thereby also determine the mode of suspension or expulsion of members, for violation of or disobedience to the said constitution, by-laws, rules or regulations, or any of them; the constitution and by-laws, after adoption by the directors, shall be ratified by a vote of the association.

6. *And be it enacted*, That no share of stock shall be entitled to any dividend for profits, but the board of directors may use the funds of the association, from time to time, for the purchase of real and personal property, or for the adornment and improvement of property owned by them, to such an extent as they may deem proper, and if any surplus remain, they may, in their discretion, if they see fit, divide the same among the shareholders, pro rata.

7. *And be it enacted*, That said association may at any time cancel any share of stock on payment, or tender of payment to the holder thereof, of the par value of the same ; and any

person, not a member, who holds a share or shares of stock, may require said association to pay him the par value thereof on his surrendering such share or shares to the association to be cancelled, and such shareholder shall not be entitled to any other right or privilege whatsoever.

8. *And be it enacted*, That for the purpose of maintaining and preserving peace, good order and decorum in the premises of said association, and among the spectators thereat, it shall be lawful for the board of directors to appoint, from time to time, one or more persons, who shall have power and authority to arrest, without warrant, all persons who shall be found upon the land and premises of said association violating any of the laws of this state, or who shall there, or in the immediate vicinity, be conducting themselves in a disorderly or immoral manner, to the annoyance or disturbance of said association or such visitors or spectators, or who shall disturb or wrongfully interfere with the peace and good order of said association or any of its meetings, assemblies or festivals; and said parties so appointed shall also possess the same powers and authority on the premises of said association and on the premises adjacent thereto, which constables now possess in criminal cases; and the said party so arrested shall, as soon as conveniently may be, be taken before some justice of the peace of the county of Hudson, there to be dealt with according to law.

May appoint
persons to
make arrests.

9. *And be it enacted*, That the real and personal estate of said association shall be taxed the same as the real and personal estate of an individual, and said association shall not be liable to any other tax whatever.

Real and per-
sonal estate,
how taxed.

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

Approved February 20, 1872.

CHAPTER LXXII.

An Act to confirm a deed of conveyance made by Ephraim Coles, Thomas Lippincott, William B. Kirby, William C. Brogan and Amos Cawman, trustees of Asbury Methodist Episcopal Church, of Woodstown, Salem county, New Jersey, to Reverend Benjamin F. Woolston.

Preamble.

WHEREAS, Ephraim Coles, Thomas Lippincott, William B. Kirby, William C. Brogan and Amos Cawman, trustees of Asbury Methodist Episcopal Church, of Woodstown, Salem county, New Jersey, by their certain deed of conveyance duly executed under their hands and seals, bearing date the eleventh day of August, eighteen hundred and fifty-seven, did grant, bargain, sell and convey unto Reverend Benjamin F. Woolston, and to his heirs and assigns forever, all that certain lot of land situate in Woodstown, Pilesgrove township, Salem county, New Jersey, and bounded as follows: beginning at a corner in the road leading from Woodstown to Daretown, and runs along said road (1) south forty-two and a-half degrees east, one chain and four links; thence along Enos Conover's lot, south forty-two and a-half degrees west, two chains thirty-eight links to a corner; thence by a line parallel with the rear or back part of the church building and fifty feet therefrom, north forty-three and a-half degrees west, one chain and ten links; thence north forty-five and three-quarter degrees east, and running slightly north of the bodies of a row of maple or shade trees two chains thirty-eight links to the beginning, containing twenty-six hundredths of an acre, more or less; which said deed of conveyance is recorded in the office of the clerk of the court of common pleas of the county of Salem, in Book number twenty-two of Deeds, page five hundred and twelve, &c., as by reference thereto will appear; and whereas, there are doubts of the validity of said deed of conveyance, and of the right and power of the said Ephraim Coles, Thomas Lippincott, William B. Kirby, William C. Brogan and Amos Cawman, trustees as

aforesaid, so to make conveyance of and sell the said lot of land and premises, for remedy whereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said deed of conveyance be and the same is hereby in all things confirmed as valid and effectual in law, and shall be deemed and taken to convey to and invest in the said Benjamin F. Woolston, and his heirs and assigns, and estate of inheritance, in fee simple, of, in and to the said lot of land and premises therein described forever; and that the said deed of conveyance, or the record thereof, shall be received and taken in all courts of law and equity, as full and complete evidence thereof. ^{Deed declared valid.}

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

Approved February 21, 1872.

CHAPTER LXXIII.

An Act to incorporate the Navesink Bridge Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Andrew Mount, Samuel Down, Reuben Parsons, Bryan Lawrence, Lemuel Smith, Joseph G. Mount, Hermanus B. Duryea, Gilbert Giles, Thomas T. Kinney and Edward M. Hartshorne, and their successors, shall be, and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name and style of "The Navesink Bridge Company," and shall be capable in law and in fact of purchasing, having, holding, using, letting, improving and disposing of such real and personal estate as may be necessary or expedient for the objects and purposes of this incorporation, and may receive and make all deeds, sales, transfers, conveyances, grants, mortgages, bonds, leases, covenants, contracts, agreements and bargains, and be capable of doing all other acts and things whatsoever, proper and necessary for the objects and purposes of said incorporation. ^{Corporators} ^{Name and powers.}

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing it to seventy-five thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and the said shares shall be transferable only on the books of said company, in such manner as the board of directors by their by-laws shall direct.

Commission-
ers to receive
subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to receive subscriptions to said stock, at such times and places as they may select, giving notice thereof at least two weeks prior to the opening of said books, by publishing the same in one newspaper in the county of Monmouth.

Installments,
how paid.

4. *And be it enacted*, That at the time of subscribing for said stock ten dollars shall be paid on each share to said commissioners, or either of them, which money shall be paid over to the treasurer of the company when appointed, and all future installments shall be paid at such times and places, and in such manner and amounts as the board of directors may from time to time determine; and every share of said stock on which all installments due shall have been paid, shall entitle the holder thereof to one vote, either in person or by proxy, at any authorized meeting of the stockholders; and every owner of land or other property, real or personal, necessary or proper to be purchased by said company, may be permitted by the board of directors to take stock for the amount of the whole or any part of his or her interest therein.

Board of direc-
tors to man-
age affairs.

5. *And be it enacted*, That the company shall be managed by a board of ten directors, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices for one year and until others shall be elected in their stead; and that the directors shall be chosen by the stockholders of said company, annually, at such time and place and in such manner as shall be directed by the by laws of said corporation; and notice of such time and place shall be published at least two weeks previous thereto, in a newspaper published in the county of Monmouth.

Vacancy, how
filled.

6. *And be it enacted*, That a majority of said board shall constitute a quorum for the transaction of business, and all vacancies in the board of directors may be filled by said board at any time.

First directors

7. *And be it enacted*, That the first directors shall be the incorporators herein before named, who shall respectively

hold their office until others shall be legally chosen from the stockholders in their places as herein before provided.

8. *And be it enacted*, That said company shall have power to erect, construct and maintain a bridge in the county of Monmouth across and over the Shrewsbury river, to cross from some point at the highlands of Navesink to the sea beach, the same being a continuation of Sandy Hook; and also to build piers for the support thereof; and also to erect abutments on either side of the river, said bridge to be at least sixteen feet wide, with a pivot draw, with two openings, to be at least eighty feet wide, and the bridge to be built in a substantial manner of wood or iron as the company may elect; *provided*, that nothing in this act shall affect the rights of the state to lands lying under water. Power to erect and construct a draw bridge. Proviso.

9. *And be it enacted*, That Ezra A. Osborn, of Middletown; John S. Lufburrow, of Red Bank; Joseph G. Mount, of Navesink; Cornelius Britton, of Keyport; Charles J. Hendrickson, of Middletown; Andrew Brown, of Middletown, and Furman White, of Red Bank, shall be commissioners, a majority of whom shall fix and determine the site for the erection of said bridge at any point they may deem best adapted for the location of the same. Commissioners to fix site.

10. *And be it enacted*, That the said board of directors shall have power to fix the rates of toll for persons, animals and vehicles of every kind and description passing over said bridge; *provided, however*, said rates of toll shall not exceed those fixed in "An Act to incorporate the Maurice River Bridge Company," approved March twenty-ninth, eighteen hundred and sixty four; toll gates may be kept at each end of the bridge, and the toll demanded and paid upon entering on the bridge, and the rates of toll be posted up conspicuously at the toll gates. Rates of toll. Proviso.

11. *And be it enacted*, That it shall be lawful for any toll gatherer having charge of said bridge to stop any person, animal or vehicle from crossing said bridge where the tolls have not been first paid. Toll gatherers may stop persons from crossing.

12. *And be it enacted*, That all drivers of every description of vehicles, or persons on horseback shall not drive over the bridge at a faster gait than a walk; also that if any person shall wilfully or forcibly pass over said bridge without having paid the legal toll, such person or persons in either of the above cases, shall forfeit the sum of ten dollars, besides being subject to an action for damages for every such Penalty for avoidance of toll.

offence, to be recovered by said company, by an action of debt or other proper action in any court of competent jurisdiction with costs of suit.

Penalty for injuring works.

13. *And be it enacted*, That if any firm, person, or corporation shall wilfully or maliciously hinder the work of the construction of said bridge, or shall wilfully, maliciously, or negligently impair, injure, or destroy any of the property of the said company, or obstruct the use of the same, the firm, person or corporation so offending shall forfeit and pay to said company three times the damages sustained by such offence, to be recovered by suit in the name of this corporation, with costs.

May enter on lands, &c.

14. *And be it enacted*, That it shall be lawful for said company, its officers and agents, to enter at all times upon lands and waters, for the purpose of surveying and establishing the location of such bridge, doing no unnecessary damage to private or other property; and said company shall have power to take such materials and lands as they may deem necessary to take or use in the construction and maintenance of said bridge, and the approaches thereto, first making compensation to the owners of said materials and lands therefor, in the same manner as is provided in section sixteen of the act herein before referred to, except that all publications in newspapers, required by said section, shall be made in the county of Monmouth, instead of the county of Cumberland.

May borrow money and issue bonds.

15. *And be it enacted*, That it shall and may be lawful for the said Navesink Bridge Company to borrow moneys, not exceeding in amount twenty thousand dollars, and to issue bonds therefor, secured by a mortgage upon the franchises and property, real and personal, of said company.

Keeper to be employed.

16. *And be it enacted*, That the said company shall at all times have a proper person or persons, at said company's expense, to attend the opening and closing of said draw, for the passage of vessels, or as otherwise required, and that each end of said bridge shall be sufficiently guarded to prevent accidents at all times when said draw may be open, and that the draw shall at all times, during nights, be kept open, except when the bridge may be in actual use for travel or transportation; and when open a red light shall be kept at each end of said draw, and a white light displayed when the draw is closed.

17. *And be it enacted*, That said company shall be at all

times liable to the captain or owners of vessels and cargoes respectively, for all damage occasioned by the negligence of said company, or that of its agent or agents in the unnecessary detention of any vessel or cargo at said bridge. Company liable for damages.

18. *And be it enacted*, That if the channel in said river should so change at said bridge that the passage of vessels through the draw should be seriously obstructed, the said company shall so change the locality of the draw as to accommodate the same to the channel so changed. Draw, when to be changed.

19. *And be it enacted*, That the board of chosen freeholders of the county of Monmouth are hereby prohibited from allowing any of the public moneys being at any time, either directly or indirectly used for or towards the construction or maintenance of said bridge or draw, or the expenses incident to the same. Public money not to be used for constructing or maintaining bridge.

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

Approved February 21, 1872.

CHAPTER LXXIV.

An Act to incorporate the New York Steam Engine Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons who shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and they are hereby created and made a corporation and body politic, in fact and in law, by the name of "The New York Steam Engine Company." Corporate name

2. *And be it enacted*, That the capital stock of said corporation shall consist of four thousand shares of the par value of one hundred dollars per share, with the privilege of increasing the same to six thousand shares, which shall be transferred in such manner as the said corporation shall direct. Amount of capital stock.

3. *And be it enacted*, That Samuel W. Torrey and Bradbury C. Chetwood be and they are hereby appointed commissioners to receive subscriptions to the capital stock of Commissioners to receive subscriptions.

such corporation, and they, or either of them, shall open books of subscription to such stock, at the village of Passaic, in the county of Passaic, at such time and place as they, or either of them, shall appoint, and shall attend and receive subscriptions.

Election of directors.

4. *And be it enacted*, That whenever the capital stock of said corporation to the amount of one hundred thousand dollars shall be subscribed, and twenty per centum thereof paid in, the said commissioners, or whichever opens the books, shall close the same and hold an election for directors of said corporation, first giving notice one week previously, and in a newspaper published in Passaic county, that three directors shall be elected by ballot at such election by the stockholders, each of whom shall have at such election, and all subsequent elections, one vote for every share of stock owned by him; that said three directors shall constitute the first board of directors, and the same number or such number as the corporation may by its by-laws appoint, shall constitute all subsequent boards, and in case of a vacancy occurring in the board between the elections, the remaining directors shall have power to fill the vacancy; that said directors shall hold their office for one year, and until their successors shall be elected.

President.

5. *And be it enacted*, That the directors shall have power to elect out of their body a president, for such term and in such manner as they shall appoint.

Failure to elect directors not to dissolve

6. *And be it enacted*, That said commissioners shall deliver to the said board of directors, when elected, the subscription books of said corporation and all moneys received by them for such subscriptions; and said directors shall by their by-laws appoint an annual election for directors, but in case of failure to hold such election upon the appointed day, said corporation shall not thereby be dissolved, but said election shall be held on some subsequent day, and the directors in office shall continue until such election.

Failure to pay subscriptions to work for forfeiture.

7. *And be it enacted*, That the said board of directors shall have power to demand from the subscribers to the capital stock of said corporation the money for such subscriptions, and for any increase of its capital, or any assessment thereupon, and in case of the failure to pay subscriptions, calls or assessments at such time as they may appoint, the said board may, after two weeks' notice in a newspaper published in the county of Passaic, declare the said stock and all previous

payments thereupon forfeited to the corporation, and such stock, and all previous payments thereon, and all right to the same shall be forfeited and belong to said corporation.

8. *And be it enacted*, That this said corporation may be dissolved How dissolved at any time by a vote of three-fourths of its stockholders in interest, at a meeting called for that express purpose, by a notice printed once a week for four successive weeks in a newspaper published in the county of Passaic, and upon such dissolution the directors, or such persons as the stockholders shall appoint, and their successors, shall be trustees, and as such shall have full power to realize, sell and convey and collect the assets of said corporation, real and personal, and pay its debts and divide the surplus among its stockholders pro rata.

9. *And be it enacted*, That the said corporation shall have Business of corporation. power to carry on the business of manufacturing and selling tools, engines, machinery and other articles, in wood, composition and metals, in the county of Passaic, in this state, and for such purpose may buy and hold, sell and convey, lease and mortgage the necessary real and personal property, and by water, steam and such other power as they may employ, may carry on manufacturing and milling operations.

10. *And be it enacted*, That the said corporation shall General powers possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An Act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, so far as the same are applicable; and that this act shall take effect immediately.

Approved February 22, 1872.

CHAPTER LXXV.

An Act to incorporate the New York Belting and Packing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons who shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and they are hereby created and made a corporation and body politic, in fact and in law, by the name of "The New York Belting and Packing Company."
- Name.
- Capital stock 2. *And be it enacted*, That the capital stock of said corporation shall consist of twenty thousand shares of the par value of one hundred dollars per share, which shall be transferred in such manner as the said corporation shall direct.
- Commissioners to receive subscriptions. 3. *And be it enacted*, That Samuel W. Torrey and Bradbury C. Chetwood be and they are hereby appointed commissioners to receive subscriptions to the capital stock of such corporation, and they, or either of them, shall open books of subscription to such stock, at the village of Passaic, in the county of Passaic, at such time and place as they or either of them shall appoint, and shall attend and receive subscriptions.
- Election of directors. 4. *And be it enacted*, That whenever the capital stock of said corporation to the amount of two hundred and fifty thousand dollars shall be subscribed, and twenty per centum thereof paid in, the said commissioners, or whichever opens the books, shall close the same, and hold an election for directors of said corporation, first giving notice thereof one week previously, and in a newspaper published in Passaic county, that three directors shall be elected by ballot at such election by the stockholders, each of whom shall have at such election and all subsequent elections, one vote for every share of stock owned by him; that said three directors shall constitute the first board of directors, and the same number, or such number as the corporation may by its by-laws appoint, shall constitute all subsequent boards, and in case of a vacancy occurring in the board, between the elections, the remain-

ing directors shall have power to fill the vacancy; that said directors shall hold their office for one year, and until their successors shall be elected.

5. *And be it enacted*, That the directors shall have power President. to elect out of their body a president for such term, and in such manner as they shall appoint.

6. *And be it enacted*, That said commissioners shall deliver to the said board of directors when elected, the subscription books of said corporation, and all moneys received by them for such subscriptions; and said directors shall by their by-laws appoint an annual election for directors; but in case of failure to hold such election upon the appointed day, said corporation shall not thereby be dissolved, but said election shall be held on some subsequent day, and the directors in office shall continue until such election. Failure to elect not to dissolve.

7. *And be it enacted*, That the said board of directors shall have power to demand from the subscribers to the capital stock of said corporation, the money for such subscriptions, and for any increase of its capital, or any assessment thereupon; and in case of the failure to pay subscriptions, calls, or assessments at such time as they may appoint, the said board may, after two weeks notice in a newspaper published in the county of Passaic, declare the said stock, and all previous payments thereupon forfeited to the corporation, and such stock, and all previous payments thereon, and all right to the same, shall be forfeited and belong to said corporation. Failure to pay subscriptions to work forfeited.

8. *And be it enacted*, That this corporation may be dissolved at any time by a vote of three-fourths of its stockholders in interest, at a meeting called for that express purpose, by a notice printed once a week, for four successive weeks, in a newspaper published in the county of Passaic, and upon such dissolution, the directors, or such persons as the stockholders shall appoint, and their successors shall be trustees, and as such, shall have full power to realize, sell, and convey and collect the assets of said corporation, real and personal, and pay its debts, and divide the surplus among its stockholders pro rata. How dissolved

9. *And be it enacted*, That the said corporation shall have power to carry on the business of manufacturing and dealing in india rubber and other articles, in the county of Passaic, in this state, and for such purpose may buy and hold, sell and convey, lease and mortgage the necessary real and personal Power to purchase and hold real estate.

property, and by water, steam and such other power as they may employ, may carry on manufacturing and milling operations.

General powers.

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 February fourteenth, eighteen hundred and forty-six, so far as the same are applicable, and that this act shall take effect immediately.

Approved February 22, 1872.

CHAPTER LXXVI.

An Act to incorporate the Passaic Duck Mills.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons who shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be, and they are hereby created and made a corporation and body politic, in fact and in law, by the name of "The Passaic Duck Mills."

Name.

Capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall consist of three thousand shares of the par value of one hundred dollars per share, with the privilege of increasing the same to six thousand shares, which shall be transferred in such manner as the said corporation shall direct.

Commissioners to receive subscriptions.

3. *And be it enacted*, That Samuel W. Torrey and Bradbury C. Chetwood be, and they are hereby appointed commissioners to receive subscriptions to the capital stock of such corporation, and they, or either of them, shall open books of subscription to such stock, at the village of Passaic, in the county of Passaic, at such time and place as they, or either of them, shall appoint, and shall attend and receive subscriptions.

Election of directors.

4. *And be it enacted*, That whenever the capital stock of said corporation to the amount of one hundred thousand dol-

lars shall be subscribed, and twenty per centum thereof paid in, the said commissioners, or whichever opens the books, shall close the same, and hold an election for directors of said corporation, first giving notice thereof, one week previously, and in a newspaper published in Passaic county; that three directors shall be elected, by ballot, at such election by the stockholders, each of whom shall have at such election and all subsequent elections, one vote for every share of stock owned by him; that said three directors shall constitute the first board of directors, and the same number, or such number as the corporation may, by its by-laws, appoint, shall constitute all subsequent boards, and in case of a vacancy occurring in the board between the elections, the remaining directors shall have power to fill the vacancy; that said directors shall hold their office for one year, and until their successors shall be elected.

5. *And be it enacted*, That the directors shall have power ^{President.} to elect, out of their body, a president, for such time and in such manner as they shall appoint.

6. *And be it enacted*, That said commissioners shall deliver to the said board of directors, when elected, the sub- ^{Failure to elect not to dissolve.}scription books of said corporation, and all moneys received by them for such subscriptions; and said directors shall, by their by-laws, appoint an annual election for directors; but in case of failure to hold such election upon the appointed day, said corporation shall not thereby be dissolved, but said election shall be held on some subsequent day, and the directors in office shall continue until such election.

7. *And be it enacted*, That the said board of directors shall have power to demand from the subscribers to the capital stock of said corporation the moneys for such subscriptions, and for any increase of its capital or any assessment thereupon, and in case of the failure to pay subscriptions, calls or assessments, at such time as they may appoint, the said board may, after two weeks' notice, in a newspaper published in the county of Passaic, declare the said stock, and all previous payments thereupon, forfeited to the corporation, and such stock, and all previous payments thereon, and all right to the same, shall be forfeited and belong to said corporation. ^{Failure to pay subscriptions to work for forfeiture.}

8. *And be it enacted*, That this corporation may be dis- ^{How dissolved.}solved at any time, by a vote of three fourths of its stockholders in interest, at a meeting called for that express pur-

pose, by a notice printed once a week, for four successive weeks, in a newspaper published in the county of Passaic, and upon such dissolution the directors, or such persons as the stockholders shall appoint, and their successors, shall be trustees, and as such shall have full power to realize, sell and convey and collect the assets of said corporation, real and personal, and pay its debts and divide the surplus among its stockholders *pro rata*.

Power to carry on business

9. *And be it enacted*, That the said corporation shall have power to carry on the business of manufacturing and selling duck, and fabrics of cotton linen, wool and other matters in the county of Passaic, in this state, and for such purpose may buy and hold, sell and convey, lease and mortgage the necessary real and personal property, and by water, steam, and such other power as they may employ, may carry on manufacturing and milling operations.

General powers.

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 February fourteenth, eighteen hundred and forty-six, so far as the same are applicable; and that this act shall take effect immediately.

Approved February 28, 1872.

CHAPTER LXXVII.

A Further Supplement to an act entitled "An Act to incorporate the Manchester and Camden Railway Company," approved March eighteenth, eighteen hundred and sixty-eight.

May construct railroad, and connect and consolidate.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*. That it shall and may be lawful for the said company to locate and construct the railroad authorized by the act to which this is a supplement, by the way of Buddtown, in Burlington county, and from thence to Medford in the same county, with the privilege of connecting

and consolidating, at that place, with the Medford and Camden railroad when built, and are hereby invested with, and may exercise the same rights, powers, privileges and franchises, for and in the construction, use and enjoyment of the same, and shall be subject to the same conditions, provisions, limitations and restrictions as are contained in the act to which this is a supplement, except as to the extent and terminus of said railroad.

2. *And be it enacted*, That the time for the completion of ^{Limitation.} the railroad authorized by the act to which this is a supplement is hereby extended six years.

Approved February 28, 1872.

CHAPTER LXXIX.

An Act to incorporate the New Brunswick Carpet Company, to be located in the city of New Brunswick, in this State.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Christopher Meyer, Henry ^{Corporators.} Richmond, Greenleaf W. Appleton, Isaiah Rolfe, Charles T. Warner, John W. Newell, Samuel L. Johnson, Robert A. Woodworth, John H. Faxon, Isaac L. Martin, Peter A. Van Deventer, Lewis L. Hyatt and Peter G. Polhemus, and their associates, and such other persons as may hereafter become stockholders in the company hereinafter named, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, by the name of "The New ^{Name and powers.} Brunswick Carpet Company," for the purpose of manufacturing carpets and other textile fabrics, in the city of New Brunswick, and carrying on the business incident to such manufacture.

2. *And be it enacted*, That the said corporation shall be ^{Election of directors.} at liberty to purchase and hold such lands and other property as may be necessary for the purposes of their said business; that the stock, property and concerns of the said company shall be managed and conducted by thirteen directors, who

shall be stockholders, a majority of whom shall reside in this state, and who shall hold their offices for one year; that the said directors shall be chosen at an election to be held on the second Tuesday in February, anno domini one thousand eight hundred and seventy-three, and on said day in each year thereafter, at such place in the city of New Brunswick as shall be directed by the by-laws of the said corporation, and public notice of such election shall be given, not less than ten days previous, in the newspapers printed in the city of New Brunswick; and each stockholder shall be entitled, in person or by proxy, to as many votes as he or she shall hold shares of the capital stock of the said company; and the persons having the greatest number of votes, being stockholders, shall be directors; and the directors chosen at one election shall be capable of serving, by virtue thereof, until another election shall have been had; and if it shall, at any time, happen that any vacancy or vacancies occur, by death, resignation or otherwise, among the directors named in this act, or those hereafter to be elected, such vacancy or vacancies may be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint, until other directors are chosen by the stockholders; the first directors shall be Christopher Meyer, Henry Richmond, Greenleaf W. Appleton, Isaiah Rolfe, Charles T. Warner, John W. Newell, Samuel L. Johnson, Robert A. Woodworth, John H. Faxon, Isaac L. Martin, Peter A. Van Deventer, Lewis L. Hyatt and Peter G. Polhemus, and the survivors or survivor of them, who shall hold their offices until the said second Tuesday in February, anno domini one thousand eight hundred and seventy-three, or until others are legally chosen.

Vacancies, how filled.

First directors

Officers. 3. *And be it enacted*, That the said directors shall appoint one of their own number to be president; and they may appoint such other officers as they may deem necessary for properly conducting the business of the said corporation.

Amount of capital stock. 4. *And be it enacted*, That the capital stock of the said company shall not exceed the sum of seven hundred thousand dollars, which shall be divided into shares of one hundred dollars each; but as soon as the sum of two hundred thousand dollars of the said capital stock shall have been subscribed and paid in, it shall and may be lawful for the said company to commence business, and with that capital conduct and carry it on until they shall deem it expedient

to extend their operations; and it shall be lawful for the directors of the said company to call and demand from the said stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of the said stockholders, and all previous payments thereon, if such payments shall not be made within sixty days after notice of such call and demand shall have been published for the space of thirty days in the newspapers published in the city of New Brunswick.

5. *And be it enacted*, That the subscription for the said stock shall be open under the direction of the board of directors, or such of them as shall be designated by the board for that purpose. Subscriptions for stock.

6. *And be it enacted*, That the stock of the said corporation shall be deemed personal estate, and be transferable in such manner as shall be prescribed by the by-laws of the said corporation; and that no dividends shall be made among the stockholders except out of the net profits of the said corporation. Stock, how transferable.

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

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

9. *And be it enacted*, That the said company may be dissolved at any general meeting and by the vote of the stockholders specially convened for that purpose; *provided*, at least three fourths in value of the stockholders shall be present or represented at such meeting; and upon such dissolution, the directors for the time being, and the survivors or survivor of them, shall be trustees for settling all the affairs How dissolved Proviso.

of the said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interests in the stock, unless the stockholders representing a majority of the stock at such general meeting shall appoint other persons, not less than three nor more than five in number, for such purpose; in which case the persons so appointed, and the survivors or survivor of them, shall be trustees or trustee for the purpose aforesaid.

Limitation.

10. *And be it enacted*, That this act shall take effect immediately, and shall continue and be in force for the period of twenty years.

Approved February 28, 1872.

CHAPTER LXXXI.

Supplement to an act organizing the board of commissioners of the town of Freehold, county of Monmouth, entitled "An Act for the improvement of the town of Freehold," approved March twenty-third, eighteen hundred and sixty-nine.

Commission-
ers authorized
to raise money
by taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of establishing an efficient fire department, and for procuring a hook and ladder truck and other fire apparatus, and preparing cisterns for a suitable water supply in the borough of Freehold, county of Monmouth, it shall be lawful for the board of commissioners of said borough to raise, at such time or times as they may deem expedient, a sum or sums of money not exceeding in all one thousand dollars (\$1,000), by taxation, in the usual manner for raising funds for the use of said commissioners.

Money, how
appropriated.

2. *And be it enacted*, That the board of commissioners of the borough of Freehold be and they are hereby authorized to entrust the apparatus aforesaid to the Good Will Hook and Ladder Company in said borough, for care and use, sub-

ject to such regulations as the said board of commissioners shall deem essential to the welfare of the town; and they be and are hereby authorized to appropriate such moneys from funds in their hands, not otherwise appropriated, as may be necessary to keep said apparatus in working order.

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

Approved February 28, 1872.

CHAPTER LXXXII.

A Supplement to the act entitled "An Act to incorporate the Newark and Clinton Horse Car Railroad Company," approved March twenty-second, eighteen hundred and sixty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said the Newark and Clinton Horse Car Railroad Company shall hereafter be known and designated by the name of "The Newark and Clinton Railway Company," and by that name have and exercise all the powers and privileges conferred by the act to which this is a supplement, and that all property, real and personal, of the said company shall vest in, and be deemed and taken as belonging to the new company chartered by this act, their successors and assigns, and with the same remedies at law and equity in respect thereto, as if the original company had been incorporated under this act, but nothing in this act contained, or in the act to which this is a supplement, shall authorize the use by said company of steam power on its road.

2. *And be it enacted*, That at and after the next election of directors of said company the number of directors shall be seven instead of thirteen, as required by the act to which this is a supplement.

3. *And be it enacted*, That the said company be, and are hereby authorized and invested with the rights and power to extend and lay the track of their rails on and over any street or avenue in the city of Newark; *provided*, the said com-

Change of
name.

Number of di-
rectors.

May lay rails
on and over
streets or ave-
nues.

Proviso.

pany first obtain the permission of the common council of said city upon such conditions and restrictions as the said common council may designate to lay the same.

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

Approved February 28, 1872.

CHAPTER LXXXIII.

A Supplement to the act entitled "An Act to reorganize the local government of Jersey City," passed March thirty-first, eighteen hundred and seventy-one.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That section numbered one hundred and fifty-one, of the act to which this is a supplement, shall apply as fully to taxes, water rents and assessments levied upon lands, tenements or real estate, situate in the city of Jersey City, before the passage of said act, as it does to taxes and assessments thereafter levied, and all proceedings heretofore taken for the collection of such taxes, water rents or assessments previously levied, shall be as valid and effectual as if taken for the collection of taxes and assessments thereafter levied.

Proceedings
for collection
of taxes, &c.,
declared valid.

2. *And be it enacted*, That sections numbered thirty-one, one hundred and fifty-two, and one hundred and fifty-three, of said act, shall apply as fully to taxes, water rents or assessments levied under any act relating to Jersey City, or Hudson City, or the city or town of Bergen, as they do to assessments levied under the act to which this is a supplement.

Certain sec-
tions to apply
to taxes, &c.,
levied.

3. *And be it enacted*, That nothing contained in the act to which this is a supplement shall be construed or held to impair any right which the mayor and aldermen of Jersey City had at or before the passage of said act, to any taxes, water rents or assessments theretofore levied, or to any penalties, interest or costs theretofore legally accrued, or thereafter legally to accrue by reason of the non-payment of any such

Proceedings
may be taken
for collection
of taxes, water
rents, &c.

taxes, water rents or assessments, and such proceedings may be taken for the collection of any such taxes, water rents, assessments, penalties, interests and costs as may be taken for the collection of taxes, water rents, assessments, interest, penalties and costs, levied or accrued under said act.

4. *And be it enacted*, That the act to which this is a supplement shall, in all courts and places, be construed as if the provisions of this supplement had been incorporated in said act at the time of its passage. Act, how construed.

5. *And be it enacted*, That in giving notice of any adjourned sale for taxes, water rents or assessments in Jersey City, it shall not be necessary to publish any description of the lands, tenements or real estate to be sold, or the taxes, water rents or assessments for which such sale is to be made; but it shall be sufficient to publish notice that the sale previously advertised stands adjourned to the time and place specified in the notice; which said adjournment of sale shall be for not less than thirty nor more than ninety days. Notice of adjourned sale.

6. *And be it enacted*, That no declaration of the sale of any lands, tenements or real estate in Jersey City for taxes, water rents or assessments, shall be entitled to be recorded in the office of the clerk of Hudson county, until a certificate shall have been endorsed thereon under the hand of the clerk of Jersey City, and the seal of the city, setting forth that the affidavit of the service of the six months' notice mentioned in section numbered one hundred and fifty-one of said act, has been filed in the city clerk's office, and that the six months' of notice, and the two years mentioned in said section have expired; which certificate the said clerk is hereby required to endorse, whenever the same may be true. Declaration of sale, when to be recorded.

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

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

Approved February 28, 1872.

CHAPTER LXXXIV.

An Act to authorize the trustees of the Methodist Episcopal Church at Perkintown to sell and convey real estate.

Trustees au-
thorized to
sell real es-
tate, &c.

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 Perkintown, in the county of Salem, or their successors in office, be and they are hereby authorized and empowered to sell and convey any and all real estate and appurtenances situate in the county of Salem, now held by them in trust as the property of, or for the use or benefit of the said Methodist Episcopal Church at Perkintown, by virtue of a deed made to the trustees of said church by Poltis Risnor and Martha his wife, bearing date the twenty-sixth day of February, anno domini one thousand seven hundred and ninety-eight, and recorded in Book B of Deeds, in the clerk's office of Salem county, folios five hundred and ninety-five, five hundred and ninety-six and five hundred and ninety-seven; and also by virtue of a deed bearing date the twenty-fourth day of December, anno domini eighteen hundred and thirty-six, from William Allen and Margaret Jane, his wife, David Sheets and Mary his wife, James M. Allen and Elizabeth Allen, recorded in Book R R of Deeds, page four hundred and eighty-eight, in the Salem county clerk's office; and also by virtue of a certain other deed dated the twenty-second day of May, anno domini eighteen hundred and thirty-two, from John Risnor and Elizabeth his wife, Jacob Ambester and Lydia Ambester, recorded in Salem county clerk's office, in Book number twenty-one of Deeds, page five hundred and fifty-two, &c.; and for that purpose to make, execute and deliver to the purchaser or purchasers of said real estate and appurtenances, a good and sufficient deed or deeds for the same, by which deed or deeds the said purchaser or purchasers shall hold the said premises so conveyed, to his or their own use, free and clear and absolutely discharged from all trusts whatever, upon which the same has heretofore been held.

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

Approved February 28, 1872.

CHAPTER LXXXVI.

An Act to authorize Mahlon Mulford to convey lands, formerly belonging to Robert Price, deceased, and to distribute the proceeds arising therefrom.

WHEREAS, Robert Price, deceased, formerly of Elizabeth, ^{Preamble.} New Jersey, by his last will and testament, duly proved before the surrogate of the county of Essex, on the first day of August, in the year eighteen hundred and forty-three, and recorded in Book H, page one, of Wills for Essex county, directed that all the lands belonging to his estate, which should remain unsold at the time of the death of his brother, Elihu Price, and his sister, Mary Price, should then be sold by his executor, and the proceeds of sale be divided, as in said will directed, and appointed Elias Winans the sole executor thereof; and whereas, the said Elihu Price and Mary Price and Elias Winans are now all dead, and the said Elias Winans, by his last will and testament, duly proved before the surrogate of the county of Essex, on the fifteenth day of October, eighteen hundred and fifty three, and recorded in Book K, page two hundred and eighty-nine, of Wills for Essex county, appointed Maline M. Halsey executor of the same; and whereas, there are lands belonging to the estate of said Robert Price remaining unsold, and doubts are entertained whether the said Maline M. Halsey, as such executor, can convey the lands formerly of said Robert Price, deceased, and now belonging to his estate, according to the terms of the said will of said Robert Price; and whereas, all the legatees claiming under the will of said Robert Price, have appointed and duly constituted Mahlon Mulford, of the city of Elizabeth, their lawful attorney, to settle and adjust all matters pertaining to the estate of said Robert Price; now therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Mahlon Mulford, of the city of Elizabeth, in said state of New Jersey, be, and he is hereby ^{Authorized to sell and convey lands.} appointed, and fully authorized and empowered to sell and convey any and all of the lands of the estate of the said Robert Price, deceased, yet remaining unsold, according to the terms

of the said will of said Robert Price, deceased; and is hereby authorized and empowered to give as good and sufficient deed or deeds of conveyance for the same, as could have been given by the said Elias Winans, in his life time, as the executor of said Robert Price, deceased, after the death of said Elihu Price and Mary Price; and that such deed or deeds of conveyance shall vest in the purchaser or purchasers of said land, from said Mahlon Mulford, all the right, title, interest and estate, to and in said lands, under the said last will of Robert Price, deceased.

Trustee to
pay proceeds
of sales.

2. *And be it enacted*, That said Mahlon Mulford be, and he hereby is appointed a trustee to pay the proceeds of the sale or sales made by him, under and by virtue of this act, to the persons, and in the proportions as designated in and by the said last will of Robert Price, deceased.

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

Approved February 28, 1872.

CHAPTER LXXXVII.

An Act to incorporate the Merchants' Loan and Trust Company.

Corporators.

Name and
powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thos. N. Dale, James F. Preston, Alexander King, Ebenezer K. Rose, Robert Barbour, Absalom B. Woodruff and Charles Hemingway, with all others who are, or shall hereafter be associated with them, be, and they hereby are, with their successors and assigns, made and established a body politic and corporate, by the name of "The Merchants' Loan and Trust Company;" and by that name shall be capable in law to purchase and hold all kinds of property, real, personal and mixed, and the same at pleasure to sell and convey, to sue and be sued, in all courts; to have and use a common seal, and the same to alter at pleasure; to make and carry into effect all such by-laws

and regulations as may be deemed expedient for the proper management of the affairs of the corporation, not repugnant to its charter, the laws of this state or of the United States, and generally to do, and cause to be done and executed, all such acts and things as may seem necessary and proper, within the limitations aforesaid.

2. *And be it enacted*, That the corporation hereby created shall have power to receive money in trust and on deposit, ^{May receive money on trust and deposit.} and to allow and pay interest on said money, and to loan the same at any rate of interest allowed by law; may take and receive on deposit, or in custody for safe keeping, bonds, plate, jewelry, stocks, and other valuable property, upon such terms and for such compensation as may be agreed upon by the said corporation and the depositors, respectively, of any such property aforesaid; may accept and execute all trusts, whether fiduciary or otherwise, as shall or may be committed to said corporation by any person or persons or party, or by the order or direction of any court or tribunal, or other legally constituted authority in the state of New Jersey, upon security hereinafter provided, for the fulfillment of such trusts; and may make such special regulations in reference to trusts, funds, deposits, or savings left for accumulation or safe keeping, as shall best aid the said depositors or parties interested, by accumulating or increasing the same; and said corporation may advance moneys, securities, and credits upon any property, real or personal, on such terms as may be established by the directors of said corporation; and the funds ^{May invest funds.} of said corporation may be invested and re-invested in, and loans made upon bond and mortgage, on real estate within this state, and the bonds and stocks of this state and of the United States, and upon such other security as the board of directors may see proper; and said corporation may receive, in addition to the interest upon such loans, a commission for the transaction and making said loans.

3. *And be it enacted*, That in all cases where an applica- ^{Corporation may act as receiver or guardian.} tion shall be made to any court having jurisdiction and authority to appoint a guardian for any infant, or receiver of any estate, such court shall have power to appoint said corporation such receiver, or the guardian of the estate of said infant, upon the security herein provided for the fulfillment of said trusts; and said corporation, in respect to such trusts as shall be committed to them by any court or tribunal in this state, under any of the provisions of this act, shall be sub-

ject to all such orders and decrees as said court shall make and pass, in respect thereto, and to the investment thereof, and shall be liable to account at such time and times, and in such way and manner as said court or tribunal shall, from time to time direct.

May hold real
or personal es-
tate, &c.

4. *And be it enacted*, That it shall be lawful for the corporation hereby incorporated, to take and hold any real or personal estate in trust or otherwise, as security for, or in payment of loans and debts due and to become due to said company, to purchase real estate or other property, at any sale made in virtue of any loan, debt, or mortgage made or held by said company, and receive and take in satisfaction of any such loan or debt, any real estate or other property, and hold, lease and convey the same at pleasure.

Capital stock
liable for
trusts and de-
posits.

5. *And be it enacted*, That all the capital stock, property and estate of every kind belonging to said company, shall be and stand charged with the fulfillment of said trusts and the payment of said deposits, and said trust and other funds, as the first and prior lien thereon, in case of the failure of said corporation; and said corporation shall at all times have a lien upon all the stock or property of its stockholders invested therein, for all debts due from them to said corporation.

Capital stock.

6. *And be it enacted*, That the capital stock of said company shall not be less than one thousand shares of one hundred dollars each, with the privilege of increasing the same by a vote of the directors to any number not exceeding five thousand shares in the whole, which shall be transferable according to such rules as may be established by the directors of said company; at the time of subscribing for the capital stock of said company, there shall be paid in ten dollars on each share thereof, and the remaining ninety dollars per share, shall be paid into the treasury of said corporation, as required by the directors in and by a call published in one or more newspapers published in the county of Passaic; and every subscriber who shall neglect to pay said residue of each share by him or her subscribed, in the manner aforesaid, shall forfeit to said corporation his or her share or shares, and all payments made thereon, together with the profits that may have accrued thereon; and said corporation shall not commence the business authorized in the second section of this act until all the capital stock is subscribed for and taken, and at least fifty thousand dollars

is paid in, and the balance, if any paid, or secured to be paid, either by a first mortgage, or mortgages of real estate, of the value of one quarter more than the amount to be secured, or by the pledge of the bonds of the United States, or of the several states, or of either of the incorporated cities of this state, or by such security as shall be approved of by said trustees, the market value of which shall be at least equal to the amount of capital so secured.

7. *And be it enacted*, That to carry out the provisions of this charter, and to organize the said corporation, the persons named in the first section of this act, or a majority of them, are hereby authorized to make and receive subscriptions to the capital stock of said company hereby incorporated, and they, or a majority of them, are hereby empowered to open books for such subscription, at such time or times, and place or places, and in such manner, in the city of Paterson, as shall be appointed by them; and said persons named in the first section of this act, or a majority of them, are hereby authorized to call a meeting of the stockholders, to be holden in Paterson, within thirty days after the capital stock to the amount last aforesaid, shall have been subscribed, for the purpose of choosing directors, who, when chosen, shall continue in office until the first annual meeting of the stockholders, which shall be held in the city of Paterson on the second Tuesday of January next, after such organization.

Commissioners to open books of subscription.

8. *And be it enacted*, That for the well ordering of the affairs of said company, there shall not be less than five, nor more than fifteen directors, of whom a majority shall be residents of this state, and five of them, at least, residents of the city of Paterson, who shall be elected annually by the stockholders in general meeting, and none but stockholders shall be eligible as directors; at the first meeting after each election, the directors shall choose one of their number for president, and whenever the place of president or director shall become vacant by resignation, or otherwise, the same may be supplied by the board of directors for the remainder of the year; and said directors shall determine how many of their own body shall constitute a quorum for the transaction of business.

Directors.

President.

9. *And be it enacted*, That a general meeting of the stockholders may be called whenever the stockholders shall judge proper, and at least five days previous notice of any general or special meeting shall be given in some newspaper published

Notice of meetings of stockholders.

in the city of Paterson, or in such other manner as the directors may order ; all stockholders shall be entitled to vote in any general meeting, by proxy or in person, and each share shall be entitled to one vote ; but no share or shares in said corporation, shall give to any stockholder a right to vote on the same, unless the same shall have stood in his or her name upon the books of said corporation at least thirty days before the time of voting, after the first election.

Officers.

10. *And be it enacted*, That a secretary, treasurer, and such other officers and agents as may be necessary for performing the business of said corporation, shall be appointed, and their compensation shall be determined by the board of directors, who may also determine the nature and amount of securities to be given by them for the faithful performance of their duties ; the board of directors shall have the disposal, and management of all the property and affairs of said corporation, with the power to regulate the concerns thereof, in all cases not herein otherwise provided.

Annual statement.

11. *And be it enacted*, That it shall be the duty of the president and treasurer of said corporation, annually, on the first day of January, in each year, or within thirty days thereafter, to make out under oath, and deliver to the comptroller of the treasury a statement of the amount of the capital stock, the amount paid in, the amount of moneys held in trust, or in deposit by them, and generally the assets and liabilities of said company ; which said statement shall be entered at length by the comptroller of the treasury, in a book kept for that purpose.

12. *And be it enacted*, That this act may at any time be altered, amended, or repealed by the legislature.

Approved February 28, 1872.

CHAPTER LXXXVIII.

An Act to confirm the proofs and acknowledgments of deeds and other writings of Hezekiah Mount, late commissioner.

WHEREAS, it is represented that Hezekiah Mount, of the township of Princeton, in the county of Mercer, and state of New Jersey, late commissioner appointed and duly commissioned to take the proof and acknowledgments of deeds and other writings, under misapprehension as to the time when his term of office as such commissioner commenced, took the proof and acknowledgment of certain deeds and other writing after his term of office expired; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the acknowledgments of deeds and other writings taken and certified to by the said Hezekiah Mount after his term of office expired, be and the same are hereby declared and made valid and effectual in law, and shall in all courts be held, taken and adjudged to have the same force and effect as if the same had been taken before the expiration of his term of office.

Preamble,
Acknowledgment confirmed and declared valid.

2. *And be it enacted*, That this act shall be held and taken as a public act, and that it shall take effect immediately.

Approved February 28, 1872.

CHAPTER LXXXIX.

A Further Supplement to the "Act to divide the township of North Bergen, Hudson county."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful to add, not

Amount to be raised by taxation. exceeding ten per centum, to the gross amount ordered to be raised by taxation, which sum so added and assessed, shall cover, liquidate and meet the fees or pay of the assessor and the collector, and all other fees and current expenses pertaining to the township of North Bergen; *provided*, said sum in no case shall exceed twenty-five hundred dollars for any single year's disbursements in behalf of fees and current expenses of said township.

Proviso.

Compensation of officers.

2. *And be it enacted*, That the assessor and the collector shall each receive as compensation for his services the amounts which follow; the assessor a sum not to exceed one and a-half per centum on the total amount assessed for all purposes in said township, and the collector a sum not exceeding one and a-half per centum on the amount actually collected by him, said sums to be fixed by the township committee, which committee shall also fix the annual compensation to be paid the treasurer, who shall likewise receive a sum not to exceed one per centum upon the amount disbursed by him.

Records to be open to inspection.

3. *And be it enacted*, That the archives, books and records of the township shall be at all times open to the public examination and inspection of the taxable inhabitants of said township; and regulations may be made and afforded by the township committee in that behalf; and in the event of inability, neglect or failure to discharge clerkship duties, the township committee are empowered to supply a temporary inability, neglect or failure, and deduct and set off from the sum allowed for clerk's salary, a proportionate amount to supply and compensate for such inability, neglect or failure as aforesaid; and the town clerk (whose duties under the direction of the township committee, shall be the recording and keeping of all minutes and official proceedings, the preparing and serving of notices ordered, the issuing and delivery of all declarations of sale, certificates of license, of search, or otherwise,) shall receive in full for each and all of the services so rendered as such clerk, a sum not to exceed three hundred dollars per annum.

Failure of the township clerk to act.

compensation

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

Approved February 28, 1872.

CHAPTER XC.

An Act to change the name and seal of the Washington-Kranken-Unterstützungs-Verein of Washington, South River, to the Koerner Hain, Number Twenty-one, of the town of Washington, South River.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act incorporating the Washington-Kranken-Unterstützungs-Verein of Washington, South River, approved February third, eighteen hundred and seventy, be and the same is hereby amended, and that the said name be and is hereby changed to the name of "Koerner Hain, Number Twenty-one, of the town of Washington, South River," and that the said incorporate association shall be, and is hereby vested with all the rights and privileges inuring to the Washington-Kranken-Unterstützungs-Verein, and also subject to all restriction and liabilities in the said act of incorporation; and that this act shall in no way or manner change the former act of incorporation, but only the name and seal thereof.

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

Approved February 28, 1872.

CHAPTER XCI.

An Act to enable the Trustees of the Emory Methodist Episcopal Church, of Bergen, to convey and mortgage property.

WHEREAS, the Emory Methodist Episcopal Church, of Bergen, are engaged in the erection of a new place of worship;

Preamble.

and whereas, it is desirable to sell the old church edifice and the lot or curtilage upon which it stands, to aid in paying for the new building; and whereas, it may be desirable also to sell some part of the lot or curtilage connected with the new house of worship, or to mortgage some part or all of said real estate,

Trustees empowered to sell real estate. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Emory Methodist Episcopal Church, of Bergen, in the city of Jersey City, and county of Hudson, are hereby authorized and empowered to sell either at public or private sale, such part or parts of the real estate now held by them as they may deem expedient, and to make and deliver to the purchaser or purchasers, a good and sufficient deed or deeds for the same by which the whole title of said corporation shall pass to the purchaser or purchasers, free and clear and absolutely discharged from all trusts whatsoever upon which the same now is, or has heretofore been held, and they are also hereby authorized and empowered to mortgage any part, or all of the real estate held by them when in their opinion it is desirable so to do.

Proceeds, how to be used. 2. *And be it enacted*, That the proceeds of the said sale or sales, or mortgage or mortgages, shall be used by said trustees to aid in paying for the new building now erecting, or for such other purpose as the said trustees shall determine.

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

Approved February 28, 1872.

CHAPTER XCII.

An Act to change the name of Zion Free Church, Bergen,
at Jersey City.

Change of name. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of "Zion Free Church, Bergen," of Jersey City, be and the same is hereby

changed to that of "St. John Free Church, Jersey City," and by the latter name shall have, hold and receive all real and personal estate, and enjoy all rights, powers, privileges and immunities, and be subject to the same liabilities as though the name of said church had not been changed.

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

Approved February 28, 1872.

CHAPTER XCIV.

An Act for the widening and straightening of roads and laying out of streets and avenues in the township of Lodi, in the county of Bergen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for all taxable inhabitants that own property fronting on any public highway, proposed to be improved, or the property owners over whose lands, streets or avenues are proposed to be laid out, or a majority of them that are present at any meeting called for the said purpose, public notice of which shall be given by six written notices, placed in six conspicuous places along the line of the proposed improvement, ten days previous to said meeting to appoint three commissioners, with full power and authority to straighten or widen any road to no less than three rods, that may be less than that width, and to lay out any street or avenue to such width, and to grade and put in good order, as a majority of said voters at the said meeting may decide, then to adjourn subject to the call of the commissioners.

Owners of property empowered to appoint commissioners to lay out any street or avenue, &c.

2. *And be it enacted*, That the said commissioners or a majority of them are to act until the duties entrusted to them are finished, at which time they will call the adjourned meeting (of which they shall give five days notice in the manner provided in section first of this act), and exhibit a statement of their proceedings, and that each of said commissioners,

Commissioners to exhibit statement.

before proceeding under their said appointment, shall take and subscribe an oath or affirmation before a justice of the peace, faithfully and impartially to discharge the duties of his appointment.

May enter on
and take
lands, &c.

3. *And be it enacted*, That the said commissioners, or a majority of them, shall have power to employ all necessary surveyors, workmen and agents, to effectually carry out the powers and authority granted in the first section of this act, and they are hereby authorized to enter upon and take any lands and improvements (including all buildings except dwelling houses), that may be necessary for that purpose, upon paying to the owner or owners the damage done by taking the said lands and improvements, the said damage to be determined by the said commissioners; *provided*, that in determining said damage done by the taking of the land, they shall only allow to the owner for the excess if any of damage done over and above the advantage that will, in their judgment, accrue to the owner or owners of land taken, and all excess of benefits shall be assessed on the lands benefited, in proportion to the benefits.

Proviso.

Duties of over-
seers of high-
ways.

4. *And be it enacted*, That when any road has been straightened or widened, as laid out and designated by the surveyor, the commissioners shall forthwith notify the overseers of highways of the district or districts in which the said improvement has been made, and it shall be his or their duty to take charge of the same as of other highways in the said district or districts respectively.

Meeting to de-
cide when
streets shall
be opened.

5. *And be it enacted*, That when any meeting is called according to the provisions of the first section of this act for the purpose of laying out any street or avenue, it shall be lawful for the majority of said meeting to decide when said street or avenue shall be opened; and if the time for opening any street or avenue is undetermined by said meeting, it shall be lawful to call in like manner any subsequent meeting to decide when said street or avenue shall be opened.

Costs and ex-
penses to be
assessed.

6. *And be it enacted*, That it shall be lawful to assess the costs and expense of any improvement decided upon agreeable to the first section of this act; and the said commissioners shall make the said assessment according to the frontage, by dividing the whole amount of the cost (upon each road, street or avenue separately), of the improvement by the number of running feet along the line of the road,

street or avenue improved, each and every running foot bearing an equal portion of the cost.

7. *And be it enacted*, That certificate of the said assessment so determined shall be a lien on the lands upon which it is laid, and the said commissioners shall make a copy of said certificate, which they shall place in the hands of the collector of taxes for the time being of the township of Lodi; and it shall be the duty of the collector to collect said assessment within sixty days of his receipt of the said certificate in the same manner as township taxes are collected (the collector's ordinary securities being responsible for the same), and pay the same over to persons presenting orders signed by said commissioners, and the said collector shall, in the collection of said assessments, be liable to the same pains and penalties, and entitled to twenty cents per name for each owner assessed. Assessments to be a lien. Collectors to collect assessments.

8. *And be it enacted*, That in case any owner or owners of lands so assessed as aforesaid shall fail to pay the assessment laid thereon within six months from the time the same shall become due by virtue of this act, upon which the said assessment is a lien, said lands shall be sold in the same manner and by the same authority as lands are sold for non-payment of state and township taxes. Lands to be sold for non-payment.

9. *And be it enacted*, That it shall be the duty of said commissioners in each case, within thirty days after the conclusion of their proceedings, to make return of their proceedings to the clerk of the county of Bergen, who shall file the same of record in his office, and the same, or a copy thereof, certified by said clerk, shall be evidence in all courts of this state. Commissioners to make return of proceedings.

10. *And be it enacted*, That the commissioners shall receive for their services two dollars per day each for each day's actual service, to be included in the assessments above provided for. Compensation

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

Approved February 28, 1872.

CHAPTER XCV.

An act to incorporate the Howland Hotel Company.

- Corporators.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Anthony J. Drexel, Cadwalader Biddle, Edward Browning, Jacob Herbert, Henry Howland, William P. Tatham, and all such persons as may be hereafter associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in law, by the name of "The Howland Hotel Company," and by that name shall have power to lease, purchase and hold real estate, at or near Long Branch, in the township of Ocean, county of Monmouth, and state of New Jersey, and to erect, improve and maintain a hotel and other buildings and improvements thereon, or upon any part thereof, and to mortgage said real estate, with the appurtenances or any part thereof, and to transact all such business as may be incident or appertaining to the managing, erecting, furnishing, conducting, leasing, holding, or mortgaging of said premises, or for the management or distribution of the stock, effects and concerns of said corporation, or otherwise controlling or disposing of the same.
- Name and powers.**
- Capital stock.** 2. *And be it enacted*, That the said corporation shall have power to raise, by a subscription, a capital stock of sixty thousand dollars, with liberty to increase the same whenever a majority of the directors of said corporation shall so determine, to any sum not exceeding one hundred thousand dollars, which capital stock shall be divided into shares of one hundred dollars each, and shall be transferable in such manner as the by-laws of said corporation shall direct, and each share of the said capital stock shall entitle the bona fide owner thereof to one vote at all meetings of the stockholders, which vote may be given either in person or by proxy.
- Commissioners to receive subscriptions.** 3. *And be it enacted*, That the persons named in the first section of this act are hereby appointed commissioners to receive subscriptions to said capital stock, at such places and times in the city of Philadelphia, state of Pennsylvania, city of New York, state of New York, and in the state of New

Jersey, as a majority of them may appoint, giving previous notice thereof in a newspaper published in the county of Monmouth and city of Philadelphia, for two weeks, at least once each week, and as soon as twenty thousand dollars of said capital stock is subscribed, the said commissioners, or a majority of them, shall call a meeting of the stockholders for the purpose of organizing said corporation and electing directors, giving notice thereof in a newspaper in said county of Monmouth, as said commissioners, or a majority of them, shall deem expedient, and the remainder of the stock shall be disposed of under the direction of the directors of the corporation, or a majority of them.

4. *And be it enacted*, That the directors shall be elected Election of directors. from among the stockholders, and shall be five in number, who shall hold their office until others are duly elected and qualified in their stead; and in case of a vacancy in the board of directors by death, resignation, or otherwise, a majority of the remaining directors shall have power to fill such vacancies, and any election or elections of directors after the first election aforesaid, shall be held at such time and manner as the by-laws of said corporation shall provide, and that a majority of the directors for the time being, shall form a board for the transaction of the business of said corporation, and shall have power to make such by-laws, ordinances and regulations as shall seem necessary and convenient for the management or disposition of the stock, effects or concerns of said corporation.

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

6. *And be it enacted*, That the said corporation may be dis- How dissolved solved whenever the stockholders representing three fourths of said capital stock shall so determine, at a meeting held for that purpose, of which notice shall be given by publishing the same in newspaper published, printed and circulated in the county of Monmouth, state of New Jersey, and said city of Philadelphia, specifying the object of such meeting; and in such case, the directors for the time, shall be the trustees to sell, dispose of the property of said corporation, who shall divide the proceeds of such sale, after payment of the debts and liabilities of said corporation *pro rata* among the stockholders.

7. *And be it enacted*, That the said corporation by the ac-

May borrow
money.

tion of its board of directors, when they deem it necessary for the purposes of the company, shall have power to borrow money from time to time, and make and deliver the bonds of the company executed as the directors may direct, bearing interest as therein or in coupons shall be expressed, not exceeding seven per centum per annum, the principal and interest payable at such times and places, in or out of this state, and in such manner as they may direct, the total amount of the bonds not to exceed twenty thousand dollars, and they may secure the same by mortgage or mortgages of the company, which shall be and remain a lien for the amount secured thereby, on any property real or personal, and upon the chartered or other rights of the company therein and thereby mortgaged until the same be paid; and the registry thereof in the county of Monmouth shall be notice to all parties interested, and the same shall be recorded by said clerk in the record of mortgages in his office; and it shall be lawful for said directors, and they are hereby authorized to negotiate, sell or dispose of any of the bonds or obligations of the company at public or private sale, at a rate to be fixed by the said board of directors at a meeting called for that purpose.

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

Approved February 28, 1872.

CHAPTER XCVII.

An Act enabling the Rector, Wardens and Vestrymen of St. Paul's Church, in Rahway, to sell lands.

Preamble.

WHEREAS, Nathan Thorp and wife, by their deed dated the sixth day of March, eighteen hundred and forty-eight, and recorded in the clerk's office of Middlesex county, in book forty-seven of deeds, page one hundred and forty-six, etc., did convey unto "The Rector, Wardens and Vestrymen of St. Paul's Church," and to their successors forever, a certain tract of land now in the said city of Rahway, and

in said deed particularly described ; and whereas, for some time after the making of said deed, the said tract was used as a burial ground, and various lots therein sold by said church to persons who have used the same for purposes of interment ; and whereas, for a long time the use of said tract for such purposes has been forbidden by the municipal authorities of said city, in consequence of which nearly all the burial lot holders who can be found have removed the remains of bodies from their lots, and have surrendered the deeds given them by said church ; and whereas, said burial ground, by disuse and neglect, and by city improvements being made adjacent to and upon the same, is becoming a source of injury to the neighborhood and to the public at large, and is also a heavy burden upon said church, by reason of assessments laid upon it for said improvements ; 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 said church corporation to purchase other lands, in some suitable location, for burial purposes, or sufficient burial lots in some cemetery already laid out and established in the vicinity of the city of Rahway, and at their own proper costs and charges remove and reinter the remains of the bodies now interred and buried in the above mentioned land, heretofore used as a burying ground as aforesaid, and also to remove all tombstones and monuments erected over the graves of remains in said burying ground, and set the same up in a substantial and proper manner over the graves of the bodies so removed and reinterred, and without charge, giving to the owners of all lots from which remains may be taken a title to the lots to which such remains may be removed.

May purchase
lands for burial
purposes.

2. *And be it enacted*, That upon the removal of the bodies, tombstones and monuments from the said land, by the said church, as above provided, it shall be lawful for the said corporation, and they are hereby authorized and empowered to sell and convey the whole or any part of the said tract of land and premises, in fee simple or otherwise, as may to them seem proper and desirable, free and clear, and absolutely discharged of and from all trusts whatsoever, and to execute and deliver to the purchaser or purchasers thereof good and sufficient deed or deeds therefor, to be executed and proved in the manner that deeds of corporations are now made and proved by law, which deeds shall convey to and vest in the purchaser or

May sell and
convey lands.

purchasers a good and valid title to and for the said land so conveyed.

Corporation to
pay and re-
fund money
to purchasers
of lots.

Proviso.

Proviso.

3. *And be it enacted*, That the said church corporation shall pay and refund to such person or persons as may have purchased lots in the said tract, and who have not surrendered their deeds therefor, the amount of the purchase money paid for said lots, without interest, and less the expense of the removal of bodies and head-stones from said lots and cost of new lot, as damages for taking the same; *provided*, the same be demanded within five years from the passage of this act, and the remainder of the purchase money received for the land so sold shall and may be applied to and for such purpose as the said church may direct; *and provided further*, that if any such owner shall be dissatisfied with the amount of said damages, he or she, at any time within one year after the passage of this act, upon giving ten days' notice to said church, may petition the supreme court or circuit of Union county, for an assessment of such damages; and the said court shall order a trial by jury to estimate and assess the damages, if any, sustained by the party so dissatisfied for the deprivation of such lot for such purposes; the trial whereof shall be conducted as in other cases of trial by jury, and in estimating such damages the jury shall deduct therefrom such advantages as said owner may be deemed to acquire by the removal of any remains from his lot, and by the acquisition of the title to the lot in which said remains may be placed, and said corporation shall be liable for the payment of the amount of the damages awarded by such jury on demand; but no claims made by any owner, whether by appeal or otherwise, shall in any way interfere with or prejudice the title of any purchaser of the same.

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

Approved February 28, 1872.

CHAPTER XCVIII.

An Act to incorporate the Medford Land Improvement Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin F. Shreve, Henry I. Budd, Barclay Haines, Henry P. Ely, Franklin C. Dough-^{Corporators.} ten, Abraham P. Stackhouse, and Richardson S. Reeve, and all such persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic in fact and in name of "The Medford Land Improvement Company;" and by that ^{Name and powers.} name shall be capable in law, of purchasing, using, holding, letting, improving and disposing of such real and personal estate, in the county of Burlington, as may be necessary or expedient to the objects of this incorporation; and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever, necessary or useful for the said purposes.

2. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted ^{Affairs, how managed.} by seven directors, a majority of whom shall be residents of this state, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices respectively for one year, and until others are elected, and that the said directors shall be chosen on the first Monday in May in every year, at such time and place as shall be provided for by the by-laws of said corporation, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and that notice of the time and place of such election shall be published not less than two weeks previous thereto, in a newspaper published in the county of Burlington; and each stockholder shall be entitled to one vote for each share he or she may hold in said corporation; and the persons having the greatest number of votes shall be directors; and the said directors may appoint all agents, officers and superintendents, and make such compensation and assign such duties to the said agents, officers and superintendents as

they shall think fit; and if at any time it shall happen that any vacancy or vacancies occur, from any cause whatsoever, among the directors of said company, such vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them shall appoint; and until other directors are chosen from the stockholders, the first directors shall be Benjamin F. Shreve, Henry I. Budd, Barclay Haines, Henry P. Ely, M.D., Franklin C. Doughten, and Richardson S. Reeve, who shall hold their offices until the first Monday in May next, or until others are legally chosen, and that the offices of the company shall be at Medford.

3. *And be it enacted*, That the capital stock of said corporation shall be twenty-five thousand dollars, with the privilege of increasing it to fifty thousand dollars, which shall be divided into shares of fifty dollars each, and as soon as one hundred shares of the capital stock shall have been subscribed, and the sum of five dollars on each share so subscribed, paid or secured to be paid, it shall, and may be lawful for said corporation to proceed to carry into effect the objects of said corporation; and it shall be lawful for the directors of said corporation to call and demand from the stockholders thereof, respectively, such installments, and at such times, and in such proportions as they shall deem proper, not exceeding twenty-five dollars on each share, at any one time, notice of which shall be published for at least three weeks in a newspaper in the county of Burlington, or be given in writing to the stockholders for the same length of time before such installments are required to be paid; and in case of the failure of any stockholder to pay his or her installment at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholders shall incur a forfeiture of his or her share or shares, and of all previous payment thereon for the use of the company; and the books of subscription for the stock of the said corporation, shall be opened at such time and place, and remain open in the said county of Burlington, as long as the directors shall appoint; notice being given previous thereto, for two weeks, in a newspaper printed in said county, and the shares of the said capital stock shall be deemed personal property, and be transferable in such manner as the corporation by their by-laws shall direct.

4. *And be it enacted*, That the said company is hereby au-

thorized to let, rent, lease, mortgage and sell all such land and real estate as they may hold, and to improve the same by building thereon, or by laying off the same in lots, and to use the same for agricultural purposes, or in any other lawful way the said corporation may deem necessary and advisable.

May let, lease
and sell land
and real es-
tate.

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

May make by-
laws.

Proviso.

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

Failure to
elect directors
not to dissolve

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

Act may be
repealed.

8. *And be it enacted*, That this act shall continue in force for thirty years, and that it shall take effect immediately.

Limitation.

Approved February 29, 1872.

CHAPTER XCIX.

A Supplement to an act entitled "An Act to set off a part of the township of Tewksbury, in the county of Hunterdon, and annex the same to the township of Clinton, in said county," approved March twenty-ninth, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the following shall be hereafter taken and considered as the established line between the

Township line

townships of Clinton and Tewksbury, in the county of Hunterdon: beginning at that point in the division line between the townships of Clinton and Tewksbury and High Bridge, where the division line between the township last named intersects the division line first above named; and running thence in a southeasterly direction to a point in the middle of the great road leading from James Ramsey's residence to the residence of Morris E. Alpaugh, which point is directly opposite the northeastern corner of the dwelling house of William Alpaugh, leaving said Alpaugh in the township of Clinton; thence in a direct line a southeasterly direction to the middle of the arch bridge over Cold Brook, in a line between the townships of Tewksbury and Readington.

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

Approved February 29, 1872.

CHAPTER C.

An Act to repeal an act entitled "An Act to authorize the inhabitants of the township of Acquackanonk, in the county of Passaic, to raise poll tax," approved the twenty-eighth day of March, eighteen hundred and sixty-five.

Repealer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the provisions of the act entitled "An Act to authorize the inhabitants of the township of Acquackanonk, in the county of Passaic, to raise poll tax," approved the twenty-eighth day of March, eighteen hundred and sixty-five, be and the same are hereby repealed.

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

Approved February 29, 1872.

CHAPTER CI.

An Act to amend the act entitled "An Act to incorporate the Englewood Horse Railway Company," approved April sixth, one thousand eight hundred and sixty-six, and to change the name of said road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the seventh section of the "Act ^{Amendment.} to incorporate the Englewood Horse Railway Company," approved April sixth, eighteen hundred and sixty-six, be, and the same is hereby amended so as to read as follows: "*And be it enacted*, That said company be, and hereby is authorized to enter on, survey, lay out, construct and operate a railroad to commence at some point in Bergen county at the northerly boundary line of this state upon or near the elevated ridge of land known as the Palisades, and running thence southerly along the said ridge, crossing Palisades avenue in Englewood near Summit street, and thence southerly by any practicable route through Bergen and Hudson counties to the Hudson river, with the right to connect with or become consolidated, in fact and in law, with any other railroad or railroad company in the said counties of Bergen and Hudson, or either of them, in the manner provided by the eighteenth section of said act."

2. *And be it enacted*, That the words "fourth day of July, ^{Amendment.} eighteen hundred and seventy-three," at the beginning of the twenty-fourth section of said act be altered and amended so as to read as follows: "fourth day of July, eighteen hundred and seventy-five."

3. *And be it enacted*, That the name and title of the said ^{Name and title changed.} Englewood Horse Railway Company be, and the same is hereby changed to "The Palisades Railroad Company," and that this act shall take effect immediately.

Approved February 29, 1872.

CHAPTER CII.

An Act to incorporate the Freehold Cranberry and Land Improvement Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George W. Patterson, William B. Sutphin, William H. Conover, senior, John H. Patterson, William M. Smith, and all such persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate, in fact and in law, by the name of "The Freehold Cranberry and Land Improvement Company," for the purpose of buying, holding, cultivating and improving lands in Monmouth and Ocean counties, and for the raising and selling of cranberries and other fruits, and other produce of said lands, and carrying on the business connected therewith, and erecting such buildings, and holding such personal property as may be necessary therefor; and that they and their successors, by the same name, may sell, grant, alien, mortgage and dispose of the said lands, tenements, hereditaments, cranberries, produce and fruits, goods and chattels, or any part thereof, and may lay, open, make and maintain ditches, drains and embankments through their own, and adjoining and contiguous lands, as they deem for the benefit of said lands, doing no unnecessary damage, and subject to such compensation to be made therefor, as is hereinafter directed.
2. *And be it enacted*, That if the said company, or their agents, cannot agree with the owner or owners of such required lands, for the use thereof, or when by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, then one of the judges of the court of common pleas, in and for the county of Monmouth, shall, on application of either party, nominate and appoint three disinterested persons, to examine such lands and estimate the damage sustained thereby, who shall, at the same time, take into consideration all the benefits which the said owner or owners may derive from or in consideration of said improvement, and who shall, after at least ten days' notice to the par-

Corporators.

Name and powers.

Proceedings in case company and owners cannot agree.

ties, of the time and place where they will be heard in relation to the matter, proceed, without delay, to make their report thereon, and deliver the same to the court at the next session thereof, which shall be held in the said county of Monmouth; and whenever such report shall be confirmed by the court aforesaid, the said company shall, within two months thereafter, pay to the said owner or owners, or such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the damages sustained; and thereupon the said company shall be discharged from all such claim by reason of such damage, but no claim shall be made or allowed after the expiration of three years from the time the lands are taken or the damages sustained.

3. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with the liberty to increase the same to one hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and that subscriptions to the capital stock may be paid in real and personal estate, in a valuation to be agreed upon by a majority of the directors; and the said corporation may issue stock in payment therefor, and the books of subscription for stock shall be opened in the town of Freehold, in the county of Monmouth, at such time and place as the directors may designate, under their directions, or that of such person or persons as a majority of them may select.

Amount of
capital stock.

4. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five directors, one of whom shall be president, and a majority of whom shall have all the power of the board, and they shall hold their office for one year, and until others shall be elected in their places, and shall have power to make by-laws for the government and management of said corporation, and shall hold their meetings at such time and places, in this state, or elsewhere, as the by-laws may provide; and that until an election for directors shall be held, the persons named in the first section of this act shall be directors.

Board of direc-
tors.

5. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to carry out the purposes of this act, and to secure the payment thereof, with interest, by bond and mortgage, or otherwise, on the property, franchises and privileges belonging to the said corporation.

May borrow
money.

6. *And be it enacted*, That the said corporation may be

How dissolved

Proviso.

dissolved by a general meeting of the stockholders especially called for that purpose; *provided*, that at least three-fourths in value of the holders of the capital stock shall concur therein; and upon such dissolution, the directors for the time being, and the survivor or survivors of them, or such person or persons as the said stockholders shall appoint, shall be trustees for settling all the affairs of the company, collecting and disposing of its property and assets, paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interest in the stock.

Stock, how transferable.

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

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

Approved February 29, 1872.

CHAPTER CIII.

An Act to confirm a deed of conveyance made by George B. Stothoff, Charles Bartles, Thomas C. Haward, Peter W. Burk, Peter I. Nevius, and Richard Emmons, trustees of the First Presbyterian Church at Flemington, to William P. Emery.

Preamble.

WHEREAS, George B. Stothoff, Charles Bartles, Thomas C. Haward, Peter W. Burk, Peter I. Nevius and Richard Emmons, trustees of the First Presbyterian Church at Flemington, did, by their certain deed of conveyance, duly executed under their hands and seals, bearing date the eleventh day of October, in the year of our Lord, one thousand eight hundred and seventy-one, grant, bargain, sell, alien, release, convey and confirm to the said William P. Emery, his heirs and assigns forever, all that certain session room, lot or parcel of land and premises, situate in the village of Flemington, in the county of Hunterdon, and state of New Jersey, on the southerly side of Union

street, and in the said deed of conveyance, particularly described by metes and bounds, which said deed of conveyance is recorded in the clerk's office of the county of Hunterdon, in volume one hundred and forty-nine of the record of deeds for the said county, page four hundred and ninety-eight, and so forth; and whereas, there are doubts as to the validity of said deed, and the right and power of the above named trustees of the First Presbyterian Church at Flemington, so to make conveyance of, and sell the said lot of land and premises; for remedy whereof,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said deed of conveyance be, and the same is hereby in all things confirmed as valid and effectual in law, and shall be deemed and taken to convey to, and vest in the said William P. Emery, his heirs and assigns, an estate of inheritance, in fee simple, of, in and to the said lot of land and premises forever; and that the said deed of conveyance, or the record thereof, shall be received in all courts of law and equity, as full and complete evidence thereof.

Deed declared
valid.

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

Approved February 29, 1872.

CHAPTER CIV.

An Act to incorporate the New Jersey Chemical Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William E. Lafferty, Henry C. Gibson, Thomas B. Watson, Peter L. Voorhees, their associates and successors be, and they are hereby created and declared to be a body corporate and politic in law and in fact, by the name of "The New Jersey Chemical Company," and as such shall have perpetual succession, and all

Corporators.

Name.

the franchises, and privileges belonging to or incident to a corporation.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each, which said capital stock shall be personal property, and be transferable on the books of the corporation.

Commission-
ers to receive
subscriptions.

3. *And be it enacted*, That the above named corporators or a majority of them shall be commissioners to receive subscriptions to the capital stock of the said corporation, at such time and place as they may direct; and at the time of subscribing for said stock such amount on each share subscribed for shall be paid, satisfied, or satisfactorily secured to said commissioners as they or a majority of them may direct, and the residue of the subscription shall be paid, satisfied or secured as the directors of the said corporation when elected shall from time to time direct, giving notice of such time and place in a newspaper printed and published at the city of Camden, for two weeks, at least once in each week; and upon the failure of any person or persons to pay, satisfy or secure the payment of such installment or installments or any of them, the directors shall be empowered, to forfeit the share or shares of each and every person so failing, or any of them, to and for the use and benefit of said corporation; and any share or shares of stock forfeited as aforesaid, may be held by the said corporation or any person or persons for its benefit, and may at any time be sold and disposed of for the benefit of the corporation, as said directors may determine, or may be divided proportionally among the remaining stockholders, to be by them held and enjoyed, or sold and transferred, with all the rights and benefits incident thereto, the same in all respects as if they were original shares by them subscribed.

Election of di-
rectors.

4. *And be it enacted*, That whenever fifty thousand dollars of the capital stock aforesaid, shall have been subscribed, said commissioners or a majority of them shall, as soon as they deem expedient, give notice in such manner as they may determine, of a meeting of the stockholders, at such time and place in the state of New Jersey as said commissioners may designate, to choose not less than three nor more than five directors, who shall hold their office for one year, and until others are duly elected, and at such meeting of stockholders convened as aforesaid, said stockholders shall

prescribe the time and place for holding the annual election, and the number of directors of said corporation, which time and place and number of directors of said corporation, shall not be changed except at an annual election of said corporation; and the directors chosen at such meeting, or at the annual election of said corporation shall, as soon as may be after their election, choose from their number a president of said corporation, who shall hold his office for one year, and until his successor is duly appointed; and in case of the death, resignation, or other incapacity of the president or any director, the vacancy thereby created in the board of directors may be filled by the stockholders, at a meeting properly convened for the remainder of the then current year.

Vacancy, how filled.

5. *And be it enacted*, That at all elections by stockholders for directors of said corporation, and at all meetings of stockholders, and upon all questions submitted to them, each stockholder shall cast one vote for each and every share of stock standing upon the books of said corporation, in his or her name, which vote may be cast either by said stockholder in person or by proxy.

Stockholders entitled to vote.

6. *And be it enacted*, That the board of directors of said corporation shall have power to make and adopt a common seal for said corporation, and the same to alter at pleasure; to appoint a treasurer, secretary and such other officers, agents, clerks, servants and employees of said corporation as they may deem necessary, and to prescribe and regulate their duties, salaries and compensation; to prescribe the form of and to issue or authorize to be issued such promissory notes, bills of exchange and business paper of said corporation as they may determine, to borrow such sums of money as they may from time to time deem advisable, for the purpose of said corporation, and to pledge the property, franchises and credit of said corporation for the payment thereof, or to issue the promissory notes or bonds of said corporation therefor, and to secure the payment of said promissory notes or bonds, either by mortgages on the franchises and real or personal property of the said corporation, wheresoever situate, or in such other way as the said directors may see fit; to make such by-laws, rules and regulations for the issuing and transfer of the stock, and for the government of the said corporation, its officers, clerks, agents and employees, as said directors may determine, and generally to direct, control and

May borrow money and issue notes or bonds.

manage the business and affairs of said corporation in such manner consistently with the provisions of this act as they may think proper.

Principal of-
fice, and busi-
ness.

7. *And be it enacted*, That the principal place of business and chief manufacturing establishments of the said corporation shall be located in the city of Camden, or in the county of Camden; and that said corporation shall be and they are hereby authorized to engage in the manufacture and sale of all kinds of chemical super phosphates and fertilizers, and to purchase, sell, mortgage, hold, use, lease, occupy, possess and enjoy such real or personal property, tools, engines, machinery, fixtures and materials, in this or in any other state or territory, as may be necessary or needful for the proper management or conduct of said business, to purchase, hire, build or construct, such and so many vessels, boats or barges, as may be necessary or useful in carrying on the business of said corporation, and to erect and build such wharves, houses, buildings, structures, shops, engines and machinery, as said corporation may require for the transaction of its business; and said corporation shall be assessed and taxed upon the full and actual value of all their real and personal property only, and not upon the amount of the capital stock paid in; and said corporation shall be entitled to all deductions for and in respect to debts owing by them, in the same way and to the same extent as natural persons now are or hereafter may be under the laws of this state; *provided*, that said corporation shall not be assessed and taxed in this state, for or by reason of, or on account of any interest, in any real or personal estate, situate in any other state or territory, and taxed therein.

Property, how
taxed.

Proviso.

Statement to
be made.

8. *And be it enacted*, That the directors of said corporation shall submit to the stockholders thereof, at their annual meeting, a statement, in writing, of the condition and affairs of said corporation; and said directors shall divide the net profits of the business of said corporation, or so much thereof as said directors may see fit, among the stockholders, in proportion to the amount of stock held by them respectively, at such time and in such manner as said directors shall determine.

Real or per-
sonal property
may be re-
ceived for sub-
scriptions.

9. *And be it enacted*, That any real or personal property, or any materials, engines or machinery, that may be received in payment for any subscriptions for the stock of said cor-

poration, shall be taken at a valuation, to be approved by the directors of the said corporation.

10. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the restrictions and liabilities set forth in an act entitled "An Act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, and the several supplements thereto, so far as the same are applicable.

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

Approved February 29, 1872.

CHAPTER CV.

An Act to incorporate the town of Absecom, out of parts of Galloway and Egg Harbor townships, in the county of Atlantic.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all those parts of Galloway and Egg Harbor townships, in the county of Atlantic, contained within the following limits, to wit: beginning at the bay or sounds in the township of Egg Harbor, in a line with the north line of lands of Mark Reed, and the south line of Joab Chamberlin's land; thence following the course of said lines in their several courses to where it intersects with the shore road; thence along said road to the road leading from Jonathan Babcock's to Absalom Doughty's mill; thence along said road to where it intersects the road leading from Pleasantville to said mill; thence in a northwest course to a stake which stands in a southwest course from where the road leading from Absecom to Egg Harbor City crosses Clem's branch; thence northeast to a stake which stands in a west course from the line running between the lands of Daniel Steelman and Ezra Conover; thence following the course of said line to a stake at the upland and meadow edge; thence southeast to the bay or sounds; thence along said bay or sounds, fol-

lowing the several courses to the place of beginning, be and the same is hereby formed into a town corporate, to be designated and known as the town of Absecom; all the inhabitants within said limits shall be and they are hereby constituted a body politic and corporate in law, by the name of the town of Absecom.

Rights and
privileges.

2. *And be it enacted*, That the said corporation in addition to the rights, privileges and immunities granted, and the duties and obligations imposed by this act, shall be entitled to all the rights and privileges and immunities conferred, and subject to all the duties, restrictions and liabilities imposed by the laws of this state upon the inhabitants of the several townships thereof, so far as the same are consistent with the provisions of this act.

Officers.

3. *And be it enacted*, That the officers of said town shall consist of six councilmen, a town clerk, who shall be the clerk of elections, one assessor, a collector of taxes, who shall be treasurer; also one overseer of the streets and highways, one judge of elections, one constable, one justice of the peace, one overseer of the poor, one pound keeper, one chosen freeholder, three commissioners of appeal in cases of taxation, one surveyor of highways, all of which officers shall hold their offices for one year, except councilmen and justice of the peace, who shall serve three years; but on the first election two councilmen shall be elected for one year, two for two years, and two for three years; and in the following town meetings thereafter there shall be elected two council-

Compensation

men to serve three years each; the councilmen shall receive no salary for their services; the town clerk shall receive the sum of fifty dollars per annum; the overseer of streets and highways shall receive the sum of one dollar and fifty cents per day for each day's actual service rendered to the town, and all other officers shall be entitled to the same fees as the officers in townships now receive; all of said officers except councilmen and justice of the peace shall be elected annually, by ballot, on the second Wednesday in March, in the same manner as township officers are now elected; the election to be held and conducted by the judges of election and the clerk, in the same manner and under the same regulations as prescribed by law for the election of members of the legislature; and the return of all elections of town officers shall be stated and signed by the judge thereof and attested by the clerk, and within forty-eight hours after the closing of

Election.

the polls, filed in the office of the town clerk, who shall, within five days thereafter, also file a true copy of said return in the office of the clerk of the county.

4. *And be it enacted*, That every person who would, by the laws of this state, be entitled to vote in said town at an election for members of the legislature, if held on that day, shall be entitled to vote at the town election above designated, and the person or persons receiving a plurality of votes of those given in the town for any town office at such an election, shall be deemed elected for the office designated, and the judges shall in the said return designate who are elected to the several offices to be filled at such election.

5. *And be it enacted*, That the following persons, viz., Election officers. Felix Leeds, Absalom Doughty, Garret Demille act as judges, and Peter T. Frambes clerk of the first election, and that all future elections to be held for county, state and town officers within said town, shall be held by the judges, collector and assessor and clerk of said town provided for by this act, or in the absence, disqualification, or inability of any of them, the vacancy shall be supplied in the manner prescribed by the laws of this state in such cases.

6. *And be it enacted*, That the place at which all elections shall be held shall be designated by the councilmen herein provided for, excepting the first election under this act, which shall be held in Walter's Hall, in said town of Absecom, and all elections shall be published by the clerk of the town in three of the most public places of the town at least ten days prior to any such election.

7. *And be it enacted*, That the said corporation shall and may have power by the title of the town of Absecom, to sue and be sued, answer and defend, plead and be impleaded unto, in any of the courts of this state, and may have a common seal, alterable at pleasure.

8. *And be it enacted*, That the legislative power of said corporation shall be vested in the councilmen, who shall, also for the purposes of this act, do and perform the duties, and be invested with the power and authority of the township committees of the townships of this state, in all cases wherein the exercise of such powers and duties shall be required in said town, and said councilmen shall annually elect one of their number to be chairman, and in his absence a chairman for the time being; appoint their time and places of meeting, determine the rules of their own proceedings, keep a journal

of their proceedings, and shall have power and authority to pass ordinances, and resolutions pertaining to the purposes and objects of said corporation, and necessary and proper for the carrying out of the provisions of this act, and shall have power and authority to fill any vacancy that may occur in their number, either from removal or death, or resignation, until others be elected in their places.

Officers to
give bond

9. *And be it enacted*, That the councilmen may, in addition to the official bonds now required from officers elected at township meetings, require such other bonds for the faithful performance of the trusts and duties of any officers elected by virtue of this act, as said council shall deem expedient, and no officer elected under this act shall enter upon the discharge of his duties unless within ten days after his election he take and subscribe before the town clerk an oath or affirmation, faithfully and impartially to execute the trusts imposed in him; which oath the said clerk is hereby authorized and empowered to administer, and shall keep all such oaths and affirmations on file in his office, and the clerk himself shall make a like oath or affirmation before some justice of the peace in said county, which shall by the councilmen be filed in the office of the clerk of the county of Atlantic.

Treasurer.

10. *And be it enacted*, That the treasurer shall receive all moneys collected by said corporation, and shall pay out the same only upon warrants from the councilmen, signed by their chairman, and countersigned by the town clerk, except for payments of bonds of the town, and money paid into the treasury, for the redemption of taxes and assessments, and no warrants on the treasurer shall be so drawn, except in pursuance of an order of the councilmen passed at a stated meeting, and entered on the minutes; all such warrants shall be made and numbered, 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.

Town clerk.

11. *And be it enacted*, That the town clerk shall, in addition to the duties required of him by this act, or any other act of this state, have charge of all the records, books and documents of the town, except when the councilmen shall otherwise direct, he shall keep a record of the proceedings of the councilmen; he shall engross all the ordinances and resolutions of the councilmen in the books to be provided for that

purpose, with proper indices, for which service he shall be not entitled to receive any extra pay or additional pay, said books shall be deemed a public record of such ordinances and resolutions and shall be signed by the chairman, or acting chairman, of the council and said clerk; copies of all papers duly filed in his office and transcript thereof, and of the records and proceedings of the councilmen, and copies of the law or ordinances of said town, certified by him under the corporate seal, shall be evidence in all courts and places.

12. *And be it enacted*, That the official term of the several Term of office. persons who shall be elected in pursuance of this act, shall commence on the last Monday of March after their election, and shall continue in office the time for which they were elected.

13. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any question to which issue or investigation the town of Absecom is a party, or in which it is interested, no person shall be deemed an incompetent judge, witness or juror by reason of his being an inhabitant, freeholder or freeman of said town. No person incompetent as witness or juror.

14. *And be it enacted*, That the councilmen shall, at least once a year, not more than twenty nor less than fifteen days before the annual town election, publish a full statement of all the receipts and expenditures of every description for the fiscal year preceding such statement, including all the moneys which have passed through the hands of the treasurer for any purpose whatsoever, together with the different sources of revenue; and the amount received under each, with all such other information as may be necessary for a full understanding of the financial concerns of the town. Statement of receipts and expenditures to be published.

15. *And be it enacted*, That all taxes for the purpose of the town shall be assessed by the assessor who shall be elected in pursuance of this act, upon all the property, both personal and real, situated in the corporate limits of said town, in the manner and within the time directed by the laws of this state for assessing township, county and state taxes, and no property whatsoever, situated within the bounds of said town, shall be exempt from taxation, excepting only such property as may be held or owned by said town of Absecom in corporate capacity, and all churches and school houses and church and school property in said town. Assessment of taxes. No property exempt.

16. *And be it enacted*, That the assessor authorized to be elected by this act shall have the like vote which the assessors County board of assessors.

of townships may have by the laws of this state in the county board of assessors.

Opening, laying out, &c., of streets, roads or avenues.

17. *And be it enacted*, That on the application, in writing, of ten freeholders of the town asking for the opening, laying out, widening, altering, grading, graveling or guttering any street, road or avenue in said town, or any part thereof, it shall be lawful for the board of councilmen, by resolution, to direct the surveyor of highways to make survey of such road, and file the same, together with a map and estimate of the probable cost of such road, with the town clerk, within thirty days from the date of such order; the clerk thereupon shall issue notice, by five notices put up in conspicuous public places in said town, at least ten days previous, calling a town meeting for the purpose of passing upon such application or applications, and if a majority of the legal voters present at such town meeting, shall sanction the opening, laying out, widening, altering, grading, graveling or guttering any street, road or avenue in said town, or any part thereof, the same shall be passed by the councilmen at their next meeting.

Costs and expenses to be assessed.

18. *And be it enacted*, That all expenses and costs of the proceedings for improvements in laying out, opening, altering, widening, grading, altering the grade, or refilling, guttering streets, roads and avenues, and repairing the same, shall be taxed and assessed to the whole town of Absecon.

Expenses to be paid by applicant if rejected by town meeting.

19. *And be it enacted*, That if the application for opening, laying out, altering, widening, filling up, grading, altering the grade or guttering of any street, road or avenue in said town be rejected by the town meeting, called for the purpose of acting upon such applications, then the said expenses shall be paid by the persons applying for the same, and if remaining unpaid after twenty days after the rejection of said application, the same shall be entered as a lien against the property of such applicant.

Authority to raise money for town purposes.

20. *And be it enacted*, That the legal voters of said town shall have power and authority in their annual meetings in each year to raise by plurality of votes such sum or sums as they may think proper and necessary for the support and maintenance of the poor of said town, for the support of common schools, for the making and repairing of roads and highways, and for an amount requisite for all other town purposes, which said sums, when assessed and collected, shall be applied by said councilmen to the purposes designated by the

people of such town meeting, nor shall any part of the same be used or applied to any other purposes whatsoever.

21. *And be it enacted*, That the said town of Absecom shall constitute one school district, to be governed by the Constituted one school district. general school law of this state in regard to schools; and it shall be lawful for a two-third majority of the lawful and legal voters present, at any meeting called by the trustees for the purpose, by putting up in five of the most public places in said district, notices of such meeting, to authorize the trustees of said district to raise money to purchase a site for school house, and to build a school house thereon for the use of said district, the amount so ordered to be assessed and collected as other taxes are assessed and collected in said town; and it shall be lawful for said trustees to issue bonds Trustees to issue bonds. of the said district for the amount so ordered to be raised, and to borrow money on said bonds, the interest in no case to exceed lawful interest.

22. *And be it enacted*, That it shall be lawful for the said corporation hereby created, to purchase or lease such real or personal property as they may deem necessary and proper for the purpose of said town, and the same or any part thereof to lease, mortgage, sell, or otherwise dispose of as to them may seem proper. May purchase and lease property, &c.

23. *And be it enacted*, That the several parts of said town, as hereby created, shall be liable for the payment of Town liable for indebtedness. their proportion of the indebtedness of the township from which the same is created by this act, which indebtedness is now outstanding.

24. *And be it enacted*, That the councilmen of the town of Absecom and the township committees of Egg Harbor and Galloway townships, be and they are hereby empowered to Councilmen and township committees to meet to divide funds, &c. meet on the second Monday in April next, at Walter's Hall, in Absecom, in late the township of Galloway, at the hour of nine o'clock in the forenoon of that day, and then and there proceed ratably to impose, divide and apportion the liabilities, funds, revenues and estates of said townships hereby divided between the said town of Absecom and the residue of the townships of Egg Harbor and Galloway, in proportion to the taxable property and ratables as taxed by the assessors within their respective limits at the last annual assessment; and the inhabitants of the town of Absecom shall be liable to pay their just proportion of the debts as ordered and directed at the last annual town meetings of Egg Harbor and

Galloway townships; and should any such committee or members thereof fail to attend, then a majority may proceed to make such division and apportionment, setting forth the same in writing for publication in the first subsequent annual report of said town and townships, and such convention of committees or members thereof shall have power to adjourn from day to day until the completion of said division be made, and their decision, or a majority of them, shall be conclusive and final, and the passage of this act shall be sufficient notice of the time and place of such meeting.

25. *And be it enacted*, That the legislature may at any time alter, amend or repeal this act, and that this act shall be deemed a public act, and shall take effect immediately.

Approved February 29, 1872.

CHAPTER CVI.

A Further Supplement to an act entitled "An Act to set off from the town of Bergen a new township, to be called the township of Greenville," approved March eighteenth, eighteen hundred and sixty-three.

Preamble.

WHEREAS, the legal voters of the said township of Greenville, at the last annual spring election, voted to raise by taxation the sum of three thousand nine hundred and eighty-five dollars, for the use of the public school in said township; and whereas, the assessor neglected to assess the said sum, whereby the said school was in danger of being closed, to prevent which the legal voters in said township, in pursuance of notice legally given, did on the twenty-third day of December, eighteen hundred and seventy-one, assemble, and by vote, appropriate the said sum of three thousand nine hundred and eighty-five dollars, and by resolution authorize the board of education to borrow the said sum; therefore,

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

at the special meeting held on the twenty-third day of December, eighteen hundred and seventy-one, be and the same is hereby ratified and legalized, and that the said sum so appropriated, together with interest thereon, and all necessary expenses shall, in addition to what may be appropriated by the vote of said inhabitants, at the next annual spring election be included in the next tax levy, and be assessed and collected in the same manner as other taxes are assessed and collected.

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

Approved February 29, 1872.

CHAPTER CVII.

A Supplement to an act entitled "An Act to charter the Passaic Valley and Peapack Railroad Company," approved March twenty-ninth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the New Jersey West Line Railroad Company are hereby authorized and empowered to extend their railroad from its proposed terminus in Essex county, as now authorized, to some point in line with the most easterly exterior line for solid filling, established in the Hudson river by the act of eighteen hundred and sixty-nine, commonly known as the Riparian Commission act.

2. *And be it enacted*, That it shall and may be lawful for the said company to build connecting lines, or branches, from some point on their road near the borough of Clinton, in the county of Hunterdon, and from any other convenient point or points in said county, or any county through which their road may pass, except the counties of Morris, Essex and Hudson, connecting in Warren county at or below the town of Phillipsburg or in any counties through which their road may pass, or counties adjoining the same, with any railroad now built or hereafter to be built; *provided*, that no point

Proviso. on such connecting lines or branches shall be distant more than ten miles on a direct line from the nearest point of the main line; and said company are also authorized to make such changes in their main line as may be deemed advisable to secure the shortest practicable line between the termini of said road.

May purchase and hold real estate. 3. *And be it enacted*, That the said railroad company may have and hold such real estate at any points along the line of said road where the directors may think proper to establish depots, and at or near either termini of their railroad as the said directors may think proper or necessary for the purposes therein mentioned; and may erect and build thereon houses, warehouses, machine shops, wharves, piers, slips, and such other buildings and improvements as they may deem expedient for the transshipment of coal, the handling and storing of freight, the convenience of passengers, the construction, manufacture or maintenance of locomotives, cars and other articles used in the operation and maintenance of their road; and also to have and hold whatever wharves, docks, piers, land or lots, steamboats, sailing vessels, and such other facilities in the city of New York, or elsewhere, as may be necessary for their business, and to take and receive all rents, profits and emoluments thereof.

May build piers, bridges, &c. 4. *And be it enacted*, That it shall be lawful for the said company to erect, build and maintain over such rivers, creeks and streams as the said road, or its branches may cross, such piers, bridges, and other structures as they may deem necessary for the full enjoyment of the privileges and powers conferred by this act; *provided*, that said company whenever it shall become necessary to cross any navigable river or stream with their road, or any branch thereof, shall construct and maintain a bridge or bridges, with suitable and sufficient pivot draws, so as not unnecessarily to impede the navigation thereof; said draws or bridges to have two openings each of no less width than the Newark and New York Railroad's widest opening in any railroad bridge now built over the same stream, said bridges shall be constructed at right angles with the tide, on suitable stone piers not less than one hundred and fifty feet apart from centre to centre, and said piers not to be less than ten feet above high water mark; the piers forming the draws to be properly protected by piles and planks and other guards to prevent injury to vessels; and said company shall at all times where such streams are navigable, for

Proviso.

the safety of persons navigating the same, cause to be kept a red light at each outer side of said draws, and a white light on each inner side of said draws, which shall be lighted every evening before it grows dark, and be kept lighted till daylight, and shall keep or cause to be kept a suitable person, or suitable persons, at each of said bridges, to open the draws for the free passage of all vessels with standing masts or pipes; and for each and every wilful neglect to keep such light, and to open the draws when necessary, the said company shall forfeit and pay the sum of fifty dollars, to be recovered with costs in any court having jurisdiction thereof, by any person who shall sue for the same within six months after the time of such neglect; *provided*, that nothing in this act contained shall be construed to authorize said company to execute any of the works hereby authorized at any point east of a line, starting from the south side of Morris street, and extending indefinitely to the south, in line with Warren street, in Jersey City, north of a line in line with the south line of the tongue of land contained in the grant made by the state by act in eighteen hundred and sixty seven to the Morris Canal and Banking Company, or to interfere with the gap in the easterly bulkhead on said grant, in said act mentioned, or a passage way thereto, without providing a gap of like width therein, at as eligible a place in said easterly bulkhead as the said gap, and as convenient a passage way thereto and therethrough, as to and through said gap first mentioned; *provided further*, in case said road shall cross any street or avenue within the city of Newark or Jersey City, it shall be either above or below the grade, at such distance as shall not interfere with the free and uninterrupted use of said street or avenue.

5. *And be it enacted*, That all the provisions of the act entitled "An Act to charter the Passaic Valley and Peapack Railroad Company," and of the several supplements thereto (except so far as the same may be altered or repealed by this act), shall extend and be applicable to said extension, alterations and branches hereby authorized in every respect as if the same had been authorized under the said act to which this is a supplement.

6. *And be it enacted*, That in case the said company or its agent or agents cannot agree with the owner or owners of any lands or real estate, which by its original charter, or any of its supplements, it is authorized to hold at its several stations

Proviso.

Proviso.

Act extended
and made ap-
plicable.

Proceedings
in case com-
pany and own-
ers cannot
agree.

and depots on the line of the railroad, or any of its branches or extensions, for the purchase of such lands or real estate, or in case it shall become desirable and useful in carrying out the provisions of this act, or of the original charter of said company, or of any of the supplements thereto, to take the lands or materials belonging to any other corporation or corporations, not absolutely necessary to such corporation or corporations, in the exercise of their franchise, all such lands, real estate and materials may be taken and acquired by the said "New Jersey West Line Railroad Company," in the manner and under the restrictions provided in the original charter of said company, and its supplements, for obtaining the land for the route of said railroad, except so far as the provisions of said charter and supplements are altered or repealed by this act.

Proceedings
in case of ap-
peal.

7. *And be it enacted*, That in all proceedings hereafter to be taken under said act, or any of its supplements or this act, for the acquisition of lands, real estate or materials, the application for the appointment of commissioners to assess the price or value of such land or materials, and all damages sustained shall be made to a justice of the supreme court of this state, who shall perform all the duties which by said original charter and its supplements are directed to be performed by a judge of the inferior court of common pleas of the county in which the land shall lie, and any appeal from the decision of commissioners so appointed shall be to the circuit court of the county in which such lands lie, and such appeal shall vest in the said circuit court the same rights and powers in all respects that are by said original act, or any of its supplements, vested in the inferior courts of common pleas, and all payments which by said act, or any of its supplements, are directed to be made into the court of common pleas or to the clerk thereof, shall hereafter be made into the circuit court of the same county, or to the clerk thereof.

Limitation for
action for
damages.

8. *And be it enacted*, That all actions in court for damages resulting from the malfeasance, misfeasance, negligence or omission of the said company, its officers or agents, shall be commenced within one year after the cause of action shall arise or accrue, or the persons sustaining such damages shall be forever barred and deprived from prosecuting or maintaining his, her or their action.

Lands under
water.

9. *And be it enacted*, That any lands of the state under

tide-water, or that have heretofore been under tide-water, which shall happen to come within the location of the route or of the depots, stations, or other works of the company, or shall be needed therefor, shall be paid for by the company to the trustees of the school fund of this state; and the boundaries and price thereof shall be fixed by the riparian commissioners on application for that purpose to them, and shall be paid as aforesaid, prior to any filling or improvement thereon, herein authorized; and on such payment thereof the title to such land shall vest in said company in fee simple, and a deed therefor may be made by said commissioners, governor and attorney-general, in the name and under the great seal of the state.

10. *And be it enacted*, That as soon as said railroad, or any part of it, is in operation, the president of the said company shall make, under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages and all expenses, and file the same in the office of the secretary of state; and annually thereafter, on the first Monday in January of each year, he shall, under oath, make a statement to the secretary of state of the cost of the equipment, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half per centum on the costs, equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year; and such other taxes as may be assessed, from time to time, by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws; and until the passage of such law, the payment of the one-half of one per centum shall be in lieu of all other taxes, and until the said railroad, or any part thereof, shall be in operation, the said corporation shall be regularly assessed, and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purposes, and by the same person or persons as other taxes are assessed in said city or cities, township or townships.

11. *And be it enacted*, That this act shall take effect immediately, and that all acts and parts of acts, so far as the

same conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 29, 1872.

CHAPTER CIX.

An Act to repeal a supplement to "An Act to incorporate the Freehold and Smithville Turnpike Company."

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to "An Act to incorporate the Freehold and Smithville Turnpike Company," which supplement was approved March thirtieth, one thousand eight hundred and sixty-nine, be and the same is hereby repealed.

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

Approved February 29, 1872.

CHAPTER CX.

An Act to incorporate the Bound Brook and Easton Railroad Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ezekiel Montgomery Patterson, William R. Robins, William Patterson, John D. Patterson, S. V. R. Patterson, and such other persons as may hereafter be associated with them, shall be, and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in law, by the name of "Bound

Brook and Easton Railroad Company," and by that name ^{Name.} they and their successors and assigns shall and may have continual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter, and they and their successors by that name and style shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient to the objects of this incorporation.

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

3. *And be it enacted*, That the above named persons, or a <sup>Commission-
ers to receive
subscriptions.</sup> majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and at such place or places as they, or a majority of them, may think proper, by giving ten days previous notice in two newspapers published in this state, and at the time of subscribing for said stock five per centum on each share subscribed shall be paid to said commissioners; that whenever there shall be one thousand shares of the said stock subscribed, then said commissioners shall give like notice as above for a meeting of the stockholders to choose nine directors; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said commissioners, or a majority of them, shall be inspectors of the first election of directors of the said incorporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and the moneys paid in to said directors; and the time and place of holding the first meeting of directors shall be fixed by the persons who act as inspectors aforesaid; 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 number a president; and in case of the death, resignation, or the removal of the president or any director, such vacancy or vacancies may be

filled for the remainder of the year wherein they may happen by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president *pro tempore*, who shall have such power and functions as the by-laws of the corporation will provide.

Election of directors.

4. *And be it enacted*, That annual elections for directors shall be held at such times and places as the board of directors shall hereafter direct, of which election, notice shall be given at least two weeks in a newspaper published in this state; and in case it should happen that an election of directors should not be made during the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but the said election shall be held as soon thereafter as possible, and public notice shall be given as hereinbefore directed, and the directors for the time shall continue to hold their office until others shall have been chosen in their places.

Powers of directors.

5. *And be it enacted*, That a majority of said directors shall be competent to transact all the business of the corporation, and they shall have power to call in the capital stock of said company by such installments, not to exceed twenty dollars on each share at any one time, and at such times as they may direct; *provided*, that installments shall not be called for at a shorter period than thirty days from each other; and in case of a non-payment of said installments, or any part of them, to forfeit the share or shares upon which such default shall arise, to and for the use of said corporation, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation; and also shall have power to appoint such officers, engineers, superintendents, 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.

Proviso:

Authorized to construct railroad.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey and lay out and construct a railroad from some suitable point at or near the village of Bound Brook, in the county of Somerset, to a suitable point on the Delaware river at or within ten miles of Phillipsburg, in the county of

Warren, with the privilege of connecting with any railroad or railroads now or hereafter to be built; the said railroad not to 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 they may deem necessary.

7. *And be it enacted*, That it shall be lawful for the said company, their officers, agents, engineers, superintendents and others in their employ, to enter at all times upon all lands, bridges and waters for the purpose of exploring, leveling, surveying and laying out the route of said railroad, and of locating and of subsequently altering the location thereof, doing no unnecessary damage to private property; and when any part of the route and location of such road, or the alteration or location shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for the said company, its officers, engineers, agents, superintendents, contractors, workmen and 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* May enter on lands. *always*, that the payment or tender of payment of all damages for the occupancy of lands through which the said railroad may be laid out, be made before 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 the said road, unless the consent of the owner or owners of such land be had and obtained. Proviso.

8. *And be it enacted*, That when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands 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 Proceedings in case company or owners cannot agree.

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 time not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named; at which time upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county in which the lands or materials in controversy lie, or the owner resides, commissioners to examine and appraise the 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 the said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding), to meet at the time and place appointed, and proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisal of the value of the same, and assessment of damages, as shall be paid by the said company for such lands or materials and damages aforesaid (the said commissioners taking in consideration the benefits derived by the land owner or owners from said railroad, and assess the land and damages accordingly); which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the lands or materials are situated, to remain on record therein, which report, or a copy thereof, certified by the clerk of the said county, shall at all times be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with 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 the 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 other, 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 said company.

9. *And be it enacted*, That in case the said company or the owner or owners of the said land or materials shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court at the next term after the filing of the said report, the court shall have the power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next circuit court to be holden in the said county, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained; and if they shall find a greater sum than the 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 cost to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; but such application shall not prevent the company from taking the said land or materials upon filing the aforesaid report, the value and damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owners thereof being under any legal disability, the same being first paid into the court of chancery.

10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient

Proceedings
in case of ap-
peal.

Bridges to be
constructed
and kept in
repair.

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

May borrow
money and is-
sue bonds.

Proviso.

May purchase
equipments.

Rates of trans-
portation.

Proviso.

11. *And be it enacted*, That the said corporation shall have power to borrow, from time to time, such sum or sums of money as shall be necessary to secure rights of way, make surveys, to construct or repair said railroad, and to furnish the said corporation with the necessary engines, machinery, cars, boats and buildings for the uses and objects of the said corporation, and to secure the repayment thereof by bond and mortgage, or otherwise, on the said road or roads, lands, property, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said corporation to plead any statute or statutes of this state against usury in any court of law or equity in any suit instituted to enforce the payment of any bond or mortgage executed under this section of this act.

12. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, for its use, and to place on any railroad constructed by them under this act, all machinery, engines, cars, wagons, carriages or vehicles and boats for the transportation of persons or any species of property, as they may think fit, reasonable, expedient or right; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *provided*, they shall not charge more than at the rate of eight cents per ton per mile for the transportation of property, and four cents per mile for carrying each passenger on said railroad, and no charge shall be required to be less in the aggregate than ten cents; and that the said railroad or roads, and their appendages, and all the land over which the same shall pass, and all the works and improvements, steam engines, carriages and all other property whatsoever, belonging to said company, at any time or times, are hereby vested in the said company incor-

porated by this act, and their successors and assigns, during the continuance of this act.

13. *And be it enacted*, That the said company may have ^{May purchase and hold real estate.} and hold such real estate at or near either terminus of their railroad, and at any other points along the line of said road, where the directors may think proper to establish depots, and may erect and build thereon houses, warehouses, machine shops, wharves, slips and such other buildings and improvements as they may deem expedient for the safety of the property, and the construction of carriages, engines and other necessary uses, and take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain over such rivers, creeks and streams as the road may cross such piers, bridges and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act; *provided*, that the said company, whenever it may become ^{Proviso.} necessary to cross any navigable river or creek with their road, shall construct a bridge or bridges, with suitable and sufficient draws, so as not to unnecessarily impede the navigation thereof.

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

15. *And be it enacted*, That it shall be lawful for the said ^{May make contracts.} corporation, at any time during the continuance of its charter, to make contracts and engagements with any other corporation, or with individuals, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfillment of such contract.

16. *And be it enacted*, That if any person shall wilfully ^{Penalty for injuring works.} injure, impair, destroy or obstruct the use of any railroad constructed under the provisions of this act, or any of their necessary works, wharves, bridges, carriages or machines, such person or persons so offending, shall forfeit and pay to the said company three times the amount of damages sustained by means of such injury, to be by them recovered, with costs of suit, in any court having competent jurisdiction, in an action of debt.

- Running cars. 17. *And be it enacted*, That when any portion of said railroad shall be completed, the said company may commence running cars for the transportation of passengers and freight, enjoying all the privileges and subject to the restrictions created by this act.
- Statement to be made. 18. *And be it enacted*, That as soon as the said railroad, or any part of it, is in operation, the president of said company shall make, under oath or affirmation, a statement of the amount of the cost of said railroad, including equipments, appendages and all expenses, and file the same in the office of the secretary of state, and annually thereafter, on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipment, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost, equipment and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws, and until the said railroad, or any part thereof, shall be in operation, shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purposes, and by the same person or persons as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.
- Proviso. 19. *And be it enacted*, That any corporation or corporations under the laws of this state, be, and they are hereby authorized and empowered to endorse the bonds of said company, and to subscribe and take any amount of the capital stock or bonds to be issued by said company; and such corporation or corporations may issue additional stock in payment therefor, and be entitled to all the powers and privileges of stockholders of said company.
- Other corporations may endorse bonds. 20. *And be it enacted*, That the president and directors of said company be, and they are hereby empowered and authorized, if, at any time, they shall deem it the interest of the
- May lease, consolidate and operate.

company so to do, to lease the said road, or any part thereof, to, or consolidate the same with, the road of any other railroad company in this state, or to lease and operate any railroad in this state, that now is, or hereafter may be, built by the consent of the stockholders, holding or representing a majority of the stock of said road so to be leased; and, in case of any such lease or consolidation, the company operating such leased or consolidated railroads, shall be entitled to all the privileges and franchises of this act, and subject to all the restrictions and liabilities thereof, anything in its charter to the contrary notwithstanding.

21. *And be it enacted*, That the governor, the chancellor, Free passes. the justices of the supreme court, the judges of the court of errors and appeals, and other state officers, 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 the year for which they were elected, shall pass and repass on the railroad of said company free of charge.

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

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

Approved March 1, 1872.

CHAPTER CXI.

An Act for the relief of the African Wesleyan Methodist Episcopal Church, in Trenton, in the county of Mercer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the African Wesleyan Methodist Episcopal Church, in Trenton, in the county of Mercer, are hereby authorized and empowered to sell, either at public or private sale, such part or parts of Trustees may sell real estate

the real estate now held by them as they may deem expedient, and to make and deliver to the purchaser or purchasers a good and sufficient deed for the same, by which the whole title of said corporation shall pass to the purchaser, free and clear and absolutely discharged from all trusts whatsoever, upon which the same now is or has heretofore been held.

Proceeds to be
invested.

2. *And be it enacted*, That the proceeds of the said sale or sales shall be invested by the said trustees, either in the purchase of other real estate for the use of said corporation, or for such other use as the said trustees shall determine.

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

Approved March 1, 1872.

CHAPTER CXII.

An Act for the relief of John D. Hester, of the county of Mercer.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby authorized and required to pay to John D. Hester, of the county of Mercer, who was a soldier in the war of eighteen hundred and twelve, the sum of one hundred dollars a year, to date from the first of January, anno domini one thousand eight hundred and seventy-one, and to continue during his life-time; and that the receipt of the said John D. Hester shall be a sufficient voucher for the treasurer for all moneys paid by virtue of this act.

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

Approved March 1, 1872.

CHAPTER CXIII.

A Supplement to an act entitled "An Act to incorporate the Germania Mutual Savings Institution, of Newark, New Jersey," approved March fourteenth, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title of the aforesaid in-stitution be so altered as to read "The German Savings Bank, of Newark, New Jersey;" but that no contract or obligation the Germania Mutual Institution may have entered into before the passage of this act, shall lose its effect or legal right on account of the changing the corporate name of said institution. Title changed

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

Approved March 1, 1872.

CHAPTER CXIV.

An Act to authorize the trustees of the Methodist Episcopal Church of Port Republic to sell and convey certain church property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal Church at Port Republic, or their successors in office, be and the same are hereby authorized and empowered to sell and convey their old church edifice and a part of a certain parsonage lot of land, situate in said Port Republic, in the county of Atlantic, now held by them in trust, as the property, or for the use and benefit of the said society of the Trustees empowered to sell church edifice.

said Methodist Episcopal Church of Port Republic, by virtue of a deed made to them by James B. Johnson, bearing date the third day of October, anno domini eighteen hundred and sixty-eight, and for that purpose to make, execute and deliver a good and sufficient deed of conveyance therefor to the purchaser or purchasers of the same, and that such deed of conveyance shall be good and effectual in law.

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

Approved March 1, 1872.

CHAPTER CXV.

An Act to incorporate the Unique Club, of Jersey City.

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|---------------------------------------|--|
| Corporators. | 1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That Charles H. Daniels, Frederick W. Wright, Thomas D. Harrison, Frank A. Halsey, John B. V. Vreeland, Willard O. Capron, George S. Robbins, William S. L. Jewett, John H. Shrope, George S. Thomas, and the other members of the Unique Club, be and they are hereby declared a body politic and corporate, in fact and in law, by |
| Name. | the name and style of "Unique Club, of Jersey City," for the purpose of social intercourse among its members, and providing them the conveniences of a club house. |
| May make rules and regulations. | 2. <i>And be it enacted</i> , That the said corporation may make such rules and regulations in reference to the admission, conduct and expulsion of members of said club and its management, as it may deem expedient; that all the rights and interest of a member in the property and privileges of the club shall cease with the termination of his membership. |
| May purchase, hold and possess lands. | 3. <i>And be it enacted</i> , That the said corporation by its corporate title of Unique Club, of Jersey City, may purchase, hold, possess and enjoy such real and personal estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease or otherwise dispose of the same at pleasure. |

4. *And be it enacted*, That the affairs and business of said club shall be managed by such officers and in such way and manner, and subject to such regulations as shall from time to time be agreed upon by said corporation. ^{Affairs, how managed.}

5. *And be it enacted*, That all the real and personal property of said club shall be taxed the same as the real and personal property of an individual, and not otherwise. ^{Taxation.}

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

Approved March 1, 1872.

CHAPTER CXVI.

Supplement to an act entitled "An Act to incorporate the Bergen City Savings Bank," approved March seventeenth, eighteen hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name "The Bergen City Savings Bank," be and the same is changed to that of "The Bergen Savings Bank, of Jersey City," and by the latter name shall have, hold and receive all real and personal estate, and enjoy all rights, possess privileges and immunities, and be subject to the same liabilities as though the name had not been changed. ^{Name changed.}

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

Approved March 1, 1872.

CHAPTER CXVII.

An Act to incorporate the New Jersey School of Veterinary Medicine and Surgery.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That J. C. Smith, V. S., James B. Coleman, M. D., John Woolverton, M. D., Thomas J. Corson, M. D., Cornelius Shepherd, M. D., W. W. L. Phillips, M. D., P. M. Minster, William S. Vansant, James H. McGuire, William G. Allen, John Briest, and their associates and successors, be and they are hereby declared to be a body politic and corporate in law and in fact, by the name, style and title of "The Trustees of the New Jersey School of Veterinary Medicine and Surgery," and by that name shall have perpetual succession and all the privileges and franchises belonging to or incident to a corporation, with the power to make all by-laws not inconsistent with the constitution and laws of the United States or of this state, for the management of its property and the regulation of its affairs, so far as may be necessary or proper for the use of such school, and immediately connected with the object and purpose thereof, and to do all and every other matter and thing for the purpose of this act which any corporation or body politic lawfully may or can do.
2. *And be it enacted*, That said trustees shall have power to elect such officers as may be necessary for the administration of the affairs of said school, and to enact by-laws for the government, admission and expulsion of members.
3. *And be it enacted*. That the object and purpose of this incorporation shall be for the establishment and maintenance of a school for instruction in the science of veterinary medicine and surgery, and to this end full powers are hereby granted to the trustees thereof to order regulate and control the same; to fix and receive the rates of tuition for scholars; to appoint and control the teachers of said school, and to make and alter such by-laws for the regulation of their own body, and the control of the teachers and scholars of said school as they shall deem best; and that the said corporation shall have and possess the right and power of conferring the

usual degrees appropriate to a school of veterinary medicine and surgery to any person who shall have attended a full course of instruction in such science, and who shall possess the proper and requisite literary and moral qualifications for the same.

4. *And be it enacted*, That the board of trustees shall consist of five members, who shall be elected by the corporators and their associates, and the board shall have power from time to time to fill vacancies occurring in the board by death, resignation or otherwise, and shall have power to elect their own officers, a majority of the board shall constitute a quorum for the transaction of business, and the officers shall be elected annually, but in case of failure to elect, the former officers shall hold over until an election shall be had.

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

Approved March 1, 1872.

CHAPTER CXVIII.

An Act to incorporate the Young Men's Christian Association of Plainfield, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That C. W. McCutchen, J. D. Spicer, Edward St. Johns, James R. Perrine, H. Otis Newman, James W. Jackson, N. W. Pike, Philip Swain, A. Gilbert, F. S. Brown, C. F. Goddard and Nelson Runyon, their associates and successors, hereby constituted a body corporate by the name of "The Young Men's Christian Association, or Plainfield, New Jersey."

2. *And be it enacted*, That the objects of this incorporation shall be the improvement of the spiritual, moral and social condition of young men and other persons by the support and maintenance of systems of lectures, sermons and other services, libraries, reading-rooms and social meetings, by the distribution of charities, and by such other means not incon-

sistent with the objects of the association as the board of directors may desire.

Managed by
directors.

3. *And be it enacted*, That the business affairs and estate of said corporation shall be managed and conducted by a board of directors, to consist of the officers of the association, and seven other members of the association representing various evangelical denominations, each of which said persons constituting said board of directors as aforesaid, shall be a member in good standing of an evangelical church, and that the present board of directors of the Young Men's Christian Association, of Plainfield, New Jersey, shall constitute the first board of directors, to manage and conduct the affairs and estate of the corporation created by this act, and shall hold their offices until the regular annual election of the association, or until others are elected to fill their places.

May make by-
laws, &c.

4. *And be it enacted*, That the said corporation may adopt such a constitution and by-laws, and the board of directors such by-laws and rules as they may at any time deem best for the regulation of their business, the management of their affairs, the choice, powers and duties of its officers and agents as are not inconsistent with the character of the corporation and the laws of the state.

May change
and alter con-
stitution, &c.

5. *And be it enacted*, That the constitution and by-laws of the present Young Men's Christian Association, of Plainfield, New Jersey, and the by-laws and rules of the present board of directors of the same shall be the constitution and by-laws of this corporation, and the by-laws and rules of the board of directors of the said corporation, until said corporation and board of directors may see fit to change and alter the same in the manner and way provided for in said constitution, by-laws and rules.

May change
officers, &c.

6. *And be it enacted*, That the said corporation may at all times have the power to change and alter the number and nature of the offices for which they shall elect officers, and to change and alter the number of members constituting the board of directors, and the time and places of their annual elections for the same, in accordance with the mode and manner laid down in the constitution of said corporation; *provided*, the said alteration and change be not contrary to the character of the corporation and the laws of this state.

Proviso.

May receive
and hold real
and personal
property.

7. *And be it enacted*, That the body corporate created by this act, shall be capable of taking by purchase, gift, devise or bequest, and holding and conveying any real or personal

estate, moneys or other articles for the uses of said corporation, not exceeding in value seventy-five thousand dollars.

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

Approved March 1, 1872.

CHAPTER CXIX.

An Act to authorize Union Lodge, Number Eleven, of Free and Accepted Masons, of Orange, New Jersey, to borrow money and mortgage and convey certain lands.

WHEREAS, by a certain deed bearing date the first day of ^{Preamble.} April, in the year eighteen hundred and fifty-three, which deed is recorded in Book M eight of Deeds, for Essex county, on pages eighty-nine and ninety, Simeon Harrison did grant, bargain, sell and convey certain lands in said deed mentioned and described, unto the said "Union Lodge, Number Eleven, of Free and Accepted Masons, of Orange, New Jersey," in trust, nevertheless that the said premises were to be used, occupied, possessed and enjoyed by the said lodge forever thereafter as a place of meeting for said lodge, and the rents, issues and profits arising and accruing from said premises, were to be used, enjoyed, appropriated and applied by the said lodge for the proper and legitimate purposes connected with the objects and charities of said lodge, and to no other purpose whatsoever, except to the relief of the widows and orphans of members of the said lodge; and whereas, the said Simeon Harrison did, by a certain other deed, bearing date the first day of May, in the year eighteen hundred and seventy, which last mentioned deed is recorded in Book W fourteen of Deeds, for Essex county, on pages three hundred and sixty-four, &c., grant, bargain, sell and convey to the said lodge whatever reversionary rights, title and interest he might have in and to said lands and premises; and whereas, it may be desirable for said lodge to mortgage or sell and convey

said lands and premises, or a part thereof, and doubts have been suggested as to the power of said lodge to mortgage or convey said lands and premises divested of and from said uses and trusts without legislative aid; for remedy whereof, and to remove all and any such doubts,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Union Lodge, Number Eleven, of the Free and Accepted Masons, of Orange, New Jersey, be and they are hereby authorized and empowered to grant, bargain, sell and convey the said lands and premises described in said deeds or any part thereof, to any person or persons, and for such consideration, as they may deem proper, and to execute and deliver to the purchaser or purchasers thereof, under their common seal, a good and sufficient deed or deeds therefor, which deed or deeds shall convey to and vest in said purchaser or purchasers, a good and valid title in fee simple to said premises freed and fully discharged of and from said use and trust and all and every use and trust mentioned and set forth in said deed.

2. *And be it enacted*, That the said Union Lodge, Number Eleven, of Free and Accepted Masons, of Orange, New Jersey, be and they are hereby authorized to borrow any sum or sums of money that they may find necessary for the purpose of erecting a building or buildings on the lands and premises conveyed to them as aforesaid and improving the same.

3. *And be it enacted*, That for the purpose of securing the payment of said loan or loans, the said Union Lodge, Number Eleven, of Free and Accepted Masons, of Orange, New Jersey, are authorized to make and execute in their corporate name to the lender or lenders of said moneys, a bond or bonds, conditioned for the payment of said loan or loans, at such time or times from the date thereof, and in such installments as they may deem proper, and as they may be able to agree upon, with such lender or lenders with interest at the rate of seven per centum per annum, payable half yearly, and may secure the payment of the same by executing a mortgage or mortgages in their corporate name, upon the said lands and premises, or any part thereof, which said bond or bonds shall be a valid and subsisting debt against said Union Lodge of Free and Accepted Masons, of Orange, New Jersey, and which said mortgage or mortgages shall be a valid lien or liens upon said lands and premises freed and

discharged of, and from said use and trust, and all and every use and trust mentioned and set forth in said deed, and of all liability on the part of the mortgagee or mortgagees to see to the application of the money so loaned.

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

Approved March 1, 1872.

CHAPTER CXX.

A Further Supplement to an act entitled "An Act to create from part of the town of Orange, in the county of Essex, a new township to be called the township of East Orange," approved March fourth, eighteen hundred and sixty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of East Orange, ^{Districts.} in the county of Essex, shall be divided into and shall comprise three districts, to wit: the Ashland district, the Franklin district and the Eastern district; and the Ashland district shall comprise and consist of all the territory contained within the boundaries of school district number thirty-seven, of the county of Essex; the Franklin district shall comprise and consist of all the territory contained within the boundaries of school district number thirty-eight, of the county of Essex; and the Eastern district shall comprise and consist of all the territory contained within the boundaries of school district number thirty six, of the county of Essex; and the boundaries ^{Boundaries,} of said districts shall be those defined in the incorporation of said school districts; and each of said districts shall constitute and be an election district.

2. *And be it enacted*, That hereafter the township committee of East Orange shall consist of seven persons, two of ^{Election and terms of office of township committee.} whom shall be elected by the legal voters of each election district of said township, and one of whom shall be elected by the legal voters of the township at large; that at the next annual election of township officers the legal voters in each

district shall elect by ballot one person to serve as a member of the township committee for the term of one year, and one for the term of two years; and the legal voters of the township, voting in their respective districts, shall at the the same time elect one person from the township at large to serve as member for the term of one year; and annually thereafter there shall be elected in and for each district one person to serve as member of the township committee for the term of two years, and in and by the township at large one member for the term of one year.

Act extended. 3. *And be it enacted*, That the provisions of the supplement to an act entitled "An Act to regulate elections," which supplement was approved April twenty-second, eighteen hundred and sixty-eight, shall extend to and be in force in respect to the election districts established by this act and the elections to be held therein; and the present township committee of the township of East Orange, shall appoint the officers of elections and provide places for holding the same within ten days after the passage of this act.

Officers to be elected. 4. *And be it enacted*, That the provisions of an act entitled "An Act relative to commissioners for taking acknowledgments and proofs of deeds," and the several supplements thereto, shall be so construed as to allow to each of the said districts of East Orange two commissioners of deeds; and the legal voters in each of the said districts are hereby authorized to elect two persons to be constables at each annual spring election; and the legal voters of said township are authorized to elect one person to be auditor of accounts.

Powers and duties of township committee. 5. *And be it enacted*, That in addition to the powers and duties already belonging to the township committee of East Orange, the said committee shall have power, and it shall be their duty, by resolution of a majority of their number, to appoint a township overseer of the poor, and overseer of the roads, and to fix and determine their compensation or salaries, and also to settle and determine the compensation or salaries of the township clerk and auditor; to provide at the expense of the township all necessary and proper office-room, places for meetings and elections, furniture and safes for the convenience of public business, and the proper and safe keeping of the records, maps and other property of the township; to employ and compensate detectives or constables, and use such efficient means for maintaining the peace, preventing

crime, and detecting criminals in the township, as they may deem necessary; they shall also provide for the protection and maintenance of the health of the township, and may employ a physician and exercise the powers of a board of health, whenever, in their judgment, circumstances may require them to do so; they are also hereby authorized to abate and remove nuisances from the streets and public places of the said township, including snow and ice upon the sidewalks, and to pass by resolution of a majority of their number all necessary ordinances to declare and define such nuisances, to provide for their abatement and removal, and to fix and prescribe penalties for committing the nuisances so declared and defined; and the said committee are hereby authorized to institute suits for the collection of the penalties so prescribed, with costs of suit, by an action of debt, to be brought in the corporate name of the township, and for the use of the inhabitants thereof, which suits may be brought before any justice of the peace of the county of Essex; and the said township committee are hereby authorized to establish from time to time the lamp district of said township, and to provide lamps and gas fixtures, and to light the streets and public places of said township with gas, and to issue their warrant to the assessor of taxes in said township, directing him to assess upon all persons residing and lands located within such lamp district, such sum as they may determine to be necessary for the purpose of lighting said lamp district, which warrant shall be sufficient authority to said assessor for making said assessment, and the said assessment shall be collected in the same manner, and at the same time, with the other township taxes.

6. *And be it enacted*, That whenever any street or section of a street in the township of East Orange shall be improved by being curbed and macadamized, or paved in pursuance of the authority given in the tenth and eleventh sections of an act entitled "An Act to provide for and regulate street improvements in the township of East Orange, in the county of Essex," approved March thirty-first, eighteen hundred and seventy-one, it shall be lawful for the township committee having ascertained the entire cost of making the improvement as provided in the twelfth section of said act, to make and sign an apportionment of said entire cost upon the lands and among the owners along the lines of the street or section improved pro rata, according to the number of

Cost of improving streets to be assessed on owners of land

lineal feet upon the lines of such street or section in the tracts or lots of the several owners respectively; the township committee shall then give notice of a meeting by advertisement inserted in some newspaper circulating in said township at least six days previous to the day of said meeting, at which they will hear the parties interested in said apportionment; at said meeting any owner of any lands embraced in said apportionment may pay into the hands of the committee the sum of money apportioned to the said lands of such owner and be thereby relieved from all liability to future assessment in respect of such improvement; after said meeting it shall be lawful for the township committee to issue the bonds of the inhabitants of the township of East Orange, in the county of Essex, made and executed in the manner provided in the sixteenth section of said act, to an amount sufficient to pay the balance of the cost of such improvement from the proceeds arising from the sale of said bonds; said bonds shall be payable during a period not exceeding ten years from their issue, shall bear interest not exceeding seven per cent. per annum payable semi-annually; shall be exempt from taxation in the hands of the holders of the same, and shall not be sold for less than ninety per cent. of their par value; it shall be the duty of the township committee to apportion the entire amount of the bonds so issued among the owners and upon the lands along the lines of the street or section improved upon the same basis as the original apportionment of cost, excepting therefrom all lands, the owner or owners of which shall have paid his, her or their share of cost as herein before provided; the said apportionment of the amount of bonds shall be delivered to the township clerk, and shall be by him recorded in a book to be kept for that purpose, and such record shall thereafter be competent evidence of such apportionment, and of the amounts assigned to the several tracts of land embraced therein; it shall be the duty of the township clerk each year in the month of May, to ascertain the amount of interest which will fall due on said bonds on or before the time fixed by law for the payment of taxes in the next succeeding year, and to certify the same together with one-tenth of the entire principal of the bonds issued to the assessor of the township, whose duty it shall be to assess the same upon the basis of the apportionment of amount of bonds and upon the property embraced in said apportionment, and the several sums so

Meeting to be
advertised.

May issue
bonds.

Duty of the
assessor.

from year to year assessed, are hereby made a lien upon the property against which they may be assessed from the time of such assessment, and shall be collectable at the same time, in the same manner and by the same means as the ordinary taxes of the township; and all moneys collected in pursuance of this section are hereby pledged to the payment of the principal and interest of the bonds aforesaid, and shall be used for no other purpose.

7. *And be it enacted*, That in case any sidewalk in the township of East Orange becomes out of repair, it shall be lawful for the township committee to cause written notice to be served upon the owner or occupant of the property in front of which the defective sidewalk shall be, to repair the same; and in case of failure on the part of such owner or occupant to repair said sidewalk within ten days thereafter, the township committee may cause such repairs to be made, and the cost thereof to be assessed upon the property and collected in the manner provided by law for assessing and collecting the cost of building a sidewalk.

Cost of repairing sidewalks to be assessed on property.

8. *And be it enacted*, That whenever any ditch shall have been dug in the township of East Orange, pursuant to the authority given in the sixth section of a supplement to the act creating said township, approved March fourth, eighteen hundred and sixty-eight, and the same shall have become obstructed or out of repair, it shall be lawful for the township committee to direct the overseer of the highways to open and clear out and repair such ditch; and having ascertained the cost of doing the work, the committee may make an assessment of the same upon the owners of any lands benefited thereby, as nearly as may be, in proportion to the benefits; and the sums so assessed shall be included in the tax bills of the parties against whom such assessment shall be made, and collected at the same time with the township taxes; *provided*, that the entire cost of such work shall not exceed one hundred dollars.

Assessment for digging and opening ditches.

9. *And be it enacted*, That it shall be lawful for the township committee to employ some suitable person or persons to survey and lay out upon a map or maps a plan or scheme for the location of streets and avenues, blocks and squares in the township of East Orange, having regard to the nature of the ground, to a system of drainage, and to the existing streets; after the completion of such map or maps, the township committee shall give notice, by advertisement, of a time and place

Maps of the location of streets, &c., to be made.

where said maps will be open for public inspection, and for a period of three months thereafter, at suitable hours to be fixed by the committee, said maps shall remain open to public inspection, at the end of which time the committee shall adopt and confirm the same, with or without alteration, and after the same shall have been so adopted and confirmed it shall not be lawful to open any street in said township by any authority whatever, on any other lines than those designated in such maps.

Repealer.

10. *And be it enacted*, That all acts and parts of acts coming within the purview of this act, and inconsistent with the provisions hereof, be and the same are hereby repealed, so far as the same affect the township of East Orange, in the county of Essex; but in all respects in which this act does not modify or amend existing statutes affecting said township, they shall remain and be in force as heretofore; and this act shall take effect immediately.

Approved March 1, 1872.

CHAPTER CXXI.

A Supplement to an act entitled "An Act to incorporate the Mount Laurel Pursuing and Detective Company, of the township of Evesham, in the county of Burlington," approved April fifth, anno domini one thousand eight hundred and seventy-one.

Detectives
may have
power of con-
stables.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of direction may appoint or elect any number not exceeding twenty detectives, and give to each a badge of office, who shall each have the power and authority of a constable, so far as may be necessary to carry out the objects of the company, and may execute warrants for that purpose issued by justices of the peace and aldermen; and shall be liable to all the responsibilities of constables in the exercise of said power and authority; *provided*, that they shall not be liable to the performance of any

Proviso.

services except as directed by the by-laws of this company, nor shall they be entitled to any fees or compensation for their services, except out of the funds of the company, and according to the by-laws or other regulations thereof; and that they shall, before entering upon the duties of their office, respectively, take an oath or affirmation, of which a record shall be kept by the secretary, any member of the board of direction being authorized to administer the same, to support the constitution of the United States and the constitution of the state of New Jersey, and perform the duties of their office with fidelity.

2. *And be it enacted*, That the fifth and sixth sections of the act to which this is a supplement, be and the same are hereby repealed. ^{Repealer.}

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

Approved March 5, 1872.

CHAPTER CXXII.

An Act to authorize the inhabitants of the township of Holmdel, in the county of Monmouth, to vote by ballot at their town meetings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "An Act to authorize the inhabitants of the township of Atlantic, in the county of Monmouth, to vote by ballot at their town meetings," approved March sixth, eighteen hundred and sixty-six, be and the same are hereby extended and applied to the inhabitants of the township of Holmdel, in the county of Monmouth, so as to secure to the inhabitants of said township of Holmdel the rights and privileges secured to the inhabitants of said township of Atlantic. ^{Act extended, and to apply.}

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

Approved March 5, 1872.

CHAPTER CXXIII.

A Further Supplement to the act entitled "An Act to incorporate the Belvidere Delaware Bridge Company," approved March fifth, eighteen hundred and thirty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the number of directors of the said company shall be reduced to six, as is authorized and provided for by the original act of incorporation, and four directors shall constitute a quorum to do business.
2. *And be it enacted*, That an election of officers of said company may be held in the town of Belvidere, in the county of Warren, and state of New Jersey, two weeks' previous notice of the time and place in said town having been given by publication in one newspaper printed and published in the county of Warren aforesaid, and in one newspaper printed and published in the county of Northampton, in the state of Pennsylvania; and that at such election, and at all future elections, each stockholder shall be entitled to one vote for every share of stock by him or her held, and that the officers elected shall continue in office until the first Monday in November, eighteen hundred and seventy-three, and until others are appointed.
3. *And be it enacted*, That so much of the original act of incorporation, and the several supplements thereto, as is incompatible with the provisions of this act, and no more, be and the same is hereby repealed; *provided always*, that this act shall not take effect or go into operation until it is sanctioned or a similar act passed by the legislature of the state of Pennsylvania.

Directors.

Notice of election to be published.

Repealer.

Proviso.

Approved March 5, 1872.

CHAPTER CXXV.

A Supplement to an act entitled "An Act to facilitate the collection of taxes in the township of Waterford, in the county of Camden," approved April fourth, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the act ^{Amendment.} to which this is a supplement be altered and amended so as to read, "that no land shall be sold by virtue of this act until the township collector for the time being shall have made a return, which return he is hereby authorized to make to the township committee then in office, that the taxes, or any of them, assessed on said lands, either for that or any former year or years, are unpaid, and have by him, or some former collector of said township, been returned as delinquent, and shall verify the same by affidavit attached thereto."

2. *And be it enacted*, That all other parts of said second ^{Repealer.} section of said act to which this is a supplement be and the same are hereby repealed.

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

Approved March 5, 1872.

CHAPTER CXXVI.

An Act to authorize the Trustees of the Methodist Episcopal Church at Mount Holly, in the county of Burlington, to sell and convey certain real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The Trustees of the Methodist

Trustees au-
thorized to
sell lot.

Episcopal Church at Mount Holly," in the county of Burlington, or their successors in office, be and they are hereby authorized and empowered to sell and convey a certain lot of ground situate in the said town of Mount Holly, in said county, now held in trust as the property of the said "The Trustees of the Methodist Episcopal Church at Mount Holly," by virtue of a deed made to them, the said "The Trustees," &c., by Barclay White and others, bearing date the twenty-fifth day of March, anno domini eighteen hundred and seventy, and recorded in the clerk's office of said county in book D eight of deeds, page four hundred and twenty-two, &c., and to make, execute and deliver a good and sufficient deed of conveyance therefor to the purchaser or purchasers thereof, for the same, and that such deed or deeds of conveyance shall be good and effectual in law.

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

Approved March 5, 1872.

CHAPTER CXXVIII.

A Further Supplement to an act entitled "An Act to incorporate the Medford and Camden Railroad Company," approved April second, eighteen hundred and sixty-eight (April 2, 1868).

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time for the commencement of the construction of the railroad authorized by the act to which this is a supplement, be further extended six years, and the time for the completion of the same eight years, from the fourth of July, eighteen hundred and seventy-one.

Extension of
time for com-
pletion of road

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

Approved March 5, 1872.

CHAPTER CXXX.

An Act to confirm to the grantees thereof the title to certain land and premises in the township of Belleville, in the county of Essex, sold and conveyed by the executors of the last will and testament of John Williams, deceased, late of said township.

WHEREAS, John Williams, late of the township of Belleville, ^{Preamble.} in the county of Essex, in this state, now deceased, did, in his lifetime, duly make, execute and publish, in such manner as to pass the title to real estate in this state, his last will and testament, dated the twenty-ninth day of August, in the year of our Lord one thousand eight hundred and sixty, whereby, after making certain bequests and devises, he did order and direct his executors, and the survivors of them, to sell and convey all his real estate whereof he was then seized, or should be seized at the time of his death, not therein before given and devised, and did give the proceeds of said sale, and of his personal estate not therein before disposed of, to certain persons therein in that behalf mentioned; and whereas, said John Williams, after the death of his daughter, Helen, one of the devisees and legatees in said will mentioned, did, by a certain codicil to said will, dated June ninth, one thousand eight hundred and sixty-two, redispense of the residue of his estate, real and personal, by giving the same to the same persons other than said Helen, to whom by said will the proceeds of the residue of his real and personal estate were given, which said will and codicil were duly admitted to probate by the surrogate of said county of Essex; and whereas, the executors of said last will and testament, Charles J. Williams, John Collard and Hugh Holmes, having duly taken upon themselves the burthen of the execution of said will, did, with the concurrence of the residuary devisees and legatees in said codicil mentioned, sell and convey to certain persons parts of the land and premises devised by the residuary clause in said codicil; and whereas, also, doubts have arisen as to the validity of the conveyances made by said executors for said parts of said

land and premises, said power of sale having been, as it is claimed, revoked by said codicil; and whereas, also, the said devisees, under said residuary clause in said codicil, have received the proceeds of the sales of said parts of said land and premises so sold and conveyed as aforesaid, and are desirous that all question as to the validity of those conveyances may be removed, and have applied to the legislature for the passage of an act validating said conveyances; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the deeds of conveyance heretofore made by Charles J. Williams, John Collard and Hugh Holmes, executors of the last will and testament of said John Williams, deceased, of and for land and premises, being part of the land and premises mentioned in and devised by the residuary clause of the codicil to said will, dated June ninth, one thousand eight hundred and sixty-two, shall be held and deemed to convey to the grantees therein respectively the title in fee simple to the lands therein described and thereby purporting and intended to be conveyed, as fully in all respects and to all intents and purposes as if at the time of the making and delivering of said deeds said executors had been fully authorized and empowered to sell and convey said land and premises in the manner in which they have sold and conveyed the same, and that by said deeds, the respective grantees therein shall be deemed and held to have acquired the title to said land and premises purporting to be conveyed by said deeds respectively which at the time of his death said John Williams had in said land and premises, and such title shall be deemed and held to have vested in them respectively accordingly, any law to the contrary in any wise notwithstanding.

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

Approved March 5, 1872.

Deeds declared valid, &c.

CHAPTER CXXXII.

A Further Supplement to an act entitled "An Act to incorporate the Franklin Horse Car Railway Company," approved March second, one thousand eight hundred and sixty-nine.

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

2. *And be it enacted*, That if at least two miles of the route of the railway authorized by the act to which this is a further supplement, shall not be completed within five years from the fourth day of July next, then the said act shall become void. ^{Act, when void.}

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

Approved March 5, 1872.

CHAPTER CXXXIV.

An Act to ratify and confirm the incorporation of the Trustees of the Baptist Church in Camden, and to change the name of said corporation.

WHEREAS, doubts have arisen as to the regularity of the incorporation of said church, incorporated by certificate filed in the clerk's office of the county of Gloucester, on or about the thirtieth day of March, eighteen hundred and nineteen, by the name of the Trustees of the Baptist Church in Camden (commonly known as the First Baptist Church, in the city of Camden); and whereas, the con-

gregation heretofore worshiping in the church known as the Tabernacle Church, in said city, are desirous to unite with and become merged in the said first named Baptist church, and it is desirable that the said church should be known by a distinctive name; therefore,

Corporate
name and,
powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "The Trustees of the Baptist Church in Camden," and their successors shall be forever hereafter continued, deemed and considered, and they are hereby declared to be a body politic and corporate in law and in fact by the name of "The Trustees of the Fourth Street Baptist Church, in the city of Camden," and by that name shall have perpetual succession, with the same powers, rights and privileges, and subject to the same restrictions and limitations as are contained in the "Act to incorporate religious societies," except as otherwise provided by this act; and to have and to hold all real and personal estate whereof the said "The Trustees of the Baptist Church in Camden," are or may be lawfully seized and possessed at the time of the passage of this act.

May take, re-
ceive and hold
lands.

2. *And be it enacted*, That the said corporation, by the name and title aforesaid, shall be capable in law and equity to purchase, receive, hold, and enjoy in fee simple, or any less estate or estates, any lands, tenements, and hereditaments, corporeal or incorporeal, for the maintenance of said church, and the services therein; and to take and receive and hold any lands, tenements, hereditaments, moneys, securities, and other real or personal estate in trust for any charitable or religious purposes; not to exceed the yearly sum of five thousand dollars.

Preamble.

3. AND WHEREAS, the union of the congregation of said Tabernacle Church, with the congregation of the said Fourth Street Baptist Church, will render unnecessary for the purposes for which they are now held, the lot and building called the Tabernacle Church; therefore,

Trustees au-
thorized to
sell lot and
building.

Be it enacted, That the trustees of the Tabernacle Baptist Church in Camden, on the said union taking place, are hereby authorized for a proper consideration, being the best price that can be obtained therefor, to sell the lot and the building known as the Tabernacle Church, and to make and execute a good deed or deeds of conveyance therefor; the proceeds of such sale or sales to be applied to the religious purposes of said congregation in its union aforesaid.

4. *And be it enacted*, That this act shall take effect as Act when to
take effect. soon as the congregations, and also the trustees of the said churches shall, respectively by a majority of votes, accept the same.

Approved March 5, 1872.

CHAPTER CXXXV.

An Act to incorporate the New Jersey Iron and Smelting Works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ira Hersey, Allen Hay, Stephen Corporators. D. Harrison, C. D. Van Wagenen, F. W. Allen and John Van Nest, and such other persons as they may associate with them, and their successors, shall be, and are hereby, created a body politic and corporate, in fact and in law, by the name of "The New Jersey Iron and Smelting Works;" that the Name. capital stock of said corporation shall be five hundred thousand dollars, divided into shares of one hundred dollars each, which shall be subscribed and paid in at such times, upon such notice, and in such manner and installments, as the directors of said corporation by their by-laws, or otherwise, may direct; that such payments shall be made either in money or in real or personal property, including patent-rights necessary for the business of said corporation, and in case of payment in real or personal property, including patent-rights, the directors of said corporation may issue in payment thereof the stock of the said corporation upon terms as they may deem best for its interests; that in case of the failure of any stockholder to pay any installment on his or her stock, at the place and within thirty days of the time appointed by said directors for the payment thereof, his or her shares of stock may be sold at public auction to the highest bidder, upon such notice and in such manner as the by-laws of said corporation may prescribe, and the proceeds of such sale may be applied to the payment of any such installments, and each subscriber to the

capital stock of said corporation shall be personally liable to said corporation for the full payment of all the stock that shall be subscribed for by him or her until such stock shall be fully paid for.

Stock, how transferable.

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

Directors to manage affairs.

3. *And be it enacted*, That the said corporation shall be organized, and shall have all the rights and powers conferred by this act, when one hundred thousand dollars of its capital stock shall be subscribed and paid; and the affairs of said corporation shall, after its organization, be managed by at least five and not exceeding nine directors, as shall be determined by the board of directors, such directors to be chosen, except as hereinafter provided, by the stockholders of said corporation, annually, at such times and in such manner as the by-laws of said corporation may direct; a majority of the directors shall be a quorum for the transaction of business; and the directors so chosen shall serve for one year, and until others are chosen in their stead; and at least two weeks' previous notice of the election of directors shall be given by the publication thereof in a newspaper printed and published in the county of Hudson; said directors shall, from time to time, elect a president and vice-president of the said corporation from their own number, who shall hold his office until the next annual election for directors, and until another shall be elected in his place; and they may appoint such other officers as they may deem necessary; and any vacancy in the board of directors may be filled by the remaining directors until the next election; and if, for any reason, the election for directors shall not be held at the time appointed, the corporation shall not, for that reason or cause, be dissolved, but such election may be held at any time thereafter; *provided*, two weeks' notice shall be given of such election, by the publication thereof in some newspaper published in the county of Hudson.

Vacancies, how filled.

Proviso.

First directors

4. *And be it enacted*, That Ira Hersey, Allen Hay, Stephen D. Harrison, C. D. Van Wagenen, F. W. Allen and John Van Nest shall be the first directors of said corporation, and shall be authorized to receive subscriptions for the capital stock of

said corporation; and a majority of them shall, as soon as convenient after the sum of one hundred thousand dollars of the capital stock shall be subscribed for, assemble and organize such corporation; and they shall continue in office until others, as hereinbefore directed, shall be chosen in their stead.

5. *And be it enacted*, That the said corporation be and the same is hereby authorized and empowered to carry on the business of the manufacturing of iron, smelting copper, silver, lead and other ores, and also the manufacturing of chemicals and such other manufacturing business as may be for the best and most profitable interests of said company, and of selling and disposing of such articles that shall be manufactured by said corporation, and take, hold, use, possess, convey, mortgage and dispose of real and personal property of every description for the purposes of this act; and said corporation shall at all times have an office in this state where a legal process may be served upon it. Business of the company.

6. *And be it enacted*, That the amount of the capital stock of the said corporation may be increased from time to time as the board of directors shall determine, to an amount not exceeding two million dollars. May increase capital stock.

7. *And be it enacted*, That the said directors may from time to time make, alter and repeal by-laws for the government of the said corporation, its officers and agents, the preservation and use of its property, and the conduct and management of its business; *provided*, that no such by-law shall conflict with any law of this state; and the said board of directors may hold its meetings in the city of New York. May make by-laws. Proviso.

8. *And be it enacted*, That the real and personal property of the said corporation shall be subject to taxation in like manner as the property of individuals, and that the corporation shall not be subject to any other tax whatever. Taxation.

9. *And be it enacted*, That the said corporation shall possess all the rights and powers, and be subject to all the liabilities incident to a corporation, and particularly, that it shall possess all the rights and powers, and be subject to the restrictions and liabilities provided for in an act entitled "An Act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, and the several supplements thereto, so far as the same are applicable. General powers.

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

Approved March 5, 1872.

CHAPTER CXXXVIII.

A Supplement to an act entitled "An Act to incorporate the Mantua Land and Improvement Company," approved February twenty first, one thousand eight hundred and seventy-one.

Preamble.

WHEREAS, by an act entitled "An Act to incorporate the Mantua Land and Improvement Company," the said company, among other things, are authorized to create any water power for manufacturing purposes, and to erect on the lands of the said company all dams, water ways, sluices, bridges, and so forth, necessary for the same, to erect factories, mills and other buildings for manufacturing purposes—therefore,

Increase of
capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That the said company, by resolution of its board of directors, from time to time, and at any time hereafter, may increase the capital stock of said company to any amount not exceeding five hundred thousand dollars (\$500,000), to carry into effect the objects of said company; *provided*, the consent in writing of at least two-thirds in interest of said stockholders shall be obtained thereto.

May construct
dams, &c.

2. *And be it enacted*, That it shall be lawful for said company, after the sum of ten thousand dollars shall have been subscribed and paid in, on such additional stock hereby authorized, to construct a dam or dams across both the north and south branches of Great Mantua creek, in the county of Gloucester, or either of them, at such point or points as may be deemed most expedient, to create ponds or reservoirs of water, to construct raceways along the banks of said streams, to construct any lateral raceways deemed

necessary, with locks, dams, water ways, sluices, and other works necessary and expedient for the purpose of creating a water power for manufacturing purposes, and build all factories, mills and buildings for manufacturing purposes, and rent the same; and, also, if deemed expedient, to rent out water power and the lands and privileges necessary for the erection of mills, factories and other buildings necessary for manufacturing purposes; and it shall be lawful for said company, by its officers, agents, engineers and surveyors, to enter upon the lands lying along said streams, or either of them, for the purpose of exploring, surveying and locating said dams, raceways and other works, doing no unnecessary damage to private property, and make and determine a survey or surveys of the lands and streams intended to be taken as hereinafter provided; and from time to time to deposit the same as of record in the clerk's office of the county of Gloucester; and when so deposited it shall, from time to time, be lawful for the said company, by its officers, agents, engineers, contractors and workmen, to enter upon and take possession of the lands in and adjacent to said streams, and to make all excavations and embankments, works and structures expedient and necessary to carry into effect the purposes contemplated by this act; *provided*, that in all cases where lands are not purchased or acquired by said company, payment or tender of payment of all damages sustained from the works of said company, to be determined as hereinafter provided, shall be made before the said company shall enter upon or occupy said lands, except for the purpose of surveying the same, as hereinbefore mentioned.

May enter on lands.

Proviso.

3. *And be it enacted*, That if the said company, or its officers or agents, cannot agree with the owner or owners of such required lands, materials or water right, for the use or purchase thereof, or if by reason of the legal incapacity, or the absence of such owner or owners, no such agreement can be made, a description, as particular as the case will admit, of the land or water, materials or other rights so required for the use of the said company, 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 occupants or owner, if known, to one of the justices of the supreme court, who shall require the said company to give notice of said application to the persons interested, if known and in this state, or if unknown or out of this state, to make

Proceedings in case company and owners cannot agree.

publication, as he shall direct, for any term not less than ten days, and the said justice shall appoint a time and place for the appointment of three disinterested commissioners to view said lands, and at the time and place appointed, upon satisfactory evidence of the service or publication of said notice, the said justice shall appoint three disinterested commissioners to appraise the value of said lands and water rights, and the damages which may be sustained by the owner by the taking of the same by said company; and the said commissioners, having first taken an oath, in writing, faithfully and impartially to execute the duties of said appointment, shall, after giving five days' notice to both parties, where said parties reside in this state, view the premises and hear the parties and their evidence, if so desired, and thereupon make such appraisement of the value of said lands or water rights, and of the damages sustained by the owner, as to them shall appear just and proper, and shall transmit such appraisement and award in writing, under their hands, to the clerk of the county of Gloucester, to be by him filed in the office of the clerk of said county of Gloucester, together with the papers relating thereto, there to be kept as a public record; and if either party shall feel aggrieved by the said appraisement and award of the said commissioners, the party so aggrieved may appeal to the circuit court of said county of Gloucester at the next term after said appraisement and award shall be returned as filed as aforesaid, by a proceeding in the form of a petition to said court; and the party appealing shall give to the opposite party five days' notice, in writing, of said appeal, and the filing of such petition in said circuit court shall vest in said court full power to hear and adjudge the same; and if required by either party, the said court shall award a venire for a jury, who shall hear and finally determine said appeal; the said jury shall assess the value of the land, materials and water rights, taken by said company, and all damages sustained, or that may be sustained by the owner, and if said jury shall find a greater sum than was awarded by the commissioners, judgment shall be given therefor against the company, with costs, and execution may be issued thereon; but if the said jury shall be demanded by the owner, and shall find the same sum, or a less sum, than the commissioners awarded, the costs shall be paid by the owner or owners, and shall be deducted out of the sum so found by the jury, or considered a payment thereon,

Proceedings
in case of ap-
peal.

or an execution may issue therefor by the order of the court ; and upon payment or tender of payment of the sum so awarded by the commissioners, or found by the said jury, with costs, where costs are adjudged, the said company shall be deemed to be seized in fee simple of all such lands and real estate, or materials and water rights, appraised as aforesaid ; *provided*, that the said company may take possession ^{Proviso.} of said lands, or materials and water rights, and use the same for the purposes contemplated by this act, at any time after the appraisalment and award of said commissioners, and notwithstanding any appeal therefrom, having first tendered to the owner or owners the amount of said award ; or in case of refusal to receive the same, or in case of any disability on the part of the owner, or in his absence from the state, having paid the same into the circuit court of said county for the use of such owner or owners.

4. *And be it enacted*, That this act shall be deemed a ^{Public act.} public act, and shall go into effect immediately ; but it shall be lawful for the legislature, at any time, to alter, modify or repeal the same whenever the public good may require.

Approved March 5, 1872.

CHAPTER CXXXIX.

A Supplement to an act entitled “ An Act to incorporate the Philadelphia and Camden Bridge Company,” approved the ninth day of March, anno domini one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time limited in the act to ^{Time extend-} which this is a supplement, for the commencement of said ^{ed.} bridge, shall be extended to two years from the approval of this act, and the time limited for the completion thereof to four years thereafter, and that said bridge be constructed and located in such manner and at such place as was authorized and approved by the secretary of war, under date of the

whereof the actual possession shall be and remain in the mortgagors, their heirs or assigns, the said corporation shall be bound to sell and dispose of the same, respectively, within five years after it shall acquire the same, and shall not be capable of holding the same after the termination of five years.

2. *And be it enacted*, That all persons who shall insure in or with the said company, while so insured, shall be deemed and taken for members of the said corporation; and that the property, concerns and business of the said corporation shall be conducted and managed by twenty-one directors, all of whom shall be citizens of this state, and shall be chosen by ballot, by and from among the members, to hold their office for one year, and until others are chosen; and that the election for directors shall be held on the first Monday in October, every year, at such place as the majority of the directors may previously designate, public notice of which shall be given by the secretary, in one or more newspapers printed in the county of Sussex, at least two weeks previous to the time of holding each election; and if any director shall die, resign or remove from this state, the other directors, or a majority of them, may appoint a director to fill such vacancy until an annual election; and in case it should happen that an election of directors should not be held on the day when, pursuant to this act, it ought to have been held, the said corporation shall not for that cause be dissolved, but it shall and may be lawful, on such other day as a majority of the directors may designate, upon like notice as above provided, to hold an election for directors; and until an election of directors shall be held, according to the provisions of this section, the following persons shall be directors, namely: Robert Hamilton, William W. Woodward, John C. Williams, David R. Hull, Jacob Hornbeck, Anson P. Rosenkrans, John S. Smith, William W. Cox, Thomas T. Simonson, C. V. Moore, William McDanolds, William Simpson, junior, James B. Huston, Richard E. Edsall, John George, John L. Brown, Christopher B. Van Syckle, Henry M. Freeman, John M. Knight, Samuel H. Hunt and Jacob L. Lawrence.

Election of directors.

First directors

3. *And be it enacted*, That it shall and may be lawful for the said corporation to insure dwelling houses, stores, shops, mills, barns and other buildings, together with household furniture, merchandise, and all other personal property, against loss or damage by fire.

May insure.

By laws.

4. *And be it enacted*, That the 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, not repugnant to the constitution or laws of the United States or of this state; and also shall have power to appoint such officers and agents for carrying on the business of the said corporation, with such allowance and pay as to them shall appear satisfactory, and may require their treasurer to give bond with security for the faithful performance of his duties, in such sum as they deem sufficient.

Officers and agents.

Losses to be assessed on members.

5. *And be it enacted*, That all policies of insurance which shall be made by the said corporation, in pursuance of this act, shall be made on such terms and conditions, and for such periods of time, and confined to such 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 claim or claims on the said corporation for losses sustained, the directors for the time being, or a majority of them, shall, with all convenient expedition, proceed to assess an amount sufficient to meet such losses, in a ratable proportion, on the members of the association, or their representatives, according to the amount of each member's insurance; and notice in writing shall be given to each member or his representative, or mailed to them, respectively, directed to their nearest post office, of the assessment and amount by him, her or them to be paid; and each and every member, or his or her representative, so notified, shall pay the same to the treasurer for the time being within thirty days after such notification, and in default thereof shall forfeit all their right and claim to any policy that they may hold from the company, and be no longer members of the association; they shall also be liable to a recovery of the amount of such assessment, by said company, by action of debt, with costs of suit, before any court of competent jurisdiction.

Meeting.

6. *And be it enacted*, That any one or more of the directors, after the passage of this act, shall have power to call a meeting of all the directors named herein, by giving notice in one or more of the newspapers printed in said county, at least ten days before said meeting.

Place of business.

7. *And be it enacted*, That the operations and business of said corporation shall be carried on and conducted at Newton, in the county of Sussex.

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

Approved March 5, 1872.

CHAPTER CXLII.

An Act to confirm a certain deed made by the Right Reverend James F. Wood, executor of the last will and testament of Henry F. Felix, deceased, of lands in Atlantic City, county of Atlantic and State of New Jersey.

WHEREAS, in pursuance of an act of the legislature of the state of Pennsylvania, approved on the eleventh day of April, Anno Domini one thousand eight hundred and sixty-eight, entitled "An Act to authorize and empower the Right Reverend James F. Wood, executor of the last will and testament of Henry F. Felix, late of the city of Reading, to sell certain real estate: and whereas, in pursuance of said act, the said executor, by deed bearing date the sixteenth day of October, anno domini eighteen hundred and sixty-nine, did convey in fee simple certain lands therein mentioned and set forth, situate in said Atlantic city, to one Patrick O'Reilly, which said deed was duly executed and recorded on the third day of November, anno domini eighteen hundred and sixty-nine, in the clerk's office of Atlantic county; and whereas, the said Patrick O'Reilly has since that time sold and conveyed to different persons parts of the said lands; and whereas, doubts have arisen as to the validity of said deed from the said Right Reverend James F. Wood, executor as aforesaid, to the said Patrick O'Reilly;

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said deed above mentioned, made by the said James F. Wood, executor of the last will and testament of Henry F. Felix, deceased, to said Patrick O'Reilly, shall be and the same is hereby declared to be valid and effectual in law, and the title of the several purchasers

Preamble.

Deed declared valid.

of said lands from the said Patrick O'Reilly, is further declared to be valid and effectual in law.

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

Approved March 5, 1872.

CHAPTER CXLIII.

An Act to incorporate the Union Bolt Works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel Harwood, Hiram Emerson and John D. Sargent, and the survivors of them, and such other persons as may be hereafter associated with them, be and they are hereby created a body corporate and politic in fact and in law, by the name of "The Union Bolt Works," for the purpose and with the power and authority of carrying on, in the county of Passaic, in this state, the business of manufacturing bolts, spikes, rivets, railroad cars, machinery, and goods and articles of every kind and description of which iron, steel, copper, brass and other metals form a component part, and of buying and selling the same and all other goods and articles necessary and proper to be used in the business authorized by this act, and by the said name shall have continued succession and be capable of purchasing, holding, leasing, mortgaging and conveying any lands or real estate, tenements, goods and chattels necessary or proper for the purposes of the said corporation.
2. *And be it enacted*, That the capital stock of the said company shall be one hundred and fifty thousand dollars, with the privilege to the directors of increasing the same to any amount not exceeding three hundred thousand dollars, which shall be divided into shares of one hundred dollars each; and the persons named in the first section of this act are hereby authorized to open books of subscription, and to take and receive subscriptions for such capital stock, at such time or times and in such manner as they shall deem proper;

and whenever fifty thousand dollars of the said stock has been subscribed for and paid in it shall be lawful for the said company to commence its business; and the persons before named and the directors of said company may receive in payment of subscriptions for stock any land, buildings, machinery or other property by them deemed necessary or proper for the use of said company, and at such valuation as a majority of said directors shall approve; and it shall be lawful for the directors of said company to call for and demand from the stockholders thereof, respectively, the amount subscribed by them, at such times and in such proportions as they shall deem proper; and in case of failure by any stockholder to pay his or her installment or installments, as the case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and all previous payments made thereon, for the use of the company; and the shares of the said capital stock shall be deemed personal property, and transferable only on the books of the company, in such manner as the board of directors, by their by-laws, shall direct.

Failure to pay
subscriptions
to work for-
feiture.

3. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by a board of directors of not less than three nor more than five in number, being stockholders, one of whom shall be president, and who shall hold their offices respectively for one year, and until others are elected; and that the said directors shall be chosen on the first Monday in May in every year, at such time and place and upon such notice as the by-laws of said corporation shall provide, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled to one vote for each share of stock which he or she may hold in said corporation, and the persons having the greatest number of votes shall be directors; and the directors may appoint such officers, superintendents and agents, and assign such compensation, as a majority of said directors shall think fit; and if any vacancy, by death, resignation, or otherwise, shall occur among the directors named in this act, or those hereafter to be elected, such vacancy may be filled by the remaining directors, or a majority of them; and the said Daniel Harwood, Hiram Emerson and John D. Sargent shall be the first directors of said company, and shall serve as such until the

Election of di-
rectors.

Vacancy, how
filled.

First directors

first Monday in May next, and until others are legally chosen.

Failure to
elect directors
not to dissolve

4. *And be it enacted*, That in case an election for directors shall not be made on the day specified in this act, the said corporation shall not for that cause be deemed to be dissolved but it shall be lawful to hold such election on such other day as may be provided by the by-laws of said corporation or by resolution of the board of directors.

May make by-
laws.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of the business of the said corporation, and shall have power to make such by-laws, ordinances and regulations as shall seem necessary and convenient for the management and disposition of the stock, effects and concerns of the said corporation; *provided*, that the same are not contrary to the laws or constitution of the United States or of this state.

Proviso.

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

Approved March 5, 1872.

CHAPTER CXLIV.

An Act to incorporate the Central Land Improvement and Building Company.

Corporators.

Name and
powers.

Power to pur-
chase and
hold real es-
tate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Dunlop, William Graham and Catholina Lambert, and all such persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in law, by the name of "The Central Land Improvement and Building Company," and as such shall possess and may exercise all the powers common to all corporate bodies, subject to the limitations prescribed by the laws of this state and this act.

2. *And be it enacted*, That the said corporation may purchase, use, hold, lease, rent, sell and convey, mortgage and

dispose of such real and personal estate in this state as may be necessary or expedient to the objects of this incorporation, and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever necessary or useful for the purposes aforesaid; and may lay out such land and real estate as they may from time to time have and hold in lots, plots or parcels, and may erect, or cause to be erected thereon, buildings of every name, kind and description, and for all proper and legitimate uses and purposes, and may open roads, streets and highways, and otherwise develop and improve the same.

3. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by a board of not less than three nor more than five directors, a majority of whom shall be residents of this state, all of whom shall be stockholders, who shall hold their offices respectively for one year and until others are elected; and that the said directors shall be chosen on the first Monday in April, in every year, at such time and place, and upon such notice, as the by-laws of said corporation shall provide, by such of the stockholders as shall attend for that purpose, either in person or by proxy, and each stockholder shall be entitled to one vote for each share which he or she may hold in said corporation; and the persons having the greatest number of votes shall be directors, and shall choose from among their own number one to be president and one treasurer, and may appoint such other officers and agents as they may deem necessary or expedient, upon such compensation as they may think proper; and if at any time it shall happen that any vacancy occurs, from any cause whatever, among the directors of said company, such vacancy may be filled by such person as the remainder of the directors for the time being, or a majority of them, shall appoint; and until other directors are chosen from the stockholders, the first directors shall be the said John Dunlop, William Graham and Catholina Lambert.

Election of directors

Vacancy, how filled.

First directors

4. *And be it enacted*, That the capital stock of the said corporation shall be seventy-five thousand dollars, with the privilege from time to time of increasing the same to any sum not exceeding one hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each; and that as soon as two hundred and fifty shares of the capital stock shall have been subscribed and paid in, it shall and may be

Amount of capital stock.

Failure to pay
subscriptions
to work for-
feiture.

lawful for said corporation to proceed to carry into effect the objects of said corporation ; and it shall be lawful for the directors of said corporation to call for and demand from the stockholders thereof respectively such installments, and at such times and in such proportions, and upon such notice, as they shall deem proper ; and in case of failure by any stockholder to pay his or her installment or installments, as the case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall, if the company shall so direct, incur a forfeiture of his or her share or shares, and all previous payments made thereon, for the use of the company ; and books of subscription for the stock of said corporation shall be opened at such time and place, and remain open such time as the directors shall appoint ; and the shares of the said capital stock shall be deemed personal property, and transferable only on the books of the company, in such manner as the board of directors by their by-laws may direct.

May make by-
laws.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of the business of the said corporation, and shall have power to make such by-laws, ordinances and regulations as shall seem necessary and convenient for the management or disposition of the stock, effects and concerns of the said corporation ; *provided*, the same are not contrary to the laws of the United States or of this state.

Failure to
elect directors
not to dissolve

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

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

Approved March 5, 1872.

CHAPTER CXLVI.

An Act enabling the Trustees of the Second Presbyterian Church in Newark to sell lands.

WHEREAS, Joseph T. Baldwin and Lydia, his wife, by their ^{Preamble.} certain deed, bearing date the fourth day of December, in the year one thousand eight hundred and sixteen, and recorded in the clerk's office of the county of Essex, in Book C, two of deeds, on pages one hundred and seventy-one and one hundred and seventy-two, did, for a good and valuable consideration, convey unto "The Trustees of the Second Presbyterian Church in Newark," and to their successors forever, a certain tract or parcel of land in the township (now city) of Newark, and in the said deed particularly described and set forth; and whereas, the said tract of land has been used and occupied by the said church as a burial ground, and burial lots have been sold from the same to various persons, but the same has for a long time ceased to be used or opened for the purpose of burial, and is now neglected and unused by the owners of the said lots; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey.* That it shall and may be lawful ^{May purchase lands for burial purposes.} for the said the trustees of the second Presbyterian Church in Newark, to purchase other lands in some suitable location for burial purposes, or sufficient burial lots in some cemetery already laid out and established in the vicinity of the city of Newark, and at their own proper costs and charges remove and reinter the remains of the bodies now interred and buried in the above mentioned land, heretofore used as a burying ground as aforesaid, and also to remove all tombstones and monuments erected over the graves of remains in said burying ground, and set the same up in a substantial and proper manner over the graves of the bodies so removed and re-interred.

2. *And be it enacted,* That upon the removal of the bodies, ^{Authorized to sell lands.} tombstones and monuments from the said land, by the said trustees, as above provided, it shall be lawful for the said the

trustees of the Second Presbyterian Church in Newark, and they are hereby authorized and empowered to sell and convey the whole or any part of the said tract of land and premises in fee simple or otherwise as may to them seem proper and desirable, free and clear and absolutely discharged of and from all trusts whatsoever, and to execute and deliver to the purchaser or purchasers thereof good and sufficient deed or deeds therefor, to be executed and proved in the manner that deeds of corporations are now made and proved by law, which deeds shall convey to and vest in the purchaser or purchasers a good and valid title to and for the said land so conveyed.

Corporation to
pay and re-
fund money
to purchasers
of lots.

Proviso:

3. *And be it enacted*, That the said, the trustees of the Second Presbyterian Church in Newark, shall pay and refund to such person or persons as may have purchased lots in the said tract of land heretofore used as a burial ground, and that have or shall remove the bodies buried therein at their own individual costs and charges, or that may have purchased lots and not used the same for burial purposes, the amount of the purchase money paid for said lots, without interest; *provided*, the same be demanded within five years from the passage of this act; and the remainder of the purchase money received for the land so sold shall and may be applied to and for such purpose as the said, the trustees of the Second Presbyterian Church in Newark may direct.

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

Approved March 5, 1872.

CHAPTER CXLVII.

An Act to change the corporate name of the Presbyterian Church in the township of Lawrence.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate name of the Presbyterian Church in the township of Lawrence, heretofore known as "The Trustees of the Presbyterian Church in the Township of Lawrence, in the County of Hunterdon, and State of New Jersey," be and the same is hereby changed to "The Trustees of the Presbyterian Church of Lawrenceville." Change of name.

2. *And be it enacted*, That all deeds, gifts, grants, devises, bequests, records, acts and things whatsoever, in which the said corporation has been described by any former corporate name, shall be good and effectual in law, and shall enure to the benefit of "The Trustees of the Presbyterian Church of Lawrenceville," as effectually as if said name had been originally inserted therein. Acts, &c., declared effectual in law.

3. *And be it enacted*, That all the legal rights, remedies and liabilities of the said corporation shall remain the same as if this act had not been passed.

Approved March 5, 1872.

CHAPTER CXLVIII.

An Act to widen, grade and improve Ridge Road, in the township of Union, in the county of Bergen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James McCreary, J. C. Marin, Daniel Van Winkle, Frank Page and John H. Poillon be and Commissioners and their powers.

- they are hereby appointed commissioners, with full power and authority to widen, grade and improve all that public road commonly known as the Ridge road, in the township of Union, and the same road which was, on the twenty-fifth day of March, in the year one thousand eight hundred and sixty-eight, laid out by the surveyors of the highways of the county of Bergen, in pursuance of the laws of this state; *provided*, that said commissioners shall first secure the consent, in writing, of the owners of a majority of the frontage on said road; *and provided further*, that they shall not make the width of said road they are hereby authorized to widen, to exceed eighty feet.
- Proviso.
- Proviso.
- To take oath. 2. *And be it enacted*, That said commissioners, before proceeding under their said appointment, shall take and subscribe an oath or affirmation before a justice of the peace, faithfully and impartially to exercise the powers and perform the duties granted and enjoined by this act, which oath or affirmation shall be filed by said commissioners, within fifteen days thereafter, in the office of the clerk of the county of Bergen.
- May enter on lands, &c. 3. *And be it enacted*, That the said commissioners shall have power to employ a civil engineer and all necessary workmen and agents to effectually carry out the powers and authority granted in the first section of this act; and for the widening of said road they are hereby authorized to widen, may enter upon and take any lands and improvements that may be necessary for that purpose, upon issuing to the owner or owners a certificate or certificates of indebtedness, as provided in section fifth of this act, for the damage done by taking the said land and improvements, the said damage to be determined by the said commissioners; *provided*, that in determining the said damage done by the taking of the land they shall only allow for the excess, if any, of damage done over and above the advantage that will, in their judgment, accrue to the owner of the land taken.
- Proviso.
- Work to be done by contract. 4. *And be it enacted*, That when the commissioners shall proceed to grade and improve the said road, they shall do the said work by contract, in manner following, and may, if they see fit, do the same in sections of any length, at the same or different times; they shall prepare a plan and specifications of the work proposed to be done, which plan and specification shall at all times, after the same are determined upon, be open to the inspection of all parties liable to be assessed for the cost and expense of the proposed improvement; and

thereupon the said commissioners shall advertise, for not less than three weeks, in at least one newspaper published in the county of Bergen, for proposals for doing said work, and after said time shall open said proposals, and let the said work to the person or persons who shall offer to do it for the least sum of money, but the said commissioners may, if they deem it for the best interest of the property owners to be assessed for the said improvement, reject all the offers and readvertise as above required, before they shall let the said work ; *provided*, Proviso. that the said work shall not in any case be let without security from the contractor, in such sums as the commissioners may require, not less than one-third the price of doing the work ; *and provided*, Proviso. that the whole cost of such grading and improvement shall not exceed the sum of twenty thousand dollars ; *and provided further*, Proviso. that it shall not be lawful for any of the said commissioners to be interested, directly or indirectly, in any contract given out by them under this act.

5. *And be it enacted*, That the commissioners may issue a certificate or certificates of indebtedness for damages awarded for lands and improvements taken for the widening of said road, particularly provided for in section third of this act, and a like certificate or certificates to the engineer, surveyor or surveyors, workmen and agents, for services rendered ; and also in the certificate of the engineer of the amount of work done under any contract authorized under section fourth of this act, issue to the contractor thereof a like certificate or certificates of indebtedness for said work, in sums of not less than fifty dollars, as the work progresses, and on the completion of the work for the balance due, which certificate of indebtedness shall bear interest at the rate of seven per centum per annum until paid ; and such certificate shall be receivable in payment for assessments laid by said commissioners, as is hereinafter provided for. Commissioners may issue certificates of indebtedness.

6. *And be it enacted*, That when the said commissioners shall have completed the widening of said road, and also when the work under the contracts authorized by the fourth section of this act shall be completed, the said commissioners may assess the whole cost and expense of the improvements, together with the fees of the collector for the collection of the assessment, and also such a surplus as they may deem necessary to meet all other expenses that they may incur in carrying out the provisions of this act, not to exceed the sum of five hundred dollars, on all the lands fronting on said road Costs and expenses to be assessed on lands.

Maps to be
made.

Notice of
meeting to
hear objec-
tions.

Assessments
to be a lien.

Collector to
collect assess-
ments.

hereby authorized to be widened, graded and improved; and said commissioners shall make the said assessment on said lands in proportion to the benefit received, in their judgment, by the owners thereof, and they shall make a map showing the boundaries of the lands so assessed, and the course, length and location of the road on account whereof the assessment is made, and shall make the amount of the assessment to such owner on the plot of his land, and shall make a certificate of the whole amount of the assessment, and the assessment to each owner, and annex the same to said map, whereupon the said commissioners shall give two weeks' previous notice in a newspaper printed and published in the county of Bergen, and by notice posted in three of the most public places along the line of the improvement, that they will meet at a convenient time and place to be named in said notice, to hear and weigh all objections to said assessments, and to correct and finally confirm the same; and notwithstanding any error in said certificate in not naming the true owner or owners of any plot or parcel, the assessment shall remain valid and effectual against such plot or parcel, and be collected in the manner hereinafter prescribed, and if any error of assessments be made in such certificate in not dividing any plot or parcel according to its actual ownership, it shall not defeat or impair the assessments, but the commissioners shall, on application to them, divide said assessment and apportion it to such fronts.

7. *And be it enacted*, That the map and certificates mentioned in the last section, when completed according to such final conviction and confirmation of the assessment, shall be filed in the office of the clerk of the county of Bergen, from which time the assessment shall be a lien on the lands on which it is laid; and the said commissioners shall make a copy of said map and certificate, which they shall place in the hands of the collector of taxes for the time being of the township of Union, and thereupon it shall be the duty of said collector to collect said assessment within sixty days from the time of laying the same, in the same manner in which township taxes are collected, and to pay the same over to one of the said commissioners, who shall have been chosen by them as their treasurer; and the said collector shall proceed in all things as by the laws of this state township collectors are bound to proceed, where not otherwise herein specified, and

shall be liable to the same pains and penalties prescribed in such cases.

8. *And be it enacted*, That in case any owner or owners of lands shall fail to pay the assessment laid thereon within sixty days from the time of laying the same, then the collector shall return the same in the same manner, and all subsequent proceedings, including the sale of lands so assessed, shall be the same as though they were to be had for any unpaid taxes; and the moneys made by virtue of the sale of lands or chattels shall be paid over to the treasurer of said commissioners. Lands to be sold for non-payment.

9. *And be it enacted*, That the term of office of the said commissioners shall expire at the end of three years from the passage of this act, and in case of the death, disability, or resignation of any of said commissioners, the vacancy so caused shall be refilled by the remaining commissioners, at a meeting called for that purpose, by the election of a new commissioner for the unexpired term. Term of office.

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

Passed March 6, 1872.

CHAPTER CLI.

A Supplement to an act entitled "An Act to provide a free bridge across the Passaic river, at the city of Newark," approved March fourteenth, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons to drive any wagon, cart, sled, or sleigh, or any other kind of carriage or vehicle, or to ride, lead, or drive any horse or horses, mule or mules, or any description of cattle, at a faster gait than a walk over or upon the free bridge across the Passaic river at the foot of Bridge street in the city of Newark, in the county of Essex, and connect- Penalty for violation of act.

ing that city with Harrison in the county of Hudson, and that every person or persons so offending, besides being liable for all damage occasioned thereby, shall, on being convicted thereof before any justice of the peace of either of said counties, upon the view of such justice, or confession of the party offending, or on proof of any witness or witnesses upon oath or affirmation, forfeit and pay the sum of ten dollars for every such offence, together with the costs of prosecution; *provided always*, that this act shall not apply to any physician or person going for any physician, nor to any person riding express by order of any public officer of this state or of the United States, nor to any person pursuing a fugitive from justice; *and provided further*, that the boards of chosen freeholders of said counties, shall cause to be put up at each end of said bridge, in some conspicuous place, and in plain legible letters, a notice as follows: "ten dollars fine for travelling over this bridge at a faster gait than a walk."

Proviso.

Proviso.

Penalty for defacing notices, &c.

2. *And be it enacted*, That if any person or persons shall wilfully remove or deface said notice, or shall offend against any of the provisions of the act entitled "An Act for the protection of bridges in this state," passed February twenty-seven, anno domini eighteen hundred and thirty-three, so far as they may relate or apply to said bridge, such person or persons so offending, on being convicted thereof before any justice of the peace of either of said counties, upon the view of such justice, or confession of the party offending, or on proof of any witness or witnesses upon oath or affirmation, forfeit and pay the sum of ten dollars for every such offence, together with the costs of prosecution.

Regulations for protection of bridge.

3. *And be it enacted*, That the boards of chosen freeholders of the said counties, or the joint committees having charge of said bridge, may make such regulations, not inconsistent with the provisions of this act, as they shall deem necessary, for the protection of the said bridge and the accommodation of passengers crossing the same, and may place the said bridge in the special care or charge of such suitable persons as they may appoint for that purpose, and may thereupon apply to the governor of this state to commission such person or persons to act as policemen in respect to the said bridge and the enforcement of the provisions of this act, and of such regulations as shall be made as aforesaid.

Policemen.

4. *And be it enacted*, That the governor, upon such application may appoint such persons, or so many of them as he may deem proper to be such policemen, and shall issue to such person or persons so appointed, a commission or commissions to act as such policemen, a copy of which commission shall be filed in the office of the secretary of state; and thereupon the person or persons so commissioned, shall possess all the powers of policemen and constables within said counties, so far as relates to the enforcement of the provisions of this act, and of the regulations to be made as aforesaid, and shall, when on duty, severally wear in plain view a metallic shield or device, with the words "bridge police."

Governor to
commission
policemen.

Powers and
duties.

5. *And be it enacted*, That the compensation of such policemen shall be paid by the said boards of chosen freeholders or the said joint committee thereof, and shall be such as may be mutually agreed upon; and whenever said boards or said joint committee shall no longer require the services of such policemen, they shall file a notice to that effect in the office of the secretary of state, and thereupon the power of such policemen shall cease and be determined.

Compensation

6. *And be it enacted*, That it shall be lawful for every such policeman who may witness any offence against this act, to apprehend immediately the person so offending, and take him before a justice of the peace of either of said counties, as soon as conveniently may be, and make complaint or give information of such offence against the offender, in order that he may be dealt with according to law, and may detain him until such justice can be found, and the said justice may thereupon proceed to hear and inquire into such complaint or information, or adjourn the hearing thereof for a reasonable time, taking security from the defendant for his appearance at the time and place to which such hearing shall be adjourned, then and there to answer the charge, and upon confession or proof thereof, as aforesaid, the defendant shall be thereof convicted and adjudged to pay the penalty aforesaid with all lawful costs; and in case any person so convicted shall not immediately pay down the penalty and costs so adjudged against him, or give security to the satisfaction of the justice before whom such conviction shall be had, for the payment thereof within ten days, then every such offender shall, by warrant, under the hand and seal of such justice, be sent to the common jail of the county, or to the jail of any city or town corporate

Policemen to
arrest offend-
ers.

within the same, there to be and stand committed, for a time to be specified in said warrant, not less than five nor more than thirty days.

Persons convicted may appeal.

7. *And be it enacted*, That if any person so convicted shall think himself aggrieved by any such conviction, he may appeal to the next court of general quarter sessions of the peace of the county where such conviction shall be had; which court shall, in a summary way, hear and determine such appeal, and confirm such conviction, with costs, or reverse the same, as to them shall seem right; *provided*, that no person shall be entitled to an appeal unless he shall first pay down to the justice the penalty and costs of prosecution awarded against him, to be returned to him, in case, upon the appeal, the conviction thereof had shall be reversed.

Proviso.

Forfeitures and costs, to whom paid.

8. *And be it enacted*, That it shall be lawful for every such offender to pay the said forfeitures and costs to the justice before whom such conviction shall be had; and such justice shall receive the same, and, within five days thereafter, pay over the same to one of the members of the said joint committee, to be applied by said committee towards maintaining said bridge, and keeping the same in repair.

Expenses, by whom borne and paid.

9. *And be it enacted*, That it shall be lawful for the boards of chosen freeholders of the said counties, respectively, to appropriate for the use of said joint committee such sums of money as may be required and applied for by them, from time to time, to meet the expenses of maintaining and keeping in repair the said bridge, and pay the wages and salaries of persons employed by them in connection with the said bridge; and all the expenses incurred by said joint committee shall be borne and paid by the said counties equally.

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

Approved March 7, 1872.

CHAPTER CLII.

An Act to alter the township line between the borough of Hackettstown and the township of Mansfield, in the county of Warren.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the borough of Hackettstown lying within the following boundaries and description, to wit : beginning at the present corner between said borough and the township of Mansfield, in said county of Warren, at or near the bridge over the Musconetcong creek, below and near the mills known as Rice's Mills, and in the middle of said creek, and running thence northwesterly along the boundary line between said borough and said township to the Morris canal; thence northeasterly along said canal to the centre of the first waste weir thereon, west of the road leading from Hope to Hackettstown; thence easterly to the centre of the north end of the culvert on the Morris and Essex railroad across Trout brook; thence down the middle of Trout brook, the several courses thereof, to the middle of the Musconetcong creek aforesaid; thence down the middle of said creek, the several courses thereof, to the place of beginning, shall be set off from the aforesaid borough of Hackettstown and attached to the township of Mansfield, in the county of Warren.

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

Approved March 7, 1872.

CHAPTER CLIII.

An Act to set off from the township of Evesham, in the county of Burlington, a new township, to be called the township of Mount Laurel.

Boundaries. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Evesham, in the county of Burlington, lying within the following boundaries, to wit: beginning at the point where the extension of the Moorestown and Mount Laurel turnpike road crosses the line dividing the townships of Evesham and Medford; thence in a straight westwardly course through the intersection of the public roads leading from Moorestown to Marlton and from Fellowship to Evesboro, to the dividing line of the counties of Burlington and Camden; thence following the line of said counties a northwestwardly course to the line of the township of Chester; thence following the line of the township of Chester to the middle of the Rancocas creek; thence up the middle of the said Rancocas creek to the line of the township of Lumberton; thence southward following the line of the township of Lumberton to the line of the township of Medford; thence along the line of the township of Medford to the place of beginning, shall be and hereby is set off from the township of Evesham, in the county of Burlington, and made a separate township, to be known by the name of the township of Mount Laurel.

Corporate name.

2. *And be it enacted*, That the inhabitants of the township of Mount Laurel shall be, and they are hereby, constituted a body politic and corporate in law, by the name of "The Inhabitants of the Township of Mount Laurel, in the County of Burlington," and shall be entitled to all the rights, powers, authority, privileges and advantages, and shall be subject to all regulations, government and liabilities, that the inhabitants of the township of Evesham, first aforesaid, are now entitled or subject to, by the existing laws of this state, or by any special laws for the township of Evesham.

Town meeting.

3. *And be it enacted*, That the inhabitants of the township of Mount Laurel, aforesaid, shall hold their first town

meeting at the Green Grove school house, in said township, on the second Tuesday in March, anno domini one thousand eight hundred and seventy-two, at ten o'clock in the forenoon, and annually thereafter on the second Tuesday in March, at such place as the said inhabitants may determine.

4. *And be it enacted*, That the township committees of the townships of Evesham and of Mount Laurel shall meet at the Evesboro hotel, in the township of Evesham, on the Monday next succeeding the annual town meetings in said townships of Evesham and of Mount Laurel at ten o'clock in the forenoon of said day, and then and there proceed, by writing signed by a majority of those members present, to allot and divide between the said townships, all properties and monies on hand or due, in proportion to the taxable property and ratables, as taxed by the assessor of the township of Evesham, within their respective limits, at the last assessment; and the inhabitants of the township of Evesham, and the inhabitants of the township of Mount Laurel, shall be liable and required to pay their just proportion of the debts respectively; and if any of the persons comprising either of the township committees aforesaid should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and shall have full power to adjourn from time to time, and to such place as they think proper, and the decision of a majority of those members present shall be final and conclusive.

5. *And be it enacted*, That of the township committee and commissioners of appeal chosen at the first town meeting of the inhabitants of the township of Mount Laurel, one member of the township committee, and one commissioner of appeal shall serve for three years; one member of the township committee and one commissioner of appeal shall serve for two years, and one member of the township committee and one commissioner of appeal shall serve for one year, their terms of service to be determined by themselves by lot; and thereafter at each annual town meeting, one member of the township committee and one commissioner of appeal shall be elected for three years.

6. *And be it enacted*, That in case at any town meeting of the inhabitants of the township of Mount Laurel, two or more candidates have an equal number of votes, or in case any person elected shall refuse to accept of the office to which he was elected, or in case of the removal of any officer

Township
committee to
meet and allot
and divide
moneys, &c.

Terms of office

Vacancy, how
filled.

from the township, or in case a vacancy occurs from any other cause, it shall be the duty of the township committee of said township (unless they shall deem a special town meeting for the purpose advisable, and in that case they shall have power to direct the calling of a special town meeting as now provided by law), to fill such vacancy without unnecessary delay; and immediately after they shall have made any such appointment, they shall notify the clerk of the township, who shall enter the same on the township book containing the minutes of the proceedings of town meetings, and shall also notify the person or persons so appointed or chosen, and shall transmit a statement thereof to the clerk of the county.

Commissioners to run and mark dividing line.

7. *And be it enacted*, That Freedom C. Lippincott, of the township of Evesham, and David E. Darnell, of the township of Mount Laurel, be and they are hereby appointed commissioners to run and mark the dividing line of the townships of Evesham and Mount Laurel, and that the expenses and reasonable compensation of said commissioners be equally paid by said townships.

Repealer.

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

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

Approved March 7, 1872.

CHAPTER CLIV.

A Further Supplement to the act entitled "An Act to incorporate Morristown."

Power to lay out and open streets, &c.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the common council of Morristown shall have exclusive jurisdiction of the laying out and vacating of all streets and highways, roads and alleys within the corporate limits of said town, and shall have power to lay

out and open any street, road, highway or alley within said town, and to order and cause any street, road, highway or alley already laid out, or which may hereafter be laid out, to be vacated, and to take and appropriate for such purpose any lands and real estate, upon making compensation to the owner or owners thereof, as is hereafter mentioned and provided.

2. *And be it enacted*, That in proceeding to lay out and open, or vacate any street, road, highway or alley within their corporate limit, the said common council shall give notice of their intention so to do, in accordance with the provisions of the second section of an act entitled "A Further Supplement to an act entitled 'An Act to incorporate Morristown,'" approved April sixth, eighteen hundred and sixty-five, which supplement was approved April ninth, eighteen hundred and sixty-seven, and in their proceedings to acquire the title to property taken for the purpose of any such street, road, highway or alley, and in providing for payment of the cost of the same, and for the expenses of opening and grading the same, shall be governed by the several provisions of said supplement, which are hereby declared to apply to the laying out and opening and grading of streets, roads, highways and alleys, as well as to the straightening, altering and widening of the same. Notice of intention to be given. Act to apply

3. *And be it enacted*, That the third section of an act entitled "A Further Supplement to an act entitled 'An Act to incorporate Morristown,'" approved April sixth, eighteen hundred and sixty-five, which supplement was approved March second, eighteen hundred and seventy, shall be so amended that the words "ten thousand dollars," contained in said section, shall be stricken out, and the words "twelve thousand and five hundred dollars" inserted in place thereof, and said supplement shall be read and construed accordingly; and the fourth section of said supplement shall be so amended that the words "eight thousand dollars" therein contained shall be stricken out, and the words "eleven thousand dollars" inserted in place thereof; and said fourth section shall be read and construed accordingly. Amendment. Amendmen.

4. *And be it enacted*, That the corporation of Morristown be and is hereby authorized to issue bonds to an amount not exceeding twelve thousand dollars, in sums of not more than one thousand and not less than one hundred dollars, to be signed by the mayor and countersigned by the town clerk, May issue bonds.

and sealed with the corporate seal of said town, and to have written or printed thereon the words "fire bond;" and one thousand dollars, in amount of said bonds, shall be made payable in each and every year, from and after the maturity of the bond which matures the latest of those heretofore issued by said corporation, so that the whole amount shall become due and payable in twelve years from and after the maturity of the bond which matures the latest of those heretofore issued by said corporation; and said bonds so to be issued shall bear interest at seven per centum per annum, payable semi-annually, and shall be exempt, in the hands of any holder, from any tax to be levied by said corporation for its corporate purposes; and the said common council of Morristown shall have the power to raise the money, by taxation, to pay the principal and interest of the said fire bonds so to be issued as the same mature in addition to the tax they are now authorized to raise, and in the same manner as other taxes are assessed and raised by said corporation.

Proceeds of
sale of bonds,
how appropri-
ated and used.

5. *And be it enacted*, That the proceeds of the sale of said bonds so to be issued shall be appropriated and used by said common council, first, towards the payment of the mortgage debt now existing upon the real estate owned by said corporation, and second, towards the purchase of new hose for the fire department of said town; and said common council shall have power to dispose of said bonds at their market value.

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

Approved March 7, 1872.

CHAPTER CLV.

An Act to set off a new township in the county of Middlesex, to be called the township of Cranbury.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the townships

of South Brunswick and Monroe, in the county of Middlesex, ^{Boundaries.} lying within the boundaries and descriptions following, to wit: Beginning in the middle of Millstone river, at the point where Devil's brook empties into the same, and running thence up the middle of Devil's brook the several courses thereof to the middle of the highway running from Gray's Mills to Plainsboro; thence in an easterly direction to the village of Plainsboro; thence along the middle of the road leading from Plainsboro to Scott's Corner, and following said road until it intersects the Cranbury and New Brunswick turnpike; thence easterly along the new road until it intersects the public road leading from the village of Washington to Cranbury; thence northeasterly along said road to Pleasant Hill school house; thence easterly along the middle of a new road to a bend in the same by the dwelling house of Timothy McCartey; thence southerly direct to the point where the public road crosses the Camden and Amboy railroad, near the dwelling house of John S. Dey; thence southwesterly along the Camden and Amboy railroad to the high bridge on the public road leading from Cranbury village to Cranbury station; thence southerly following the middle of the most direct public road leading from the said high bridge to Wyckoff's Mills to where it strikes the public road leading from said Wyckoff's Mills to the Red Tavern; thence a due south course (as the needle now points) to the channel of Wyckoff's mill pond, which is the Millstone river; thence following the middle of the said Millstone river the several courses thereof to the place of beginning, shall be and hereby is set off from the said townships of South Brunswick and Monroe, and made a separate township, to be called and known by the name of "The Township of Cranbury."

2. *And be it enacted*, That the inhabitants of the town-^{Corporate}ship of Cranbury shall be, and they are hereby constituted ^{name.} a body politic and corporate, and shall be styled and known by the name of "The Inhabitants of the Township of Cranbury, in the County of Middlesex," 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 county of Middlesex.

3. *And be it enacted*, That the inhabitants of the said ^{Town meet-}township of Cranbury hereby created, shall hold their first ^{ings.} annual town meeting at the inn of William Stults, in the

village of Cranbury, on the day appointed by law for holding the annual town meetings in the other townships of the county of Middlesex, and annually thereafter at such place in the said township of Cranbury as a majority of the legal voters of said township shall determine; that at their said town meetings they shall vote by ballot until it shall be otherwise determined according to law; and that all the provisions and restrictions of an act entitled "An Act to authorize the inhabitants of the several townships of this state to vote by ballot at their town meetings," approved March twenty-second, one thousand eight hundred and sixty, and of the supplements thereto, shall apply to the inhabitants of the township of Cranbury.

Election officers.

4. *And be it enacted*, That Ezekiel Silvers, Matthew A. Rue and D. Chambers Lewis, be and they are hereby appointed judges of election, to hold and preside over the first town meeting, and Edwin A. Brown is hereby appointed town clerk of said township of Cranbury, to hold their respective offices until their successors are elected and qualified in their stead; and any person acting as judge of election or town clerk, shall be entitled to hold any office in said township to which they, by a majority of the legal voters of said township, may be elected; *provided*, that in case of the absence or inability to serve of any of said persons so appointed by this act, a majority of the legal voters present may fill such vacancy.

Proviso.

Road districts

5. *And be it enacted*, That Ezekiel Silvers, Matthew A. Rue and D. Chambers Lewis, or a majority of them be, and they are hereby authorized and required to divide the said township of Cranbury into convenient road districts, and to report the same in writing to the clerk of said township, who shall lay the same before the legal voters present at the opening of the polls, on the morning of the first annual town meeting, which said districts shall remain in force until otherwise altered or changed by the township committee.

Officers.

6. *And be it enacted*, That the inhabitants of said township of Cranbury shall elect, at their first annual town meeting, such officers as are authorized to be chosen in the other townships of the county of Middlesex, and shall vote on the same ballot for the amount of money to be raised for school purposes, for the making and repair of roads, for the support of the poor, and for such other purposes as may be authorized by law.

7. *And be it enacted*, That the town committee of the township of Cranbury, together with the town committees of the respective townships of South Brunswick and Monroe, shall meet on the second Tuesday of April next, at the inn of William Stults, in the village of Cranbury, in the township of Cranbury, at ten o'clock in the forenoon, and shall then and there proceed by writing signed by a majority of the members of each township committee, to allot and divide between the said townships all their paupers which are hereby chargeable to that township within the bounds of which they shall have acquired their settlements respectively, and to allot and divide between the said townships all property and moneys on hand or due, in proportion to the taxable property and ratables as valued and assessed by assessors, within their respective limits of the said townships at their last assessments; and the inhabitants of the said township of Cranbury shall be liable to pay their just proportion of the debts, if any there be due, and to support and maintain the paupers so allotted to them; and if any of the persons composing either of the town committees shall refuse or neglect to meet as aforesaid, those assembled may proceed to make the said allotment and division, and the decision of a majority of those present shall be final and conclusive; *provided*, that it shall and may be lawful to adjourn the above meeting to such time and place within the said township of Cranbury as a majority of those assembled may think proper.

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

9. *And be it enacted*, That the committee of the said township of Cranbury shall cause the boundary lines of said township to be surveyed and marked when necessary.

10. *And be it enacted*, That the township of Cranbury shall form part of the third assembly district of the county of Middlesex.

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

hereby repealed, and that this act shall take effect immediately.

Approved March 7, 1872.

CHAPTER CLVI.

An Act for the relief of Anna Atkinson, widow of a soldier of the Revolution of one thousand seven hundred and seventy-six.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of fifty dollars be paid, by the treasurer of this state, to Anna Atkinson, widow of a revolutionary soldier, upon the passage of this act; and at the rate of fifty dollars per annum thereafter be paid to her, semi-annually, during her lifetime.

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

Approved March 7, 1872.

CHAPTER CLVII.

An Act for the relief of James F. Price, a soldier of the war of one thousand eight hundred and twelve.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars be paid, by the treasurer of this state, to James F. Price, a soldier of the war of one thousand eight hundred and twelve, upon the passage of this act, and at the rate of one hundred

dollars per annum thereafter, be paid to the said James F. Price, quarterly, during the term of his natural life.

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

Approved March 7, 1872.

CHAPTER CLVIII.

An Act to authorize the construction of a draw or swing bridge over the Elizabethtown Creek.

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 Union, to build and maintain, or permit to be built and maintained, a good and sufficient bridge over Elizabethtown creek, with a suitable draw or swing therein, of not less than forty feet in width, which bridge shall be located at or near the point where Second street intersects said creek at Elizabeth. May build a draw bridge.

2. *And be it enacted*, That if any person shall open the draw or swing of said bridge, and leave the same open for more than fifteen minutes, when the same is not absolutely necessary for the passage of a vessel or boat through the same, or if any person shall cut, remove or destroy any piece of timber, or shall remove or destroy any iron or stone work belonging to said bridge or abutment thereof, or otherwise wilfully damage, or cause to be damaged, the said bridge or any part thereof, he or she so offending shall, for every offence, forfeit and pay the sum of fifty dollars over and above the damage done to said bridge, to be recovered in an action of debt before any court of competent jurisdiction, with costs of suit, by any person who shall sue for the same; one half of said sum for the use of the prosecutor, and the other half for the use of said county, to be paid to the collector thereof. Penalty for opening draw and injuring works.

3. *And be it enacted*, That in case it shall become necessary for the accommodation of persons and vehicles passing

Freeholders
may make
regulations
and employ
keeper.

Proviso.

Proviso. "

over, or of vessels or boats passing through the said bridge, to have the same put in the charge or care of some suitable person or corporation for that purpose; then and in that case it shall be lawful for the said board of chosen freeholders for the time being, to make such contract and regulations, with such person or with the city of Elizabeth, as they shall deem necessary, for the better accommodation aforesaid; *provided*, they be in accordance with the preceding sections of this act; *and provided*, that no person or corporation shall at any time charge or receive any toll whatsoever for crossing the said bridge.

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

Approved March 7, 1872.

CHAPTER CLIX.

An Act for the relief of Enoch Ireland, of the county of Atlantic.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state be and he is hereby authorized and required to pay to Enoch Ireland, of the county of Atlantic, who was a soldier in the war of eighteen hundred and twelve, or to his order, the sum of one hundred dollars per annum, during the term of his natural life, in equal quarterly payments of twenty-five dollars each; the first payment to be made on the first day of May, eighteen hundred and seventy-two.

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

Approved March 7, 1872.

CHAPTER CLX.

An Act for the relief of Mary McBride, widow of William McBride, a soldier of the war of eighteen hundred and twelve.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars ^{Pension.} be paid by the treasurer of this state, to Mary McBride, widow of William McBride, a soldier of the war of eighteen hundred and twelve, upon the passage of this act; and at the rate of one hundred dollars per annum thereafter be paid to her semi-annually, during her lifetime.

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

Approved March 7, 1872.

CHAPTER CLXI.

A Supplement to an act entitled "An Act to revise and amend the charter of the city of Camden," approved February fifteenth, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the police and night watchmen of the said city of Camden shall be appointed by the mayor, and hold their office under the control, and at the pleasure of the mayor of said city; and said mayor shall appoint a proper person to be the chief of police, and said city council shall define his duties; and that no policeman or watchman shall engage in any other business during his term of office. ^{Appointment of policemen and watchmen.}

2. *And be it enacted*, That all acts or parts of acts in- ^{Repealer.}

consistent with this act be and the same are hereby repealed,
and that this act shall take effect immediately.

Approved March 7, 1872.

CHAPTER CLXII.

An Act for the relief of Thomas Carr.

Preamble. WHEREAS, Thomas Carr, a citizen of the state of New Jersey, was convicted at a court of oyer and terminer and general jail delivery, holden at Mount Holly, in and for the county of Burlington, on Tuesday, the sixteenth day of April, anno domini eighteen hundred and sixty-one, on an indictment for breaking and entering shop and larceny; and whereas, by reason of said conviction, the said Thomas Carr is deprived of the right of suffrage under the constitution and laws of this state; and whereas, the right of suffrage can only be restored to said Thomas Carr by a law specially enacting the same; and whereas, by reason of his faithful services rendered in the army of the United States, and his correct deportment since his conviction, he merits this interposition on his behalf; therefore,

Restored to citizenship. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all disabilities which the said Thomas Carr is subjected to, by reason of the aforesaid conviction, are hereby removed, and the said Thomas Carr has the right of suffrage restored to him as fully as if the said conviction had not taken place.

Approved March 7, 1872.

CHAPTER CLXIII.

An Act for the relief of David Sherrey, of the county of Atlantic.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, ^{Pension.} and he is hereby authorized and required to pay to David Sherrey, of the county of Atlantic, who was a soldier in the war of eighteen hundred and twelve, or to his order, the sum of one hundred dollars per annum, during the term of his natural life, in equal quarterly payments of twenty-five dollars each; the first payment to be made on the first day of May, eighteen hundred and seventy-two.

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

Approved March 7, 1872.

CHAPTER CLXIV.

An Act to incorporate the Artisans' Building and Real Estate Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Mosley, John T. ^{Corporators.} Hilton, Henry Wardle, John J. Jackson, John Houghton and Samuel Urmson, and all such persons as may hereafter be associated with them, and their successors and assigns, shall be and they are hereby created a body corporate by the name of "The Artisans' Building and Real Estate Association," and by that name shall be capable, by law, to hold ^{Name and powers.} and dispose of property, to sue and be sued, to plead and be impleaded, in any court whatsoever, to make and use a com-

mon seal, to alter and renew the same at pleasure, to make and put in force all such by-laws and regulations necessary for promoting the interests of the said association, and generally to do any act and thing necessary to carry into effect the provisions of this enactment; *provided*, the same are not contrary to the laws of the United States or of this state.

May hold, use, lease, sell and improve lands 2. *And be it enacted*, That the said association is hereby authorized to purchase, hold, use, lease, sell, convey, mortgage and dispose of real estate, in this state, and to improve the same by erecting, or causing to be erected thereon, buildings of every name and description, and for all proper and legitimate uses and purposes whatsoever; and to use, hold, sell, lease, mortgage or convey the same; and further, to improve the said lands by laying out the same into lots and plots, and by opening and grading streets and roads through said lands, such streets and roads to be made to conform to the location of the streets and roads located through or across said lands by any legal authority.

First trustees. 3. *And be it enacted*, That the said stock, property and concerns of the said association shall be managed and conducted by three trustees, who shall be stockholders in said association, and residents of this state, and shall hold their office for one year, and until others are elected, one of whom shall be president; and that John J. Jackson, John Houghton and Samuel Urmson shall be the first trustees of the said association, and shall hold their offices for one year from the organization of the said association, and until others shall be elected in their places; and that the first trustees shall be chosen on the first Monday in April, eighteen hundred and seventy three, and on the first Monday in April in every year thereafter, at such time and place as shall be provided by the by-laws of said association, by such of the stockholders as shall attend for that purpose, either in person or by proxy; notice of the time and place shall be published not less than two weeks previous thereto, in a newspaper published in the city of Paterson, in this state; and each stockholder shall be entitled to one vote for each share which he may hold in said association, and the persons having the greatest number of votes shall be trustees; and the trustees may appoint such agents, officers and superintendents, and make such compensation as they shall think fit; and if, at any time, it shall happen that any vacancy or vacancies

Election.

Vacancies, how filled.

occur from any cause whatever among the trustees of the said association, such vacancy or vacancies shall be filled by such person or persons, from among the stockholders, as the remainder of the trustees, for the time being, shall appoint, who shall hold their offices until others are chosen as aforesaid.

4. *And be it enacted*, That the capital stock of the said association shall be thirty thousand dollars, with the privilege of increasing it to sixty thousand dollars, which shall be divided into shares of two thousand dollars each; and as soon as fifteen shares of the capital stock shall have been subscribed and the sum of five hundred dollars, on each share so subscribed, paid, and the balance secured to be paid, it shall and may be lawful for said association to proceed to carry into effect the objects of this enactment; and it shall be lawful for the trustees of said association to call for and demand from the stockholders, respectively, such installments, and at such times and in such proportions as they shall deem proper, previous notice of which shall be published for at least twenty days in a newspaper published in the city of Paterson, in the county of Passaic; and in case of failure to pay any installment at the time and place appointed for the payment thereof, such stockholder shall incur a forfeiture of his share or shares, and all previous payments thereon for the use of the association; books of subscription, for the stock of the said association, shall be opened at such time and place, in the city of Paterson, as the trustees shall appoint, notice begin given previous thereto in a newspaper published in the said city; and the shares of the said capital stock shall be deemed personal property, and transferable on the books of the association in such manner as the said association, by their by-laws, shall direct.

Amount of
capital stock.

Failure to pay
subscriptions
to work for-
feiture.

5. *And be it enacted*, That a majority of the trustees, for the time being, shall form a board for the transaction of the business of the association, and shall have power to make all necessary by-laws, rules and regulations, for promoting the interest of the said association, as hereinbefore authorized; and that the office of the said association shall be in the city of Paterson, in this state.

May make by-
laws, &c.

6. *And be it enacted*, That in case it shall, at any time, happen that the election for trustees shall not be made on the day when, pursuant to this act, it ought to have been made, the said association shall not, for that cause, be deemed to be

Failure to
elect trustees
not to dissolve

dissolved, but it shall and may be lawful to hold such election on such other day as the trustees of the said association shall direct.

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

Approved March 7, 1872.

CHAPTER CLXV.

An Act to incorporate the Cummings Car Works.

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|--------------------------|---|
| Corporators. | 1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That Delos E. Culver, William H. Cummings, Luther H. Cummings, William H. Chaddock and Augustus S. Whiton, or the survivor or survivors of them, and such other persons as now are or may hereafter be associated with them, or the said survivors, their successors or assigns, be and they are hereby constituted and declared a body corporate and politic, in fact and in law, by the name |
| Name and powers. | of "The Cummings Car Works," for carrying on the manufacture of railroad cars and machinery, and that the persons above named, and their successors by the same name, shall be able and capable in law to acquire, purchase, receive, have, hold and enjoy any lands, real estate, tenements and hereditaments, and any goods and chattels of whatsoever kind and quality; to sell, convey, demise, mortgage and dispose of the said lands, real estate, tenements, hereditaments, goods and chattels, or any part thereof; to sue and be sued, plead and be impleaded in courts of justice, law and equity, and to make and use a common seal. |
| Amount of capital stock. | 2. <i>And be it enacted</i> . That the capital stock of said corporation shall be one hundred thousand dollars, with the privilege, to the board of directors, of increasing it at any time to a sum not exceeding five hundred thousand dollars; said stock shall be divided into shares of one hundred dollars each, which shall be subscribed and paid in at such times, upon such notice, and in such manner and instalments as the |

directors of said corporation, by their by-laws or otherwise, shall direct; and that in case of the failure of any stockholder to pay any instalment on his or her stock, at the place, and within thirty days of the time appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her share or shares of stock, and of all previous payments thereon, for the use of said corporation.

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

4. *And be it enacted*, That the affairs of said corporation shall be managed by five directors, to be chosen, except as hereafter provided, by the stockholders of the corporation annually, at such time and in such manner as the by-laws of the said corporation may direct, and which directors shall serve for one year, and until others shall be chosen in their stead, notice of which election shall be previously given for two weeks in a newspaper published in the county of Hudson; the said directors shall from time to time elect a president from their own number, who shall hold his office until the next annual election for directors, and until another shall be elected in his place, and may also appoint such other officers as they may deem necessary; that a majority of the directors shall form a quorum capable of transacting all business; and any vacancy in the board of directors may be filled by the remaining directors until the next annual election; and if for any reason an election for directors shall not be held at the time appointed, the corporation shall not for that cause be dissolved, but such election may be held at any time thereafter; *provided*, two weeks notice shall be given of such election by the publication thereof in some newspaper published in the county of Hudson. Affairs, how managed.

5. *And be it enacted*, That Delos E. Culver, Augustus S. Whiton, William H. Chaddock, Luther H. Cummings and William H. Cummings shall be the first directors of said corporation and shall be authorized to receive additional subscriptions to the capital stock of said corporation. First directors

6. *And be it enacted*, That the said directors may, from time to time, make, alter and repeal by-laws for the government of the corporation, its officers and agents, the preser- May make rules and regulations.

- Proviso. vation and use of its property, and the conduct and management of its business; *provided*, that no such by-law shall conflict with any law of this state.
- Taxation. 7. *And be it enacted*, That the real and personal property of the said corporation shall be subject to taxation at the office of the corporation, which shall be located in Jersey City, in like manner as the property of individuals, and that the said corporation shall not be subject to any tax whatever, except the tax as aforesaid, and its stockholders shall not be subject to any tax on any stock of said corporation, except the tax as aforesaid, held or owned by them or any of them.
- General powers. 8. *And be it enacted*, That the said corporation shall possess all the rights and powers and be subject to the restrictions and liabilities incident to a corporation, and particularly that it shall possess all the rights and powers, and be subject to the restrictions and liabilities provided for in an act entitled "An Act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, and the several supplements thereto, so far as the same are applicable.
9. *And be it enacted*, That this act shall take effect immediately.
- Approved March 7, 1872.

CHAPTER CLXVI.

An Act to incorporate the Paterson Silk Manufacturing Company.

- Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Byard, Willard W. Fairbanks and John C. Benson, and such other persons as may hereafter be associated with them, and their successors and assigns, be, and they are hereby constituted a body corporate and politic, in fact and in law, by the name of "The Paterson Silk Manufacturing Company," for the purpose, and with the power and authority of carrying on, in the county of Pas-
- Name.

saic, in this state, in all its branches, the business of manufacturing goods and fabrics of every kind, of which silk, wool, linen or cotton, or any or either of them, form a component part, and of buying and selling the same, and all other goods and articles necessary and proper to be used in the business authorized by this act, and by the said name shall have continued succession, and be capable of purchasing, holding, leasing, mortgaging and conveying any lands or real estate, tenements, goods and chattels necessary or proper for the purposes of the said corporation.

2. *And be it enacted*, That the capital stock of the said company shall be one hundred and fifty thousand dollars, with the privilege to the directors of increasing the same to any amount not exceeding two hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each; and the persons named in the first section of this act are hereby authorized to open books of subscription, and take and receive subscriptions for such capital stock, at such time or times and in such manner as they shall deem proper; and whenever fifty thousand dollars of the said stock has been subscribed for and paid in, it shall be lawful for the said company to commence its business; and the persons before named, and the directors of said company, may receive in payment of subscriptions for stock any land, buildings, machinery or other property by them deemed necessary or proper for the use of said company, and at such valuation as a majority of said directors shall approve; and it shall be lawful for the directors of said company to call for and demand from the stockholders thereof, respectively, such installments, and at such times and in such proportions, and upon such notice, as they shall deem proper; and in case of failure, by any stockholder, to pay his or her installment or installments, as the case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and all previous payments made thereon, for the use of the company; and the shares of the said capital stock shall be deemed personal property, and transferable only on the books of the company in such manner as the board of directors, by their by-laws, may direct.

Capital stock.
Subscriptions
for stock.

May call in
amount sub-
scribed under
penalty of for-
feiture.

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

Affairs, how
managed.

number, being stockholders, one of whom shall be president, and who shall hold their offices, respectively, for one year, and until others are elected; and that the said directors shall be chosen on the first Monday in May in every year, at such time and place, and upon such notice, as the by-laws of said corporation shall provide, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled to one vote for each share of stock which he or she may hold in said corporation; and the persons having the greatest number of votes shall be directors; and the directors may appoint such officers, superintendents and agents, and assign such compensation as a majority of said directors shall think fit, and if any vacancy by death, resignation, or otherwise, shall occur among the directors named in this act, or those hereafter to be elected, such vacancy may be filled by the remaining directors, or a majority of them; and the said John Byard, Willard W. Fairbanks and John C. Benson shall be the first directors of said company, and shall serve as such until the first Monday in May next, and until others are legally chosen.

Vacancy, how filled.

First directors

Failure to hold election not to dissolve

4. *And be it enacted*, That in case an election for directors shall not be made on the day specified in this act, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election on such other day as may be provided by the by-laws of said corporation, or by resolution of the board of directors.

May make by-laws, &c.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of the business of the said corporation, and shall have power to make such by-laws, ordinances and regulations as shall seem necessary and convenient for the management or disposition of the stock, effects and concerns of the said corporation; *provided*, that the same are not contrary to the laws or constitution of the United States or of this state.

Proviso.

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

Approved March 7, 1872.

CHAPTER CLXVII.

An Act to incorporate the New Jersey Enamel Paint Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George T. Young, James S. Vosseller, Theodore W. Young, Hugh M. Gaston, Alexander Bonnell, Henry Duzenberry, Lawrence Ackerman and Andrew V. D. B. Vosseller, and their associates, be and they are hereby created a body politic and corporate, in fact and in law, by the name and style of "The New Jersey Enamel Paint Company," for the purpose of manufacturing paints, and also, if they see proper, the materials of which the paints are composed, or any of them, and selling the same and carrying on the business incident thereto; and for such purposes the said company shall or may raise by subscription, by opening books therefor, or otherwise, a capital stock of fifty thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same, from time to time, to any sum not exceeding one hundred thousand dollars; and it shall be lawful for said company to issue certificates of stock in whole or part payment for any indebtedness of said company, or for any real or personal property purchased or leased by the said company for the purpose of their business; and that said corporation shall go into operation as soon as thirty per cent. of the said capital stock of fifty thousand dollars shall have been subscribed and paid in.

2. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real estate as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease or otherwise dispose of the same at pleasure, and may borrow money and issue bonds therefor, to an amount not exceeding at any one time one half their paid up capital stock; and may sue and be sued in all courts of law and equity; and may have and use a common seal, and may change and alter the same at pleasure; and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are

not inconsistent with the constitution or laws of the United States or of this state.

Affairs to be managed by directors.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president; and said directors shall be stockholders in said corporation, and shall hold their office for one year, and until such others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders, to be held on such day and hour of the day, and at such place as the by-laws of said corporation shall direct; and until such election shall take place, George T. Young, James S. Vosseller and Theodore W. Young, being stockholders, shall be directors of said corporation; a majority of the directors shall, on all occasions when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business, and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors, by death, resignation or otherwise, the remaining directors, for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

Vacancy, how filled.

Failure to elect directors not to dissolve

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days' notice being given of the time and place of such election.

Annual statement.

5. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained.

Principal office.

6. *And be it enacted*, That the meetings of the directors shall be held at such time and place as the board of directors or their by-laws shall from time to time designate; but the said corporation shall keep an office in the county of Somerset, and shall there have such books of account as may be necessary to afford full information of its transactions, which shall always be open at reasonable hours for the inspection of the stockholders; and that books of transfer of stock

shall also be kept, and shall be evidence of the ownership of stock in all elections and other matters submitted to the decision of the stockholders of said corporation; and that the said company may, in addition to their office in the county of Somerset, have and maintain an office in the city of New York for the transaction of business.

7. *And be it enacted*, That the said corporation hereby ^{How dissolved} created may be dissolved by a general meeting of the stockholders of the same, specially called for that purpose; *pro-* ^{Proviso.} *vided*, that at least three fourths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being and the survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for the settling of the affairs of the company, collecting and disposing of all its property and assets, paying its debts and dividing its surplus among the stockholders, in proportion to their respective shares or interest in the stock.

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

Approved March 7, 1872.

CHAPTER CLXVIII.

An Act to incorporate the Monmouth Beach Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Anthony Q. Keasbey, Daniel ^{Corporators.} Dodd, Cortlandt Parker, Jno. Davidson, David Hoadley, J. T. Brown, Ed. A. Walton, Francis Mackin, A. G. Cattell, J. Wyman Jones, Frederick S. Winston, J. Smith Homans, junior, and John Torrey, junior, and such other persons as they may hereafter associate with them, be and they hereby are constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Monmouth ^{Name,} Beach Company," and in that name shall have a corporate seal, shall sue and be sued, and shall have power to purchase, hold, improve, lease, rent and sell real and personal estate or

any interest therein, and to open books of subscription at such time and place, in the county of Essex, as they may select; and until other directors are chosen, the said thirteen corporators hereinabove mentioned, shall be the first directors, with power to make by-laws and transact such other business as may be consistent with this act.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall consist of one thousand shares of one hundred dollars each, with liberty to increase the same from time to time to an amount not exceeding ten thousand shares, which shares shall be deemed personal property, and be transferable in such manner as the company may by their by-laws direct; and as soon as one thousand shares are subscribed and twenty per centum thereon shall be paid in to said corporators, or a majority of them, or secured to be paid, it shall and may be lawful for the said corporation to proceed to carry into effect the objects of this act; and it shall be lawful for the directors of said corporation to call and demand from the stockholders thereof respectively such installments, at such times and in such proportions, as they may deem proper, not exceeding (\$20.00) twenty dollars on each share at any one time, notice of which shall be given at least thirty days before such installments are required to be paid; and it shall be lawful for said company to issue certificates of stock in whole or in part for any real or personal estate purchased by said company; and in case of failure by any stockholder to pay his or her installment or installments, as the case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall, if the company shall so direct, incur forfeiture of his or her share or shares, and of all previous payments thereon, for the use of the company.

Board of directors to manage affairs.

3. *And be it enacted*, That the property and affairs of the said company shall be managed by a board of thirteen directors, shareholders in said company, a majority of whom shall be residents of this state, who shall be chosen annually, at such place in the state of New Jersey, and at such times and in such manner and upon such notice, as the by-laws of said company shall direct, each share of the capital stock entitling the holder to one vote, either in person or by proxy; said directors to hold office until others are elected in their place; a majority of said directors shall constitute a quorum competent to transact all business; said directors shall choose one of

their number to be president, and may appoint such other President.
officers and agents as they may deem expedient.

4. *And be it enacted*, That the president and directors of May purchase and hold real estate.
said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to purchase, hold, use and improve, rent, lease, sell and dispose of real or personal estate, or any interest therein, in the state of New Jersey, to survey such real estate as they may purchase, to lay it out in such lots, to lay out and establish or locate thereon such streets or lines of division, and to sell it in such lots, and at such prices as shall to said company seem best calculated to improve and build up said property or properties, and to transact all business connected with the carrying out the object of said corporation.

5. *And be it enacted*, That any conveyance, deed, lease, Deeds, &c., binding on company.
agreement or other instrument signed by the president and treasurer of said company, and duly sealed and acknowledged according to the laws of New Jersey, shall have full force and effect to bind said company to all the covenants and conditions therein contained.

6. *And be it enacted*, That for the purpose of restricting May insert clauses, &c., in deeds, forbidding sale of liquors, &c.
nuisances, and of compelling a uniform system of improvements in lands belonging to them, the said company are hereby authorized and invested with full power to incorporate into any deed of conveyance made by them, whether fee simple or otherwise, a clause or condition forbidding the sale upon the premises so conveyed by said company of any spirituous or intoxicating liquors, and forbidding any nuisance which the said company may deem detrimental to the interests and prosperity of said settlement, and to require any grantee of said company to make and maintain such style and character of improvements on said lots so conveyed, or on the streets Improvements.
fronting thereon, as to the said company may seem most expedient for securing a uniform system of development and improvement of their property.

7. *And be it enacted*, That for the purpose of enforcing Forfeiture for non-fulfillment, &c.
the provisions of the last section, the said company are hereby authorized and invested with power to attach to said clause to restrict nuisances and regulate improvements a penal sum which said grantee shall forfeit upon any non-fulfillment or non-compliance therewith, and the said sum the said company may recover in any court of record having competent jurisdiction in actions of debt.

- Dividends. 8. *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 profits of said company.
- May borrow money and issue bonds. 9. *And be it enacted*, That the said company may borrow such sum or sums of money, from time to time, as shall be necessary to carry out the objects of said company, and secure the repayment thereof by the execution and negotiation of any bond or bonds, and may secure any of said bonds by mortgage on the lands, privileges, franchises and appurtenances of and belonging to said company, said bonds bearing not more than seven per centum interest per annum.
- How dissolved. 10. *And be it enacted*, That the said corporation may be dissolved at any time by a general meeting of the stockholders, specially summoned for that purpose by the president of said corporation, by direction of the board of directors or a majority of them; *provided*, that at least two-thirds in value of the stock be represented at said meeting, and upon such dissolution, the directors for the time being, or the survivors or survivor of them, shall be trustees for settling all the affairs of said corporation, and dividing the surplus among the stockholders in proportion to their respective interest therein, unless the stockholders at such meeting shall appoint one or more persons for such purpose; in which case the person or persons so appointed shall be trustee or trustees for the purpose aforesaid.
- Proviso. 11. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure the buildings or any other works or property of the said corporation, such person or persons shall forfeit or pay therefor, to the said corporation, three times the amount of damages sustained by the means thereof, to be recovered in the name of the said corporation, with costs of suit, in any court having cognizance thereof.
- Penalty for injuring works. 12. *And be it enacted*, That the said company shall have power to subscribe for and take stock in, or purchase the bonds of, any canal, railroad, turnpike or other highway that now is or hereafter may be incorporated or established by the legislature of this state, which shall lead to or pass through any lands that may be owned by the said company; and also that said company may subscribe for or take stock in, or purchase the bonds of, any manufacturing, mining or other company that now is or hereafter may be incorporated or established by the laws of this state.
- May subscribe and take stock, &c. in canal, railroad and turnpike companies.

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

Failure to
elect directors
not to dissolve

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

Approved March 7, 1872.

CHAPTER CLXIX.

An Act to incorporate the Equitable Fire Insurance Company of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That R. W. Woodward, E. G. Snow, junior, J. Truse, junior, J. B. Cleveland, A. H. DeMotte, and all others who may become associated with them as stockholders, as hereinafter provided, their successors or assigns forever, be and they hereby are created and made a body corporate and politic, under the name of "The Equitable Fire Insurance Company of New Jersey," for the purpose of making insurance on dwellings, houses, stores and all kinds of buildings, and upon household furniture, merchandise and other property, against loss or damage by fire, and upon the risks of inland navigation and transportation, and against loss or damage from any cause whatever; this company shall have power to make reinsurance upon all or any of the risks taken by them.

Name.

2. *And be it enacted*, That this company, by its title aforesaid, shall be known in law, and have power to sue and be sued, to defend and be defended in all courts, whether in law or in equity, and by that name may have, purchase, possess and enjoy to them and their successors, lands, tenements and hereditaments, goods, chattels and effects of what nature

Powers.

- or kind soever, necessary or convenient for the purposes of this corporation, and the same to grant, devise, alien and dispose of at pleasure for the benefit of the said company; and may also have a common seal, and the same to alter and renew at pleasure; and also to create and establish such by-laws, rules and regulations, and appoint such officers and committees, and delegate to them such powers as they shall deem 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 and of the United States.
- Proviso.
- Capital stock. 3. *And be it enacted*, That the capital stock of the said company shall be two hundred and fifty thousand dollars, divided into shares of one hundred dollars each; and when fifty thousand dollars shall have been actually subscribed and paid in cash, the said company may organize and proceed to business under this act.
- Investment of capital stock. 4. *And be it enacted*, That the capital stock of the said company, and the funds accumulated by its business, or any part thereof, shall be invested and be changed and reinvested, as occasion may from time to time require, in, and loans made upon bonds and mortgages on real estate within the state of New Jersey, and the bonds and stocks of the said state and of the United States, and such other securities as the board of directors may approve; and it shall be lawful for said company to take and receive any real estate, bond and mortgage, or other security, in payment towards satisfaction of any debt previously contracted with or due to the said company, except for any subscriptions to its capital stock; and the real estate to mortgage, and with other securities to sell, exchange, or otherwise dispose of for the benefit of said company.
- Principal office. 5. *And be it enacted*, That the principal office of said company shall be located in the city of Jersey City, and the stock, property, business and affairs of said company shall be managed and conducted by a board of directors, a majority of whom shall be residents of New Jersey, who shall be stockholders, and who shall respectively hold their office for the period of one year, and until their successors shall be elected and installed in office; such directors shall be elected in the month of January of each year, at such time and place in the city of Jersey City as a majority of the directors may appoint, and notice of such election shall be published
- Election of directors.

in two of the newspapers published in the city of Jersey City for at least one week previous to said election; such election shall be by ballot, and be determined by a plurality of votes; one vote shall be allowed for every share of stock, and the stockholders may vote by proxy; if it shall happen that an election of directors shall not be made at any time when, pursuant to the provision of this charter it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election of directors in such manner as shall or may be regulated by the by-laws and ordinances of the said corporation; all vacancies may be filled by the board of directors; the board shall consist of not less than seven nor more than fifteen directors, but the number may be changed by a vote of two-thirds of the number in office at any time; *provided*, the said board of directors determine on such change, and fix the number to be elected at the next election, at least two weeks previous to any stated election of directors, and give notice thereof in two newspapers, at least once a week, for two weeks immediately preceding such stated election; and if any director shall cease to become a stockholder, his office shall thereupon become vacant; one-third of the number of directors shall constitute a quorum for the transaction of business.

6. *And be it enacted*, That Thomas P. Sherwood, John H. Westervelt are hereby appointed commissioners to receive subscriptions to the capital stock of said company, and as soon as five hundred shares are subscribed, the said commissioners, or a majority of them, shall, by public notice published in one or more of the papers published in Jersey City for one week, call a meeting of the stockholders for the purpose of choosing the first board of directors.

7. *And be it enacted*, That the directors of said company may elect from their own number or otherwise, a president and vice-president annually, after the first election, by a majority of votes, and in case of death, resignation or removal, the board shall have power in the same manner to fill the vacancies so created, and the board of directors may appoint a secretary and assistant secretary, and such other officers, agents and clerks as may be deemed necessary for transacting the business of the company, and to fix and at pleasure to change the salaries or compensation allowed to them; and they may also delegate powers to transact any of

May make
contracts of
insurance.

its business to committees of directors, or to officers or agents, as it shall deem proper; the president, vice-president, or other person appointed by the board of directors for that purpose, shall be authorized in the name and behalf of this company to make contracts of insurance with any person or persons, or body politic or corporate, against loss or damage upon any property on which this company may lawfully make insurance, for such term or terms of time and for such premium or consideration, and under such modifications or restrictions as may be lawfully agreed to by the parties; the policies issued pursuant to such contract of insurance, shall be signed by the president or vice-president, and countersigned by the secretary of said company, or the same may be signed and countersigned by such other person or persons as the directors may appoint and designate for that purpose; such policies shall be binding and obligatory in like manner and force as if made under the seal of this company.

Policies binding.

Suits at law.

8. *And be it enacted*, That suits at law may be maintained by this corporation against any of its stockholders for any cause relating to its business, and may also, be maintained and prosecuted by any one or more of its stockholders against this company for any loss or losses which shall have accrued if payment be withheld more than sixty days, in all risks, after such losses shall have become due.

Dividends.

9. *And be it enacted*, That the board of directors, out of the funds of said company, shall defray its expenses, and pay its debts; and twice in each year may declare and pay out of the surplus net profits of its business, to its stockholders or their authorized attorneys, such dividends as they shall deem expedient, of which dividend, notice shall be given within ten days after declaring same, in two daily newspapers published in the city of Jersey City.

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

Approved March 7, 1872.

CHAPTER CLXX.

An Act to set off from the township of Mansfield, in the county of Burlington, a new township, to be called the township of Florence.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Mansfield, in the county of Burlington, lying within the following boundaries, to wit: beginning at the point where Kinkora creek empties into the Delaware river, and running from thence up the said creek, the several and many courses thereof, to the middle of the bridge on the Old York road, crossing said creek; thence on a southeasterly course to the middle of a bridge, commonly called Bunting's bridge, over the Assiscunk creek, on the road leading from Jacksonville to Bustleton; thence down the said creek the several and many courses thereof, to the corner of Burlington township; thence westwardly along the said line of Burlington township to the river Delaware; thence up the said river, the several and many courses thereof, to the place of beginning, shall be and hereby is set off from the township of Mansfield, in the county of Burlington, and made a separate township, to be known by the name of the township of Florence. ^{Boundaries.}

2. *And be it enacted*, That the inhabitants of the township of Florence shall be, and they are hereby, constituted a body politic and corporate in law, by the name of "The Inhabitants of the Township of Florence, in the County of Burlington," and shall be entitled to all the rights, powers, authority, privileges and advantages, and shall be subject to all regulations, government and liabilities that the inhabitants of the township of Mansfield, first aforesaid, are now entitled or subject to by the existing laws of this state. ^{Corporate name.}

3. *And be it enacted*, That the inhabitants of the township of Florence, aforesaid, shall hold their first town meeting at Moore's hotel, in Florence, in said township, on the second Tuesday in March, anno domini one thousand eight hundred and seventy-two, at ten o'clock in the forenoon, and annually thereafter on the second Tuesday in March, at such place as the said inhabitants may determine. ^{Time and place of holding first town meeting.}

Committees
meet to allot
and divide
moneys, &c.

4. *And be it enacted*, That the township committees of the townships of Mansfield and of Florence shall meet at Atkinson's hotel, in the township of Mansfield, on the Monday next succeeding the annual town meetings in said townships of Mansfield and of Florence, at ten o'clock in the forenoon of said day, and then and there proceed, by writing signed by a majority of those members present, to allot and divide between the said townships, all properties and moneys on hand or due, in proportion to the taxable property and ratables, as taxed by the assessor of the township of Mansfield, within their respective limits, at the last assessment; and the inhabitants of the township of Mansfield, and the inhabitants of the township of Florence, shall be liable and required to pay their just proportion of the debts respectively; and if any of the persons comprising either of the township committees aforesaid should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and shall have full power to adjourn from time to time, and to such place as they think proper, and the decision of a majority of those members present shall be final and conclusive..

Terms of office

5. *And be it enacted*, That of the township committee and commissioners of appeal chosen at the first town meeting of the inhabitants of the township of Florence, one member of the township committee and one commissioner of appeal shall serve for three years, one member of the township committee and one commissioner of appeal shall serve for two years, and one member of the township committee and one commissioner of appeal shall serve for one year, their terms of service to be determined by themselves by lot; and thereafter at each annual town meeting, one member of the township committee and one commissioner of appeal shall be elected for three years.

Vacancies,
how filled.

6. *And be it enacted*, That in case at any town meeting of the inhabitants of the township of Florence, two or more candidates have an equal number of votes, or in case any person elected shall refuse to accept of the office to which he was elected, or in case of the removal of any officer from the township, or in case a vacancy occurs from any other cause, it shall be the duty of the township committee of said township, (unless they shall deem a special town meeting for the purpose advisable, and in that case they shall have power to direct the calling of a special town meeting as now provided by law,) to fill such vacancy without un-

necessary delay; and immediately after they shall have made any such appointment, they shall notify the clerk of the township, who shall enter the same on the township book containing the minutes of the proceedings of town meetings, and shall also notify the person or persons so appointed or chosen, and shall transmit a statement thereof to the clerk of the county.

7. *And be it enacted*, That John I. Bishop, of the township of Mansfield, and Alfred Carty, of the township of Florence, be and they are hereby appointed commissioners to run and mark the dividing line of the townships of Mansfield and Florence, and that the expenses and reasonable compensation of said commissioners be equally paid by said townships. Dividing line to be run and marked.

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

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

Approved March 7, 1872.

CHAPTER CLXXI.

An Act to incorporate the Park Ridge Building Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry C. Neer, John A. Blauvelt, Peter D. Brower, David M. Demarest, Isaiah B. Welter, Abraham Hopper, Daniel W. Demarest, John Perry, William English, Henry Storms, Andrew Hopper, Barney Cole and Harvey R. Cope, and all such persons as may hereafter be associated with them, their successors and assigns, shall be, and the same are hereby constituted and declared a body corporate and politic, in fact and in law, by the name of "The Park Ridge Building Association;" and by that name shall be capable in law of purchasing, using, letting, holding, improving, disposing of, mortgaging and conveying any lands, tenements, hereditaments and appurtenances there- Corporators. Name and powers.

to belonging, in the township of Washington, county of Bergen; of improving the same by erecting, or causing to be erected thereon, buildings of every name, kind and description, and for all proper and legitimate uses and purposes, or by laying out such lands and real estate into lots; of laying out and opening streets, roads or highways, either public or private, through and both to and from their own property, maintaining and keeping in order the same by such rules and regulations as may be necessary in order so to do; and of performing all other acts necessary or proper for accomplishing the objects of the said corporation hereby granted, and may receive and make all deeds, transfers, conveyances, covenants, grants, contracts, agreements and bargains whatsoever necessary for the said purposes.

Capital stock. 2. *And be it enacted*, That the capital stock of the said association shall be twenty thousand dollars, divided into shares of one hundred dollars each; but as soon as four thousand dollars of said stock shall have been subscribed and shall be paid in, or secured to be paid in, it shall be lawful to carry into effect the objects of said association; and it shall be lawful for the directors of said association to call and demand from the stockholders thereof respectively, such installments, and at such times and in such proportions, and upon such notice as they may deem proper; and in case of failure by any stockholder to pay his or her installment or installments, as the case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall, if the association shall so direct, incur a forfeiture of his or her share or shares, and of all previous payments made thereon, for the use of the association.

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

Election of directors. 4. *And be it enacted*, That the stock, property and concerns of the said association shall be managed and conducted by a board of not less than five nor more than seven directors, a majority of whom shall be residents of this state, all of whom shall be stockholders, and one of whom shall be president; who shall hold their offices respectively for one

year, and until others are elected; that the said directors shall be chosen on the last Tuesday in May in every year, at such time and place as shall be provided for by the by-laws of said association, by such of the stockholders as shall attend for that purpose, either in person or by proxy, and notice of the time and place of such election shall be published not less than three weeks previous thereto, in a newspaper published in the county of Bergen; that a majority of said board shall be a quorum to transact business; that the said directors shall from time to time elect and employ such officers as they may deem necessary, which officers shall receive such compensation for their services as the said directors may deem proper; that said directors may fill vacancies in said board until the next annual election; and that the incorporators named in this act shall be the first directors of said association, who, or a majority of them shall, as soon as convenient after the passage of this act, assemble and organize said association, and shall continue in office until others, as hereinbefore directed, shall be chosen in their stead.

Vacancy, how filled.

5. *And be it enacted*, That in case it shall at any time happen that an election of directors shall not be made on the day when, pursuant to this act, it ought to have been made, the said association shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as the directors of said association shall direct.

Failure to elect not to dissolve.

6. *And be it enacted*, That the said association may be dissolved by a general meeting of the stockholders, specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being, and the survivor or survivors of them, or such persons as the stockholders shall appoint, shall be trustees for settling all the affairs of the association, collecting or disposing of its property, paying its debts, and dividing the surplus among the stockholders in proportion to their respective interests in the stock.

How dissolved

Proviso.

7. *And be it enacted*, That it shall be lawful for the legislature of this state to alter, modify and repeal this act whenever the public good may require it.

Legislature may repeal.

8. *And be it enacted*, That the principal office of said association shall be at Park Ridge, in the county of Bergen.

Principal office.

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

Approved March 8, 1872.

CHAPTER CLXXIII.

Supplement to an act entitled "An Act to incorporate the Middletown Point and Keyport Gas Light Company," approved March thirteenth, one thousand eight hundred and sixty-two.

Increase of
capital stock. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of the said company may increase its capital stock to any sum not exceeding one hundred thousand dollars.

May borrow
money. 2. *And be it enacted*, That the said company shall have power to borrow such sum or sums of money from time to time as they shall deem necessary for the use of the company, and to secure the payment thereof by bonds and mortgage, or otherwise, on the property of the company, at a rate of interest not exceeding seven per centum per annum; *provided*, that the amount of such bonds shall not at any time exceed the sum of ten thousand dollars.

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

Approved March 8, 1872.

CHAPTER CLXXIV.

A Supplement to an act entitled "An Act to incorporate the Union Car Spring Company," approved March seventeenth, eighteen hundred and sixty-five.

WHEREAS, the said company have absorbed five thousand shares of its capital stock in the sale of certain patent rights owned by said company therefor, and it has become desirable and expedient in the estimation of the directors of said company to reduce its present capital stock to five thousand shares; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the directors of said Union Car Spring Company to reduce the present capital stock of said company to five thousand shares, so that the capital stock of said company shall thereafter consist of and be divided into five thousand shares of one hundred dollars each; *provided however*, that nothing in this act contained shall impair or be construed to impair the rights or property of any existing stockholder of said company. May reduce capital stock. Proviso.

Approved March 8, 1872.

CHAPTER CLXXV.

Supplement to an act entitled "An Act to incorporate the Fireman's Fund Fire Insurance Company, of the City of Hudson, County of Hudson, State of New Jersey," approved March twenty-seventh, eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of "The Fireman's

Name changed.

Fund Fire Insurance Company, of the City of Hudson, New Jersey," be, and the same is hereby changed to that of "Palisade Fire Insurance Company, of Jersey City," and by the latter name shall have, hold and receive all real and personal property, and enjoy all rights, powers, privileges and immunities, as if this act had not been passed, except as hereinafter stated.

Directors to manage affairs.

2. *And be it enacted*, That the stock, property, affairs and concerns of said company shall, after the expiration of the term of the first board of directors, be managed and conducted by twenty directors, seven of whom shall constitute a quorum to transact business, who may respectively hold their office for one year, and until others shall be chosen, and shall at all times during their continuance in office be stockholders in the same company in their own right.

First directors

3. *And be it enacted*, That the first directors of the said corporation shall be Garret D. Van Reipen, Dennis Yoe, Charles Gobish, John M. Wilson, Thomas Aldridge, Charles J. Roe, John H. Platt, George Glaubrecht, John R. McPherson, Alexander Frank, Charles E. Newham, Christian Weber, Joseph E. Culver, William A. Weeks, Patrick McNulty, Alexander H. Laidlan, William H. Wood, Henry M. Rogers, Arend Steenken, Charles F. Staples, Henry Gaede, George Bruce, James Sillick, Otto Koller, John Dwyer, Ferdinand Hermann, Henry Rottmann, John Bernhardt, Anthony Ryder, Samuel Syms, William Sinclair, John Fiacre, William Brinkerhoff, Samuel C. Nelson, George W. Helme, Andrew J. C. Foye, Garret Vreeland, senior, Harry D. Van Nostrand, Matthew Armstrong, Peter Rowe, Frederick Thau, Edmund C. Bramhall, Hiram Van Buskirk, Charles W. Allen, Jasper Wandle, Stephen D. Harrison, Andrew B. Gayle, Jonathan Camp, junior, Christian Helme, Marcus Martens, Henry Bock, Charles L. Menke, Claus Myer, John Gardner, Nicholas Goeltz, Herman Bruggermann, John S. Edwards, George P. Howell, John D. Waugh, Clinton W. Conger, George A. Toffey, Jacob Newkirk, Charles Hespe, Herbert Stout, Ernst H. Kessler, John Noon and Charles Gregory, who shall respectively hold their offices until the second Monday in January next, succeeding the day of the actual organization of the company, on which said second Monday of January, and each succeeding January thereafter, the subscribers to the capital stock shall proceed to the election of a board of directors for said company; that the first board of directors may, and every

succeeding board of directors shall elect a president, a vice president, a treasurer and secretary, and appoint such other officers as may be necessary to manage the business of the company, and who shall respectively hold their office till their successors are elected or appointed; *provided*, that nothing herein contained shall be understood to prohibit any director from holding his office as a director of said company till his successor is elected in his stead. Directors, officers, &c. Proviso.

4. *And be it enacted*, That it shall be lawful for the directors of said corporation to make dividends of so much of the property of the company as shall be deemed advisable, and pay the same to the stockholders or to their legal representatives. Dividends.

5. *And be it enacted*, That the ninth section of the act to which this is a supplement, and all parts of said act as are inconsistent with this act, be, and the same are hereby repealed. Repealer.

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

Approved March 8, 1872.

CHAPTER CLXXVI.

An Act to incorporate the Land and Town Improvement Company of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Cortlandt Parker, Alfred W. Jones, Richard M. Cornell, William Bell and Branard T. Arnold, their associates, assigns and successors, are hereby declared and created a body politic and corporate, by the name, style and title of "The Land and Town Improvement Company of New Jersey," with all the powers mentioned in the act entitled "An Act concerning corporations," and the several supplements thereto, approved February the fourteenth, one thousand eight hundred and forty-six. Corporators. Name.

2. *And be it enacted*, That said company, its affairs, stock,

Board of directors. property and franchises shall be managed by a board of directors consisting of not less than five nor more than eleven of the stockholders thereof, the number to be determined as hereinafter stated, to be chosen as hereinafter specified, who shall hold office for one year from the date of election, and until their successors are elected and installed, and who shall appoint from their own number a president, and may appoint other officers and agents, in their discretion, for the purposes of the company.

May hold real or personal estate, &c. 3. *And be it enacted*, That said company shall have the power and authority to buy, sell, convey, transfer, let and sub-let, lease and sub-lease, hold, possess and enjoy, any estate, real and personal, and to give and receive mortgages and guarantees thereon, and for the purpose of improving said real estate, shall have the power and authority to survey, lay off and map the same into town sites, villas, squares, parks, gardens and orchards; first, and shall have the power and authority to erect thereon, residences, stores, factories, work shops, and other manner of buildings; second, and shall have the power and authority to survey, lay out and open streets, avenues and highways thereon; third, and shall have the power and authority to establish the grades of said streets, avenues and highways, and to pave, curb and gutter the same; and to construct sewers, lay water and gas pipes, and to erect water and gas works, and operate the same; and to make and enjoy all, and such other improvements on the said lands of the company that may be owned, leased and sub-leased by said company.

May erect buildings and improve property. 4. *And be it enacted*, That when five or more of the stockholders in this company shall associate themselves together for the purpose of buying or leasing any portions of this company's lands, to further improve and develop the same, this the said company is hereby empowered and authorized, in conjunction with said sale or lease, to transfer and assign unto said associated stockholders the right and privilege to exercise all the powers herein granted this company, so far as the same may be desirous and applicable for the improvement of the lands so sold or leased.

May assign and transfer rights and privileges. Objects. 5. *And be it enacted*, That the objects of this, the said company, are to improve real estate, to afford the members thereof, and others interested, the opportunity to procure cheap and desirable homes and suitable employment, and to further the general development of landed interests and the

prosperity of the people suburban to New York; and for such purposes the said company shall have the power and authority from time to time to borrow any sum or sums of money as may be required, and to secure the payment thereof, may execute first and second mortgage bonds or otherwise; and the said bonds shall be a first and second lien on the real estate, rights and franchises of said company, to the extent as specified in the body of the bond; and said bonds shall bear an interest not exceeding seven per centum per annum.

6. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, with the privilege of increasing the same to two millions of dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and the said named incorporators, or a majority thereof, shall constitute a commission to open books of subscription therefor, by first giving twenty days public notice previous thereto, and when the sum of ten thousand dollars shall have been subscribed, and ten per cent. paid thereon, the said company shall be authorized to begin business; and after the first payment of ten per cent. shall have been made on the capital stock, the remainder shall be paid in monthly installments of five per cent., and in case of non-payment of said installments for two consecutive months, the board of directors may forfeit the share or shares on which default may arise, as well as all sums paid thereon, to the use and benefit of said company.

7. *And be it enacted*, That to further encourage and advance the objects of this, the said company, all the powers, privileges and immunities heretofore granted by the legislature of the state of New Jersey, in an act entitled "An Act to encourage the establishment of mutual loan and building associations," approved February twenty-eighth, eighteen hundred and forty-nine, and the supplements thereto, approved March the second, eighteen hundred and fifty-four, and March twenty-ninth, eighteen hundred and fifty-five, and an act entitled "An Act to authorize and encourage the improvement of property in this state," approved April ninth, eighteen hundred and sixty-seven, be and the same are hereby incorporated into this charter, and granted unto this, the said company, so far as the said acts, and the powers therein granted, may be desirable and applicable, and of benefit to this company.

- Principal of-
fice. 8. *And be it enacted*, That the principal office of said company shall be in the city of Perth Amboy, until the board of directors shall otherwise order ; and that the first subscription books to the capital stock, shall be opened in said city, in manner, form, and at the time as may be selected by said commissioners, and that at any time after the necessary amount of stock has been subscribed for, and the said ten per cent. paid thereon, the stockholders, or a majority thereof, may proceed to the election of a board of
- Election of di-
rectors. directors by ballot, and the five stockholders receiving the highest number of votes, shall be declared the first directors of said company ; and that said five directors may at any time increase their board to eleven, and that all other elections shall be in the manner, form and at such times as the by-laws of said company may prescribe, and that at all elections, each share of stock shall be entitled to one vote, to be given in person or by proxy.
- Repealer. 9 *And be it enacted*, That this act shall take effect immediately, and any acts or parts of acts inconsistent with this, so far as the same applies to the lands of this company, be and the same are hereby repealed.
- Approved March 8, 1872.

CHAPTER CLXXVII.

An Act to incorporate the Carlstadt Fire Department of Bergen county.

- Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Fortenbach, A. Jacob Bauer, Adam Ruttenger, Franz Fritsch, Peter Lochmann, Theodore Muehling, Julius Hermann, and all persons who are now or hereafter shall become associates of the Carlstadt Fire Department of Bergen county be, and they are hereby constituted and declared to be a body corporate and politic, in
- Name and
powers. fact and in law, by the name of "The Carlstadt Fire Department of Bergen County," and by such name they shall

have succession, and be persons in law capable of suing and being sued, pleaded and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatever; and they and their successors may have a common seal, and shall have power to make, change and alter the same at their pleasure, and by their corporate name aforesaid, and under their 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 company shall not exceed the sum of ten thousand dollars, to be applied to the purchase and holding of real estate, and to the procuring of such implements and machines, and to such other incidental expenses as shall to the said company appear best calculated to secure property from injury or destruction by fire; and shall have power to borrow such sum or sums of money as may be necessary to pay for the same, and to secure the payment thereof by bond and mortgage, or otherwise, on the said real and personal estate. Capital stock.

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

4. *And be it enacted*, That the property of said department held under this act shall be free and exempt from all taxes and assessments, and the members exempt from jury duty and poll tax; and that the department has the right to take water out of cisterns, in case of necessity. Property exempt from taxation.

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

Approved March 8, 1872.

CHAPTER CLXXVIII.

An Act to incorporate the United Order of Co-operators of the city of Paterson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas Boydell, Edmund Stansfield, John Romary, James Smith, Thomas Edson, Richard Walters, Joseph Pearson, John Saxon, John Whitehead, Frederick W. Stansfield and Robert Wilding, their associates, successors and assigns, shall be and they are hereby declared to be a body politic and corporate, in fact and in law, by the name of "The United Order of Co-operators of the city of Paterson," for the purpose of carrying on the trade or trades of general and retail dealers, merchants and producers, in order to enable its members to purchase food, fuel and clothing and other necessities and conveniences of life on the most favorable terms, and for that purpose may hold such real estate as may be necessary to carry on said business, or may accrue to them in the course thereof, and may sell, mortgage, lease or otherwise dispose of the same; and the said corporation may sue and be sued, plead and be impleaded in any court of law or equity, may adopt a common seal, and alter the same at pleasure, and possess generally all the powers and be subject to all the liabilities of corporations under the laws of this state; the said corporation to be located at Paterson, in the county of Passaic, in this state.
2. *And be it enacted*, That the capital stock of said corporation shall be twenty five thousand dollars, divided into shares of ten dollars each, and the aforesaid incorporators, or their successors, are hereby appointed commissioners to receive subscriptions, to said capital stock, at such place in the city of Paterson, as a majority of them may appoint, giving at least five days notice in at least three public places in said city, each subscriber to said capital stock to pay ten per cent. on each share taken at the time of his subscription, and not less than fifty cents for each share every week until such share or shares are fully paid up; and as soon as one thousand dollars shall have been subscribed and paid

in, it shall be lawful for said corporators to organize said corporation, and forthwith commence and carry on its business as contemplated under this act.

3. *And be it enacted*, That the business of said corporation shall be managed by a president, secretary, treasurer and five directors, all of whom shall be stockholders, who shall hold their office for six months, and until others are elected in their stead, and semi-annually thereafter, at such time and place as the by-laws may direct an election to be held, at which election every stockholder present shall be entitled to one vote only, and no more. Affairs, how managed.

4. *And be it enacted*, That the 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 the board of directors may appoint such subordinate officers and employees as the business of the corporation may require, and determine the salaries of such officers or employees, and the amount of bonds to be given, and shall have power to discharge or suspend any such officer or employee for incompetence or malfeasance in office. Powers of directors.

5. *And be it enacted*, That the stock of the said corporation shall be deemed personal property, and shall be transferred in such manner as the by-laws may prescribe; but no dividend shall at any time be made to the stockholders except from the net earnings of the said corporation. Stock, how transferable.

6. *And be it enacted*, That whenever in the judgment of the board of directors it shall be expedient to increase the paid in capital of the said corporation to any amount not exceeding the amount limited by this act, the said board shall give at least ten days' previous notice in three public places in the city of Paterson, of their readiness to receive subscriptions for said increased stock; and the terms of said subscription shall be fixed and determined by the said board of directors and notice given as above directed. May increase capital stock.

7. *And be it enacted*, That regular books of account shall be kept in the office of said corporation at Paterson, to which books every stockholder shall have access at all reasonable times, for the purpose of inspection. Books of account to be kept.

8. *And be it enacted*, That this act shall take effect upon its passage.

Approved March 8, 1872.

CHAPTER CLXXIX.

An Act to incorporate the Rittenhouse Manufacturing Company.

- Corporate name. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons who shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and they hereby are created and made a corporation and body politic, in fact and in law, by the name of "The Rittenhouse Manufacturing Company."
- Amount of capital stock. 2. *And be it enacted*, That the capital stock of said corporation shall consist of two thousand shares of the par value of one hundred dollars per share, with the privilege of increasing the same to five thousand shares, which shall be transferred in such manner as the said corporation shall direct.
- Commissioners to receive subscriptions. 3. *And be it enacted*, That Samuel W. Torrey and Bradbury C. Chetwood shall be, and they hereby are appointed commissioners to receive subscriptions to the capital stock of such corporation, and they or either of them, shall open books of subscription to such stocks at the village of Passaic, in the county of Passaic, at such time and place as they or either of them shall appoint, and shall attend and receive subscriptions.
- Election of directors. 4. *And be it enacted*, That whenever the capital stock of said corporation to the amount of one hundred thousand dollars par value shall be subscribed, and twenty per centum thereof paid in, the said commissioners, or which ever opens the books, shall close the same and hold an election for directors of said corporation, first giving notice thereof one week previously, and in a newspaper published in the county of Passaic; that three directors shall be elected by ballot at such election by the stockholders, each of whom shall have at such election and all subsequent elections one vote for every share of stock owned by him; that said three directors shall constitute the first board of directors, and the same number, or such number as the corporation may by its by-laws appoint, shall constitute all subsequent boards; and in

case of a vacancy occurring in the board between the elections, the remaining directors shall have power to fill the vacancy; the said directors so elected shall hold their office for one year, and until their successors shall be elected.

Vacancies,
how filled.

5. *And be it enacted*, That the directors shall have power to elect out of their body a president, for such term and in such manner as they shall appoint.

President.

6. *And be it enacted*, That the said commissioners shall deliver to the said board of directors, when elected, the subscription books of said corporation, and all moneys received by them for such subscriptions; and said directors shall by their by laws appoint an annual election for directors; but in case of failure to hold such election upon the appointed day, said corporation shall not thereby be dissolved, but the said election shall be held on some subsequent day, and the directors in office shall continue until such election.

Failure to
elect directors
not to dissolve

7. *And be it enacted*, That the said board of directors shall have power to demand from the subscribers to the capital stock of said corporation, the money for such subscriptions, or for any increase of its capital, or any assessment thereupon; and in case of the failure to pay such subscriptions, calls, or assessments, at such time as they may appoint, the said board may, after four weeks notice in a newspaper published in the county of Passaic, declare the said stock and all previous payments thereupon forfeited to the corporation, and such stock, and all previous payments thereon, and all right to the same shall be forfeited and belong to the said corporation.

Failure to pay
subscriptions
to work for-
feiture.

8. *And be it enacted*, That this corporation may be dissolved at any time by a vote of three-fourths of its stockholders in interest, at a meeting called for that express purpose, by a notice published once a week, for four successive weeks in a newspaper published in the county of Passaic, and upon such dissolution the directors or such persons as the stockholders shall appoint, shall be trustees, and as such shall have full power to realize, sell and convey, and collect the assets of the said corporation, real and personal, and pay its debts and divide the surplus among its stockholders pro rata.

How dissolved

9. *And be it enacted*, That the said corporation shall have power to carry on the business of manufacturing and dealing in cotton, woolen and silk fabrics, and other articles, and for such purpose may buy and hold, sell and convey, lease and mortgage, the necessary real and personal property, and

Business of
the company.

by water, steam and such other power as they may employ, may carry on manufacturing and milling operations.

General powers.

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

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

Approved March 8, 1872.

CHAPTER CLXXX.

An Act to incorporate the Bridgeton Water Company, in the county of Cumberland.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David McBride, Jacob Kienzle, Eden M. Hood, James H. Trenchard, J. Warren Rook, Charles C. Grosscup and Charles R. Elmer, and such other persons as may be hereafter associated with them, their successors and assigns, shall be, and they are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in law, by the name of "The Bridgeton Water Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the object of the corporation hereby created.

Corporators.

Name and powers.

Amount of capital stock.

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

Commissioners to open books and receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at

such time or times, and place or places, as they, or a majority of them, may think proper, giving at least ten days' notice of the same, in a newspaper published in the county of Cumberland; and that at the time of subscribing twenty per centum shall be paid for each share subscribed for to the commissioners, and as soon as twenty thousand dollars of the capital stock shall be subscribed, and twenty per centum paid in, such commissioners, or a majority of them, shall give like notice for a meeting of the stockholders, to choose five directors, a majority of whom shall be residents of this state, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any two of them, shall be inspectors of the first election of directors, and shall certify, under their hands, the names of the persons duly elected, and deliver over the subscription books and moneys paid in, deducting all necessary expenses previously incurred, to the said directors; and the time and place of holding the first meeting of the said directors shall be fixed by the persons named in the first section of this act; and the directors chosen shall hold office until the first Monday in May following their election, and until their successors are chosen; and there shall be an annual election of directors by the stockholders on the first Monday in May in every year, at such time and place as the directors, for the time being, shall appoint, whereof like notice shall be given as aforesaid; and said directors shall choose out of their number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen by the remaining directors, or a majority of them.

4. *And be it enacted*, That in case it shall happen that an election shall not be made during 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 an election may be held at any other time, on like notice as aforesaid; and the directors, for the time being, shall continue to hold their offices until others shall be chosen in their places.

5. *And be it enacted*, That a majority of the board of directors shall be competent to transact all the business of said corporation, and shall have power to call in the capital stock

Election of directors.

Failure to elect not to dissolve.

Failure to pay installments to forfeit shares.

of said company, by such installments, and at such times as they may direct; and in case of non-payment of such installments, or any one of them, to forfeit the share or shares, upon which such default shall arise; and to make and pre-

May make by-laws.

Officers and salaries.

Power to lay out sites for reservoirs, &c.

May enter on lands.

Maps to be made.

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 and lay out the site for one or more reservoirs, drains, ditches, conduits, aqueducts, pipes, fountains, engines, force pumps and all other devices and work which they may deem necessary for supplying the city of Bridgeton, with water sufficient for extinguishing fires, culinary and other family uses, watering the streets, and such other purposes as may conduce to the health and comfort of the citizens; and it shall be lawful for the said president and directors, or others in their employ to enter at all times, upon all lands or waters in the city of Bridgeton, and township of Deerfield, Cumberland county, and survey, search and excavate for water, and locate all and singular the reservoirs, drains, ditches, aqueducts, pipes, fountains, engines, force pumps and buildings, and all other necessary work and appendages thereto, doing no unnecessary damage to private or other property; and when said location shall have been determined upon, the president and directors shall cause a map to be made of all lands, except streets now in use, which they require for the purpose aforesaid, and file the same in the office of the clerk of Cumberland county; and 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, excavate, erect reservoirs, engines, engine-houses, force pumps, and do all other things which shall be suitable or necessary for completing the works hereby contem-

plated, and keeping them in repair, subject to such compensation as is hereinafter provided for.

7. *And be it enacted*, That if the said company or its agents cannot agree with the owner or owners of such required lands for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, the said company shall give notice to the persons interested, if known and in the state, or if such owner or owners be unknown or out of the state, by publication in one or more newspapers printed and published in the county of Cumberland, that they intend to make application to one of the judges of the court of common pleas in said county, on a day and at a place to be named in said notice, and not less than twenty days from the service or publication thereof, for the appointment of three commissioners; and on said day, and at the place named in said notice, the said judge shall make said appointment under his hand and seal; and it shall be the duty of said commissioners, having first taken an oath or affirmation before some person authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding; to meet at such time and place as they shall designate, giving at least fifteen days notice of their said meeting, as herein before directed; and on the day so appointed, to proceed to view and examine the said lands, and make a just and equitable estimate of the value of the same, and assess the damages which will accrue from erecting said works; and the said commissioners shall report in writing to the parties interested, the whole amount which the company must pay each owner, stating in said reports the metes and bounds of the lands assessed, which said report the said company shall have filed in the office of the clerk of Cumberland county, to remain on record therein, and 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 land so described; and it shall be the duty of said company to pay the owner or owners the amount assessed as aforesaid; or in case the owner or owners refuse to receive the same, or live out of the state, or are incapacitated by law to receive the same, then said sum shall be paid and delivered to the clerk of said county, to be by him retained for such owner;

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

and upon making payment in either of the ways above stated, the title of the premises mentioned in the said award, and so paid for, shall be vested in said company.

Proceedings
in case of ap-
peal.

8. *And be it enacted*, That if said owners, or any of them, are dissatisfied with the report of the commissioners in the preceding section, the said party so dissatisfied may appeal to the circuit court of said county at its next term, whereupon the said court shall proceed to hear and determine the whole matter, in the same manner as if said owner had summoned the said company to appear before them; and if the jury, upon trial of the cause, shall find a greater sum than the commissioners have awarded or the company offered in favor of said owner or owners, then judgment thereon, with costs, shall be entered against the company, which shall constitute a lien upon the premises in question, which said lien shall have priority over any other incumbrance which said company may have given; but if the said jury shall find the same or less amount than the company shall have offered or the said commissioners awarded, then the person appealing shall pay the costs in such manner as the court shall direct.

Penalty for
injuring
works.

9. *And be it enacted*, That if any person shall knowingly, willingly or maliciously corrupt the water in any reservoir, tank, pipes, or other portion of said company's works, or wilfully injure or destroy, or cause to be done, any act or acts whereby to injure or destroy any conduit, pipe, cock, machine, tank, reservoir, works, buildings or structure whatsoever, or anything appertaining to the works of said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be deemed guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred dollars or imprisonment not exceeding two years at hard labor or both; *provided*, such criminal prosecution shall not impair the right of action for damages by a civil suit, which is hereby authorized to be brought for such injury as aforesaid, by and in the name of said corporation, in any court having cognizance of the same.

Proviso.

Power to lay
pipes in
streets and
erect hydrants

10. *And be it enacted*, That said company be and they are hereby fully authorized and empowered to lay their pipes beneath such public roads, streets, avenues, and alleys, as they may deem necessary for the purposes aforesaid, free of all charge, to be made by any person or persons, or body

politic whatsoever for such privilege, and also such hydrants at the crossings or intersections of the said streets and alleys ; *provided*, that the said pipes shall be laid at least two feet Proviso. below the surface of the same, and shall not in any wise unnecessarily obstruct or interfere with the public travel, or damage public property ; and that the earth excavated in laying said pipes shall be replaced so that the surface of the ground shall be in as good condition as the same was before said excavations were made.

11. *And be it enacted*, That the said company may sell Annual rents. and dispose of the water issuing from said reservoirs, aqueducts or pipes, for such price or prices, as annual rents, and under such restrictions as they may think proper.

12. *And be it enacted*, That if the work of constructing Limitation. said reservoirs and appendages shall not be commenced within the term of six years from the date of the approval of this act, the same shall be null and void.

13. *And be it enacted*, That the said company shall have May borrow money. power to borrow money, not exceeding two-thirds of their capital stock paid in, and to secure the same by bonds, or other evidences of debt, bearing interest not exceeding seven per centum per annum, and mortgages upon their property, and franchises and privileges, and by such other assurances as they may deem expedient.

14. *And be it enacted*, That it shall be lawful for the city City of Bridgeton may subscribe for stock. of Bridgeton, in its corporate capacity, to subscribe to the capital stock of said company, in such amount as the mayor and common council of said city may think proper ; *provided*, Proviso. the amount so subscribed shall not exceed one-half of the whole amount subscribed and paid in.

15. *And be it enacted*, That it shall be lawful for the May purchase water works. city of Bridgeton at any time after the erection and completion of said water works, in its corporate capacity, to purchase from said company said water works, machinery, pipes and fixtures, and all the appurtenance thereunto belonging, and all the right, title and interest of said company of, in, and to the same, upon such terms and conditions as to time of payment as may be agreed upon by, and between said city and said company, their lawfully authorized agents or attorneys.

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

Approved March 8, 1872.

CHAPTER CLXXXI.

An Act to incorporate the Millville and Bridgeton Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Lewis Mulford, Jonathan Elmer, Richard Wood, George Wood, Furman L. Mulford, Alexander Stratton, Charles P. Stratton, Benjamin F. Lee, Ebenezer Westcoatt, James H. Nixon and S. F. Fries, and such other persons as may be hereafter associated with them, 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 Millville and Bridgeton Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the object of this incorporation.
2. *And be it enacted*, That the amount of the capital stock of said company shall be one hundred thousand dollars, with liberty to increase the same to five hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such a manner as the said corporation shall by their by-laws direct.
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 ten per centum shall be paid for each share subscribed for, to the commissioners, or some one of them; and as soon as twenty-five thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the stockholders to choose not less than nine directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder

Corporators.

Name.

Capital stock.

Commissioners to receive subscriptions.

Election of directors.

thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting all expenses previously incurred by 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 the corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president *pro tempore*, who shall have such powers and functions as the by-laws of the said corporation shall provide.

Vacancy, how filled.

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

Failure to elect directors not to dissolve

5. *And be it enacted*, That five directors of 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 installments and at such times as they may direct, by notice published in at least one of the newspapers published in said county, for a term of not less than three weeks; and in case of non-payment of said installments, or any one of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation; and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix

Powers of directors.

May call in amount subscribed under penalty of forfeiture.

such salaries to them, and also to the president, as to the said board shall appear proper.

Authorized to
construct rail-
road.

6. *And be it enacted*, That the president and directors of the said company be and are authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from the city of Millville to a point in or near the city of Bridgeton, Cumberland county, as may be deemed advisable; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, and others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, leveling, or laying out the said route or routes of such railroad, and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repairs of the said road, subject to such compensation as is hereinafter provided; *provided*, that the said road shall not exceed one hundred feet in width, except in such places where, from the depth of the excavations or the height of the embankment, it is necessary to take more land for the slope and protection of the side banks of the said railroad, in which case so much land as 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 provided always*, that the payment or tender of payment of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of said land be first had and obtained.

May enter on
lands.

Proviso.

Proviso.

Proceedings
in case com-
pany or own-
ers cannot
agree.

7. *And be it enacted*. That when the said company, or its agents, cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or

when, by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of said company in the construction of said road, shall be given in writing, under the oath or affirmation of some engineers or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county in which the land or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said lands or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein not less than ten days; and it shall be the duty of 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 benefit to derived from or in consequence of the said railroad, or branch road, as the case may be, to the said owner or owners), and to make a just and equitable estimate or appraisal of the value of the same, and assessment of damages, as shall be paid by the company for such lands or materials and damages aforesaid, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointment and oath or affirmation aforesaid, in the clerk's office in the county in which the lands or mate-

rials 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 or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall, from time to time, constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the company; *provided always*, that should the said company, or the owner or owners of any of the land or materials feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said land or material may lie.

Proviso.

Proceedings
in case of ap-
peal.

8. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section shall be made in writing, and in form of petition to said court, and filed with the clerk of said circuit court of the county wherein the land or materials appraised by the said commissioners shall be, and a 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 free right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried in 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 said land or materials and damages sustained; and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded

therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered or the said commissioners shall have awarded, then the cost to be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land upon filing the aforesaid report; *provided*, that in no case whatever shall said com- Proviso. pany enter upon or take possession of any lands of any person or persons, for the purpose of actually constructing said railroad, or of making any erection or improvements whatever, or otherwise appropriating said lands to the use of said company, until they have paid to the party or parties entitled to receive the same the amount assessed by the commissioners as the value of such lands or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the parties or party 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 the state, or under any legal disability, then the payment of the amount assessed or found as aforesaid, into the circuit court of the county where the said lands lie, shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners, may, upon tender thereof being made, receive the same without being barred thereby from his, her or their appeal from the report of the commissioners; *provided further*, that in case Proviso. of appeal from the award of the commissioners by either party the said company, upon depositing the amount of said award in the said circuit court to abide the result of such appeals, may thereupon take actual possession of the lands for the purpose of constructing said railroad, or of otherwise appropriating the same to their use.

9. *And be it enacted*, That it shall be the duty of the said Bridges to be constructed and kept in repair. company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad where any public road shall intersect and cross the same, so that the passage of carriages, horses and cattle along said road shall not be obstructed; and likewise when the said railroad

shall intersect any farms or lands of any individual, to provide and keep in repair suitable wagon ways over or under the said road.

May purchase
and hold real
estate.

10. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and termini of their railroads, and at any intermediate depot upon the line of the same, not exceeding six acres at each place, and may erect and build thereon houses, warehouses, stables, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property, and the construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain over such rivers, creeks and streams as the road may cross such piers, bridges and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act; *provided*, said company, whenever it may become necessary to cross any navigable river or creek with their road, shall construct a bridge or bridges, with suitable and sufficient draws, so as not to obstruct the navigation thereof.

Proviso.

Dividends.

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

May purchase
equipments.

12. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, all machines, engines, wagons, carriages or other vehicles for the transportation of persons or any species of property on the railroads, as they may think fit, reasonable, expedient or right.

May make
contracts.

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

Penalty for in-
juring works

14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of any railroads enjoyed under the provisions of this act, or of any of their necessary works, wharves, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to said company the sum of fifty dollars, to be by them recov-

ered in any court having competent jurisdiction, in an action of debt, and further, shall be liable for all damages.

15. *And be it enacted*, That the said railroad is hereby authorized to lease its railroad to (or consolidate with) any other railroad company, which is hereby authorized to take such lease and operate the same for such term or times and on such terms as the said parties may agree upon. May lease, consolidate and operate.

16. *And be it enacted*, That any railroad company is hereby authorized to endorse or guarantee the bonds of the said Millville and Bridgeton Railroad, and in any other way which the parties may agree upon, aid the said company in the construction of its said railroad. Other corporations may endorse bonds

17. *And be it enacted*, That as soon as the said railroad, or any part of it, is in operation, the president of the said company shall make, under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages and all expenses, and file the same in the office of the secretary of state, and annually thereafter, on the first Monday of January of each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipments, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws, and until the said railroad, or any part thereof, shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person or persons as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company. Statement of costs to be made. Proviso.

18. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct or repair said road, and furnish the said corporation with all the neces- May borrow money and issue bonds.

- sary engines and machinery for the uses and objects of said company, and to secure the payment thereof by bond and mortgage, or otherwise, on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury, in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section.
- Proviso.**
- Limitation.** 19. *And be it enacted*, That if the said railroad shall not be commenced within five years and be completed at the expiration of ten years from the first of July next, that then and in this case this act shall be void.
- Free passes.** 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, shall pass and repass on the railroad of said company, in their cars, free of charge.
- May connect and cross any railroad.** 21. *And be it enacted*, That the said railroad is empowered to connect with and to cross any other railroad.
- Privileges.** 22. *And be it enacted*, That when any part of the said railroad shall be completed, the said company may commence operating the same for the transportation of passengers and property, enjoying all the privileges and subject to the restrictions created by this act.
23. *And be it enacted*, That this act shall take effect immediately.
- Approved March 8, 1872.

CHAPTER CLXXXII.

An Act to vacate streets on map of the Rutherford Park Association, and for other purposes.

WHEREAS, the Rutherford Park Association became incorporated under the act entitled "An Act to encourage and facilitate the improvement of lands in this state," approved March thirtieth, eighteen hundred and sixty five, and purchased property in the county of Bergen, and state of New Jersey, and laid the same out into blocks and lots, and filed among other maps, a map of such property in the office of the clerk of said county, known as "Map of Property of the Rutherford Park Association, Union Township, Bergen County, New Jersey," on the seventeenth day of November, eighteen hundred and seventy; and whereas, on said map have been delineated certain streets, known as Summit avenue, Russell avenue, Delos avenue, Diven avenue, Prospect avenue and Edgerston drive; and whereas, no improvements have been made on said streets, and the public authorities have not accepted the same, and the owners of the property situated on said streets desire that the said streets may be vacated, and certain lands under water on said property, included in said map, may be filled up, so that streets can be laid out thereon, to the end that the property may be more advantageously laid out, and other streets dedicated in lieu of the streets to be vacated; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Summit avenue, Russell avenue, Delos avenue, Diven avenue, Prospect avenue and Edgerston drive, streets laid out on said map, be and the same are hereby vacated; and the owner or owners of the property are hereby authorized to fill up the lands under water on said property, and to make a new map of such property so filled up, and dedicate any street or streets over the same, and also dedicate streets in lieu of those vacated as may be deemed most advantageous for that purpose, which streets to be dedicated shall be in lieu of the streets hereby authorized to be vacated; *pro-*

Preamble.

Avenues vacated.

Owners authorized to fill up lands under water, &c.

Proviso.

vided, that nothing in this act shall affect the rights of the state to lands lying under water.

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

Approved March 8, 1872.

CHAPTER CLXXXIII.

A Supplement to the act entitled "An Act to incorporate the Cape May Cranberry Company, of Cape May County," approved April fifth, eighteen hundred and seventy-one.

Power to
construct em-
bankments
and sluices.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Cape May Cranberry Company shall have power to elect, for the government of their affairs, five directors instead of three; also have power to construct an embankment and sluice at any point east of the bridge over Dennis creek, in the county of Cape May, of sufficient height to hold a head of water to high water mark in said creek, and hold the water above the embankment to said height at their disposal.

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

Approved March 8, 1872.

CHAPTER CLXXXIV.

A Supplement to an act entitled "An Act to authorize the United States Watch Company to establish works in this state and incorporate the same," approved March ninth, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of the United States Watch Company, a corporation created under and by virtue of the act to which this act is a supplement, may be increased to such an amount as the board of directors of said company shall from time to time determine, but not beyond a sum that will make the whole capital stock of said company more than two million dollars, and that the board of directors of said company may make such rules and regulations for the subscription to the said increased capital stock, and the payment therefor, as said board may deem advisable. May increase capital stock.

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

Approved March 8, 1872.

CHAPTER CLXXXV.

An Act to incorporate the Hudson County German Publishing Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Adolph Kirsten, James Gop- Corporators. sill, Henry Knopp, Jacob Seiben, Charles A. Zscham, and their associates, successors and assigns, be and they are hereby created a body politic and corporate, by the name of "The Hudson County German Publishing Association;" Name.

and by that name shall be capable of purchasing and holding, conveying, mortgaging and leasing any real and personal property, not exceeding in value the sum of fifty thousand dollars; and by their said name shall have power to sue and be sued, plead and be impleaded in all courts and places; to make and use a common seal, alter the same at pleasure, and to make by-laws, not inconsistent with the constitution or laws of the United States or of this state, for the management of the property, the regulation of the affairs and for the transfer of the stock of the said corporation.

Object.

2. *And be it enacted*, That the general object of said corporation is declared to be the publishing of a newspaper in the German language, and conducting a general printing and publishing business, in the county of Hudson, in this state.

Office.

3. *And be it enacted*, That the business of said corporation shall be carried on at Jersey City, in the county of Hudson.

Amount of
capital stock.

4. *And be it enacted*, That the capital stock of said corporation shall be ten thousand dollars, and may be increased to any sum not exceeding in all fifty thousand dollars, divided into shares of fifty dollars each, which shall be subscribed and paid at such times, in such manner, in such installments, and upon such notice as the directors of the said association by their by-laws may direct and appoint; and in case of failure by any stockholder to pay his or her installments at the time and place appointed by the said by-laws for the payment thereof, such stockholder shall, at the option of the directors of said association, incur a forfeiture of his or her share or shares, and of all previous payments thereon, for the benefit and use of the said association.

Stock, how
transferable.

5. *And be it enacted*, That the capital stock of the said association shall be deemed personal property, and the said shares shall be transferable only on the books of the said association, in such manner as the said by-laws thereof may direct; and that certificates of stock be issued to the stockholders; and that each share of said stock shall entitle the holder thereof to one vote, either in person or by proxy.

May purchase
property.

6. *And be it enacted*, That it shall be lawful for said corporation, if they shall see fit, to purchase all, or any part of the property, assets, rights and effects of the company now known as the Hudson County German Publishing Association, and to give stock in part or full payment thereof.

7. *And be it enacted*, That the management and dispo-

sition of the affairs and property of the said association, shall be vested in a board of directors, one of whom shall be president; the number of said board shall not be less than seven nor more than thirteen; that the persons named in the first section of this act, shall be the first directors to organize the affairs of said association until the first Monday of April next, and until others are elected in their stead; that on the first Monday of April next, and annually thereafter, the directors shall be chosen at such place and on such notice as the by-laws of said association shall determine; that all elections shall be by ballot, and if at any time for any cause, it shall happen that no election shall be held or made at the time herein appointed, the directors for the time being shall continue in office until an election be regularly held according to the requirements of the by-laws in that behalf, or by this act; and any vacancy in the board of directors may be filled for the unexpired term by a majority of the same; and the directors may appoint such officers and agents as they may deem necessary, and may by their by-laws, fix their duties and compensation therefor.

Affairs, how managed.

Vacancy, how filled.

8. *And be it enacted*, That this corporation may be dissolved at a general meeting of the stockholders, specially called for that purpose, thirty days' notice of such meeting having been given, by publishing the call therefor at least once a week during said period, in two newspapers in said Jersey City; *provided*, that at least three-fourths in value of all the stockholders shall concur therein; and upon such dissolution, the directors for the time being, and the survivor or survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for settling all the affairs of the said corporation, collecting and disposing of its property and assets, paying its debts, and dividing the surplus among the stockholders in proportion to their respective interest in the capital stock.

How dissolved

Proviso.

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

Approved March 8, 1872.

CHAPTER CLXXXVI.

An Act to incorporate the Masonic Hall Association of the village of Somerville.

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| Corporators. | 1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That John V. Voorhees, Henry G. Wagoner, Bernard M. Polhemus, Nicholas L. Rouser, Nathan B. Richardson, George S. Jones, Job C. Kinyon, John Ringlemann, Frederick Van Liew and Robert L. Day, and their associates, free and accepted masons of the state of New Jersey, and their successors, be, and the same are hereby declared to be a body politic and corporate, in fact and in law, by the name, style and title of "The Masonic Hall Association of Somerville," and by that name shall be capable of purchasing and holding, mortgaging and conveying any lands, tenements, goods and chattels; said real and personal estate not to exceed in value the sum of fifty thousand dollars, and have power to sue and be sued, plead and be impleaded, in all courts and places, to make and use a common seal, and alter the same at pleasure, and to make by-laws, not inconsistent with the constitution or laws of the United States, or of this state, for the management of the property, the regulation of the affairs, and for the transfer of the stock of said corporation. |
| Name. | |
| Object and powers | 2. <i>And be it enacted</i> , That the general object of the said corporation is declared to be the purchase of real estate in the village of Somerville, and the improvement thereof, for the purpose of a masonic hall, and for other purposes; and they shall have power to purchase, take, receive, have, possess, and enjoy all such lands, tenements, property, goods, chattels and effects, as may be required for the purpose of said corporation, and the same to grant, bargain, sell, alien, convey, lease, demise, mortgage, encumber and dispose of at their will and pleasure. |
| Amount of capital stock. | 3. <i>And be it enacted</i> , That the capital stock of the said corporation shall be twenty thousand dollars, divided into shares of fifty dollars each, which shall be subscribed and paid at such times, in such manner, in such installements, and |

upon such notice as the directors of said corporation by their by-laws may direct and appoint; and in case of failure by any stockholder to pay his or her installments at the time and place appointed by the said by-laws for the payment thereof, such stockholder shall, at the option of the directors of the said corporation, incur a forfeiture of his or her share or shares, and of all previous payments thereon for the use of said corporation.

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

5. *And be it enacted*, That the management and disposition of the affairs and property of the said corporation, shall be vested in seven directors, who shall be stockholders of the said corporation, and residents of the county of Somerset, who shall be elected by the stockholders of the said corporation yearly, at such time and in such manner as the said corporation shall by the by-laws thereof provide, and who shall serve for one year, and until others are elected in their stead; that the first election of directors shall be held on the first Monday in April next, at twelve o'clock at noon, at the lodge room of Solomon's Lodge, Number Forty six, in the village of Somerville, and continue open for one hour, and thereafter as shall be provided in the said by-laws; that the directors when elected shall choose from their own number a president and vice-president, which said president, vice-president and directors, for the time being, shall constitute the board of directors of the said corporation, and that a majority of the said board shall be a quorum for the transaction of business. Directors. President.

6. *And be it enacted*, That the said directors may make penalties for any breach of the by-laws of the said corporation, not exceeding one dollar. Penalties.

7. *And be it enacted*, That when at least one hundred shares of stock of the said corporation shall be subscribed, the same may be organized and proceed to the first election of directors thereof, at the time and place herein above mentioned. Election of directors.

8. *And be it enacted*, That the said corporation may be

How dissolved.
ed.
Proviso.

dissolved at a general meeting of the stockholders specially called for that purpose ; *provided*, that at least three-fourths in value of the stockholders shall concur therein, and upon such dissolution the directors for the time being, and the the survivor or survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for settling all the affairs of the said corporation, collecting and disposing of its property and assets, paying its debts, and dividing the surplus among the stockholders in proportion to their respective interests in the stock.

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

Approved March 8, 1872.

CHAPTER CLXXXVII.

An Act to incorporate the West Cape May Land Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alexander Whillden, James Pollock, A. G. Cattell, George H. Stuart, Thomas Beesley, H. R. Wilson, S. A. Mutchinare, Downs Edmunds, V. M. D. Marcy, Nicholas Murray, James H. Stevens, Return B. Swain, George W. Hill, G. H. Huddel, J. P. Reznoo, Franklin Hand, John Wanamaker, Robert J. Mercer, M. Hall Stanton, Joseph Freas, Richard S. Leaming, and such other persons as they may hereafter associate with them, be and they are hereby constituted and declared a body corporate and politic, with perpetual succession in fact and in law, by the name of "The West Cape May Land Association," to have a corporate seal, to sue and be sued by their corporate name, to purchase and hold real and personal property, and to acquire such lands in the county of Cape May, state of New Jersey, in fee simple or otherwise, and on such terms as they may deem desirable and necessary for the purposes and objects of the aforesaid association.

2. *And be it enacted*, That the capital stock of said com-

pany shall consist of one thousand shares of one hundred dollars each, with the liberty to increase the same from time to time, not exceeding five thousand shares, which shall be deemed personal property and transferable in such manner as the company may by their by-laws direct.

3. *And be it enacted*, That the property and affairs of the said company shall be managed and conducted by a board of thirteen directors, shareholders in said company, who shall be chosen annually and at such place, and at such times, and in such manner, and upon such notice, as the by-laws of said company shall direct, each share of the capital stock entitling the holder to one vote either in person or by proxy. Managed by directors.

4. *And be it enacted*, That the directors shall hold office for one year, and until others are elected or appointed in their stead, and they shall have power to fill any vacancy which at any time may exist in the board by death or otherwise, until the next succeeding annual election; a majority of them shall constitute a quorum competent to transact all business, and shall choose one of their number to be president and one to be vice president, and may appoint such other officers and agents as they deem expedient. Vacancies, how filled.

5. *And be it enacted*, That it shall be lawful for said association to construct and provide all necessary works to supply water, and artificial light and all other improvements which they may deem necessary for the comfort and convenience of the inhabitants that may reside upon the premises owned by them. May construct works.

6. *And be it enacted*, That said association shall have power to improve and develop their lands by subdividing and laying out the same in lots, streets, avenues, alleys and parks, and erecting buildings for private and public use, selling and leasing their lots and grounds, and doing all things that are judicious and necessary to encourage a vigorous growth of their enterprise. May lay out streets and erect buildings, &c.

7. *And be it enacted*, That any conveyance, deed, lease, agreement or other instruments, signed by the president and secretary of said company, and duly acknowledged according to the laws of the state of New Jersey, shall have full force and effect to bind said company to all the covenants and conditions therein contained. Acts binding on company.

8. *And be it enacted*, That for the purpose of restricting nuisances and of compelling a uniform system of improvements, the said company are hereby authorized and invested May insert clauses in deeds, &c.

with full power to incorporate into any deed of conveyance made by them, whether fee simple or otherwise, a clause or condition for holding the sale upon the premises so conveyed by said company, of any spirituous or intoxicating liquors, and forbidding any nuisance which the said company may deem detrimental to the interests and prosperity of said settlement, and to require any guarantee of said company to make and maintain such style and character of improvements on said lots so conveyed, or on the streets fronting thereon, as to the said company may seem most expedient for securing a uniform system of development and improvements through the said settlement.

Penalty for
non-fulfill-
ment.

9. *And be it enacted*, That for the purpose of enforcing the provisions of the last section, the said company are hereby authorized and invested with power to attach to said clause to restrict nuisances and regulate improvements a penal sum which said grantee shall forfeit upon any non-fulfillment or non-compliance therewith, and said sum the said company may recover in any court of record having competent jurisdiction in actions of debt.

Dividends

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

May borrow
money, &c.

11. *And be it enacted*, That the said company shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to carry out the 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 lands, privileges, franchises and appurtenances of and belonging to said company.

Books of sub-
scription.

12. *And be it enacted*, That after the passage of this act, any three of the aforesaid corporators may give ten days' notice of the time and place for opening books, for the space of ten days, to receive subscriptions to the capital stock of said association, and as soon as two hundred and fifty shares have been subscribed, twenty per cent. of the par of the shares, paid in, or secured to be paid, under direction and to satisfaction of the parties having in charge the books aforesaid, they shall give ten days' notice in two newspapers, one of the papers to be printed in Cape May county, and one in the city of Philadelphia, for the election of directors, to be chosen by ballot; that each share of stock upon which the twenty per

cent. has been paid shall entitle the holders thereof to one vote, in person or by proxy; said directors, when elected, shall meet either at Cape May or Philadelphia, as soon after their election as practicable, and organize by electing a president and vice president, and appoint such other officers and agents as they may deem necessary and expedient; they may also adopt such by-laws (not inconsistent with this act) as they may deem judicious and expedient for the future management of the association, subject to alteration and amendments at any subsequent period by quorum of the board, notice having been given at a previous meeting; the directors so elected shall hold their office until the first Tuesday in July, eighteen hundred and seventy-two, and until their successors are elected, and so as to future elections.

13. *And be it enacted*, That the principal office of the aforesaid association shall be in the county of Cape May, with the privilege of having a branch office in the city of Philadelphia.

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

Approved March 8, 1872.

CHAPTER CLXXXVIII.

An Act to incorporate the Ocean County Agricultural Society.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Clayton Robbins, Henry C. Gulick, William I. James, George W. Cowperthwaite, Thomas Singleton, W. H. Price, Isaac W. Carmichael, George Le Compte, Samuel Beatty, John H. Irons and Edward M. Loran and others, their associates and successors, be and they are hereby created a body corporate and politic, by the name, style and title of "The Ocean County Agricultural Society;" and by that name shall sue and be sued, and generally possess the power and privileges of a corporation.

- Amount of capital stock. 2. *And be it enacted*, That the capital of said association shall not be less than six thousand dollars, nor more than twelve thousand five hundred dollars, divided into shares of twenty-five dollars each.
- May make by-laws 3. *And be it enacted*, That the members of said association shall have the right, at their first or any subsequent meeting, to establish such by-laws for the government of the association as they may deem expedient, which shall not be inconsistent with the constitution of the United States, the laws of this state, or the provisions of this act.
- Meetings, &c. 4. *And be it enacted*, That at all meetings or elections held by said association each share shall entitle a member to one vote, and that at elections for directors members may vote by proxy.
- Officers. 5. *And be it enacted*, That the members shall, from time to time, determine the number of their directors and officers, and shall clothe them with such power not inconsistent with the provisions of this act, as they may deem expedient.
- Object. 6. *And be it enacted*, That the object of said association shall be to provide, keep and maintain in the county of Ocean, and at the village of Toms River, grounds and other real and personal estate, not exceeding in extent forty acres of land, suitable for agricultural, floral or mechanical exhibitions, and that for the improvement of the breed of horses and cattle, the said association are authorized to hold exhibitions for the development of the speed, or other desired qualities, and to encourage and incite competition therein, they may offer and give premiums for superiority in the objects sought for; such premiums, however, not to exceed the surplus net revenue of the association in any one fiscal year.
- admission. 7. *And be it enacted*, That the association shall have the right and power to charge a fee for admission to such exhibitions, the amount of said fee to be fixed from time to time as the directors may deem proper.
- Dividends. 8. *And be it enacted*, That so much of the profits of said association as shall be deemed expedient by the directors, shall from time to time be divided amongst the stockholders; but no dividend shall be declared which will impair the capital of the association.
- Election of directors. 9. *And be it enacted*, That the directors shall be elected by ballot by the members of the said association, at such time and place as shall be agreed upon by a majority of the corporators named in the first section, after giving at least

one week's public notice thereof, in at least one newspaper published in the county of Ocean; and the directors who shall be elected at that time shall hold their offices until the first Tuesday in May next and following, or until their successors shall have been chosen; and on the first Tuesday in May, of each year thereafter, there shall be a meeting of the members, at which meeting there shall be an election for directors of the association, who shall continue in office for one year, or until their successors shall have been chosen, such election to be held at such place as the by-laws shall determine; the officers of the association shall be chosen by the board of directors from the members of said association, at a meeting to be held within one week after their election.

10. *And be it enacted*, That special meetings of the members may be called by the board of directors at any time, and shall likewise be called by the president, at the request, in writing, of five members; one week's notice of such meeting shall be previously given by the secretary as aforesaid. Special meetings.

11. *And be it enacted*, That the association shall be, and they are hereby authorized to admit, under and subject to such mode of election and rules and regulations as may be prescribed by the by-laws, annual subscribers who shall pay in advance such sum as may be fixed by the board of directors; and for this they shall be allowed the privilege of admission to the grounds and premises of the association, in like manner, and under such restrictions as are provided in the case of members; *provided however*, that nothing shall be construed to give said annual subscribers any authority in the administration of the affairs of the association. Annual subscribers may be admitted to grounds. Proviso.

12. *And be it enacted*, That the association shall have the right and power to enact and enforce by-laws prohibiting gambling, selling or using intoxicating drinks upon the premises of the association, and to eject from the premises all disorderly person or persons violating the rules of the association. May prohibit selling of liquors, &c.

13. *And be it enacted*, That the association shall have the right to elect honorary members, who shall be entitled to such privileges as the by-laws may provide. Honorary members.

14. *And be it enacted*, That the said association shall have the right and power to lease or rent the whole or any part of this real estate for religious meetings or other purposes. May lease real estate.

15. *And be it enacted*, That any person subscribing and paying for one or more shares, shall be a member unless he who may become members.

transfers his stock, which he may do by having the transfer recorded by the secretary.

Taxation.

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

Approved March 8, 1872.

CHAPTER CLXXXIX

An Act to extend the provisions of an act entitled, "An Act to authorize and empower the Minister, Elders and Deacons of the Reformed Congregation of Hackensack, in the county of Bergen, in the State of New Jersey, to assess the pews in said Church," approved April fourth, eighteen hundred and seventy-one, to the Minister, Elders and Deacons of the Reform Congregation of Pascack, Bergen county, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to authorize and empower the Minister, Elders and Deacons of the Reformed Congregation of Hackensack, in the county of Bergen, in the State of New Jersey, to assess the pews in said Church," approved April fourth, eighteen hundred and seventy-one, with all the power and authority thereby given, be and the same is hereby extended to the minister, elders and deacons of the Reformed Congregation of Pascack, Bergen County, New Jersey.

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

Approved March 8, 1872.

CHAPTER CXC.

Supplement to act entitled "An act to incorporate the New Jersey Wood Paving Company," approved March seventeenth, eighteen hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section second of an act Repealer. entitled "Supplement to an act to incorporate the New Jersey Wood Paving Company," approved February twenty-eight, eighteen and seventy-one, be and the same is hereby repealed.

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

Approved March 8, 1872.

CHAPTER CXCI.

An Act to incorporate the Madison Aqueduct Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alfred M. Tredwell, Jonathan Corporators. Dwight, Hugh A. Toler, James A. Webb, Stephen Paulmier, George Pomeroy, Ambrose E. Kitchell, George E. Danforth, George Chapman, and such other persons as may be hereafter associated with them, their successors and assigns, shall be and they are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in law, by the name of the "The Madison Aqueduct Company," and shall Name and powers. be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the object of the corporation hereby created.

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

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

Commissioners to open books of subscription. 3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places as they or a majority of them may think proper, giving at least ten days' notice of the same in a newspaper published in the county of Morris, and that at the time of subscribing, twenty per centum shall be paid for each share subscribed for to the commissioners, and as soon as fifteen thousand dollars of the capital stock shall be subscribed and paid in, such commissioners, or a majority of them, shall give like notice for a meeting of the stockholders to choose five directors, a majority of whom shall be residents of this state, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose; each share of the capital stock entitling the holder thereof to one vote, and the said above named persons, or any two of them, shall be inspectors of the first election of directors, and shall certify under their hands the names of the persons duly elected, and deliver over the subscription books and moneys paid in, deducting all necessary expenses previously incurred, to the said directors; and the time and place of holding the first meeting of said directors, shall be fixed by the persons named in the first section of this act, and the directors chosen shall hold office until the first Monday in April, following their election, and until their successors are chosen; and there shall be an annual election of directors, by the stockholders on the first Monday in April of every year, at such time and place, as the directors for the time being, shall appoint, whereof like notice shall be given as aforesaid; and said directors shall choose out of their number a president, who shall be a resident of this state, and in case of 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 remaining directors or a majority of them.

Election of directors.

4. *And be it enacted*, That in case it shall happen that

an election shall not be made during 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 an election may be held at any other time, on like notice as aforesaid, and the directors, for the time being, shall continue to hold their offices until others shall be chosen in their places.

5. *And be it enacted*, That a majority of the board of directors shall be competent to transact all the business of said corporation, and shall have power to call in their capital stock of said company, by such installments, and at such times as they may direct, and in case of the non-payment of such installments, or any of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate, and effects of said officers, clerks and servants as to them shall seem meet; and to establish and fix such salaries to officers, clerks and servants as to the said board shall appear proper; and shall have power to take from said officers, clerks and servants, such security for the faithful performance of their respective duties, as they may think proper.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey and lay out the site for one or more reservoirs, drains, ditches, conduits, aqueducts, pipes, fountains, water-wheels, force pumps, and all other devices and work which they may deem necessary for supplying the village of Madison, and the places adjacent thereto, with water sufficient for extinguishing fires, culinary and other family uses, watering the streets, and such other purposes as may conduce to the health and comfort of the citizens; and it shall be lawful for the president and said directors, or others in their employ, to enter at all times upon all lands or waters, and survey, search, excavate and bore for water, and examine the quality thereof, and locate all and singular the reservoirs, drains, ditches, aqueducts, pipes, fountains, water-wheels, force-pumps and buildings, and all necessary works and appendages thereto, doing no unnecessary damage to private or other property; and when said location shall have been determined upon, the president and directors shall cause a map to be made of all lands which they require for the purpose

aforesaid, and file the same in the office of the clerk of Morris county; and 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, excavate, erect reservoirs, water-wheels, wheel-houses, force-pumps, and do all other things which shall be suitable or necessary for completing the works hereby contemplated, and keeping them in repair, subject to such compensation as hereinafter provided for; *provided*, that no such entry for the purpose of obtaining water shall be made on any land within the township of Morris, without the consent of the owner or owners thereof first had and obtained.

May enter on
lands, &c.

Proviso.

Proceedings
in case com-
pany and own-
ers cannot
agree.

7. *And be it enacted*, That if the said company or its agents cannot agree with the owner or owners of such required lands for the use or purchase thereof, or if, by reason of legal incapacity or absence of such owner or owners, no such agreement can be made, the said company shall give notice to the persons interested, if known and in the state, or if such owner or owners be unknown or out of the state, by publication in one or more newspapers printed and published in the county of Morris, that they intend to make application to the judge of the circuit court of said county, on a day, and at a place to be named in said notice, and not less than twenty days from the service or publication thereof, for the appointment of three commissioners; and on the said day, and at the place named in said notice, the said judge shall make said appointment under his hand and seal; and it shall be the duty of said commissioners, having first taken an oath or affirmation before some person authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at such time and place as they shall designate, giving at least fifteen days' notice of their said meeting, as herein before directed; and on the day so appointed to proceed to view and examine the said lands and make a just and equitable estimate of the value of the same, and assess the damages which will accrue from erecting such works; and the said commissioners shall report in writing to the parties interested, the whole amount which the company must pay each owner, stating in said report the metes and bounds of the lands assessed, which said report the said company shall have filed in the clerk's office

of Morris county, to remain on record therein; and 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 land so described; and it shall be the duty of said company to pay the owner or owners the amount assessed as aforesaid; or in case the owner or owners refuse to receive the same, or live out of the state, or are incapacitated by law to receive the same, then said sum shall be paid and delivered to the clerk of said county, to be by him retained for such owner; and upon making payment in either of the ways above stated, the title of the premises mentioned in said award and so paid for, shall be vested in said company, the said company shall be entitled to enter upon, for the purpose contemplated by this act, all the lands, waters and real estate, for which compensation shall be paid or tendered as aforesaid, and to hold and use the same to themselves and their successors forever; if any person to whom any compensation shall be awarded as aforesaid cannot be found, then the said payment may be made by depositing the same with the clerk of said court.

8. *And be it enacted*, That if said owners or any of them are dissatisfied with the report of the commissioners in the preceding section, the said party so dissatisfied may appeal to the circuit court of said county at its next term, whereupon the said court shall proceed to hear and determine the whole matter, in the same manner as if said owner had summoned the said company to appear before them, and if the jury, upon trial of the cause, shall find a greater sum than the commissioners have awarded, or the company offered, in favor of said owner or owners, then judgment thereon, with costs shall be entered against the company, which will constitute a lien upon the premises in question, which said lien shall have priority over other incumbrances which said company may have given; but if the said jury shall find the same or less amount than the said company shall have offered or the said commissioners awarded, then the person appealing shall pay the costs in such a manner as the court shall direct.

Proceedings
in case of ap-
peal.

9. *And be it enacted*, That any body corporate may, and they are hereby authorized to subscribe to the capital stock of this company.

Stock may be
subscribed.

10. *And be it enacted*, That if any person shall wilfully impair or injure, or wilfully do or cause to be done, any act

Penalty for
injuring
works.

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

Proviso.

May lay pipes
under streets
and erect hy-
drants.

11. *And be it enacted*, That said company may be, and they are hereby authorized and fully empowered to lay their pipes beneath such public road, streets, avenues and alleys as they may deem necessary for the purpose aforesaid, free of all charge, to be made by any person or persons, or body politic, whatsoever, for such privilege, and also such hydrants or crossings or intersections of the said streets and alleys, provided that the said pipes shall be laid at least two feet below the surface of the same, and shall not in any wise unnecessarily obstruct or interfere with the public travel, or damage public property, and that the earth excavated in laying said pipes shall be replaced, so that the surface of the ground shall be in as good condition as the same was before said excavations were made.

Water rents.

12. *And be it enacted*, That the said company may sell and dispose of the water issuing from said reservoirs, aqueducts or pipes, for such price or prices as annual rents, and under such restrictions, they may think proper.

May borrow
money, &c.

13. *And be it enacted*, That the said company shall have power to borrow money, not exceeding two-thirds of their capital stock paid in, and to secure the same by bonds or other evidences of debt, bearing interest not exceeding seven per centum per annum, and mortgage upon their property and franchises and privileges, and by such other assurances as they may deem expedient.

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

Approved March 8, 1872.

CHAPTER CXCI.

An Act to incorporate Jackson Lodge, No. 150, I. O. O. F.,
of the town of Union, Hudson county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Anthony H. Ryder, John A. Ross, James G. Morgan, Alexander Hannah, Charles Statley, Frederick H. Diederich, Albert D. Bogert, Jabez Chambers, Frederick H. Pepper, John Wilhee, Elijah T. Paxton, Abram J. Charles, Ebenezer D. Gardner, Harvey Wilkins and George Brune, and their successors, be, and they are hereby, created a body politic and corporate, in fact and in law, by the name of "Jackson Lodge, No. 150, I. O. O. F.," and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity, or elsewhere, for the purpose of purchasing land, in the town of Union, in the county of Hudson, and erecting thereon a building and hall, and such other buildings or out buildings as the said corporation may, by their trustees, decide upon; and for the transaction of such business as may be necessarily connected with the purchasing of land, and erecting, building, conducting, leasing or otherwise disposing of such building and hall, and other buildings, and for that purpose the said corporation shall have power to purchase, take, receive, have, possess and enjoy all such lands, tenements, property, goods, chattels and effects as may be required for the purpose of said corporation, and the same to grant, bargain, sell, alien, convey, lease, demise, mortgage, encumber, and dispose of at their will and pleasure.

Corporators.
Name and powers.

2. *And be it enacted*, That the capital stock of said corporation shall not exceed the sum of twenty thousand dollars, divided into shares of twenty dollars each, which shall be subscribed and paid in at such times, and in such amounts, and in such manner, as the trustees of the said corporation, by their by-laws may direct and appoint, and in case of failure by any subscriber to pay his or their installments at the time and place appointed by the said by-laws

Capital stock.

for the payment thereof, such subscriber shall, at the option of the trustees of said corporation, incur a forfeiture of his or their share or shares, and of all previous installments thereon, for the use of said corporation.

Stock, how transferable.

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

Affairs, how managed.

4. *And be it enacted*, That the management and disposition of the affairs and property of the said corporation shall be vested in a president, vice-president, treasurer, secretary, and five trustees, who, together, shall constitute and compose the board of directors, and shall be elected annually, at such time, and in such manner, as the said corporation shall, by its by-laws provide; *provided*, such by-laws shall not be repugnant to the constitution and laws of this state or of the United States.

Proviso.

Capital stock may be invested.

5. *And be it enacted*, That the said corporation may invest the money left with them as subscription to the capital stock, or such other money as may come into their possession, in no other public stocks than such as are created under the laws of the United States, or of the states of New Jersey, New York, Pennsylvania, or in the stock or bonds of either of the cities or counties of the state of New Jersey, nor in bond and mortgages, except on unincumbered real estate, worth at least double the amount of the sum invested; the said corporation may also purchase bonds secured by mortgages, and dispose of them at pleasure.

Common seal.

6. *And be it enacted*, That the said lodge or corporation shall have a common seal, with power, at their pleasure, to change, alter and renew the same.

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

Approved March 8, 1872.

CHAPTER CXCIH.

An Act to incorporate the Social Turnverein of Hackensack,
in the county of Bergen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Sieber, Louis Rohr, Corporators. George A. Hafner, William Mattscheck, Frederick P. Von Wetternig, Fred Weiss, C. Walz, and such other persons as now are or hereafter shall become members of "The Social Name. Turnverein of Hackensack," are hereby constituted a body corporate, by the name aforesaid.

2. *And be it enacted*, That the object of this society shall Objects. be the improvement of mental, physical and corporal education.

3. *And be it enacted*, That the said corporation shall have Powers. power to prescribe admission and expulsion of its members, and for the election, time of service and duties of its officers.

4. *And be it enacted*, That the said corporation may pur- May hold real or personal estate, &c. chase and hold real and personal estate for their use and benefit, the annual income of which shall not at any time exceed five thousand dollars.

5. *And be it enacted*, That the said corporation shall pos- General powers. sess all the powers and privileges, and be subject to all the restrictions and liabilities contained in the act entitled "An Act concerning corporations," passed and approved February the fourteenth, one thousand eight hundred and fifty-six, and the various supplements.

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

Approved March 8, 1872.

CHAPTER CXCIV.

An Act to incorporate the Oceanic Fire Engine Company,
Number One, of Long Branch, county of Monmouth.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William H. Bennett, Borden Morris, Thomas L. Worthley, James Newbold, Walter R. Brinley, F. W. Kemp, Charles Lewis, S. F. McCloud, R. L. White, James T. Lewis, and all persons who now are or hereafter shall become associates of the Oceanic Fire Engine Company, Number One, of the village of Long Branch, county of Monmouth, 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 Oceanic Fire Engine Company, Number One, of Long Branch; 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 whatever; and that they and their successors may have a common seal, and shall have power to make, change and alter the same at their pleasure, and by their corporate name aforesaid, and under their common seal make, enter into and execute any contracts or agreements touching or concerning the objects of said corporation, and shall have full power and authority to make, form and adopt such form of constitution and such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state or of the United States, as they shall think proper.
2. *And be it enacted*, That the capital stock of said company shall not exceed the sum of ten thousand dollars, which shall be applied to the purchase and holding of real estate, and the procuring of such implements and machines and to such other incidental expenses as shall to the said company appear best calculated to secure the property of their fellow citizens from injury or destruction by fire.
3. *And be it enacted*, That the said company shall have power to elect, annually, or oftener if necessary, a president,

out of their own body, and such other officers and assistants as they shall deem necessary for conducting their affairs according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of 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 company.

4. *And be it enacted*, That an annual statement of the financial affairs of the said company, signed by the president thereof, shall be placed upon the records of said company, not less than fifteen days, and not more than thirty days, before each annual election. Statement to be made.

5. *And be it enacted*, That the property of said company, held under this act, shall be free and exempt from taxation and assessments. Property exempt from taxation.

6. *And be it enacted*, That all persons during their actual membership of the company organized by this act, shall be exempt from jury and military duty, and all persons having served as members of said company for a period of five years, and having received a certificate from the officers of said company shall be forever exempt from such duty in this state. Members exempt from jury and militia duty.

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

Approved March 8, 1872.

CHAPTER CXCV.

An Act to incorporate the Union Hall Association, of Barnegat, New Jersey.

WHEREAS, William Cox, Henry C. Gulick, James Bodine, John A. Brown and John Predmore, have associated themselves under the name of the "Union Hall Association, of Barnegat, New Jersey," for the purpose of erecting and maintaining a public hall in the village of Barnegat, Preamble.

in the county of Ocean; now, therefore, that the said association may be the better enabled to effectuate the object and purposes thereof,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said William Cox, Henry C. Gulick, James Bodine, John A. Brown and John Predmore, and such other persons who shall become stockholders in the corporation hereby created, shall be, and they and their successors are hereby constituted and declared a body politic and corporate, in fact and in law, by the name of the "Union Hall Association, of Barnegat, New Jersey," and by that name shall have power to lease, purchase, and hold real estate in the said village of Barnegat, and to erect and maintain thereon a public hall, with such rooms as may be incident thereto, and with offices or stores therein, and to transact all such business as may appertain to the erecting, furnishing, conducting, leasing, or otherwise disposing of the said premises for the purposes aforesaid.

2. *And be it enacted*, That the capital stock of said association shall be five thousand dollars, to be divided into shares of five dollars each, and the said association shall have power, from time to time, as the interest of said association may require, and whenever a majority of the directors thereof shall so determine, to increase the same to any sum not exceeding twenty thousand dollars, and that the by-laws shall direct the manner and time of the payment of the capital stock.

3. *And be it enacted*, That the affairs of said association shall be managed by a board of five directors, being stockholders, and they shall elect a president, secretary and treasurer, from their own body, who shall be elected annually on the first Monday of March, each share of stock being entitled to one vote, and shall hold their offices until others are elected in their stead; *provided*, that a failure to elect a board of directors on the day above named, shall not for that cause dissolve this corporation, but the election may be held on a subsequent day, to be provided for by the by-laws of said corporation; and that a vacancy in said board of directors from any cause shall be filled in the manner designated by the by-laws; *and provided further*, that the corporators in the first section named, shall be the first directors of said corporation, and hold their office until others are elected in their stead.

4. *And be it enacted*, That the said corporation are hereby authorized to take and receive and hold, by donation, bequest or devise, any real or personal property, which may be made to it for the purpose of promoting the objects of this act; and they are hereby authorized to borrow money and to secure the payment thereof by mortgage upon the property of said corporation, or any portion thereof, to an amount not exceeding the amount of capital stock actually paid in.

May hold real
and personal
estate.

5. *And be it enacted*, That the said board of directors shall have power to issue certificates of stock in said corporation; and shall have power and authority to make all necessary by-laws and regulations for the transaction of the business of the corporation, to prescribe the time and mode of payment of subscriptions to the capital stock, and to forfeit the stock of any stockholder for neglect to make such payment in the mode prescribed; to appoint such officers and agents as they may deem requisite for the management of the business of the corporation, and to remove such agents at pleasure.

May issue
certificates of
stock.

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

Approved March 8, 1872.

CHAPTER CXCVI.

A Supplement to an act entitled "An act to reorganize the local government of Jersey City," passed March thirty-first, eighteen hundred and seventy one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eighty (80), of the act to which this is a supplement, shall be amended by striking out the words "two and a half," and insert in lieu thereof the words "three and one half."

Amendment.

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

Approved March 8, 1872.

CHAPTER CXCVII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and common council of the city of Newark to issue bonds under their corporate seal, and the signature of the mayor of said city, for an amount not exceeding two hundred thousand dollars, to be designated and styled "Public School Bond," bearing interest, payable semi-annually, at a rate not exceeding seven per centum per annum, with coupons attached; and payable at such time or times as may be agreed on by the common council, not exceeding twenty years from the date thereof, pledging the credit and the whole property of the city for the payment of the same, which bonds it shall be lawful for the mayor and common council of the city of Newark to sell at public or private sale for the best price they can obtain for the same, as the proceeds of the same may be needed.

Power to issue public school bonds.
2. *And be it enacted*, That it shall be the duty of the mayor and common council to apply the net proceeds of said bonds, at such time or times as they may deem necessary for the purchase of sites; the erection of public school building and the furnishing thereof, and for no other purpose whatsoever.

Proceeds, how applied.
3. *And be it enacted*, That the mayor and common council shall include in the tax ordinance of each year the sum of twenty thousand dollars, out of which sum shall be paid the interest on said bonds, and the remainder shall constitute a sinking fund for the final payment of said bonds, and the said the common council shall include in the tax ordinance of each year thirty thousand dollars for the payment of the interest, and to constitute a sinking fund for the bonds authorized by the acts of the legislature, approved April eighth, eighteen hundred and sixty-eight, and March fourteenth, eighteen hundred and seventy-one, and section three of each of said acts are hereby repealed.

Sinking fund.

4. *And be it enacted*, That the commissioners to take charge of said sinking fund, shall be the same mentioned in the eleventh section of the act entitled "A Further Supplement to the act entitled 'An Act to revive and amend the charter of the city of Newark,'" approved March tenth, eighteen hundred and fifty-nine, all the provisions of the thirteenth and fourteenth sections, and the last clause of the twelfth section thereof, are hereby declared to be part of this act, so far as the same can be made applicable hereto.

5. *And be it enacted*, That it shall be lawful for the mayor and common council of the city of Newark, to issue bonds under their corporate seal and the signature of the mayor, for an amount not exceeding eighty-five thousand dollars, with coupons attached, bearing interest payable semi-annually at a rate not exceeding seven per centum per annum, and payable at such time or times, as may be agreed upon by the common council, not exceeding twenty years from the date thereof, pledging the credit of the whole property of the city for the payment of the same; which bonds it shall be lawful for the said mayor and common council to sell at public and private sale, as the proceeds of the same may be needed, for the best price they can obtain for the same, and they shall apply the net proceeds of the sale thereof for the payment of the purchase money due on the armory buildings, and for the alteration of the said buildings, and for no other purpose; and if the amount above named is more than sufficient for the purpose named, the unexpended balance shall be paid over to the commissioners of the sinking fund herein after named, and added by them to the said fund.

6. *And be it enacted*, That the principal of the debt created under and by virtue hereof shall be paid from the same sources as the permanent debt of the city authorized by the charter is now being liquidated, and the payment of the same shall be under the care and control of the "Commissioners of the Sinking Fund of the city of Newark," created by an act approved March tenth, eighteen hundred and fifty-nine.

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

Approved March 8, 1872.

CHAPTER CXCVIII.

A Further Supplement to the act entitled "An Act to provide for the working of roads in the township of Lodi, in the county of Bergen."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That road district number one, created by the act to which this act is a supplement be, and and the same is hereby divided so as to create a new district, to be known and designated as road district number four; bounded southeasterly by the Hackensack river, southwesterly by the township line, northwesterly by the Hackensack and New York railroad, and northeasterly by line extending from the mouth of a creek known as "Losing Creek," along the several courses thereof to its head, and extending thence due northwest to the said railroad.

2. *And be it enacted*, That all the road taxes assessed and collected within the district hereby created, shall be applied to and expended upon the public roads in said district.

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

Approved March 8, 1872.

CHAPTER CXCIX.

An Act to authorize the Trustees of School District Number Eighty-three, Eatontown, in the county of Monmouth, to borrow money and issue bonds to liquidate debt incurred in building a school house in said district.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district,

number eighty-three, Eatontown, in the county of Monmouth, and state of New Jersey, be and they are hereby authorized to borrow any sum of money, not exceeding fifteen hundred dollars in all, that they may find necessary for the purpose of liquidating the debt incurred in erecting a school house, and furnishing the same within said school district. May borrow money.

2. *And be it enacted*, That for the purpose of securing the repayment of said loan, the said trustees may issue coupon bonds in their corporate name to the lenders of said moneys of such denominations as the said trustees may deem proper, but not exceeding five hundred dollars each, and which shall bear interest at the rate of seven per cent. per annum, payable yearly; and the sum of five hundred dollars of the principal of said bonds shall be made payable in each and every year after the date of issue thereof, and the said bonds may be sold or disposed of by said trustees at not less than their par value. May issue bonds.

3. *And be it enacted*, That to provide for the said yearly payment of five hundred dollars of principal of said bonds, and all interest accruing upon the same, the trustees of said school district shall, on or before the twentieth day of May in each and every year hereafter, certify under their hands to the assessors of taxes for the townships of Ocean and Shrewsbury the amount which will be necessary to pay the interest money due on the bonds issued under this act, as also the amount of the principal due, during the ensuing year; which sum the said assessors are hereby authorized and required, when making their yearly assessment of taxes, to assess as a special tax upon the personal property of the inhabitants of said school district, and upon the real estate situate within said district, in the same manner and at the same time that other township taxes are or shall be assessed, which said special tax shall be by the officers now or hereafter to be provided by law for the collection of other taxes for said townships collected at the same time and in the same manner as other township taxes are or shall be collected; and shall be by him separately accounted for and paid over by him immediately to the trustees of said district. Yearly payment.

4. *And be it enacted*, That this act shall take effect immediately. Assessment and collection of special tax.

Approved March 8, 1872.

CHAPTER CC.

An Act to alter and amend the charter of the borough of
Fieldsborough, in the county of Burlington.

Preamble.	WHEREAS, it has been found by experience that the present charter of incorporation of the borough of Fieldsborough, is insufficient to answer the good purposes thereby intended ; therefore,
Boundaries.	1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That all that part of the township of Bordentown, in the county of Burlington, which is included in the limits and boundaries mentioned, defined and described in the first section of an act entitled "An Act for erecting the town of Fieldsborough, in the county of Burlington, into a borough," which said act was approved March seventh (7th), one thousand eight hundred and fifty, shall be and remain the limits and boundaries of the borough of Fieldsborough, from and after the passage of this act.
Borough officers.	2. <i>And be it enacted</i> , That for the better ordering and governing of the said borough of Fieldsborough, and the inhabitants thereof, there shall henceforth be in the said borough one chief burgess, who shall be a resident within said borough, and who shall be keeper of the borough seal ; a borough clerk and five councilmen ; which chief burgess, clerk and councilmen shall be one body politic and corporate, in deed, fact, name and law, by the name, style and title of
Corporate name.	"The Inhabitants of the borough of Fieldsborough," and by the same shall have perpetual succession ; and they and their successors, at all times hereafter, by the name of "The Inhabitants of the borough of Fieldsborough," shall be persons capable in law to have, purchase, take, receive, possess and enjoy all necessary lands, tenements, hereditaments, liberties, franchises and jurisdictions, goods, chattels and effects to them and their successors forever ; and the same to grant, bargain, sell, alien, convey, demise and dispose of ; to sue and be sued, implead and be impleaded in any court of justice whatever, and to make and use one common seal, and the same to alter and renew at pleasure.

3. *And be it enacted*, That the chief burgess and councilmen of said borough shall constitute and be called the council of said borough; and the said council shall be summoned and held at such times and places as they may appoint; the chief burgess shall preside at the meetings of the council, and have a casting vote only; and if he be absent one of the councilmen present may be appointed by the members present the chairman *pro tempore*, and a majority of the whole members of the council shall be a quorum to transact business; and it shall be the duty of the said chief burgess to call special meetings of the said council, and in case of his neglect or refusal to call such meetings, then it shall be lawful for any three members of the said council to call any meeting or meetings of the said council, at such time and place as they shall designate or appoint, in writing, giving two days' public notice of all such meetings, in three of the most public places in said borough.

4. *And be it enacted*, That an election by ballot shall be held on the second Tuesday in April next, and on the second Tuesday of April every year thereafter, at such place as a majority of the voters last directed, or at such other place as the council shall appoint, of which place the borough clerk shall cause public notice, in writing, to be set up in five of the most public places in said borough, for at least five days previous to the day of such election; at which election one chief burgess, five councilmen, one clerk, one collector, one assessor, one high constable, one judge of election, three commissioners of appeal, one harbor master, and one pound keeper, shall annually be chosen and elected in said borough, from among the citizens residing therein, and entitled to votes at such election; of which election the judge, collector and assessor shall be judges or inspectors; the poll of such elections shall be opened at ten o'clock A. M., and closed at seven o'clock P. M., and that all persons who by law are, or may be, qualified to vote at the elections in this state shall be entitled to vote at such election; and the name of each elector voting at such election shall be written in a poll list by the borough clerk; and that after the poll shall be closed the said judges or inspectors shall count the votes given for the several candidates, and certify the result under their hands and seals, and deliver such certificate to the borough clerk of said borough, who shall file and preserve the same in his office, and the person

Council.

Election of officers.

Polls to be opened.

having the greatest number of votes shall be deemed to be elected to the offices for which they shall be voted for respectively, who shall hold their offices for one year, and until others are elected in their stead and sworn into office, except that the first election to be held under this act, on the second Tuesday in April next, and shall be held at the time, place and manner aforesaid, under the direction and by the judge appointed at the last annual election, as now constituted; and said judge conducting said election shall in all respects be governed by the requirements herein before prescribed.

Vacancies,
how filled.

5. *And be it enacted*, That in case of death, resignation, inability, disqualification, refusal or removal out of the bounds of said borough, of any of the officers mentioned in the preceding section, it may be lawful for the said council to appoint others in their places or stead, until the next annual election, who shall, during the said time, perform the like services, and be entitled to the same fees and subject to the like responsibilities, as though they were elected at the annual election.

Officers to
take oath.

6. *And be it enacted*, That before any of the said officers shall take upon themselves their respective duties, they shall take and subscribe an oath or affirmation for the due execution of their respective offices, before one of the justices of the peace of the county of Burlington, who are hereby authorized and required to administer the same; the collector and high constable so elected or appointed, shall each also give bond to the said borough in such sum and with such sureties, being freeholders, as the said council shall approve, for the faithful execution of their respective offices.

Chief burgess,
powers and
duties.

7. *And be it enacted*, That the chief burgess of said borough, for the time being, shall have all the powers and authorities 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 council of said borough; 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 for disturbing the public tranquility, or for a breach of any of the ordinances of said borough; he shall have power to impose fines and penalties upon all persons so offending, and to cause them to be imprisoned in the borough jail, or any other jail in the county; it shall be his duty to see that all ordinances enacted by the council of said

borough are duly published and enforced, and that all nuisances and encroachments in the lanes, streets, alleys, and highways within said borough, are removed.

8. *And be it enacted*, That it shall and may be lawful for the council of said borough, or a majority of the whole number of them in council convened to pass all ordinances for regulating, leveling, grading, paving, graveling, improving, cleaning and repairing the streets, sidewalks and alleys therein; for preventing the encumbering or obstructing of the same; for ascertaining and establishing the boundaries of all streets and alleys in said borough, and preventing and removing all encroachments in or upon said streets or alleys; for suppressing and restraining disorderly and gaming houses, and such other by-laws and ordinances for the peace, good order and prosperity of said borough, as they may deem expedient, not repugnant to the constitution and laws of this state or the United States; and to enforce the observance of all such laws by enacting penalties for the violation thereof, either by imprisonment in the borough jail, not exceeding five days, or by fine not exceeding fifty dollars, recoverable with costs, in action of debt, and in the name of the collector of said borough, before any justice of the peace or chief burgess of said borough for the use of the corporation of said borough.

9. *And be it enacted*, That the said council, or a majority of them, in council assembled, shall have the sole, only and exclusive right and power of granting licenses annually, under the common seal of said borough, to all and every inn keeper and retailer of spirituous liquors residing within said borough, subject to the same provisions, and in like manner as the same may be lawfully done by the courts of common pleas of this state; and the amount assessed and paid in, granting such licenses, shall be paid to the borough collector for the use of said borough.

10. *And be it enacted*, That it shall and may be lawful for the council of said borough to open all streets, lanes and alleys in said borough whenever a majority of the legal voters of said borough request them to do so, first paying to the owner of the lands taken therefor, such compensation as shall be agreed upon between them, or in case of disagreement such compensation as shall be awarded by three disinterested commissioners to be appointed by a judge of the court of common pleas of the county of Burlington.

Tax, how
raised.

11. *And be it enacted*, That it shall be lawful for the council of said borough to raise by tax from year to year such sum or sums of money as they may deem expedient for defraying the necessary and contingent expenses of said borough, not exceeding the sum of one dollar poll, the balance required to be assessed upon the actual value of property, and that not to exceed one-fourth of one per cent. of the assessed valuation of property, and collected by the collector, to be subject to the order of council.

Duty of street
commissioner.

12. *And be it enacted*, That the said council shall appoint a street commissioner outside of their own body, whose duty it shall be under the control and direction of the said council, to clear out, make, work, repair, amend and keep in good order, the public streets and alleys, within the said borough, and that said council may from time to time, at their like discretion, remove said commissioner and appoint another in his place, and may likewise pass such ordinance or ordinances as they may deem expedient, prescribing the duties of said commissioner, and the making, working, repairing and keeping in good order the streets and alleys.

High constable.

13. *And be it enacted*, That it shall be the duty of the high constable of said borough, so as aforesaid elected in said borough, to preserve and maintain at all times the peace and quiet of said borough, to arrest and imprison all offenders against the ordinances of said borough, and the laws of this state, and to perform such other duties as the council of said borough may, from time to time prescribe; and the said high constable, hereafter elected, by virtue of this act, shall have the same power and authority, and be authorized to perform the same duties in all respects, in civil as well as criminal cases, and be entitled to the same fees and compensation as if he had been lawfully elected to the office of constable at an annual election of the inhabitants of the township of Bordentown, in the county of Burlington, and had taken the oath or affirmation, or given the security required by law; *provided, always*, that before any such constable shall proceed to exercise the powers conferred upon him by this act, he shall take and subscribe such oath or affirmation for the due execution of his office, and enter into such bond with sureties, to be approved by the council of said borough, as he would be, by law, required to take, and enter into, if he had been elected to the office of constable at an annual election of the inhabitants of the said township of Bordentown,

Proviso.

before he proceeds to the execution of the duties of his office; which bond to be given, as aforesaid, by said constable, shall be recorded and filed by the borough clerk of said borough, in his office; and the council of said borough are hereby required, if need be, to prosecute the said bond for or in behalf, and to the use of all and every person or persons whatsoever, who may have sustained loss by the neglect or misconduct of said constable in executing the duties of his said office, and that suits or actions on said bond 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, in the year of our Lord one thousand eight hundred and forty-six.

14. *And be it enacted*, That it shall be lawful for the council of said borough to pay to the clerk, assessor, collector, and other agents of said borough, such compensation for their services as the council shall deem reasonable and proper. Compensation of officers.

15. *And be it enacted*, That the assessor of said borough shall assess upon the property of residents and non-residents within the said borough, and the collector of said borough shall collect the taxes, by the laws of said borough directed or required to be assessed or collected within the said borough, in the same manner and within the same time as the assessors and collectors of townships are or may be by law required to assess and collect the state and county taxes within their respective townships; and the commissioners of appeal in cases of taxation, shall meet upon the same day as now is, or hereafter shall be by law fixed and required for the meeting of the like officers of the townships of this state; and when so met shall have full power and authority to hear and determine all complaints of unjust taxation, in the same manner as the like officers of the townships in this state are authorized and required to do. Assessment and collection of taxes.

16. *And be it enacted*, That the clerk of said borough shall keep, file, and when necessary, record all official papers belonging to the same; he shall attend all meetings of the council of said borough, 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 council, and duly certify the same, and shall perform such other duties as the council of said borough may from time to time prescribe. Duty of clerk.

Duty of collector.

17. *And be it enacted*, That the collector of said borough shall receive and pay out all moneys belonging to said borough, under the direction and authority of the 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 borough since the annual election, and of the application and expenditure of the same; and shall file a copy thereof with the borough clerk, and it shall be the duty of the borough clerk to cause a copy of the said account to be set up in three of the most public places in said borough, at least five days previous to the day of each annual election.

On failure to elect, officers to hold until an election be held.

18. *And be it enacted*, That in case it shall so happen by any means, that the annual election herein before provided for, shall not be held at the time designated as aforesaid, then the chief burgess and the other officers of the said borough of the preceding year, shall continue to exercise their several offices and duties, until the election shall be duly held; and it shall be the duty of the borough clerk forthwith to appoint another day for the special election for officers of said borough, of which time he shall give five days' notice as aforesaid, and which shall be conducted in all respects in the manner hereinbefore prescribed for holding annual elections.

No money to be raised for streets, &c., lying beyond bounds of borough.

19. *And be it enacted*, That from and after the passage of this act, the power of overseer of highways of the borough of Fieldsborough over the streets and alleys in said borough shall cease; and no moneys shall thereafter be raised by the inhabitants of the township of Bordentown, unless owning property within said borough, for the purpose of keeping in repair said highways, streets and alleys; nor shall any tax be assessed or levied on property situate in said borough to make, work or keep in repair any of the streets or highways lying in said township beyond the bounds of said borough.

Repealer.

20. *And be it enacted*, That all other acts and parts of acts coming within the purview of this act, and contradictory thereto, be and the same are hereby repealed.

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

Approved March 8, 1872.

CHAPTER CCI.

A Supplement to an act entitled "An act to incorporate the Board of Education of the city of Camden," approved March fifth, anno domini eighteen hundred and fifty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the last elected trustees of school district number five and school district number six, of the township of Newton, in the county of Camden, in this state (which said school districts have, by virtue of the provisions of an act entitled "An act to revise and amend the charter of the city of Camden," approved February fourteenth, anno domini eighteen hundred and seventy-one, been incorporated within the limits of the city of Camden), be, and they are hereby authorized to convey, by deed of conveyance executed by the said trustees, all lands and real estate lately held, or which is now held by the said school districts number five and number six, in the township of Newton, in the county of Camden aforesaid, to the board of education of the city of Camden, and that the conveyance of the said lands (after being so conveyed), shall vest in the said "The Board of Education of the city of Camden" an absolute estate in fee simple for said lands and real estate, freed and discharged from any liability for any township purpose whatever.

2. *And be it enacted*, That the board of education of the city of Camden are hereby authorized to raise, by loan, a sum not exceeding fifty thousand dollars, and to secure the payment thereof by issuing bonds under their corporate seal, with the signature of their president and treasurer, which said money shall be used for the sole and exclusive purpose of erecting school houses in the city of Camden.

3. *And be it enacted*, That the said "The Board of Education of the City of Camden," shall issue such bonds, for sums of not less than five hundred dollars each, and that the same shall be drawn payable at any time or times, not exceeding twenty years, as the said "The Board of Education of the City of Camden" shall determine, and the same shall draw seven per centum interest, payable half yearly.

No member to
be interested
in any con-
tract.

4. *And be it enacted*, That no member of the board of education of the city of Camden shall be interested, either directly or indirectly, in any job, bill or contract in which the money or consideration for said job, bill or contract is paid for out of the treasury of said board of education, under penalty of twice the amount of said bill or contract.

Penalty for
becoming se-
curity on
bonds.

5. *And be it enacted*, That no member of said board of education shall become security on any bond or other obligation, for work done or supplies or materials furnished for the use of said board, under penalty of five thousand dollars for each offence, and one hundred dollars per day for each and every day such security shall continue; the fines and penalties incurred under this act to be recoverable in an action for debt, in the name of the city treasurer of the city of Camden, for the use of said city.

Proposals for
building
school houses
to be adver-
tised.

6. *And be it enacted*, That the said board of education shall before making any contracts for the building of a school house or school houses, in said city, advertise for proposals for the building or erection of the same according to plans and specifications to be adopted by said board, in two newspapers published in the city of Camden, at least two weeks, and the said plans and specifications shall be open and remain open, for the inspection of the public in the office of the clerk of said board for at least three weeks before the contract shall be awarded, at the end of which time the proposals shall be opened and the lowest bidder upon giving good and sufficient security for the faithful performance of said contracts shall be awarded the same, by said board.

Statement to
be published.

7. *And be it enacted*, That the treasurer of the board of education shall at least twenty days before the annual election for ward and city officers in each year, make out and publish or cause to be published a statement of all moneys received and disbursed by him during the year, showing the source from whence received and to what applied particularly itemized, also the salaries paid to the several teachers and to whom paid, said report to be printed in pamphlet form to the number of not less than one thousand copies for gratuitous distribution.

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

Approved March 8, 1872.

CHAPTER CCII.

A Supplement to an act entitled "An Act to reorganize the local government of Jersey City," passed March thirty-first, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one hundred and eight-^{Amendment.} teen of the act to which this is a supplement, be and the same is hereby amended, by striking out the words "passage of this act," and inserting in lieu thereof the words "disbandment of such company."

2. *And be it enacted*, That all acts and parts of acts in-^{Repealer.} consistent with the provisions of this act, be and the same are hereby repealed.

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

Approved March 8, 1872.

CHAPTER CCIV.

An Act to enable the township of Maurice River, in the county of Cumberland, to improve its public roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the township committee of the township of Maurice River, county of Cumberland, to issue bonds under the seal of the said township, and under the signatures of the chairman of said committee and clerk of said township, for an amount not to exceed ten thousand dollars (\$10,000), bearing interest, payable annually, at the rate of seven per centum per annum, and payable at such time or times as may be agreed upon by ^{May issue bonds.}

Proviso.

Approved March 8, 1872.

An Act to revise and amend the charter of the town of
Phillipsburg.

BOUNDARIES, NAME, AND CORPORATE TITLE.

Body corporate.

Corporate
name.

may have a corporate seal, and alter the same at their pleasure; and may, by their corporate name aforesaid, purchase, receive, hold and convey any estate, real or personal, for the public use of said corporation.

2. *And be it enacted*, That the said corporation, in addition to the rights, privileges and immunities granted, and the duties and obligations imposed by this act shall be entitled to all the rights, privileges and immunities conferred, and subject to all the duties, restrictions and liabilities imposed by the laws of this state upon the inhabitants of the several townships thereof, so far as the same are consistent with the provisions of this act, Rights and powers.

3. *And be it enacted*, That the town of Phillipsburg shall continue to be divided into three wards, as heretofore constituted by law, the boundaries of which shall be described as follows: Boundaries.

I. All that part of the said town bounded as follows: beginning at the junction of the Delaware river and the northern boundary line of said town, and following said line to the Morris turnpike road; thence following said turnpike road to the buildings known as Tindall's distillery; thence in a straight line to Bullman street, at a point where Bullman street intersects Bluff alley; thence along Bullman street to an alley leading from said Bullman street to Hudson street; thence along said alley to Hudson street; thence continuing in the same direction across Hudson street in a straight line to the Morris and Essex railroad; thence following the said Morris and Essex railroad to a point directly opposite the junction of Jersey and Sitgreaves street; thence in a straight line to said junction; thence following said Jersey street to Main street; thence following said Main street to River street; thence along River street to the Delaware river; and thence along said river to the place of beginning, shall constitute the first ward of said town. First ward.

II. All that part of said town bounded as follows: beginning at the junction of River street and the Delaware river; thence down the said river to the junction of southern boundary line of said town and said river; thence along said boundary line to the Morris and Essex railroad; thence along said Morris and Essex railroad to the point opposite the junction of Jersey street with Sitgreaves street, heretofore mentioned; thence to the place of beginning along the same line, via Second ward.

Jersey street, Main street and River street, shall constitute the second ward of said town.

Third ward.

III. All the residue of the territory of said town shall constitute the third ward of said town.

And if any division line between said wards shall intersect any dwelling-house, such dwelling house shall be considered as included in and belong to the ward in which the largest portion thereof shall be.

ARTICLE II.

ELECTION OF TOWN AND WARD OFFICERS, AND TERM OF OFFICE.

Common council.

1. *And be it enacted*, That the common council of the town of Phillipsburg shall consist of three councilmen in and for each of the wards of said town, who shall be divided into three classes, as heretofore, one of which in each ward shall hold office for one year, one for two years, and one for three years; and each of the wards of said town, at each annual charter election thereafter shall elect one person as common councilman, who shall hold such office for the term of three years.

Election of officers, and term of office.

2. *And be it enacted*, That the annual charter election shall be held in each of the wards of said town on the second Monday of April, at which election there shall be elected by ballot the following officers, to wit; in and for said town, one mayor, one auditor of accounts, one collector, one street commissioner, one constable, two surveyors of the highways, and one overseer of the poor, who shall hold their offices respectively, for one year, and until others are chosen and legally qualified in their stead; and in and for each ward of said town, one member of the common council and one commissioner of public schools, who shall hold office for the term of three years, and until others are chosen and legally qualified in their stead; one assessor, one judge of election, one inspector of election, one ward clerk, and one pound keeper, who shall hold their offices for the term of one year, and until others are chosen and legally qualified in their stead; and as many justices of the peace as the inhabitants of said ward may be entitled to; and at said annual election one chosen freeholder shall be elected in each ward, which chosen freeholder shall be invested with all the powers, and shall

perform the same duties, as chosen freeholders in the county of Warren, are invested with and required to perform.

3. *And be it enacted*, That notice of the time, place, and offices to be filled at all elections, whether annual or special, shall be given by advertisement, signed by the mayor or clerk, and posted, in case of town election, in three public places in each ward ten days previous to the day of election, and in case of a special ward election, in three public places in the ward in which the special election is advertised to be held. Elections to be advertised.

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

5. *And be it enacted*, That the aforesaid annual charter elections in each ward shall be held and conducted by the judge of election, assessor and inspector, in the same manner and under the same regulations in all things as are prescribed by law for the state elections for members of the legislature. Elections, how conducted.

6. *And be it enacted*, That the statement of the result of such elections in each of the wards of said town, and the certificate, in the manner required by law, at the state elections for members of the legislature, shall be made within five days after such election, by the proper officers, and shall be filed without delay with the town clerk. Statements.

7. *And be it enacted*, That the common council of said town for the time being, shall convene on Monday next succeeding such election, at two o'clock in the afternoon, at their usual place of meeting, for the purpose of canvassing the votes given at each election, and the original statement of the votes filed with the town clerk shall be produced by the said clerk; the common council shall make a written statement of the whole number of votes given at such election for the mayor and other officers elected for said town and the several wards thereof, the names of the persons for whom such votes were given, and the number of votes given for each, and shall thereupon determine and declare what person or persons have received the highest number of votes for each of the offices mentioned in such statement; the Time of common council to meet as board of canvassers.

statements and final declaration of the common council shall be certified by the presiding officer and the clerk, and filed in the office of the town clerk; and within seven days after such determination, the town clerk shall cause a written notice of his election to be given to each of the persons so elected.

Who declared
elected.

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

Who are elig-
ible to office.

9. *And be it enacted*, That no person shall be eligible to any town office at any such election unless he shall then be an elector and resident of said town, nor shall he be eligible to any office for any ward unless he shall be an elector and resident of such ward; and when any officer elected at any such election shall cease to reside in said town, or if elected for any ward shall cease to reside in such ward, his office shall thereby become vacant; *provided*, that the mayor and every member of the common council shall be freeholders in said town.

Proviso.

Term of office.

10. *And be it enacted*, That the term of office of justice of the peace of said town shall commence at the time prescribed by law, and the term of office of all other officers elected at the annual charter election shall commence twenty-one days after the day of the annual charter election, unless elected to supply a vacancy

Vacancy, how
filled.

11. *And be it enacted*, That whenever a vacancy shall occur in the office of mayor or common council, by the neglect or refusal of such officer to take the oath of office within the time required by law, by his resignation, death, ceasing to be an inhabitant of the town or ward for which he was elected, or by any other cause, the common council shall immediately appoint a special election to be held in the several wards of said town, or in the ward where such vacancy has taken place, to supply such vacancy; and such special election shall be conducted, and the result determined and certified, as is required in determining the result of the

annual charter election; but in case any such vacancy shall occur within three months before the annual charter election in any year, it shall be within the discretion of the common council to appoint a special election or not, as they may deem expedient.

12. *And be it enacted*, That if at any annual charter election to be held in said town, there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person voted for the said office is intended, shall be designated on the ballot. Vacancies to be designated on ballot.

13. *And be it enacted*, That if any person who shall be elected to any office at the annual charter election, shall not qualify according to law within twenty-one days after said election, or if any person who shall be elected or appointed to fill any vacancy in any of said offices, shall not qualify according to law for the space of twenty-one days after such election or appointment, his office shall be deemed vacant. Persons elected to qualify.

14. *And be it enacted*, That in case a vacancy shall occur in any of the aforesaid offices, except mayor, common councilman, commissioner of public schools, or justice of the peace, by death, resignation, neglect to qualify according to law, or by any other cause, the common council may, in their discretion, proceed to fill such vacancy by the appointment of a suitable person who is eligible to such office. Council may fill vacancies.

15. *And be it enacted*, That all elections hereafter to be held within said town for members of the senate and general assembly of this state, for sheriff, clerk, surrogate and coroners of the county of Warren, and for members of congress and electors of president and vice-president of the United States, or for any other office of the general or state governments, or officers of said county of Warren, to be elected by the people, shall be held in the several wards of said town, at the places where the last preceding annual charter election was held; and the judges of elections in the several wards shall preside at and conduct such elections, and the ward clerks shall be clerks of such elections in their respective wards, and shall procure election boxes for their respective wards, of the manner and description required by law; and said officers shall have the same power and authority, and be liable to the same penalties, and subject to the same duties as the like officers of townships of this state are or may by law be vested with and subject to. Elections, where held and by whom conducted.

Officers.

16. *And be it enacted*, That the common council shall from time to time appoint, by a majority of the whole number of the members of said council, a town clerk, town treasurer, town surveyor, town solicitor, town physician, inspector of weights and measures, and such other subordinate officers not herein named, as they shall think necessary for the better ordering and governing the town, and carrying into effect the duties imposed upon the said council, and every person who shall be so appointed shall continue in office until the office shall be declared vacant, or until another person shall be appointed to succeed him, and shall enter upon the duties of his office; *provided*, that no officer so appointed shall be removed for malfeasance in office, misconduct, or neglect of official duty, unless by the concurring votes of two-thirds of the members of the common council.

Proviso.

ARTICLE III.

POWERS AND DUTIES OF THE COMMON COUNCIL.

Common council.

1. *And be it enacted*, That the councilmen of said town, duly elected by the several wards thereof, shall constitute and be called "The Common Council of the Town of Phillipsburg."

May make rules for its government.

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

Town clerk.

3. *And be it enacted*, That the town clerk shall be clerk of the common council, and shall attend every meeting of the council, under a penalty of five dollars for every such non-attendance, unless excused by a majority of the whole number of council.

4. *And be it enacted*, That special meetings of the com-

mon council may be called by the mayor or any three members, by giving such notice as the by-laws require; a majority of the whole number of members shall constitute a quorum for the transaction of business, and each member shall be entitled to one vote; the said common council and its members, collectively and individually, shall possess the powers and perform the duties which, by law, belong to or are imposed upon the township committees and the commissioners of appeal in cases of taxation of the township, and the members of each, collectively and individually; and when performing the duties which belong to the said township committees or commissioners of appeal in cases of taxation, shall receive and be allowed the sum of four dollars per day for the first two days, and one dollar per day for each day thereafter, while engaged in the performance of said duties; and in case of neglect or refusal to perform said duties, he shall forfeit and pay to the treasurer of the town the sum of four dollars for each day's neglect or refusal.

5. *And be it enacted*, That it shall be lawful for the common council, by a majority of votes, to pass and enforce by-laws and ordinances for the following purposes;

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

II. To prevent vice and immorality; to preserve the public peace and good order; to prevent and quell riots, routs, disturbances and disorderly assemblages, noisy, disorderly or indecent conduct, and drunkenness;

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

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

V. To ascertain and establish the boundaries of all streets, highways and public alleys of said town; to lay out, open and establish new streets or alleys within said town, and to order and cause any street, road, highway or alley already laid out, to be located, straightened, altered or widened, and take and appropriate for such purposes any lands and real estate, upon making compensation to the owner or owners thereof;

VI. To order and cause any street, highway, or section thereof, or sidewalks, to be leveled, graded, macadamized,

Special meetings.

Powers.

Compensation

Ordinances.

Finances.

Public peace, riots, &c.

Cellars.

Circuses.

Streets, &c.

Paving of streets and alleys.

graveled, paved and flagged, and to cause the expense of leveling, paving, flagging, guttering, curbing, or improving the sidewalks, to be assessed on the adjoining lots, which shall be a lien thereon until paid ;

Repairing of streets.

VII. To regulate, clean and repair the streets, alleys, sidewalks, sewers and bridges in said town ; to prevent and remove obstructions and incumbrances in and upon the streets, alleys, sidewalks, crosswalks and lanes, in any manner whatever ;

Crosswalks.

VIII. To lay out crosswalks of stone wherever necessary ;

Water and gas pipes.

IX. To lay out and regulate or prohibit the laying of water or gas pipes in, on or under the streets, roads and alleys, or any part thereof, in said town ;

Boilers.

X. To locate, regulate, prohibit or remove slaughter houses and steam boilers ;

Public buildings.

XI. To provide for the erection of a town hall, engine house, markets and public buildings in said town, and to acquire and hold lands necessary and convenient for that purpose, and to regulate the use and occupation thereof ;

Sidewalks.

XII. To compel the owners or occupiers of houses and lots to keep the sidewalks and gutters opposite their lots swept and clean, and clear of snow, ice and other impediments ;

Droves of cattle.

XIII. To prohibit the driving of any drove of cattle, sheep, swine, mules, or other animals, through any of the streets or alleys of said town on the first day of the week, commonly called Sunday ;

Docks.

XIV. To regulate and prohibit the building of all docks and wharves in said town ;

Sewers and drains.

XV. To make and adopt a general plan of sewerage and drainage for said town, or any part thereof, according to which all sewers, drains, receiving basins, and all other appurtenances of public drainage, shall be constructed, and to alter and vary the same ;

Animals running at large.

XVI. To prevent horses, cattle, sheep, swine, dogs, and all other animals, from running at large, and to provide for impounding and sale of the same ;

Fast driving.

XVII. To prevent fast driving in the streets, roads and alleys of the town, cruelty to animals, and driving over or upon the sidewalks ; and to regulate the planting and protecting of shade trees ;

Gaming houses.

XVIII. To prevent and suppress all gaming houses, houses of prostitution, and to prohibit gaming ; and to restrain and

punish all mendicants, vagrants, street beggars and common prostitutes ;

XIX. To license and regulate or prohibit inns and taverns, ^{Licenses.} restaurants and beer saloons, oyster shops, tenpin alleys, and ball alleys, and to prohibit all traffic in, or sale of intoxicating drink or drinks without license ; *provided*, that when an ^{Proviso.} application to license a tavern or beer saloon is rejected, that no renewal of the application shall be entertained for one year thereafter ;

XX. To license all hawkers, peddlers, and itinerant auc- ^{Hawkers and peddlers.} tioneers, and to prohibit any one from using or exercising the business of a hawker, peddler or itinerant auctioneer, without a licence first had and obtained from the mayor of the town ; *provided*, that this prohibition shall not apply to ^{Proviso.} the sale and delivery of books, ice, milk, butter, eggs, poultry, charcoal, fruit raised or grown by the vendor, fish caught by the vendor, fuel and vegetables ;

XXI. To impose a tax on the owners of dogs and bitches ; ^{Dogs.}

XXII. To appoint watchmen, prescribing their powers ^{Police.} and duties, and to regulate the police of the town ;

XXIII. To provide a supply of water ; to prevent and ^{Water and fires.} suppress fires ; to compel the cleaning of chimneys ; and to regulate and prevent the carrying on of dangerous or noxious manufactures ;

XXIV. To appoint one or more policemen in each ward of ^{Policemen.} said town, and one chief of police, who shall hold their offices, respectively, for one year and until others are chosen and enter upon the duties of their office, and remove any of said officers for malfeasance in office, misconduct of official duty, and appoint special policemen for special purposes ;

XXV. To establish and regulate public pounds and public ^{Markets.} markets ;

XXVI. To purchase land and erect thereon lodging ^{Hospital.} houses for the relief of traveling paupers ; to rent a suitable house or purchase land and erect thereon a house to be used as a hospital for the reception of paupers in said town infected with any malignant contagious diseases ;

XXVII. To regulate weights and measures in conformity ^{Weights and measures.} with the standard of weights and measures established by law ;

XXVIII. To prohibit the keeping of a greater number ^{Swine.} than twenty swine at one point or on lands of one person, and to declare the same a nuisance ;

Numbering of houses.	XXIX. To establish and regulate the numbering of houses ;
Fire department.	XXX. To establish, regulate and control a fire department, with power to exempt its members from militia duty in time of peace, and from serving as jurors in the court for the trial of small causes, and the mode of their appointment and removal, to provide fire engines, hose, and apparatus, and houses therefor ;
Lighting of streets.	XXXI. to provide lamps and fixtures, and to light the streets, alleys and public places of said town ;
Engines and cars.	XXXII. To regulate the running of locomotive engines, railroad and horse cars within the limits of said town ;
Removing of nuisances.	XXXIII. To make and establish ordinances and by-laws for abating and removing nuisances of every kind within the limits of said town, and to compel the owner or occupant of any lot, house, building, shed, cellar or place therein wherein may be carried on any business or calling, or in or upon which there may be or exist any matter or thing which is or may be a nuisance of any kind or detrimental to the health of the inhabitants of said town, or offensive to the occupants of the premises adjacent thereto, to cleanse, remove or abate the same, and to provide for the enforcement of any ordinance or by-law made for this purpose, in such manner and by such process and proceedings as they, by any such ordinance or by-laws, may prescribe ;
Licenses.	XXXIV. To revoke, upon hearing before the common council, any license by them granted to any inn keeper or tavern keeper, or keeper of any oyster shop, beer shop, tenpin alley or ball alley, or any other license which, by law, they are authorized to grant ;
Assessment map.	XXXV. To make and adopt an assessment map, whereby, to describe lands assessed for taxes and improvements ;
Salaries.	XXXVI. To prescribe the salaries and compensation of all town and ward officers not already fixed by statute ;
Town prison.	XXXVII. To purchase a lot of land and build thereon a town prison for the detention and imprisonment of any person or persons who shall be arrested or committed for any breach of the by-laws and ordinances of said town, or for any breach of the peace, or of any offence against the laws of this state or of the United States ; and every warrant or process of commitment shall specify on its face whether the person committed shall be confined in such town prison or in the jail of the county of Warren ;
Gunpowder, &c.	XXXVIII. To regulate and prohibit the keeping of lights

in stables, the manufacture and keeping of gunpowder, petroleum, fire works, and all other dangerous and combustible articles ; to raze and demolish any building or erection, to remove or destroy any material when necessary to prevent the extension of a conflagration, and to provide payment of just compensation to the owners of property damaged or destroyed in such cases, and the firing of guns, bonfires and fire-crackers.

XXXIX. To provide for the relief of the poor, and for ^{Almshouse.} the establishment of an alms house or work house, and to direct and order what persons shall be placed therein, and for what length of time ;

XL. To provide for the recovery of all fines, forfeitures, ^{Fines, &c.} amercements and penalties not provided for by this act or other statutes of this state ;

XLI. To prevent or regulate the construction or erection ^{Erection of cellar doors.} of any stoop, step, platform, cellar door, area, descent into a cellar or basement, sign, or any post or erection, or any projection or otherwise, in, over or upon any street, alley, or sidewalk, and to remove the same at the expense of the applicants ;

XLII. To regulate and prohibit any practice having a ^{Annoyances.} tendency to frighten animals or to annoy persons passing on the streets or sidewalks of the town ;

XLIII. To license and regulate cartmen, porters, hack, ^{Cartmen, &c.} cab, omnibus and truck owners, and drivers, carriages and vehicles used for the transportation of passengers and merchandise, goods or articles of any kind ;

XLIV. To regulate or prohibit swimming or bathing in ^{Bathing.} the waters bounding the town ; to prohibit all indecent acts and the sale of obscene books and pictures ;

XLV. To punish by fine and imprisonment, or both, any ^{False alarms of fire, &c.} person who shall fraudulently represent a policeman or constable, or raise an alarm for the police, or a false alarm of fire, or make use of any badge, call or signal adopted for the use of the police, or resist, hinder, obstruct, villify or abuse any police officer or special constable in the discharge of his duty, or raise any call, or use any signal to draw a crowd, or call help for the purpose of obstructing the mayor or any police officer in the discharge of his duty ;

XLVI. To regulate and prohibit the posting, defacing or ^{Defacing bills, &c.} destroying any bill, advertisement, or pictorial representation in said town ;

Observance of
ordinances.

XLVII. To enforce the observance of all laws and ordinances of the said town, by enacting penalties for the violation thereof, either by imprisonment not exceeding ten days, or by fine not exceeding one hundred dollars, recoverable, with costs, in an action of debt, in the name of "The Inhabitants of the Town of Phillipsburg," before the mayor of said town, or any justice of the peace residing in said town, or in the township of Greenwich, in the county of Warren; in which action it shall be lawful to declare generally in debt for such penalty of fine, and give the special matter in evidence;

Board of
health.

XLVIII. To establish a board of health, define its powers and duties, and provide for the protection and maintenance of the health of the town, with authority to adopt and enforce any sanitary measures against the extension of malignant infectious diseases, not prohibited by the constitution and laws of this state or the United States;

Burial of dead.

XLIX. To regulate the burial of the dead, and purchase land for a public burial place;

Detectives.

L. To employ detectives for the discovery and arrest of criminals, and offer rewards for the same not exceeding three hundred dollars for each crime, to be paid upon the conviction of the criminal;

Cruelty to animals.

LI. To prevent and punish cruelty to animals and the destruction of birds.

Salary of the
mayor.

6. *And be it enacted*, That the town council may grant a salary to the mayor not exceeding three hundred dollars per annum, and a salary to the chairman of the committee on streets, not exceeding one hundred dollars per annum.

Common
council.

7. *And be it enacted*, That a majority of the whole number of the members of the common council shall be a quorum for the transaction of business, but a smaller number may adjourn from time to time, and compel the attendance of absent members; every decision of the council on every question shall be decided by yeas and nays, and the names of members voting in the affirmative or negative shall be entered on the journal; the mayor shall not be a member of the council; the members, by a majority of the whole number of council, shall elect one of their number president; a copy of every ordinance and every resolution affecting the public interest passed by the council shall, before it takes effect, be presented to the mayor by the clerk of the council, duly certified by said clerk; if the mayor approve of it, he shall sign it, if not, he

Mayor to ap-
prove ordi-
nances

shall return it, with his objections, and file it with the town clerk, within ten days after he receives it; and the said common council shall, at its first regular meeting thereafter, enter the objections at length on its journal, and shall proceed to reconsider the same, and if two-thirds of all the members of the council agree to pass the same, it shall take effect; but in every such case, if the ordinance or resolution shall not be returned within ten days, as aforesaid, it shall take effect in like manner as if he had signed it.

ARTICLE IV.

POWERS AND DUTIES OF TOWN OFFICERS.

1. *And be it enacted*, That the mayor shall be the chief ^{Mayor.} executive officer of the town; he may appoint, in case of emergency, until the next meeting of council, but no longer, special policemen for special purposes, from time to time, as he may deem necessary to maintain order, enforce the ordinances, and protect the persons and property of the inhabitants of the town; and that for the purpose of quelling any insurrection, riot, disturbance, or disorderly assemblage, he shall have control of the constables and police force of said town, and the power to call on the citizens for aid in all cases of insurrection, riots or disturbances of the public peace; it shall be his duty to communicate to the common council, at their first meeting after the annual charter election in each year, and at other times when he shall deem it expedient, a general statement of the situation and condition of the town in relation to its government, finances and improvements, with such recommendations as he may think proper; to be vigilant and active in causing the laws and ordinances to be duly executed and enforced, and to exercise a constant supervision over the conduct and acts of all subordinate officers, and to examine all complaints preferred against them for a violation or neglect of duty, and report the proceedings in such examination to the common council, and generally to perform all such duties as may be required of him by law; and further, to enable him to perform the duties aforesaid, he is hereby invested with all the power and authority of a police justice, with like power, authority, and jurisdiction in all criminal complaints arising in said town, that justices of the peace in and for the several counties of

this state are or may by law be entitled to use and exercise ; his court shall be a court of record, and vested, for the purpose of this act, with all such powers as is usual in courts of record of this state ; he may, in all matters pending before him, award and issue writs of subpoena to testify, into any court of this state, to issue process, either in the nature of a warrant or a summons, against any person charged, on oath or affirmation or affidavit, with a violation of a town ordinance ; if a warrant, to be returnable forthwith, if a summons, to be returnable not less than five nor more than fifteen days ; which process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner the same has been violated ; and upon the return thereof to hear testimony, to determine and give judgment in the matter, without the filing of any pleading ; and if judgment be rendered for the plaintiff or complainant, forthwith to issue execution against the goods and chattels and person of the defendant ; but every person against whom judgment may be obtained before him for the violation of any of the ordinances of said town, shall have the right of appeal, in common with the town, to the higher courts, as in the case of civil suits before justices of the peace ; and further, 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 further, to aid him in his duties aforesaid, the chief of police and all the members of the police force shall (in addition to the authority conferred on them by the ordinances, by-laws, rules and regulations of the common council), possess and have all the powers of constables within the town limits, for the purpose of preserving the peace and enforcing the ordinances of the town.

Licenses.

2. *And be it enacted*, That the mayor shall sign all licenses granted by him, and report the names to the next stated meeting of council.

Mayor and councilmen to take oath.

3. *And be it enacted*, That the mayor and common councilmen shall each before entering upon the duties of their office, take and subscribe an oath or affirmation before a justice of the peace of the county of Warren, or other person duly authorized to administer an oath or affirmation by the laws of this state, faithfully and impartially to execute the duties of their office, which oath shall be noted in the journal, and filed by the town clerk.

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

5. *And be it enacted*, That any person who shall be elected or appointed to any office in pursuance of this act, in all cases where the form of an oath is not prescribed by law, shall, before he enters upon the duties of his office, take and subscribe before the town clerk or mayor of the town, an oath or affirmation in writing, that he will faithfully and impartially execute the trust reposed in him, according to the best of his ability and understanding; which oath or affirmation shall be filed and preserved in the office of the town clerk. Officers to take oath.

6. *And be it enacted*, That all officers appointed by the common council, and all officers appointed by the mayor, shall possess the powers and be subject to the obligations imposed upon such officers by law, or by the ordinances, by-laws and regulations of the common council, and shall receive such compensation for their services as a majority of the whole number of the common council shall determine by ordinance or resolution. Powers and compensation

7. *And be it enacted*, That no note, bond or other obligation shall be issued by or under the authority of the common council, unless the same is signed by the mayor, countersigned by the chairman of the committee on finance for the time being, and attested by the clerk, each of whom, before the same is delivered, shall register, in books of registry prepared for that purpose, the number and amount of each note, bond or other obligation, the date of issue, when payable, and the true consideration of the same, and shall, within two days thereafter, deliver a copy of said registry to the auditor of accounts, certified as correct by said mayor and chairman of the committee on finance and town clerk. Mayor to sign bonds.

8. *And be it enacted*, That the auditor of accounts shall, before he enters upon the duties of his office, make and file an affidavit with the town clerk that he will faithfully and honestly execute the office of auditor of accounts of the town of Phillipsburg, without prejudice or partiality; he shall receive such compensation for his services as the town Auditor of accounts.

council may, by ordinance or resolution establish; he shall have free access, at least once in each month, to all papers, records, vouchers and books of the council, treasurer and other officers, to examine the same at the town hall, or wherever the same may be kept; he shall audit the accounts, and he shall register all notes, bonds or obligations issued by authority of the common council, stating opposite each note, bond or obligation, its number and amount, date of issue, when payable, and the true consideration of such note, bond or obligation, and shall publish at the beginning of each month, in a newspaper circulating in said town, a statement, over his own signature, of

Statements to
be published.

I. The moneys of said corporation in the hands of the treasurer or other officers;

II. The value of, and location of the real estate owned by the corporation;

III. The amount of debts owing to the corporation, and how secured;

IV. The amount of debts owing by the corporation, specifying whether by notes, bonds or otherwise; and specifying separately the amount of said debt incurred for

I. The support of public schools;

II. The erection of school houses;

III. The purchase of real estate;

IV. The relief of the poor;

V. The internal improvements of the town;

VI. The cost of buildings for town purposes;

And shall make a full statement as aforesaid, verified by his affidavit, and read or caused to be read to the citizens of the town of Phillipsburg, at the opening of the polls at the annual charter election; and the salary of the auditor shall not be less than seventy-five dollars per annum.

Salary.

Commissioner
of streets.

9. *And be it enacted*, That the commissioner of streets shall, in all things appertaining to his office, be under the control and direction of the street committee, and in addition to the duties imposed by law and ordinance, as an overseer of highways, shall report in writing, to the clerk of the town council, all obstructions and encroachments on the streets, public alleys and sidewalks of the town, all nuisances within the limits of the town, and all violations of the ordinances of said town relative to the streets, public alleys and sidewalks, as soon thereafter as the same shall come to his notice or knowledge.

10. *And be it enacted*, That the mayor or the members of the common council, or other town officers, shall not be concerned in interest, directly or indirectly, in any contract, work or purchase made by or under the authority of the council; and if the mayor or any member of the common council, or other town officers, shall be so concerned, he shall forfeit all time, labor, expense and profits incurred by and accruing to him under such contract; and any judge of the court of common pleas of the county of Warren, upon complaint made to him, verified by oath or affirmation, that the mayor, or a member of the common council, or other town officers, is, or has been concerned in interest in such contract, work or purchase, setting forth the facts, shall have full power and authority to summon said officer before him, subpoena witnesses, hear and examine the evidence, and decide the case; and if said complaint is sustained, he shall declare the office vacant, of which decision he shall give notice in writing, under his hand and seal, within two days thereafter, to the common council or town clerk, and file a copy of the same in the office of the county clerk; and further, in case the town debt should be increased, by loan, or otherwise, beyond the amount limited by law, and in case any town or ward officer shall expend money or incur a debt chargeable to the town, beyond the appropriation made by the common council, any member of the common council who shall knowingly vote for any such increase, and any town or ward officer who shall knowingly expend such money or incur such debt, shall be individually responsible for such excess, to be recovered in a suit at law, in the name and for the use of "The Inhabitants of the Town of Phillipsburg."

Officers not to be interested in any contract, &c.

11. *And be it enacted*, That no member of the board of education shall be concerned in interest, directly or indirectly, in any contract for school purposes whatever, made by said board, or recommended by him, and if so concerned shall forfeit all time, labor, expense and profits incurred by or accruing to him under said contract; and the office of a member of said board shall be declared vacant upon complaint made and proceedings had as prescribed in the last preceding section, against the mayor or member of the common council.

Not to be interested in any contract, &c.

12. *And be it enacted*, That the justices of the peace in the several wards of said town are hereby declared and constituted conservators of the peace for the same, and each of them is authorized and empowered to enforce the penalty of

Justices of the peace.

imprisonment for violation of the laws and ordinances of the town, by warrant under his hand and seal, directed to the keeper of the town prison of said town, or keeper of the Warren county jail, who is hereby authorized and required to receive and safely keep the person so committed ; but the costs of expenses for committing and keeping such person shall be paid by the corporation.

Duties of the clerk.

13. *And be it enacted*, That the clerk of the town, besides performing the duties required by law of the clerks of townships, unless otherwise directed by this act, shall perform all the duties required of him by the town council ; shall keep an exact and true record of the votes and proceedings, and of all by-laws and ordinances passed by said common council, which record shall at all reasonable and proper times be open to the inspection of any inhabitant of said town ; he shall (upon payment of such fees as shall be fixed by the common council) furnish to any inhabitant of Phillipsburg, under his hand and the seal of the town, a transcript of such part or parts of said records as may be demanded by such inhabitant ; *provided*, that in case of the absence of the clerk from any meeting of the common council, the members may appoint any one of their number clerk *pro tempore*, who shall, in like manner, keep an exact record of the proceedings, and sign his name thereto.

Proviso.

Duties of the treasurer.

14. *And be it enacted*, That the treasurer of the town shall demand and receive all moneys belonging to or due and owing in any way to the said corporation, from the collectors and other officers or persons who may have collected or received, or may hold the same, and all vouchers thereof ; to pay out said moneys on the warrants issued by authority of the common council ; shall account to the common council for the same, and at the expiration of his term of office shall pay over and deliver to his successor all such moneys, property and vouchers as may be in his hands, together with the books of his office ; he shall, at least once in each year, and oftener, if required by the council, make out a full and true account of all moneys received by him for the use of said corporation, and of the application and expenditure of the same, and deliver said account to the town clerk, at least ten days' previous to the annual town meeting ; and his accounts shall at all times be subject to an examination by the common council, who, in case of default or violation of duty, may remove him from office, appoint another in his stead for

the remainder of the year and until his successor is appointed and sworn into office.

15. *And be it enacted*, That each member of the town, council, town constable, chief of police, each member of the police force, and each town watchman, shall have the power, and it shall be his duty, without warrant, to arrest, or cause to be arrested, any person or persons engaged in his presence in disturbing the public peace or violating any law of the state or ordinance of the town, for the preservation thereof, or of good order or of morality, and cause such person to be brought before the mayor, or in his absence a justice of the peace, to be dealt with according to law. Powers of police officers.

16. *And be it enacted*, That the salary or compensation of any officer or officers which has been once fixed shall not be increased during his term of office. Salary, when not to be increased.

ARTICLE V.

PUBLIC IMPROVEMENTS.

1. *And be it enacted*, That whenever the common council shall determine by ordinance to straighten the lines of streets, lanes or alleys, or lay out or open any new street, lane or alley within said town, or make any sewer or drain in any part of said town, and to take and appropriate for such purpose any lands and real estate, they are hereby authorized to treat and agree with the owner or owners thereof for the same, and for that purpose they may purchase such land and real estate of the owner or owners thereof, and make such compensation therefor as they shall judge reasonable, and shall receive from such owner or owners a conveyance of such lands to said town; *provided, however*, that such agreement shall be in writing, signed by the said owner or owners, and reported to the common council, who shall enter the same upon the journal, and shall agree or disagree to the same, and shall furnish the owner or owners of the said land and real estate with a full copy of said record, within three days thereafter, and until such copy is furnished, said agreement shall not take effect. Council may take lands for laying out streets, &c. Proviso.

2. *And be it enacted*, That in case no agreement can be made for such purpose, it shall be lawful for the common council to appoint three disinterested freeholders, one of whom shall be a resident of said town, and two of whom Proceedings in case no agreement can be made.

shall be residents of the township of Greenwich, in the county of Warren, commissioners to make an estimate and assessment of the damages that any such owner or owners may 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 improvements as aforesaid.

Commissioners to take oath.

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

Notice to be advertised.

4. *And be it enacted*, That said commissioners shall give public notice of the time and place of their meeting, by advertisement in seven public places in said town, and shall have power, when met or a majority of them, to examine witnesses under oath or affirmation, to be administered by one of them, to enter upon and view the premises, and to adjourn from time to time, and make a just and true estimate and assessment aforesaid, make and sign a certificate of the same, and file the same with the town clerk; and the same being ratified by the town council, shall be binding and conclusive on the owner or owners of said land and real estate, and the said common 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 of said common council, may appeal, within sixty days from the time of making the final order of said common council, to the court of common pleas in and for the county of Warren, and said court shall order a trial by jury to assess the damages sustained by the party aggrieved, the trial whereof shall be conducted as in other cases of trial by jury.

Proviso.
Actions for debt, &c., may be instituted.

5. *And be it enacted*, That in case of non-payment, within ten days after demand in writing, of any damages estimated and assessed as aforesaid, with interest from the day of assessment, in case of no appeal as aforesaid, the person or persons entitled thereto may sue for and recover the same from the mayor and common council of said town, in an action of debt, with costs, in any court having cognizance thereof; and

the said proceedings of the said commissioners and common council shall be conclusive evidence against the defendants.

6. *And be it enacted*, That the town treasurer shall, under the direction of the common council, tender and pay to the owner or owners as aforesaid, if resident of the town, the amount of such estimate and assessment due to him or them, but if such owner is not resident in the town, or cannot be found therein, or is a lunatic, idiot, under age, or from any other lawful cause shall be incapacitated to receive the same, or if such owner shall not accept the same and sign a receipt therefor when tendered, then the said treasurer shall make affidavit of such facts, and file the same with the town clerk, and the common council shall direct the amount to be placed in the town treasury, for the use of the person to whom it may be due, without interest, on demand. Treasurer to pay assessments.

7. *And be it enacted*, That whenever the common council shall, by resolution or ordinance, direct any of the foot or sidewalks along any of the streets or alleys of said town to be paved, curbed or guttered, the committee on streets and alleys shall give printed or written notices to the person or persons in front of whose lot of ground such paving, curbing or guttering is required to be done, requiring the foot or sidewalks in front of their respective lots or grounds to be paved with brick, gravel, cement or flat stones called flagging, and to be supported by curb stone and gutter stones of the size and quality as said resolution or ordinance may direct; such pavement to be laid from the line of the lots or ground to the curb stone. Paving, curbing and guttering streets.

8. *And be it enacted*, That if any owner or owners of lots or grounds where such footwalks, curbing, paving and guttering are directed to be put down shall refuse or neglect to put the same down for the space of thirty days after having been notified by the committee on streets and alleys, as aforesaid, it shall and may be lawful for the said committee on streets and alleys, and they are hereby enjoined and required, to pave such footwalks, set the curb stone and guttering in front of such lots or grounds, or to repair the same at the expense of the town, keeping an account of the expense thereof, and certifying the same to the mayor, who shall thereupon issue his warrant to levy the costs of curbing, paving, guttering, or repairing thereof, with twenty per centum advance thereto and costs, on the goods and chattels found on such grounds, or by taking the rents and profits thereof. Failure of owner to pave &c.

until the same is paid and discharged, or the same may be recovered as debts of like amount are recoverable by law; and tenants of such premises are hereby authorized and required to pay the same out of the rents which may then be due, or thereafter become due, for such lots or grounds, and the sums recovered shall be paid into the treasury, for the use of the town.

Penalty for
curbing with
rejected stone.

9. *And be it enacted*, That the committee on streets shall cause all curb stones provided by the owner or owners of lots or grounds, to be examined, and if they shall not be of sufficient length and depth, and of good quality, and shall not be dressed so as to form even joints and present a fair surface, with a proper level on the top and front, they shall cause the same to be rejected; and if any owner or owners shall cause any of the stones rejected to be put in as curb stone to support a pavement or footwalk, he shall forfeit and pay one dollar and twenty-five cents for every foot, running measure, of the length of such stone, to be recovered with costs, before any mayor, or any justice of the peace, and paid into the town treasury, for the use of the town.

Owners to
keep pave-
ments in re-
pair.

10. *And be it enacted*, That the owner or owners of lots or grounds in front of which pavements or footwalks have been laid down, shall be required at all times to keep such pavements or footwalks in good repair, and upon their refusal or neglect to do so for ten days after having been notified by the committee on streets and alleys, such owner or owners shall be subject to the same penalty as is prescribed in the eighth section of this article.

Crossings of
streets.

11. *And be it enacted*, That the committee on streets and alleys shall cause the crossing of the streets and alleys of the town, at all places where it shall be deemed necessary by them, to be paved at the expense of the town, with large flat stone, or otherwise, so as to enable persons to pass from one footwalk to another with as little inconvenience as possible.

When owners
are incapac-
itated.

12. *And be it enacted*, That in case the owner or owners of said lots cannot be found, or shall be incapacitated by law to make an agreement for sale of land as aforesaid, then the commissioners shall proceed as if no agreement had been made.

Council to
proceed when
owners are in-
capacitated.

13. *And be it enacted*, That in case the owner or owners of a lot in front of which the sidewalk is directed to be paved, curbed or guttered as aforesaid, cannot be found or

shall be incapacitated by law from acting on the notice as aforesaid, then the common council may proceed as if notice had been given to and neglected and refused by the owner of said lot or lots.

14. *And be it enacted*, That the common council shall not appropriate or expend more than six thousand dollars in each year for grading and paving the streets and alleys of said town. Amount to be expended

ARTICLE VI.

OF TAXES AND THEIR COLLECTION.

1. *And be it enacted*, That it shall be lawful for the council to raise by tax, every year, so much money as they may deem expedient for the purpose of lighting the streets, supporting a day and night police, for repairing, opening, straightening and widening any streets, roads or alleys, maintaining the poor, supporting, and maintaining public schools, erecting a town prison, market-houses, engine-houses, and lock-up, for contingent expense, and all other purposes authorized by this act; and that the resolution 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; and every male resident of said town over the age of twenty-years shall be assessed the sum of one dollar as a poll tax; and said council may borrow such sum or sums of money as may be necessary in anticipation of the payment of said taxes, and may secure the payment thereof by bond or other instrument; but it shall not be lawful for the said council to raise any sum of money by loan, as aforesaid, greater than the amount of tax assessed in the same year, which tax shall not exceed the sum of seven and a half mills on the dollar for town purposes, exclusive of the construction of public buildings, obligations for war debts, poll tax and capitation tax, for school purposes. Taxes, how raised and for what purpose.

2. *And be it enacted*, That all taxes for town purposes shall be assessed by the assessors in the manner directed by the laws of this state and in accordance with the provisions of this act, for assessing; and all taxes so assessed for town purposes shall be collected by the town collector in the same Assessment and collection of taxes.

manner as he is by law directed to collect township, county and state taxes ; and all taxes shall be paid to said collector, in said town, at such day or days, place or places as he may direct, by notices stating such day or days, place or places, that such taxes are due and payable, posted up in ten or more public places in said town.

Interest al-
lowed on pay-
ment of taxes.

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

Proviso.

Time of finish-
ing assess-
ment.

Board of as-
sessors.

4. *And be it enacted*, That the assessors of the several wards of said town shall finish making their assessments on or before the first Monday in August in each year, and shall meet annually on the second Monday in August in each year, at the town hall for the time being, and may, from time to time adjourn, and when so met shall constitute a board of assessors to review the several assessments made by the respective assessors of the several wards of the town, and to diminish, increase, or alter any such assessments, in order that the assessments on property, whether real or personal, in the several wards of the town, may be made as just and as nearly equal as possible ; which assessments, so revised and approved by the said board, shall be the assessments for the several wards of the town of Phillipsburg ; subject, however, to the action of the town council, as commissioners of appeal in cases of taxation.

Freeholders to
meet with as-
sessors.

5. *And be it enacted*, That the town council, if they shall deem the same advisable, may appoint one freeholder in each ward, who, having first taken an oath or affirmation that they will truly, faithfully, honestly and impartially perform the duties of the trust confided to them, shall meet with said as-

sessors and with them constitute a board of review as aforesaid.

6. *And be it enacted*, That in case any taxpayer shall make it appear to the satisfaction of the council that he has not been notified of the time and place of the meeting of the commissioners of appeal, according to the laws of this state, in consequence of which he has neglected or refused to pay the tax assessed against him or her, the council may convene at any time as commissioners of appeal, hear the applicant, and decide upon the application as they may deem right in the premises, as if legal notice as aforesaid had been given to the applicant. Council to hear applications.

7. *And be it enacted*, That in case the collector shall neglect or refuse to notify any taxpayer of the amount of tax assessed against such taxpayer, and of the time and place of the meeting of the commissioners of appeal, according to law, he shall for every such offence forfeit and pay the sum of ten dollars, and be liable for all expenses, losses or damages incurred by the town and taxpayer in consequence of such neglect or refusal. Penalty of collector refusing to notify taxpayer.

8. *And be it enacted*, That the town collector, in case of non-payment of taxes on or before the first Tuesday of November in each year, shall make out a list of the names of delinquents, with the sums due from them, respectively, and shall deliver the same to the clerk of the town on or before the second Tuesday of November in each year; and it shall be the duty of the clerk to lay the same before council at a meeting thereof next after the same shall be delivered to him, and thereupon the said council shall deliver the same to a justice of the peace, 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, who shall have power to collect the same, in like manner, in all things, as the constables in townships are directed by law, but such collector shall, before he delivers such list to said clerk, take and subscribe an oath or affirmation before the mayor or a justice of the peace in said town, that the moneys in said list mentioned have been duly demanded, or due notice given at the usual places of residence of such delinquents who could be found, or may then reside in said town. Collector to make out list of delinquent tax payers.

9. *And be it enacted*, That whenever within the said town any tax shall remain unpaid after the twentieth day of December in each year, it shall be lawful for and shall be the Interest to be charged on unpaid taxes.

duty of the collector to charge, receive and collect, in addition to the amount of said tax, interest thereon, to be computed at the rate of twelve per centum per annum from said twentieth day of December, until the same is paid; and such interest shall be paid over by the said collector to the treasurer of the town, in like manner, at the same time as he may be required to pay over to said treasurer all taxes by him collected.

Money collected on warrant to be paid to treasurer.

Statement.

10. *And be it enacted*, That all moneys hereafter collected on warrants for the collection of delinquent taxes in the several wards of the said town of Phillipsburg, for town purposes, shall be paid over from time to time by the collector executing said warrant, and at least once a month to the treasurer of said town, and to no other person; he shall, on or before the first day of April then next ensuing, make a return of said warrant to the justice who issued the same, with a full return of the proceedings thereon, and at the same time make a full return and statement to the common council of said town, setting forth the amount of money received by him thereon, the sum, if any, remaining unpaid, the names of all persons still in arrears, and the sums due from them, respectively, which statement shall be verified by the affidavit of said collector; and if said collector shall neglect or refuse to collect the tax on said warrant of and from any taxable inhabitant named therein, as directed in said warrant, who has goods and chattels within said town sufficient to make the same, he shall be liable to said town for said amount he so neglects or refuses to collect, to be recovered by the treasurer of the town, for the use of the town, in the manner prescribed by the twenty-third section of the act entitled "An Act concerning taxes," approved April fifteenth, eighteen hundred and forty-six.

Vacancy in office of collector.

11. *And be it enacted*, That in case the collector should be dead, absent, or incapable of serving the tax warrant, then, and in that case only, the council may order said warrant to be directed to any constable in the county of Warren, who shall perform the duties and be liable to the penalties imposed upon the collector by this act.

Taxes and assessments to remain a lien.

12. *And be it enacted*, That all taxes and assessments which shall hereafter be levied, assessed or made upon any lands, tenements or real estate situate in the town of Phillipsburg aforesaid, shall be and remain a lien thereon until paid, notwithstanding any demise, descent, alienation, mortgage or

other encumbrance thereon; and if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed by the said council for the payment thereof, it shall be lawful for the said 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, or balance thereof remaining unpaid, with the interest thereon, and all costs, charges and expenses, and to execute, under the common seal of said town, a declaration of such sale, to be signed by the mayor and town clerk, and deliver the same to the purchaser, and such purchaser, his executors, administrators or assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements or real estate for his and their proper use, against the owner or owners thereof, and all persons claiming under him or them, until his said term shall be completed and ended; but said council shall first cause said sale to be advertised at least sixty days in a newspaper published in the county of Warren, and circulating in said town, or by advertisements put up in at least five public places in said town, or by both; which advertisements shall describe said lands, tenements or real estate, and specify the amount of the assessment or tax; and the recitals of such declaration of sale shall be *prima facie* evidence in all courts and places of the assessment, advertising the sale; *provided*, that the lands, tenements and real estate so sold may be redeemed by the owner, mortgagee or claimant of such lands, tenements or real estate, at any time within two years after the sale, for either taxes or assessment, or for both, by paying to the treasurer of said town, for the use of the said purchaser, the purchase money, together with any other sums paid for taxes or assessments which the said purchaser may have paid, chargeable on such lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon at the rate of fifteen per centum per annum in addition thereto, and the certificate of the treasurer, stating such payment, and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; a mortgagee shall have power to redeem at any time until the expiration of the six months notice herein specified; no mortgagee whose mortgage shall have been recorded before sale for any tax or assessment, shall be affected by such sale, unless six months notice in

Lands to be
sold at public
auction.

Sale to be ad-
vertised.

Proviso.

writing shall have been given to him by the purchaser, or those claiming under him, either personally, or if not to be found in said town, then such notice shall be deposited in the post office in said town, directed to him at his last known place of residence, or at the post office nearest thereto; but nothing herein contained shall be so construed as to impair the lien created by such tax, assessment or sale; that the said term of time for which any land, tenement or real estate so sold as aforesaid shall not commence, nor shall said purchaser, or those claiming under him, have a right of possession to said land, tenement or real estate, until the two years limited for the redemption of the same shall have expired; and the said purchaser, or those claiming under him, shall, at the expiration of such a declaration of sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural wear and accidents excepted.

Adjournment
of sale.

13. *And be it enacted*, That the said sale of any lands, tenements or real estate for assessments or taxes may be adjourned or postponed from time to time, or suspended, as said council may direct; and if at any sale the whole, or any part thereof, shall remain unsold for want of purchasers, then it shall be lawful for the said council to adjourn the sale not less than thirty days, nor more than sixty days; twenty days notice at least shall be given as aforesaid of the adjournment of said sale, and if at the adjourned sale there shall be no purchaser of said lands, tenements or real estate, or any part thereof, then it shall be lawful for the treasurer of said town to purchase said lands, tenements or real estate for the use and benefit of the town, subject to the redemption as herein provided for; and all moneys paid for the redemption of said lands, tenements or real estate as aforesaid, together with such taxes and assessments paid by a mortgagee or judgment creditor, shall be a lien on said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum, and said lien shall have the preference over all other liens on said lands, tenements, or real estate; and on foreclosure of any mortgage, by such mortgagee redeeming, shall be directed to be made out of said lands, and on the sale of said lands under any such judgment, shall be paid out of the proceeds of the sale; and a complete record of all taxes and assessments shall be kept in the town clerk's office, which record shall

contain the time when such assessments and taxes were laid, the time when they were paid, and if the property has been sold therefor, the time of sale, to whom sold, and if redeemed, when and by whom.

14. *And be it enacted*, That it shall be the duty of the town clerk to record in a book to be called "record of sales," all declarations of sales as aforesaid, to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on the certificate of the town treasurer of such redemption, and to file such certificate in said clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming, and one to be filed in the said clerk's office.

Record of sales to be kept by town clerk.

15. *And be it enacted*, That it shall be the duty of the council to give notice of the expiration of the time limited for the redemption of all lands sold for assessments and taxes as aforesaid, by virtue of this act, by advertisement as aforesaid, sixty days next preceding the expiration of the time so limited for redemption, specifying the property unredeemed and the amount due thereon.

Notice to be given of time for redemption of land.

16. *And be it enacted*, That in all cases where an assessor is interested as owner or part owner of any taxable real property in his ward, the council may appoint a freeholder and resident of said town to make an assessment of said property, first taking an oath or affirmation that he will truly, faithfully and impartially perform the duties of the trust confided to him.

Assessment to be made when assessor is interested.

ARTICLE VII. .

OF ORDINANCES.

1. *And be it enacted*, That no ordinance shall be passed by the common council except with the concurrence of a majority of all the members of the council; and each and every ordinance so passed as aforesaid shall be published for the space of twenty days in a daily newspaper published or circulated in said town, or posted up in five of the most public places in said town; *provided*, that no ordinance shall be passed unless the same shall have been introduced before the

Passage and publication of ordinances.

Proviso.

common council at a previous meeting, and read three times before the vote is taken on its final passage.

Ordinances to
be recorded.

2. *And be it enacted*, That all ordinances shall be recorded in a book provided by the council specially for that purpose, which said book of record of ordinances shall be received and taken as evidence of the passage of all ordinances duly recorded therein; and further, the volume of ordinances printed by authority of the common council shall, in like manner, be received and taken as evidence of the due passage thereof; and the publication of said ordinances according to law, shall in all cases be presumed to have been made until the contrary be proved.

Jurisdiction of
justices of the
peace.

3. *And be it enacted*, That every justice of the peace of said town is hereby empowered and shall have jurisdiction, on oath or affidavit that any person or persons has or have been guilty of a violation of any of the ordinances of said town, 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 not less than three nor more than six days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner the same has been violated, and then on the return of such process at the time to which the justice shall have adjourned the same, the said justice shall proceed to hear the 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 against the body of defendant or defendants; *provided*, that in all cases when 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 courts for the trial of small causes, and also an appeal as in cases where appeal may now be 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 council for the remission of any penalty that may be inflicted or adjudged.

Proviso.

Proviso.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

1. *And be it enacted*, That all the acts, resolutions and ordinances of the common council of the town of Phillipsburg that may be in force when this act shall go into effect, as far as not inconsistent with this act, shall be and continue in force until altered or repealed by the common council; and nothing in this act shall be construed to invalidate or affect any contracts, agreements or liabilities of the town of Phillipsburg heretofore legally given, made or entered into for any purpose whatever; and the several officers of the town of Phillipsburg at the time of this act taking effect, shall continue to exercise all the powers of their respective offices under former acts of incorporation, until others are elected and qualified under this act. Acts, ordinances and contracts not invalidated.

2. *And be it enacted*, That all suits, warrants, actions or process for the recovery of fines or debts due to said town, in violation of ordinances of said town, shall be in the name of "The Inhabitants of the Town of Phillipsburg." Actions, &c.

3. *And be it enacted*, That upon the trial of any issue, or upon any judicial investigation to which the town of Phillipsburg is a party, or in which it is interested, no person shall be deemed an incompetent judge, witness or juror by reason of being an inhabitant of said town. No person incompetent.

4. *And be it enacted*, That the town council are hereby authorized and required to issue, in the name of "The Inhabitants of the Town of Phillipsburg," coupon bonds, for the purpose of paying the existing bonds of said town for war debts, to the amount of said debts, bearing interest at the rate of not over seven per centum per annum, payable half-yearly, and the principal of said bonds shall be payable at periods not less than ten nor more than thirty years from the date thereof; and said bonds may be sold at public or private sale, at not less than the par value thereof, at such times and in such amounts only as the proceeds may be required as aforesaid, which bonds shall be denominated on the face thereof, "War Bonds of the Town of Phillipsburg;" and for the purpose of paying war bonds, and the interest thereon, as the same may become due, the said council are hereby authorized to assess and collect annually a tax sufficient to pay the interest each year, and to consti- Authorized to issue bonds. War bonds.

tute a proper sinking fund for any portion of said debt which may exist; which tax shall be in addition to any other tax authorized by this act; and the collector shall collect and pay the same to the town treasurer in the same manner as other taxes; and said tax shall be entered separately in the notice given by the collector to tax payers, and shall be kept separate and distinct from all other taxes.

Duties of the treasurer.

5. *And be it enacted*, That said war bonds shall each be numbered, and the coupons or interest warrants thereto attached shall be numbered and signed by the treasurer, and a registry of the number, denomination, date of issuing, and time of payment, shall be made by the treasurer and also by the town clerk, in separate books kept for that purpose; and the coupons, as paid, shall be cancelled by the treasurer and pasted in order of date, in a book kept for that purpose, and the bonds, as paid, shall be cancelled and carefully filed away by the treasurer; and when any person purchasing one or more bonds of the denomination of five hundred dollars, desires to receive a registered bond or bonds of that denomination, the same shall be issued payable to the purchaser or his order, without coupons or interest warrants attached, and shall be duly registered in a book kept for that purpose, by the treasurer, and be transferable only in person or by power of attorney, in the books of the treasurer.

Principal to become due when interest is not paid.

6. *And be it enacted*, That in case the interest or coupons of any bond issued under the authority of this act shall not be paid within ten days after demand made of the treasurer in writing, then the principal of said bond shall be due and payable, and suit may be brought to recover said principal and interest.

Council, by ordinance, to establish regulations.

7. *And be it enacted*, That it shall be the duty of said council, by ordinance or ordinances, to prescribe and define the duties and establish all needful regulations for the government of all officers in the different departments of said corporation, and to require any of them to make returns and reports at stated periods during the year, and the payment into the town treasury of all money, fines, penalties, or from any other source not herein otherwise provided for.

Inns and taverns subject to act, &c.

8. *And be it enacted*, That every license granted to keep an inn and tavern, and the person or persons to whom the same shall be granted, shall be subject to the provisions of the act of the legislature of New Jersey entitled "An Act concerning inns and taverns," and the supplement and supple-

ments thereto, except so far as they may be inconsistent with the provisions of this act.

9. *And be it enacted*, That nothing in this act shall authorize the removal of any dwelling house in said town.

10. *And be it enacted*, That it shall be lawful for a majority of the voters of said town, voting at the annual charter elections, by ballot (by specifying the amount desired, and the object or objects for which it is desired to have it appropriated, and the manner in which it is desired to have it raised, whether by tax or loan, on the same ticket or ballot in which the names of those voted for the offices in said town are written or printed), to direct to be raised by loan or tax, from year to year, such sum or sums of money, not exceeding one thousand dollars in each year, in addition to that hereinbefore directed or authorized to be raised by the common council of said town, for the purchase of land for a cemetery, erection of public monuments, purchase of land for a public park, and to enclose and lay out said grounds; said loans so directed to be raised shall then be carried out on the best terms that can be obtained by the common council of said town, and a certificate or certificates of loan or a bond or bonds to be issued therefor, as in other cases; and any sum or sums of money so directed to be raised by tax shall be assessed by the assessors on the property within said town, and collected in the same manner and at the same times as other taxes; and when several sums are voted for, that sum receiving the highest number of votes, not exceeding one thousand dollars as aforesaid, whether by tax or loan, shall be raised.

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

12. *And be it enacted*, That in all cases before the common council the mayor or the presiding officer of council may subpoena witnesses and administer the necessary oaths or affir-

Taxes may be raised for public purp.

Act, how construed.

Witnesses to be subpoenaed

mations, and the common council may enforce the attendance and answer of such witnesses by fine and imprisonment.

Ordinances.

13. *And be it enacted*, That whenever the common council shall cause a revision of the ordinances of the town to be made and shall direct the same to be published in a printed volume, such revised ordinances shall take effect without the publication as heretofore required in this act.

Record of ordinances.

14. *And be it enacted*, That the books of record kept by any officer of the town, under and by virtue of the provisions of a town ordinance, shall be admitted as evidence of the matter and things therein contained, and recorded in all courts and places whatever.

Common council.

15. *And be it enacted*, That the common council may provide all means necessary to carry into effect the object and purposes of this corporation, not repugnant to this act nor to the constitution and laws of this state and the United States.

Certain provisions not to apply.

16. *And be it enacted*, That the provisions of this act relative to streets and alleys shall not apply to the lands owned by "The Trenton Iron Company" (now "The Andover Iron Company"), within the limits of said town on the twenty-second day of March, eighteen hundred and sixty-six.

Legislature may repeal.

17. *And be it enacted*, That this act shall be deemed and taken a public act, and shall go into effect immediately; and the legislature may at any time alter, modify or repeal the same.

Approved March 8, 1872.

CHAPTER CCIX.

A Further Supplement to an act entitled "An Act to incorporate the Camden Horse Railroad Company," approved March twenty-third, one thousand eight hundred and sixty six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Camden Horse Railroad Company be, and they are hereby authorized and empowered

to build, maintain, and use a railroad or railroads on any public road or highway in the city of Camden, or any public road or highway extending from said city into the county of Camden. Authorized to build railroad on public roads.

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

Passed March 11, 1872.

CHAPTER CCX.

An Act to promote Medical Science in Hudson County, State of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the members of any regularly organized and chartered medical society or societies in the county of Hudson, state of New Jersey, may receive the remains or body of any deceased person, for the purpose of medical and surgical study; *provided*, that said remains shall not have been desired for interment by any relative or friend of said deceased person within twenty-four hours after death; *provided, also*, that the remains of no person who may be known to have relatives or friends shall be so delivered or received without the consent of said relatives or friends; *and provided*, that the remains of no one detained for debt, or as a witness, or on suspicion of crime, or of any traveler, nor of any person who shall have expressed a desire in his or her last sickness that his or her body may be interred, shall be delivered or received as aforesaid, but shall be buried in the usual manner; *and provided, also*, that in case the remains of any person so delivered or received shall be subsequently claimed by any surviving relative or friend, they shall be delivered up to said relative or friend for interment. May receive remains of deceased person. Proviso. Proviso. Proviso.

2. *And be it enacted*, That it shall be the duty of said members of said medical society or societies decently to bury in some public cemetery, the remains of all bodies after they shall have answered the purposes of study aforesaid; and Remains to be decently buried.

for any neglect or violation of this provision of this act, the party so neglecting shall forfeit and pay a penalty of not less than twenty-five nor more than fifty dollars, to be sued for by the health officers of said county for the benefit of their department.

Remains to be
used for medi-
cal study, &c.

3. *And be it enacted*, That the remains or bodies of such persons as may be received by the members of medical societies as aforesaid, shall be used for the purpose of medical and surgical study alone, and in this county only; and whoever shall use such remains for any other purpose, or shall remove such remains beyond the limits of this county, or in any manner traffic in the same, shall be deemed guilty of a misdemeanor, and shall on conviction be imprisoned for a term not exceeding one year in a county jail.

No body to be
buried within
or without
county with-
out certificate

4. *And be it enacted*, That no body shall be buried within, or transported beyond the limits of this county, without a certificate of the cause of death, signed by a reputable physician or surgeon, together with his place of residence, or a permit from a coroner, and countersigned by the county clerk, who shall keep a register of the same.

Penalty for
violation of
this act.

5. *And be it enacted*, That any person knowingly surrendering or receiving any body for anatomical purposes, or burying or transporting any body contrary to the provisions of this act, shall be deemed guilty of a misdemeanor.

Repealer.

6 *And be it enacted*, That all laws so far as inconsistent with this act are hereby repealed.

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

Approved March 11, 1872.

CHAPTER CCXI.

An Act to incorporate the Telford Pavement Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel Brennan, junior, George Spottiswoode, Wallace Vail and George W. F. Randolph,

and such persons as may become associated with them, and their successors, are hereby created a body politic and corporate, in fact and in law, under and by the name of "The Telford Pavement Company," and by that name shall be capable of purchasing, acquiring, holding, using, conveying and disposing of all such real and personal estate as may be necessary for carrying out the objects of the incorporation, or which may be transferred to them for the payment of any debt; and that their principal office shall be located at the town of Orange, in the county of Essex.

2. *And be it enacted*, That said company shall be authorized to carry on the business of grading and draining lands, and of sewerage, curbing and flagging streets and roads, and of paving or macadamizing streets and roads with stone, concrete and other materials; to enter into and make contracts for such grading, draining, sewerage, curbing, flagging, paving and macadamizing; to manufacture, purchase and lay patent and other pavements; to buy, use or sell patents or patent rights for any process or processes connected therewith; and to transact all business in relation thereto.

May grade and drain lands and lay patent pavements.

3. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same to two hundred thousand dollars, divided into shares of one hundred dollars each, which stock shall be personal property, and shall be transferable only upon the books of the company, in accordance with its by-laws; and that said company may organize for the transaction of business as soon as fifty thousand dollars of said stock shall have been subscribed and paid in.

Capital stock.

4. *And be it enacted*, That the affairs of said company shall be conducted by not less than three nor more than five directors, who shall be stockholders, and of whom a majority shall constitute a quorum; that the first board of directors shall be elected by the stockholders, and by a plurality of votes, as soon as may be after the said sum of fifty thousand dollars of capital stock shall have been paid in, and afterwards, on the second Monday in January in each year, in accordance with the by-laws; but that said corporation shall not abate because of any failure to elect such directors as aforesaid; and that any vacancy may be filled by the remainder of the board for the unexpired term.

Affairs, how managed.

Vacancies, how filled.

5. *And be it enacted*, That the said directors shall have power to take, in behalf of the company, any property suit-

Books of subscription.

able for the purposes of said company, at a valuation to be agreed upon and in lieu of cash subscriptions; and also to open books of subscription, from time to time, until the whole capital stock shall be taken, and to require payment of all subscriptions to said capital stock, by installments, and under such forfeiture or forfeitures as they may deem expedient.

May make by-laws.

6. *And be it enacted*, That the said directors may pass, alter and repeal all such by-laws, and may appoint and remove all such officers or agents as they may think proper or necessary for carrying out the objects of the incorporation, *provided*, that such by-laws shall not conflict with any law or laws of this state.

Proviso.

Dividends.

7. *And be it enacted*, That the said directors shall likewise have power to declare and pay dividends out of and from the earnings or profits of said business.

Limitation.

8. *And be it enacted*, That this act shall continue in force for thirty years from the time of its passage, and shall take effect immediately.

Approved March 13, 1872.

CHAPTER CCXII.

A Further Supplement to an act, entitled "A further supplement to 'An Act for the preservation of deer and other game,' " approved March seventeenth, one thousand eight hundred and seventy.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a further supplement, which prohibits the killing of water fowl, during certain seasons, within the limits of the township of Brick, in the county of Ocean, be so amended as to read, between the first day of September and the first day of April, yearly and every year, instead of "between the first day of October and the first day of April yearly and every year," as the said act now reads.

Repealer.

2. *And be it enacted*, That so much of the said act as is

inconsistent with the provisions of this act be, and the same is hereby repealed.

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

Approved March 13, 1872.

CHAPTER CCXIII.

A Supplement to the act entitled "An Act to incorporate the Cape May and Millville Railroad Company," approved on the ninth day of March, eighteen hundred and sixty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Cape May and Millville Railroad Company, shall be, and hereby is, authorized to increase its capital stock, in the discretion of its board of directors to any sum not exceeding one million dollars. Increase of capital stock.

2. *And be it enacted*, That the said company and the West Jersey Railroad Company, whose roads are connected at Millville, may, at any time or times hereafter, enter into or make any such agreements, contracts or arrangements for the consolidation of their capital stocks or property, or business; or to enter into or make such other arrangements for uniting, promoting and harmonizing their business, as their respective boards of directors, for the time being, may think proper. May make agreements and contracts.

3. *And be it enacted*, That so much of the fourth section of the charter of the said Cape May and Millville Railroad Company as requires its annual election of directors to be held in either the county of Cumberland or the county of Cape May be, and the same is hereby repealed. Repealer.

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

Approved March 13, 1872.

CHAPTER CCXIV.

An Act to authorize the town of Newton, in Sussex county,
to issue bonds.

- Preamble. WHEREAS, the people of the town of Newton, in the county of Sussex, in order to secure a railroad between that town and Franklin, in said county, agreed with the Sussex railroad company, in consideration that it would construct said railroad, to pay it twenty-five thousand dollars; and whereas, the said company have nearly completed the said railroad, and it is proposed as a means of raising the said money, and to afford time to meet the payment thereof, to issue the bonds of the town; therefore,
- May issue bonds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said town of Newton be authorized to issue the bonds of the said town to the amount of twenty-five thousand dollars, payable not more than twenty-five hundred dollars thereof in any one year, with interest at seven per centum, with interest coupons annexed, payable semi-annually, to be signed by the chairman of the town committee, and countersigned and registered by the town clerk.
- Proceeds, how applied. 2. *And be it enacted*, That the said bonds shall be drawn payable to any individual or bearer, and shall be negotiable as promissory notes are, and when executed as aforesaid, they shall be deposited in the Merchants' National Bank of Newton for safe keeping; they shall be negotiated at not less than their par value, and the proceeds thereof placed to the credit of said town in said bank, and to be paid to said Sussex railroad company, in payment of said sum of money, when said railroad is completed, as received from time to time on the order of the chairman or any two of the town committee.
- Yearly payment. 3. *And be it enacted*, That the town committee shall have power and authority to provide by taxation for the payment of said bonds and interest thereon, and shall yearly and every year, cause to be assessed and collected, as other assessments are made and collected in said town, a sum of money sufficient to pay the said bonds and interest thereon,

as the same shall become due and payable, and the money so raised shall be applied exclusively to such purpose.

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

Approved March 13, 1872.

CHAPTER CCXVI.

An Act to vest lands absolutely in the trustees of the Beverly School District, in the township of Beverly, in the county of Burlington, and to enable said trustees to convey and dispose of the same.

WHEREAS, William Marter, by deed of conveyance, bearing date the thirtieth day of November, anno domini one thousand eight hundred and fourteen, conveyed to George Weigant, Jacob Adams and Thomas Marter, trustees to the Coopertown school house, and to their heirs and assigns, for the purpose of building a schoolhouse thereon, that certain lot of ground situate in the township of Willingborough, in the county of Burlington, bounded as follows, viz: beginning at a stone corner to a lot of Ashabel Jones, deceased, and to William Marter's land, and runs by the same, south thirty-eight degrees, east three chains and sixteen links to a stake in the middle of the road that leads from Burlington to Rancocas toll bridge; thence along the middle thereof, north fifty-two degrees and fifteen minutes, east one chain and thirty-two links to a stake, corner to said Jones; thence along said Jones' line, north twenty-eight degrees, west one chain and ninety-four links to another stake, corner to said Jones; thence by the same, north eighty-one degrees, west two chains and forty-one links, to the place of beginning, containing one rood and twenty-eight perches of land, be the same more or less; and whereas, it is believed the words "heirs and assigns," in the said deed, were incorporated therein, through inadvertence or defective conveyancing; and whereas, the said

lot has been since the date of the said deed, used for school purposes, and there is now thereon a building that has been at all times used as a school building; and whereas, the district heretofore known as the Coopertown school district, has been merged into and become a part of the Beverly school district; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title to said lot of land and premises be, and the same is hereby declared to be vested, in fee simple absolute, in the trustees of the Beverly school district, and their successors in office, of the township of Beverly, free, clear and discharged of, and from all and every, the trust, limitations and conditions, subject to which the same has been heretofore held, and with full power to convey and dispose of the same in fee simple absolute, to any person or persons whatever, by deed of conveyance, to be executed and attested by the said trustees in the usual manner, and the moneys arising from said sale shall be appropriated for school purposes in said township of Beverly and for no other purposes.

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

Approved March 13, 1872.

CHAPTER CCXVIII.

An Act to incorporate the Stanhope Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Richards, Isaac B. Jolly, Edmund Canfield, William Allison, William Jackson, and such other persons as may hereafter be associated with them, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Stanhope Railroad Company," and by that name they and their successors and assigns shall and may have continual succession, and shall be persons in law,

capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this incorporation.

2. *And be it enacted*, That the capital stock of said company shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each, but said company may increase the same to an amount not exceeding the cost of the railway and appurtenances which are hereinafter authorized; and the said capital stock shall be deemed personal property, and shall be transferable in such manner as the by-laws of the said company shall direct.

3. *And be it enacted*, That the above named persons, or a majority of them, may open books and procure subscriptions to the capital stock of the said company, at such time or times and place or places as they, or a majority of them, may think proper; and whenever there shall be one thousand shares of the said stock subscribed, the said corporators, or a majority of them, may give notice for a meeting of the subscribers, to choose nine directors; and such election shall be made at the time and place appointed in the said notice, by such subscribers as shall attend for that purpose, either by lawful proxy or in person, each share of the capital stock entitling the holder thereof to one vote; and the above named corporators, or the majority of them, shall be inspectors of such election, and certify under their hands the names of those persons duly elected directors, and deliver over the subscription books to the said directors at the first meeting of the said directors; and the said directors so chosen as aforesaid shall, at their first meeting, or annually at the annual election of the said company, or as soon as may be after every such election, choose out of their own number a president; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president *pro tempore*, who

Capital stock.

Subscriptions for stock.

Election of directors.

Vacancy, how filled.

shall have such power and functions as the by-laws of the said company shall provide.

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

May call in
amount sub-
scribed under
penalty of for-
feiture.

Proviso.

5. *And be it enacted*, That five directors of the said company shall be competent to transact all business of the said company, and they shall have power to call in the capital stock of said company, by such installments, not to exceed five dollars on each share at any one time, and at such times as they may direct; *provided*, that such installments shall not be called for at a shorter period than thirty days from each other; and in case of the non-payment of said installments, or any of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said company; and also shall have power to appoint a treasurer and a secretary, and so many clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to said board shall appear proper.

Authorized to
construct rail-
road.

May enter on
lands.

6. *And be it enacted*, That the president and directors of said company be and they are hereby authorized and invested with all the rights and powers necessary or expedient to survey, lay out, construct and operate a railroad, by such practicable route as they shall deem expedient, from some point on Wal-kill mountain, within three miles of Lake Hopatcong, to the Morris and Essex railroad at Stanhope, or to some point on Lake Hopatcong; but said railroad shall not exceed one hundred feet in width, unless more land shall be required for the slopes of cuts and embankments, with as many sets of tracks and rails as said company may deem necessary; and it shall be lawful for said company, or others in their employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, leveling, and laying out the route or routes of such railroad, and of locating the same, and to locate and erect all necessary works, buildings, conveniences, appurtenances and appendages thereof, doing no unnecessary injury

to private or other property ; and when the route or routes of such railroad, and the location or locations of other works, buildings, conveniences, appurtenances and appendages thereof shall have been determined upon, and a survey of such route or routes, location or locations, deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, 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 necessary works, lay rails, and to do all other things which may be suitable or necessary for the completion, repairs or management of said railroad, and for the conveyance of passengers and freight to and from the terminus thereof, to and from the city of New York and elsewhere, 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 or upon which the said railroad and its conveniences, appurtenances and appendages may be laid out or located, 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 railroad and its conveniences, appurtenances and appendages, and of locating the same, unless the consent of the owner or owners of such lands be first had and obtained.

Proviso.

7. *And be it enacted*, That if the owner of the land on which such survey or location for said company shall be made, shall not be willing to give the same for such purpose, and said company and owner cannot agree as the price of the same, it shall be the duty of any justice of the supreme court, who is disinterested in the premises, upon the application of either party, and after giving ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners to assess the price of value of said land, who shall be sworn or affirmed faithfully to execute the duties of such appointment, and after like notice to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such decision and award, together with a description of the said land and the quantity taken, by whom

Proceedings
in case com-
pany or own-
ers cannot
agree.

Proceedings
in case of ap-
peal.

owned, how situated and bounded, and described in writings, under their hands and seals, or under the hands and seals of any two of them, to the justice who appointed them, to be by him returned and filed in the office of the clerk of the county wherein the lands lie, together with all the papers before him relating thereto, there to be kept as a public record, and copies taken if required by either party; and if either party shall feel aggrieved by the decision and award of the said commissioners, the party so aggrieved may appeal to the circuit court at the next term after such decision and award, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and if required they shall award a venire in proper form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands and all damages sustained, and if the said jury be demanded by the said company, and they shall find a greater sum than the said commissioners then judgment shall be given, with cost, against the said company, and execution issue if need be, but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then costs shall be paid by the owner or owners, and shall be deducted out of the said sum awarded by the said commissioners, or execution issue therefor, as may be directed by the said court; and upon payment of tender of the sum so found by the said commissioners or by the jury, with costs, if any, the said company shall be deemed to be seized and possessed in fee simple of all such lands and real estate appraised as aforesaid.

Proceedings
when owner is
incapacitated
to receive
award of com-
missioners.

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

in cases of appeal above provided for ; and the said justice shall and may order and direct as to the amount of costs and charges of such valuation and appraisement and witness fees, and as to the payment thereof in cases where an appeal is made ; and it shall be lawful for the said corporation at any time during the continuance of its charter from time to time to unite and consolidate as well as merge its stock, property, franchises and road with those of any other corporation or corporations heretofore or hereafter incorporated within or without this state, and such other corporation and corporations are hereby authorized to unite, consolidate and merge their stock, property, franchises, road and roads with this corporation, and after such merger into this corporation this corporation may from time to time lease its roads, franchises and property, or any part thereof, to any other corporation or corporations within or without this state, and such other corporation and corporations are hereby authorized to take such lease or leases, and this and the other corporation or corporations may use and operate this road or their own roads, or all or any of them according to the provisions and restrictions contained in the charter of this corporation or in the charter of such other corporation or corporations or both, and this and the other corporations may make contracts and engagements with any other corporation or corporations or with individuals for operating this road or said other roads or parts of either or both as well as for transporting passengers, freight and trains over this road and said other roads or any part thereof or over any road, and demand and receive for the transportation of passengers, freight and trains over their roads and the roads of such other corporations as are above mentioned, and over any other roads the same rates of fare, freight and toll as are authorized to be charged by this corporation for like services over this road ; and this corporation may be known by such new name as its directors shall by certificate filed in the secretary of state's office declare to be its name, and to build this road and the road of any other corporation which may lease the same, it and its lessees may make the bonds and mortgages hereinafter authorized, and it and its lessees, successors and assigns may exercise and possess all the railroads, franchises and property so as aforesaid merged into it without restriction as to the gauge of tracks, in the same manner and with like effect as if it had been specially created by act of the

Corporation
may unite,
consolidate
and merge
stock with
other corpora-
tions.

May make
contracts.

Directors may
change name.

legislature of this state to exercise the same, and the legislature shall have power to alter, revoke or annul this charter whenever the courts shall have decided it to be injurious to the citizens of this state by reason of a misuse of the powers herein granted and not otherwise.

Bridges to be
constructed
and kept in
repair.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges over or under the said railroad, where any public or other road shall cross the same, so that the passage of carriages, horses and cattle across the said road shall not be impeded thereby; and if the company neglect to perform the same, after giving twenty days' notice to the company, by the person or the public officers having charge of the repairs or maintenance of said road so to do, such person or public officer may do the work, or cause it to be done, and recover the value thereof from the company, by common process of law.

May purchase
equipments.

10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of said company, and to place on the railroad constructed by them, all machines, engines, wagons, carriages or vehicles for the transportation of persons or any species of property thereon as they may think reasonable, expedient or right; *provided*, they shall not charge more than at the rate of twelve cents per mile per ton for the transportation of property on the said railroad, or eight cents per mile for carrying each passenger on said railroad, in the cars of the company, or six cents per ton per mile for each ton of property transported, or four cents per mile for each passenger carried over said railroad in the carriages of others, and three cents per ton per mile for each empty carriage; and that the railroad and its appendages, and the land over which the same shall pass, and all the works and improvements, steam engines and carriages, and all other property whatsoever belonging to the said company at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

Rates for
transportation

Dividends.

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

proportion to the amount of shares held by them respectively, as they may deem prudent and proper.

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

13. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said railroad, and its several stations on the lines of the said railroad, to a sufficient extent to provide accommodations and conveniences for the business of said railroad, and may erect and build thereon houses, warehouses, machine shops, and such other buildings and improvements as it may deem expedient for the safety of property, and construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain such bridges over any rivers or streams of water on the line of its railroad, as it may find expedient and necessary for the full enjoyment of all the benefits conferred by this act. May purchase and hold real estate.

14. *And be it enacted*, That as soon as the said railroad, or any part of it, is in operation, the president of said company shall file, under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages and all expenses, in the office of the secretary of state, and annually thereafter, on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipments, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws, and until the said railroad, or any part thereof, Statement of costs to be made. State tax.

shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property, as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person or persons as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

Proviso.

May borrow money and issue bonds.

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

Free passes.

16. *And be it enacted*, That the chancellor, governor, judges of the supreme court, and members and officers of the legislature, shall have free passage on said road during the time for which they may be appointed or hold office.

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

Approved March 13, 1872.

CHAPTER CCXIX.

An Act to provide for the laying out and the improvement of the streets, roads and avenues, in the township of Greenville, Hudson county, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the election to be held in said township of Greenville, on the second Tuesday of April, eighteen hundred and seventy-two, it shall be lawful for the inhabitants thereof, to elect five street commissioners, who shall enter upon the duties of their office on the first day of May next, as successors of the present street commissioners in said township, with all the rights, powers, and duties herein conferred upon them; all the laws regulating township elections in said township of Greenville, shall be applicable to the election provided for in this section.

2. *And be it enacted*, That of said street commissioners so elected, three shall hold their office for one year, and two for two years; and the said commissioners at their first meeting, after their election, shall determine by lot who of them shall hold office for one year, and who for two years, and file the result of said determination with the clerk of said township; and at each annual spring election thereafter, it shall be lawful for the inhabitants of said township to elect as many street commissioners as there are vacancies in said office, and those elected shall determine by lot, their term of office, whether for one or two years, said allotment always to be so arranged that each year the terms of office of three of the commissioners shall expire, and each year the people have an opportunity to elect at least three commissioners; all vacancies occurring by death, resignation, or removal from the township, shall be filled, by a majority of the remaining commissioners, until the first Monday of May next succeeding; the term of office of all commissioners elected, after the first election, shall commence on the first Monday of May next succeeding their election; the said commissioners shall each receive a salary of five hundred dollars per annum, payable monthly.

Clerks to deliver maps to commissioners.

3. *And be it enacted*, That the said street commissioners of Greenville, elected as aforesaid, shall as soon as qualified, forthwith take from the Hudson county clerk's office and the township clerk's office of the township of Greenville, the maps filed in said offices by said commissioners, March twenty-second, eighteen hundred and seventy (1870), and said clerks shall surrender to them said maps on demand thereof.

New map to be made and filed.

4. *And be it enacted*, That the commissioners to be elected under this act, and their successors in office may make and file in the offices of the county clerk of Hudson county, and the clerk of the township of Greenville, an entirely new map of the streets and avenues of said township, and in making said new map, they are authorized and empowered, to lay down and name on said new map such present streets and avenues as they shall deem expedient to continue as such, and all new streets or avenues they may deem expedient to be laid out, and may change or alter any present street or avenue as to width, course, name or location as in their judgment they may deem proper, but no street, road or avenue shall be less than fifty feet in width; the commissioners may from time to time before the making and completion of said map, file in the office of the clerk of the township of Greenville, maps of separate streets and avenues as they shall be determined upon from time to time by said commissioners, and any street or avenue may be opened or improved as soon as a map thereof is filed in said township clerk's office.

Width of streets.

Power to open and improve any street or avenue.

5. *And be it enacted*, That the commissioners to be elected under this act, and their successors in office, shall have power from time to time, to open any street or avenue in the township of Greenville, and also power to improve any streets or avenues in the said township, by making the same fit for public travel, by any method, including grading, paving, curbing and guttering, and with any kind of material and making sidewalks of plank, stone or other material, and making drains and sewers in all or any parts thereof, but all such improvements shall, so far as they are made on the surface, be made to conform to the grade of such streets and avenues as established or altered by said commissioners.

Grade may be altered on application of owners.

6. *And be it enacted*, That the said commissioners, or their successors in office, may establish by resolutions and profile maps, the grade, pitch and level of all the streets and avenues in said township; and said resolutions shall be filed in the township clerk's office, and the said profile maps shall

also be filed in said township clerk's office; that the grade of any street or avenue, when once established by such resolution and profile maps, may be altered upon written application of the owners of five-eighths of the property, per lineal feet, along such street or road, when such alteration is asked for, and by the consent of the majority of the commissioners, and such alterations of grade shall be shown by new profile maps, made from time to time and filed in said township clerk's office; the grade, when established, may also be altered by resolution of the commissioners, on any street or avenue, or part thereof, when such street or avenue, or part thereof, has not been actually graded, and no buildings have been erected or commenced thereon, since the establishing of the former grade, and such alterations shall be shown on profile maps, to be filed as aforesaid.

7. *And be it enacted*, That the street commissioners shall be, and they are hereby authorized to maintain and set up lamps, and to use lights in the same, in such parts of said township as they shall deem for the benefit of the inhabitants thereof; and the said street commissioners are hereby authorized to make all necessary contracts and agreements with any gas company in the county of Hudson for erecting street lamps, and lighting the streets of said township, or any portion thereof, with gas, and the expenses for the erecting of such street lamps, and the lighting of said streets with gas, shall be paid for by the said street commissioners, by the issue of certificates of indebtedness, and the amount of money necessary therefor shall be included in any requisition made by the board of finance upon the assessor, and shall be included in the tax to be levied and collected next after the making of said contract or contracts; *provided*, that such contract or agreement shall be made with the lowest bidder, and shall not extend over a period of more than five years; and before such contract or agreement shall be binding on the township, it shall receive the approval of the township committee of said township; and it shall become the duty of, and the assessor of said township is hereby required to assess the same, and the collector of said township is hereby required to collect the same, and pay it forthwith to the treasurer of the township, to be by him used only for the purposes for which it was assessed and collected.

8. *And be it enacted*, That the commissioners shall have power to remove obstructions in all streets, public grounds

Resolution of
commission-
ers.

Empowered
to make con-
tracts and
agreements
with any gas
company.

Proviso.

Obstructions
to be removed

and public squares that are now in existence, or may come into existence, by dedication or otherwise.

Officers and
compensation

9. *And be it enacted*, That the said commissioners may appoint such officers, and retain and employ and dismiss, at their pleasure, such surveyors, engineers, clerks, agents and servants as they shall deem proper and necessary to aid them in executing this act, and to fix the pay and compensation of such officers, surveyors, engineers, clerks, agents and servants; that the township assessor, collector and clerk, for the services imposed upon them by this act, shall have such fees as said commissioners shall think expedient and shall by resolution fix and establish, such fees to be paid by such persons as ask the performance of the service, or by said commissioners, in case the service is not done at the request of a private individual.

Seal and office

10. *And be it enacted*, That the said street commissioners shall have power to make and use a common seal, and alter the same at pleasure, or use the common seal of the township of Greenville, or a duplicate thereof, and they shall keep an office in the township of Greenville, and may require and take bonds from any officer, agent, or employee; the said street commissioners, and their successors in office, shall be known by the name of "The Street Commissioners of Greenville," and by that name they may sue and be sued, make contracts, issue certificates of indebtedness, or improvement certificates, and all certificates so issued shall set forth particularly the nature of the service rendered and work performed, and materials furnished, and by whom, the time or times when and where, and for what purpose services were rendered, work performed and materials furnished, and to whom issued, all of which shall appear on the face thereof; and the said commissioners may enter freely upon all lands in said township and survey the same, and do all other acts and things necessary to carry this act and all its provisions fully into effect; any contract the said commissioners may make pursuant to their powers, and any judgment that may be obtained against them by their title, as aforesaid, shall be of like effect as if lawfully made by or obtained against the inhabitants of the township of Greenville.

Name and
powers.

May enter on
lands.

Improve-
ments may be
made by sec-
tions.

11. *And be it enacted*, That the said street commissioners shall have power to contract for the improvement of any street or avenue in sections, and have said improvements made in sections, and after the work on any section is completed and

finished, said street commissioners may appoint commissioners of assessment on said section, and the costs of such improvement on said section may be assessed upon the property benefited thereby, in proportion to the benefit received, notwithstanding the entire improvement may not be completed, and all assessments made for the improvement of any of said sections, shall be legal and binding for all intents and purposes, the same as if the entire work was completed. Assessments binding.

12. *And be it enacted*, That streets and avenues in said township shall be opened in the following manner, and not otherwise; a petition in writing from a property owner on the line of the proposed improvement, shall be presented to said street commissioners, setting forth accurately the improvement desired, and the petitioner shall deposit with the treasurer of said township, a good and sufficient bond to the inhabitants of the township of Greenville, in such sum as shall be approved by the commissioners to cover the expense to be incurred in case such improvement shall not be ordered, a copy of which bond shall be filed in the township clerk's office; if said commissioners shall favor said petition, the same shall be referred to three impartial and disinterested commissioners of assessment to be appointed by said street commissioners, who shall thereupon make or cause to be made a map of such improvement, showing the real estate to be taken therefor, the damage (if any) done to adjacent property, and all the property which in the judgment of the said commissioners of assessment will be benefited thereby, designating each lot and parcel on said map by a number; said commissioners shall also ascertain, as far as practicable, the names of the owners of said real estate to be taken, and the names of any parties damaged by said improvement, and the property to be benefited, and the interest of each of the owners of real estate to be taken, and when such names or estate are not known they shall so report; they shall also appraise the value of the interest of each known owner of real estate to be taken, and the damage to be done to such owner by taking the same, considering in such appraisal the condition in which each owner's parcel of real estate will be left after taking so much thereof as will be required for the improvement, and where the estates in any plot of land are unknown, they shall appraise the value of, or the damage done to the fee simple; said commissioners of assessment shall also estimate all other expenses likely, in their judg- Opening of streets, how made. Bonds to be given. Commissioners to be appointed. Interest and damage to be appraised.

Proviso.

ment, to attend the completion of the improvements; *provided*, that where the line of such improvement would bisect any building the said commissioners of assessment may determine, as to them shall seem most just, either to take so much thereof as stands upon the land required, or to require the owner or owners thereof to move it back from the line of improvement, in case the owner or owners thereof have land enough left for that purpose, and their appraisalment shall be made accordingly; said commissioners of assessment shall also estimate the amount likely to be realized from the sale of any building or parts of buildings, to be taken on account of said improvement, and shall so determine the probable net cost of making the improvement, this probable net cost they shall then assess upon the land to be benefited in proportion to the benefit to be received; thereupon they shall, under their hands, make a report of the facts ascertained, and of the appraisements, estimates, determinations and assessments made by them concerning said improvement, and shall file such report and map with the clerk of said street commissioners, and a copy thereof with the township clerk, within thirty days after the reference to them, or within such further time as said board shall grant; thereupon the said clerk of the board of commissioners shall cause a notice of the filing of said map and report to be printed in one daily newspaper in Jersey City, in Hudson county, for the space of two weeks, and also two weeks in one weekly paper circulating in said township, which notice shall contain a general description of the improvement intended, and shall state the time and place, when and where the said street commissioners will meet to hear and consider any objections to said report, or to the improvement which may be presented in writing; and said clerk shall at the same time cause a copy of such notice to be sent by mail through the post office to each and all the property owners along the line of such improvement, so far as can be ascertained; said clerk shall also within said two weeks cause notice to the same effect to be posted at points not over four hundred feet apart, along the whole line of said improvement, the time appointed for such objections being not less than one week after the expiration of said two weeks, and all objections at such time and place, presented in writing, said street commissioners shall consider and adjudicate upon; and the awards or assessment made in said report shall be cor-

rected by said street commissioners accordingly, a copy of which corrections, signed by the president of said street commissioners, shall be filed with the said clerk of said commissioners, within twenty days after the expiration of said two weeks; if said commissioners shall then determine to make said improvement, notwithstanding any objections to the same, the said street commissioners shall confirm said awards with the corrections, if any, and order the said improvement to be made and completed in such manner as said street commissioners may direct, under the supervision of said commissioners of assessments; *provided*, the said street commissioners shall not proceed to make any such improvement, if the owner of two-thirds of the lineal feet of the property to be assessed for the improvement as shown on said map, shall remonstrate against the same being made; said street commissioners shall thereupon pass a resolution directing the several sums awarded to be paid to the persons to whom the awards are made for real estate taken, and damages sustained in making said improvement, an attested copy of which resolution shall be filed with the treasurer of the township, and also with the township clerk; and upon the filing of such copies as aforesaid, and payment of said awards by the treasurer, the fee simple of said real estate to be taken, shall be vested in the inhabitants of the township of Greenville; *provided*, that where the commissioners shall have reported the names or estates of the owners of any plot as unknown, said resolution shall direct the amount of the award on account of such plot, to be paid to the owners thereof, when and as their interest may appear; and any such owner or person interested in said land may, by bill in chancery, according to the practice of that court, have the said sum distributed, or in whole or in part paid over to him, as law and justice may require; after the completion of said improvement, the said commissioners of assessment shall report to said street commissioners the actual net cost thereof, and said commissioners of assessment, or some others to be appointed in their stead by said street commissioners, shall assess such actual net cost upon the land reported by said commissioners as benefited thereby, in the same proportions as the estimated net cost had been previously assessed in the map and report of said commissioners, as corrected by the board; the assessment so made shall constitute a lien upon each parcel of said lands, for the amount

assessed to the same : that whenever, by the report and map of the said commissioners, corrected as aforesaid, it shall appear that an award has been made to any person, for property taken or damages sustained, and that such person is also assessed for benefits received on account of the same improvement, then, if the assessment equal or exceed the award, no payment shall be made on account of such award, and if the award exceed the assessment, only so much of the award as is in excess shall be paid ; and the resolutions of the street commissioners, ordering the awards to be paid, shall be framed accordingly, and when the amount to be assessed shall be finally determined, such amount shall be set off against the amount of the award unpaid ; and if the amount of the award unpaid be in excess, the assessment shall be cancelled, and such excess only shall be paid to the person to whom the award is made, and if the amount of the assessment be in excess, the award unpaid shall be cancelled, and such excess only shall be a lien upon the property assessed, the rest of the award or assessment, as the case may be, being also cancelled.

Improve-
ments upon
streets or ave-
nues, how
made.

13. *And be it enacted*, That all improvements upon streets or avenues in said township (other than the opening thereof) shall be in the following manner : a petition in writing, by one or more property owners along the line of the proposed improvement, shall be presented to said street commissioners, setting forth the improvement desired, and the petitioner shall deposit with the treasurer of the township a good and sufficient bond, to the inhabitants of the township of Greenville, in such sum as shall be approved by said commissioners, to cover the expense to be incurred in case such improvement shall not be ordered, a copy of which said bond shall also be filed in the township clerk's office ; if said commissioners shall favor said petition, the same shall be referred to three impartial and disinterested commissioners of assessment, to be appointed by said street commissioners, who shall examine into the whole matter impartially, and to the best of their skill, judgment and ability, and who shall cause a survey and preliminary map to be made of said improvement, distinguishing each lot or parcel by numbers on said map, and they shall estimate the whole cost of said improvement, according to the best of their judgment, and shall assess such estimated cost upon the lands and real estate benefited, in proportion to the benefits received, and report the names of the owners of the lots or parcels, as far as practicable, with the amounts

Map to be
made.

assessed to each, and shall file said report and map with the clerk of said street commissioners ; and, within twenty days thereafter, the said clerk of the street commissioners shall give notice of the filing of any such report and map, by advertisement in one of the Jersey City daily newspapers, and in one weekly paper circulating in said township, for two weeks, and by five notices put up on the line of said improvement, and said clerk shall at the same time cause a copy of such notices to be sent by mail through the post office to each and all of the owners of property along the line of the proposed improvement, as near as the same can be ascertained ; and unless before the day mentioned in said notice for the expiration of the time to file objections thereto, the owners of two-thirds of the lands in lineal feet to be assessed for such improvement, shall file with said clerk a remonstrance, signed by them, said street commissioners shall proceed forthwith to execute and carry out said improvement under the petition therefor ; the lands in said township benefited by any of said improvements, shall, to pay the expenses of the improvement, be assessed the amount they are benefited, in proportion to the benefit received thereby ; and if the amount of benefits assessed in any of said cases in this section mentioned are not equal to the compensation and expenses, or the expenses aforesaid, the excess shall be paid by the inhabitants of the township, and said assessment and all interest and expenses attending the collection thereof shall be a lien from the date of the approval thereof by said commissioners, or their successors in office, until paid upon the land so assessed ; the said commissioners of assessment shall examine into the whole matter, and shall determine and report, in writing, to the street commissioners, or their successors, what real estate ought to be assessed, for such improvement and what proportion of such expenses shall be assessed to each separate parcel or lot of land, and shall accompany such report with a map containing each lot assessed, and the name of the owner or owners thereof, as far as practicable, which report and map shall be filed in the office of the clerk of said commissioners, whereupon the said clerk shall cause to be given, by posting the same in five public places in the township, and advertising the same for two weeks in a Hudson county daily newspaper, a notice of the filing of said report, and that the street commissioners will meet at a time and place, to be specified in said notice, to consider said assessment, and to receive and consider all objections thereto,

Notices of filing to be put up.

Remonstrance

Assessments, &c., to remain a lien.

Report to be made.

Objections, &c.

which may be presented in writing, and the commissioners shall confirm said assessment with any alterations or additions as they may deem just and proper, and thereupon the same shall constitute a lien upon the property assessed for the amount of such assessment and the expenses of collecting the same as aforesaid.

Proceedings
in case owner
is dissatisfied
with assess-
ments.

14. *And be it enacted*, That the owner of any lands taken, who has filed with said commissioners a remonstrance against any such opening, is dissatisfied with the compensation awarded him, or if the owner of any lands assessed who has filed a remonstrance against any assessment for the compensation for such opening, or for the expenses of any kind of improvement is dissatisfied with such assessment, he may apply to the justices of the supreme court, at their term held next after the end of twenty days from the filing of the report, giving ten days' notice of such application to the commissioners; the said justices, or a majority of them, at said term upon petition of such person dissatisfied, setting forth the cause of his complaint, shall appoint three disinterested persons as commissioners, who shall be the same in all applications, regarding the same improvement; such commissioners shall meet on ten days' notice given by any of said persons, so applying to each of the others, or to his attorney, if either reside in the township, and to the street commissioners, and shall proceed to examine the premises, with power to send for and examine persons and papers, and to swear witnesses and compel their attendance, and the production of papers by process of subpoena to issue out the supreme court, and shall review the proceedings of the commissioners of assessments, and of the street commissioners, so far only as the complaint of the applicants to the supreme court is concerned and shall report in writing under their hands to the street commissioners their estimate of compensation, and their assessment of expenses on lands benefited, which report shall be filed with the clerk of said street commissioners, and shall be conclusive on all parties, and the costs of their appointments and of their proceeding, shall in case their report is more favorable to any applicant than his first award or assessment, be paid by the street commissioners, and shall be added to the expense of the improvement, and in case such report is not more favorable to any applicant than the first award or assessment, then said applicant shall pay all such costs and expenses, and

the proportion of such costs paid by the commissioners, shall be deducted from the sum to be paid to him, or it shall be assessed upon his property by the commissioners, and shall become a lien thereon, and collected therefrom in the same manner as the assessment for such improvement.

15. *And be it enacted*, That in all cases where an award is made for land taken, and the same shall be held by a tenant for life or years, with the remainder or reversion in fee, the commissioners of assessment shall in their report apportion such compensation between them, and in case any lands assessed shall be held by a tenant for years or life, and such tenant shall pay such assessment, or the same be made by a sale of his interest in said lands, said tenant, or his legal representatives, shall at the termination of their estates, be repaid such principal sum by their reversioner, his heirs or assigns, and shall have a lien upon said lands for the same, and may, by bill in chancery have said lands sold to pay such lien and the proceedings thereon in the court of chancery, except the allegations in the bill shall be the same as if said reversioner had given a mortgage on said lands and said bill was filed for the foreclosure thereof, and such lien shall have priority over all other incumbrances.

16. *And be it enacted*, That wherever an award, or any part thereof, is due for land taken or damages awarded, the treasurer of the township of Greenville, shall tender and pay the same to the parties legally entitled to receive the same, either in cash or certificates of indebtedness, payable in one year with interest; but if such party is not resident in the township, or upon due inquiry cannot be found therein, or is a lunatic or idiot, or an infant, 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 treasurer shall make affidavits of such facts, and file the same with the clerk of the street commissioners, and a copy thereof, with the township clerk, and the commissioners shall, after inquiry into the facts of the case, direct the amount of such assessment to be placed in some savings bank or trust company for the use of the person to whom the same may be due; and upon filing such receipt of the owner, or the making such deposit in bank, the fee of the said lands shall be vested in the inhabitants of the township of Greenville; and the street commissioners may proceed with such improvements, and the said money so deposited

Commissioners to apportion award between tenant, &c.

Treasurer to tender award.

When person is incapacitated to receive same.

shall be paid by the street commissioners to the person entitled thereto, on demand without interest.

Assessments
may be paid
in five
yearly pay-
ments.

17. *And be it enacted*, That the assessments upon real estate for street improvements, other than for opening streets, which shall be due and payable immediately, may be paid in five equal yearly payments, each payment to be equal to one-fifth of the assessment, with interest on the entire assessment, at the rate of nine per centum per annum, from the date the said assessment becomes a lien upon the real estate; but if any yearly payment with the interest due remains unpaid for thirty days, then the whole amount of the assessment unpaid, with interest thereon at the rate of nine per centum per annum, shall at the option of said street commissioners, become immediately due and payable; nothing, however, in this act contained, shall be so construed as to prevent any person from at any time paying the entire amount of said assessment and accrued interest then unpaid.

Assessments
to remain a
lien.

18. *And be it enacted*, That all assessments which shall hereafter be made under this act upon any lands, tenements or real estate, situate in said townships, shall be and remain a lien thereon until paid, notwithstanding any devise, descent alienation, mortgage or other encumbrance thereof, and that if the full amount of any such assessment, shall not be paid and satisfied within the time limited and appointed by the commissioners for the payment thereof, it shall and may be lawful for the township committee of said township to cause such lands, tenements or real estate, to be sold at public auction, for the shortest term for which any person shall agree to take the same and pay such assessment, or the balance thereof remaining unpaid with the interest thereon and all costs, charges and expenses and to execute under the hands of said township committee or a majority of them attested by the township clerk, a declaration of such sale, and to deliver the same to the purchaser, his executors, administrators or assigns, who shall by virtue thereof, lawfully hold and enjoy the said lands, tenements or real estate, for his and their proper use against the owner or owners thereof, and all persons claiming under him or them, until his said term shall be completed and ended; *provided*, that the said township committee shall have first caused such sale to be advertised for at least sixty days in at least one public newspaper generally circulated in the said township, and also by advertisements put up in at least five public places in the said township, which

Lands to be
sold at public
auction for
non-payment.

Provided

advertisements shall describe the said lands, tenements, or real estate, by reference to the assessment map, and specify the amount of the assessment, and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale ; and the said township committee shall also cause notice to be sent by mail through the post office, addressed to parties owning such property, as near as the same can be ascertained, at least fifty days before the day of such sale ; *and provided, also*, that the lands, tenements, or real estate so sold, Provided. may be redeemed by the owner, mortgagee, occupant, or person interested therein, for and on behalf of the owner, mortgagee, or claimant of such lands, tenements or real estate, at any time within two years after the sale, by paying to the township collector, for the use of said purchasers, the said purchase money, together with any sum paid for assessment, which the said purchaser may have paid, chargeable on said lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon at the rate of fifteen per centum per annum in addition thereto, and the certificate of the township collector, stating the payment, and showing what lands, tenements, or real estate, such payment is intended to redeem, shall be evidence of such redemption ; the mortgagee shall have power to redeem at any time, until after the expiration of the six months' notice herein specified ; no mortgagee, whose mortgage shall have been duly recorded before sale, shall be affected by such sale, unless six months' notice, in writing, shall have been given to him by the purchaser, or those claiming under him, either personally, or if not to be found in the township, then such notice shall be deposited in the post office of said township, directed to him at his last place of residence (or at the post office nearest thereto), but nothing herein contained shall be so construed as to impair the lien created by such assessment or sale ; within a month after the service of such notice by the purchaser, or by those claiming under him, it shall be the duty of the person serving, or causing the same to be served, to file in the township clerk's office a copy of the notice served, together with the affidavit of some person, who shall be certified by the officer before whom said affidavit shall be taken to be a credible person, proving the due service of said notice, which affidavit shall be evidence, in all courts, of the facts therein contained ; *and provided also*, that the said term of time from Provided. which any land, tenement or real estate so sold as aforesaid

shall not commence, nor shall said purchaser, or those claiming under him, have a right of possession to said land, tenement, or real estate, until the two years limited for the redemption of the same shall have expired; and the said purchaser, or those claiming under him, shall, at the expiration of said declaration of sale, quit and surrender the said lands, tenements or real estate, in as good state and condition as when he entered thereon, natural wear and accidents excepted; *Proviso.* *provided also*, that the sale of such lands, tenements or real estate, or any portion of them, may be adjourned or postponed from time to time, or suspended, as the township committee may direct; *Proviso.* *and provided*, that if at any sale of lands, tenements or real estate, for assessment, the whole or any part thereof shall remain unsold for the want of purchasers, then it shall and may be lawful for the said township committee to adjourn the said sale, not less than thirty nor more than sixty days, twenty days' notice at least shall be given as aforesaid of the said adjourned sale; and if at the said adjourned sale there shall be no purchasers for the said lands, tenements or real estate, or any part thereof, then it shall and may be lawful for the township collector to purchase the said lands, tenements or real estate for the benefit of the township, subject to the same redemption as hereinbefore provided for; *Proviso.* *provided also*, that all moneys paid for the redemption of said lands, tenements or real estate as aforesaid, together with such assessments paid by a mortgage or judgment creditor, shall be a lien on said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum, and such lien shall have precedence of all other liens on said lands, tenements or real estate; and on foreclosure of any mortgage by such mortgagee redeeming, shall be directed to be made out of said lands, and on sale of said lands under any such judgment, shall be paid out of the proceeds of sale; *Proviso.* *provided further*, that a complete record of all assessments shall be kept in the township clerk's office, which record shall contain the time when such assessments were laid, the time when they were paid (and if the property has been sold therefor), the time of said sale, and to whom sold, and if redeemed, when and by whom; it shall be the duty of the township clerk to record in a book, to be called "Record of Sales," all declarations of sales, to give certificates of search in relation to liens, to any person or persons applying for the same, and to cancel such declarations when the pro-

perty for which they were given shall be redeemed, on certificate of the township collector of such redemption, and to file such certificate in the clerk's office; it shall be the duty of the township collector to make out two certificates for all property redeemed, one for the person redeeming and one to be filed in the town clerk's office.

19. *And be it enacted*, That it shall be the duty of the township committee to give notice of the expiration of the time limited for the redemption of all lands sold for assessment by virtue of this act, by advertisement as aforesaid, sixty days next preceding the expiration of the time so limited for redemption, specifying the property (by reference to said assessment map) unredeemed, and the amount due thereon.

Notice to be given of time for redemption.

20. *And be it enacted*, That after the spring election to be held on the second Tuesday of April, eighteen hundred and seventy two, in the said township of Greenville, and annually thereafter, the township committee of said township, and the board of street commissioners elected at said election, shall assemble in joint meeting immediately after the first Monday of May, and choose a treasurer, who shall be the treasurer of the township and of said street commissioners, and said joint meeting shall fix his compensation not exceeding one thousand dollars per annum, and fix the amount of bonds to be given by him to the inhabitants of the township of Greenville, for the faithful discharge of his duty; and said joint meeting may prescribe his duties, and may remove him for cause, at any time; a joint meeting of the township committee and the street commissioners may be held at any time for any business which they are authorized to transact, which joint meeting may be called by resolution of the township committee or of the street commissioners.

Election of treasurer.

Compensation

21. *And be it enacted*, That in no case shall any street commissioner or member of the township committee hold any other office in said township, or under this act, except to be a member of the board of finance hereinafter provided for.

Who not to hold office.

22. *And be it enacted*, That whenever an improvement is petitioned for by the owners of a majority in lineal feet, of property along the line of the proposed improvement, then the street commissioners shall have power to immediately pass a resolution granting the prayer of the petition, and forthwith proceed to execute and carry out said improvement, dispensing with the preliminary map and report, notices, ad-

Proceedings in case of petition for improvement.

vertisements, and all the other preliminary proceedings required by this act in other cases.

Owners may
do work.

23. *And be it enacted*, That the street commissioners shall have power to allow property owners to do their own work upon any street improvement, in such cases, and upon such terms, and under such conditions, as they shall from time to time prescribe, either by general rules, or upon special applications therefor.

Power of com-
missioners to
issue im-
provement
certificates.

24. *And be it enacted*, That the said street commissioners shall have power to issue "improvement certificates," in payment for work and material done or furnished on any street or avenue in said township, and to issue them at such times, during the progress of the work and after it has been finished, for such amounts, payable at such periods, and executed in such manner as they may deem best; and said street commissioners shall have power to issue "certificates of indebtedness" for all other indebtedness incurred by said street commissioners in the execution of this act, and all certificates of indebtedness, and all improvement certificates, shall state for what purpose they are issued, as hereinbefore set forth, and be in such form, and fall due at such times, and bear such interest as the street commissioners may direct, the interest not to exceed seven per cent. per annum; they shall be signed by the president and secretary or clerk of the street commissioners, and they shall be paid, when due, by the treasurer chosen as aforesaid in joint meeting.

Board of fi-
nance.

May issue
bonds.

25. *And be it enacted*, That there shall be a board of finance of the township of Greenville, which shall consist of the chairman of the township committee, the president of the street commissioners, and the treasurer chosen as aforesaid; this board shall have power, and it shall be their duty to issue and sell bonds of the inhabitants of the township of Greenville, in all cases, upon the requisition of the township committee or the street commissioners of Greenville, or when required by this act; said bonds may be coupon bonds, made payable to bearer, or registered in the name of the party holding the same, or they may be registered bonds without coupons; and bonds of either of said classes may, from time to time, be converted into bonds of either of the other classes, at the option of the holder or holders of said bonds, each bond to be for a principal sum of not less than five hundred dollars, and to be called "Bonds of the Township of Greenville;" they shall be payable at such times said board of finance may de-

termine, not however to be longer than twenty years from the date thereof; they shall bear interest at the rate of seven ^{Interest.} per centum per annum, interest payable semi-annually, and the last interest on the day when the principal is payable, whether at the end of a half year or not; they shall be signed by the members of the board of finance, and sealed with the seal of the township; the board of finance, or treasurer, may ^{Bonds, how sold.} sell said bonds at public or private sale, at par, or if not at par, at a discount not exceeding five per centum, and all moneys received from this source shall be paid to the treasurer; the treasurer shall pay, on demand, all bonds falling due, all interest on bonds falling due, all improvement certificates, and certificates of indebtedness, as they fall due, out of any public moneys in his hands, whether arising from the sale of said bonds or otherwise, not otherwise appropriated.

26. *And be it enacted*, That it shall be lawful for the board ^{Assessment and collection of principal and interest of bonds.} of finance, and said board is hereby required, to deliver to the assessor of said township, on or before the twentieth day of August in each year, a statement of the principal and interest due and to become due on any bonds, improvement certificates, and certificates of indebtedness, issued or to be issued, issued by the present street commissioners, or those elected under this act, or their successors in office; and in addition thereto it shall be lawful for said board of finance to issue their requisition upon the said assessor requiring him to assess said amount, or so much thereof as is otherwise unprovided for, upon the taxable property of said township, which amount shall be assessed, levied and collected, in the same manner as are the other taxes in said township, a copy of which said requisition shall be filed in the office of the township clerk, and upon the receipt of such statement and requisition by the assessor, it shall become his duty, and the said assessor is hereby required to assess said amount in the same manner as other taxes in said township are assessed; and when any assessment shall have been made by the assessor upon a requisition of the said board of finance, it shall be the duty of the collector of said township to collect the same, and forthwith to pay the same to the treasurer aforesaid, to be by him used only for the purposes for which the same was assessed and collected.

27. *And be it enacted*, That all assessments for improve- ^{Treasurer to collect assessments for improvements.} ments shall be collected by and paid to the treasurer aforesaid, as the same fall due, and improvement certificates and

certificates of indebtedness shall be receivable in payment of assessments the same as money.

Damage to
property own-
ers to be as-
sessed by com-
missioners.

28. *And be it enacted*, That in all cases where it is necessary to pay any property owner injured by any act of the street commissioners, lawfully done under this act, the amount of such compensation (unless where otherwise provided), shall be ascertained by three commissioners of assessments, to be appointed by the street commissioners, who shall report the same to the street commissioners, who may confirm the same, or make such changes therein as they deem just; and said report shall be filed with the clerk of said commissioners, and a copy thereof with the township clerk; and the compensation as finally fixed by the commissioners shall be paid to the parties entitled thereto, by the treasurer aforesaid; all vacancies in the commissioners of assessment may be filled by the street commissioners, who shall have power to remove any commissioner of assessment at any time, by resolution; and there may be as many sets of commissioners as there are awards to be made, or assessments to be levied; or one set of commissioners of assessment may act in as many cases as the street commissioners may determine; *provided*, that no person shall be appointed or act as commissioner of assessments, who is interested in any property on the line of the improvement where such assessment is being made or to be made.

Vacancy, how
filled.

Proviso.

Assessment
and award not
invalidated by
mistake.

29. *And be it enacted*, That notwithstanding any mistake occurring in the name or names of the owner or owners of any lands or real estate in said township in making any award or in assessing any lands or real estate under this act, such award and assessment shall be valid and effectual in law as though no such mistake had been made, but in all notices and advertisements said mistake shall be corrected as soon as discovered.

May make
rules, &c.

30. *And be it enacted*, That the street commissioners may establish such rules and regulations for the authentication of all their acts and contracts and for all other purposes necessary or expedient for the efficient execution of this act, as to them shall seem convenient; they shall keep a record of all their meetings and proceedings; all meetings shall be public, and all meetings except stated meetings once a week, shall be duly advertised by posting notices thereof in five of the most public places in the township of Greenville, and advertising the same in a daily newspaper published in Jersey City,

Notice of
meetings to
be advertised.

in the county of Hudson, and in a newspaper circulating in said township, published in said county.

31. *And be it enacted*, That the street commissioners shall have power to build bridges, or the abutment or any portion thereof, or enter into contract, agreeing to pay the whole or any portion of the expenses of such erection, and issue certificates of indebtedness in payment therefor.

May build bridges.

32. *And be it enacted*, That it shall be lawful for said street commissioners to widen the Jersey City and Bergen Point plank road through the lands belonging to or occupied by the New York Bay Cemetery Company, to a uniform width with other portions of said road, as the same may be laid down on their said map, or as may be determined by them; *provided*, that the graves now in existence on said lands are not disturbed or interfered with thereby.

May widen plank road.

33. *And be it enacted*, That every person elected or appointed under this act, shall within fifteen days after such election or appointment, take and subscribe before a justice of the peace of the county of Hudson, or any other officer legally qualified to administer oaths, an oath or affirmation faithfully and impartially to execute the duties of his office according to the best of his ability and understanding, which oath or affirmation shall be filed in the office of the township clerk of said township; and if any person so elected or appointed shall fail to qualify, then his office shall be deemed vacant and may be filled as hereinbefore provided in cases of death or resignation.

Every person elected or appointed shall take oath.

34. *And be it enacted*, That all bonds, improvement certificates and certificates of indebtedness issued by the street commissioners elected under this act, or by their successors in office, shall be issued in the name of the inhabitants of the township of Greenville, and the real and personal estate in said township shall be liable for the payment thereof.

Issue of bonds.

35. *And be it enacted*, That the street commissioners may place monuments within or along the line of any street or avenue, as finally located, to designate the location thereof.

36. *And be it enacted*, That the board of finance are constituted and appointed a board of commissioners, to be known by the name of "The Commissioners of the Greenville Township Sinking Fund," whose duty it shall be to invest, from time to time, all the moneys directed by this act to be paid to the treasurer aforesaid, not used or disbursed by him under this act, and all interest and profits accruing thereon, and

Monuments. Commissioners of sinking fund.

they may reinvest and change any investment as they deem best, and the same shall remain a sinking fund, and be appropriated to no other purpose than the payment of the principal and interest of the bonds issued under this act; said commissioners of the sinking fund shall annually report to the township committee a detailed and particular statement of all investments, reinvestments and changes thereof made within said year; said commissioners of the sinking fund shall only invest in United States bonds, bonds of the state of New Jersey, bonds, improvement certificates and certificates of indebtedness of the county of Hudson, or any city, town or township therein, or that may be issued by this act.

Annual report 37. *And be it enacted*, That the township committee shall have power to keep all streets and sewers in said township in repair, and raise money by general tax, as other township taxes are assessed and collected, to meet the estimated expense thereof, which amount they shall fix by resolution, prior to August twentieth in each year, and they shall deliver their requisition to the assessor, directing him to assess said amount as other township taxes are assessed, and the collector shall collect the same, in the same way and manner as other township taxes are collected by him; *provided*, that no more than eight thousand dollars shall be thus appropriated in any one year; *and provided also*, that all jobs exceeding twenty-five dollars shall be given out by contract to the lowest bidder, who will give security for the faithful performance of the work.

Taxes for repair of streets, &c., how to be assessed.

Proviso.

Proviso.

Quorum. 38. *And be it enacted*, That all acts required herein to be done by the street commissioners, the board of finance, the commissioners of the sinking fund, the commissioners of assessment, or the township committee shall be legally and lawfully done by said several commissioners, boards and committee, if done by a majority of either of said boards, commissioners or committee; a majority of each shall constitute a quorum to transact business.

Statement of issue of bonds, &c., to be made and published. 39. *And be it enacted*, That the street commissioners and the board of finance shall, before the twentieth day of August in each year, furnish the treasurer aforesaid a detailed statement of all bonds, improvement certificates and certificates of indebtedness, issued by them or either of them, and the amount due thereon, and when payable, who shall publish said statement in a daily newspaper published in Jersey City, in the county of Hudson, and in a weekly paper circulating

in said township, and which report shall also be filed with the township clerk.

40. *And be it enacted*, That the present board of street commissioners of Greenville, shall not make or give out any new contracts for street improvements or any other purpose, except so far as it may be necessary for them to do so, in fulfillment of existing contracts, or to pay their present indebtedness, or such as may accrue prior to the expiration of their term of office; they may issue certificates of indebtedness and improvement certificates, for any of the above purposes; they may also borrow sufficient money to pay all improvement certificates, and all certificates of indebtedness issued by them as aforesaid, and to secure the payment of the sum thus borrowed, they may issue either registered or coupon bonds, in the form now used by said commissioners, bearing interest at the rate of seven per centum per annum, payable half yearly; and the principal of said bonds shall be payable at such times as said present street commissioners may designate on the face thereof; and said bonds may be sold at public or private sale, at such time as the commissioners may direct, at a rate not less than ninety-five per centum of their par value; the said board of finance, hereinbefore provided for, may by resolution, at any time provide for the exchange of all other bonds heretofore issued by the street commissioners for new bonds, for like amount to be issued by said board of finance, who shall issue said new bonds within thirty days after demand therefor.

Present board of commissioners not to make contracts.

May borrow money and issue bonds, to pay indebtedness, &c.

41. *And be it enacted*, That so much of an act entitled "An Act to create from the town of Bergen, in the county of Hudson, a new township, to be called the township of Greenville," as has reference to the election of overseers of the highways, be and is hereby repealed.

Repealer.

42. *And be it enacted*, That all bonds, maps, papers, surveys and other property belonging to said township in the hands of or under the control of the present commissioners, shall be delivered to the street commissioners to be elected under this act within ten days after their organization, and thereafter the retiring street commissioners shall deliver said property to their successors in office within a like period; and the present street commissioners shall furnish a full and complete sworn statement in detail, under oath, of all bonds, certificates of indebtedness, improvement certificates, and all other indebtedness and matters and things, to the commis-

Bonds, maps, &c., to be delivered to new commissioners.

sioners to be elected under this act, and each retiring board of commissioners shall furnish a like statement, under oath as aforesaid, to their successors in office.

Contract to be
awarded to
lowest bidder.

43. *And be it enacted*, That all contracts for doing work or furnishing materials for the improvements provided for in this act, shall at all times be given to the lowest bidder who will comply with all the requirements of the commissioners, and will give ample security for doing said work and furnishing said materials according to contract; but the commissioners shall be under no obligation to accept the lowest bid, and may reject all bids if they think proper; and the said commissioners shall cause to be printed specifications and contracts in the usual form, and shall furnish the same to parties making inquiry and application therefor for the purpose of preparing bids.

No proceed-
ings to be set
aside on cer-
tiorari.

44. *And be it enacted*, That all acts relating to street improvements shall be by or under a resolution of the street commissioners, at a general or special meeting of the street commissioners, and no resolution or proceeding of "The Street Commissioners of Greenville" shall be set aside on certiorari by reason of the return to said certiorari failing to show that all the requirements of this act have been complied with; but after the filing by the prosecutor of the reasons in certiorari, the said commissioners may make a further return to said writ of certiorari, stating such additional facts as they may be advised are proper and necessary to state in answer to any of said reasons, and said commissioners may take proofs with reference to said facts, and if the same are established to the satisfaction of the court, then the court shall affirm the ordinance or proceeding, assessment or proceeding in question, the same as if such had properly appeared in the minutes, records and proceedings of said commissioners; whenever any assessment is set aside the said commissioners may appoint new assessors to make a new assessment.

Certiorari
when to be
granted.

45. *And be it enacted*, That no certiorari shall be allowed or granted to set aside any ordinance, resolution or proceedings, for any improvement in said township after the contract therefor shall have been awarded by the said commissioners, and no certiorari shall be allowed or granted to set aside any assessment for any improvement in said township of Greenville, after three months shall have elapsed from the date of the confirmation of said assessment by the said commissioners.

46. *And be it enacted*, That in case any assessment for any improvement is set aside on certiorari, after a portion of the said assessment has been collected, that in that case all sums of money so collected shall be refunded and paid to the then owners of the lots or parcels of land so assessed, and upon which said payments were so made; and the new assessment for said improvement shall be made without any reference to the fact that any sums of money have been heretofore paid under the said assessment to set aside on certiorari; the sums herein provided to be refunded, shall be paid out of the first sums of money collected under the new assessment for said improvement.

Money to be refunded.

New assessment.

47. *And be it enacted*, That nothing in this act shall be construed to invalidate or affect any bonds, contracts, agreements, or liabilities of the present street commissioners of Greenville, legally issued, made, incurred, or entered into, or of the township committee of Greenville, under any former legal acts or resolutions of the township committee; all the debts, claims and assessments, now due to the street commissioners of Greenville, or due under any act relating to said commissioners, shall and may be collected by the street commissioners, to be elected under this act, and their successors in office, who shall succeed to all the rights of the present street commissioners.

Act not construed to invalidate contracts, bonds, &c.

48. *And be it enacted*, That the bonds to be given, as hereinbefore provided, by a party applying for the opening of a street or avenue, or the improvement of a street or avenue, as hereinbefore provided, shall be conditioned for the payment of all costs and expenses that may be incurred in consequence of all preliminary proceedings taken thereunder; in case the said improvement shall not be made as hereinbefore provided, and if the party giving such bonds shall neglect and fail to pay over to said treasurer the amount of such costs and expenses, within ten days after receiving notice to pay the same, then it shall be the duty of the township clerk to cause suit to be instituted, in the name of the inhabitants of said township, against such party for the recovery of such cost and expense so incurred as aforesaid.

Bonds conditioned for payment of costs and expenses.

49. *And be it enacted*, That the incidental expenses of the street commission shall not exceed the sum of seven thousand five hundred dollars any one year, exclusive of their salaries.

Amount of incidental expenses.

50. *And be it enacted*, That any surveyors that may be

Surveyors to
give bonds.

employed by said commissioners shall, before they enter upon the performance of their duties, give a good and sufficient bond to the inhabitants of the township of Greenville that they will well and truly and faithfully perform their duties as such surveyors, and which bond shall be approved by the street commissioners, and a copy thereof filed with the clerk of said township; and such surveyor or surveyors, at the time of furnishing any certificate or certificates of work done, shall

Make affidavit
to statement.

attach thereto his affidavit, under oath, as to the truth and correctness of the statements contained in any such certificate or certificates, and the same shall be filed with the clerk of said commissioners, and a copy thereof shall be filed with the township clerk.

Bids and con-
tracts opened
at public
meetings.

51. *And be it enacted*, That whenever any bids are received for the performance of any work or the furnishing of any materials, pursuant to this act, such bids shall be opened at a public meeting, to be held by said commissioners, at their regular meeting place, and all contracts, for any purpose whatever, that shall be given out or awarded by said commissioners, shall be given and awarded at their regular meeting place, at a public meeting; and this provision shall in like manner apply to the township committee of said township in the receiving of bids and the awarding of contracts for any work or materials that may be required by them as such township committee.

Salary of
chairman.

52. *And be it enacted*, That the chairman of the township committee shall receive a total salary of five hundred dollars per year for his services as a member of the said board of finance, and as a member of the township committee, to be provided for in the same manner as the salaries of the other members of the said board of finance.

Award and
contracts to
be set aside.

53. *And be it enacted*, That in all cases where awards have been heretofore made and confirmed for land taken or damages inflicted by the opening of any street or avenue in said township, and said awards have not been paid, that then the street commissioners to be elected under this act, or their successors in office, shall have power to vacate and set aside said awards and proceed in the mode pointed out in section twelve of this act, dispensing, however, with the petition for opening and deposit of money required by said section; said street commissioners shall in case they do not desire to proceed with the opening of any such street or avenue, or desire to change the location or width thereof, proceed to vacate and set aside

said awards, and the damages that may be sustained by property owners by vacating and setting aside said awards (if any damages are sustained thereby), shall be ^{Damages, how ascertained.} ascertained in the way and manner pointed out in section twenty-nine of this act.

54. *And be it enacted*, That "A Supplement to 'An Act to create from the town of Bergen, in the county of Hudson, a new township to be called the township of Greenville,'" approved March eighteenth, eighteen hundred and sixty-three, approved April second, eighteen hundred and sixty-six; "A Further Supplement to an act entitled 'An Act to create from the town of Bergen, in the county of Hudson, a new township to be called the township of Greenville,'" approved March eighteenth, eighteen hundred and sixty-three, approved March twenty-seventh, eighteen hundred and sixty-eight; "A Further Supplement to an act, approved March eighteenth, eighteen hundred and sixty-three, entitled 'An Act to create from the town of Bergen, in the county of Hudson, an new township to be called the township of Greenville,'" approved March ninth, eighteen hundred and sixty-nine; "A Further Supplement to an act entitled 'An Act to create the township of Greenville,'" approved March eighteenth, eighteen hundred and sixty-three, approved April second, eighteen hundred and sixty-nine; "An Act relating to the street commissioners of Greenville, Hudson county, New Jersey," approved March second, eighteen hundred and seventy, be and they each of them are hereby repealed, except so far as relates to existing contracts and awards and assessments, and in reference to these matters said acts shall remain in full force, effect and virtue, except where different provision has been made therefor by this act, and all other acts and parts of acts inconsistent with this act, shall be and the same are hereby repealed, and this act shall be deemed a public act and shall take effect immediately.

Approved March 13, 1872.

CHAPTER CCXX.

An Act to incorporate the West Jersey Manufacturing Company of Wenonah.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Wood, John F. Starr, George S. Harris, Samuel Hopkins, William J. Sewell, Samuel A. Whitney, Horatio J. Mulford, West Jessup, Thomas Jones Yorke, Allen S. Morgan, Isaac C. Stevenson, Edward A. Warne, John M. Moore, Benjamin F. Lee and William F. Allen, and their associates and successors, and all persons who shall become subscribers to the capital stock hereby created, shall be and are hereby created a body politic and corporate by the name of "The West Jersey Manufacturing Company of Wenonah."
2. *And be it enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, divided into shares of fifty dollars each, with power to increase the same to three hundred thousand dollars, and which shall represent the lands, tenements and real and personal estate which the said company by this act is empowered to purchase, hold and acquire; and the persons above named, or a majority of them, are hereby constituted commissioners to receive subscriptions to the said stock, at such time or times, and at such place or places, as they or a majority of them may direct, by giving public notice thereof, at least two weeks previously, in one newspaper published in each of the counties of Gloucester and Camden; and as soon as fifty thousand dollars shall be subscribed, the said commissioners, or a majority of them may, by public notice as aforesaid, call a meeting of the stockholders of said company for an election of seven directors, each of whom shall be a stockholder; the said commissioners, or any three of them, to be inspectors and judges of said first election; directors, when chosen, shall serve for one year, or until others are elected in their stead, and shall elect one of their number to be president, and shall appoint other officers and agents as they may deem expedient, and allow them suitable compensation, delegating

such agents or officers such powers as they may deem expedient; and shall, annually, by public notice as aforesaid, call meetings of the stockholders for the election of directors of the said company; and the directors shall have power to call in said stock, at such times, in such manner, in such installments, and upon such notice as they may deem proper, and in case of failure by any stockholder to pay his or her installments, at the time and place of payment thereof, or within thirty days thereafter, such stockholder, at the option of the directors, shall incur a forfeiture of his or her share or shares, and of all previous payments thereon, for the use of the company.

3. *And be it enacted*, That the capital stock shall be considered personal property, and be transferable only on the books of the company in such manner as the directors, by their by-laws, or otherwise, may direct; each share to entitle the holder thereof to one vote, either in person or by proxy.

4. *And be it enacted*, That George Wood, John F. Starr, Samuel A. Whitney, Horatio J. Mulford, George S. Harris, William J. Sewell and William F. Allen, shall be the first directors of this company, who, or a majority of them, shall, as soon as convenient after the passage of this act, assemble and organize said company, and shall continue in office until others shall be elected, as provided in the second section of this act.

5. *And be it enacted*, That the said company may for the purpose of manufacturing iron, cotton, wool, paper, wood, and any other article the manufacture of which shall not be prohibited by the laws of this state, buy, rent and hold any lands, tenements and water powers in the county of Gloucester, whereof they may become seized or possessed, and hold and convey any real and personal estate, and erect such factories, mills or other buildings as may be necessary and useful for the purposes aforesaid; and may sell, mortgage, rent, lease or otherwise dispose of the same as they may deem proper; and make such regulations respecting the government of said works as they may deem advisable; and shall have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary for the purposes of this act.

6. *And be it enacted*, That the Mantua Land and Improvement Company and the West Jersey Railroad Company be and are hereby authorized to subscribe for and take

any amount they may choose of the capital stock to be issued by said company, and be entitled to all the powers and privileges of stockholders of said company.

Dividends

7. *And be it enacted*, That the directors may declare dividends from the profits only of the business of the said company, at such times and in such manner as they may deem expedient.

May be altered
and repealed.

8. *And be it enacted*, That this act shall be deemed a public act and shall go into effect immediately, and may be altered, amended or repealed, as the legislature may see fit.

Approved March 13, 1872.

CHAPTER CCXXI.

An Act to incorporate the Long Branch Banking Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William R. Maps, James E. Lippencott, Aaron S. Bright, John A. Morford, Thomas G. Chattle, Bloomfield Drummond, William H. Bennet, Eden Woolley, Abner Allen, Francis Corlies, Samuel C. Morris and William Hathaway, and their associates shall, and they are hereby created a body politic and corporate, by the name of "The Long Branch Banking Company," and shall be located at Long Branch, in the county of Monmouth and state of New Jersey, and by that name shall have and exercise banking powers and the incidental corporate powers enumerated in the first section of the act concerning corporations; *provided*, that said corporation shall not trade or deal in anything except money, bills of exchange, promissory notes, gold or silver bullion, and the national legal notes of the United States, and shall in no case hold any real estate, goods, wares, merchandise or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debts, loans or contracts, or shall be purchased upon judgment or

Name and
powers.

Proviso.

execution for the purpose of securing or obtaining payment of any debt or debts due said corporation.

2. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, with liberty to increase it to two hundred thousand dollars, and shall be divided into shares of fifty dollars each; that William R. Maps, James E. Lippencott, Aaron S. Bright, John A. Morford, Thomas G. Chattle, Bloomfield Drummond, William H. Bennet, Eden Woolley, Abner Allen, Francis Corlies, Samuel C. Morris and William Hathaway, or a majority of them, shall be and they are hereby appointed commissioners to open at Long Branch aforesaid, books of subscription for and to receive subscriptions to said capital stock, giving at least two weeks' notice in two newspapers printed and published in the county of Monmouth, of the time and place of receiving said subscriptions; that the said books after having been opened shall be kept open for five successive days, unless the amount of said capital stock shall be sooner subscribed for; that at the time of subscribing for said stock, the respective subscribers shall pay to said commissioners five dollars upon each share subscribed for, and that the said corporation shall have liberty to commence business as soon and not before fifty per centum shall have actually been paid in cash.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of nine directors, a majority of whom shall be a quorum for the transaction of business, except in cases of discount, which may be regulated by the by-laws; that said directors shall be stockholders, and a majority of whom shall be residents of this state, and shall, before entering upon the duties of said office, severally take and subscribe an oath or affirmation faithfully to execute the trusts reposed in them as directors, that the directors shall hold their office for one year, and until their successors shall be chosen and qualified; that the annual election of directors shall be held on the second Tuesday of December in every year, at the banking house of said corporation, at such time as the board of directors shall appoint, of which election at least ten days' notice shall be given by the directors, by advertisements in one or more newspapers published in the county of Monmouth; that said election shall be by ballot, those having the greatest number of votes to be deemed elected, and shall be elected by such of the stockholders as may attend in person or

Amount of
capital stock.

Commission-
ers to open
books and re-
ceive sub-
scriptions.

Managed by
directors.

Election of di-
rectors.

by proxy, each stockholder being entitled to one vote for each share of stock standing in his or her name on the books of the corporation, for thirty days at least next preceding such election; that, for the well order of said election, the board of election shall, previously thereto, appoint three stockholders, not being directors, to be judges thereof, who shall conduct said elections and determine the legality of votes, the eligibility of persons voted for, and who shall be elected; and in all cases of an equality of votes between two or more persons voted for, thereby preventing an election of a full board, the said judges, or a majority of them, shall thereupon select from those not elected, having the highest number of votes, as may be required to make up the full number of nine directors; and the directors so elected shall, at the first meeting thereafter, when a quorum shall be present, elect one of their number to be president, as well of the board as of said corporation; and whenever a vacancy shall occur in said board of directors, by death, resignation, or otherwise, such vacancy may be filled for the remainder of the year by the board of directors; and if at any time it shall happen that an election of directors shall not take place at the time above required, the said corporation shall not, for that reason, be deemed to be dissolved, but an election of directors shall in such case be held as soon as conveniently may be thereafter, upon like notice as above directed, and at the place and in the mode specified.

Vacancy, how filled.

Failure to elect directors not to dissolve

Meeting of subscribers.

4. *And be it enacted*, That as soon as conveniently, may be after fifty per centum of said capital stock is subscribed, and actually paid in cash, the said commissioners, or a majority of them, shall call a meeting of the subscribers to said capital stock at Long Branch, to elect the first board of directors, by giving at least ten days' notice of the time and place of said meeting, by advertisements in at least two papers published in the county of Monmouth; and at such meeting, said commissioners or a majority of them, shall be judges of the said first election, and shall have the same power as the judges of the annual election of directors; and they shall conduct their first election as near as may be in the manner hereinbefore prescribed for said annual election, such of the subscribers as may attend said meeting in person, or by proxy, being entitled to one vote for each share of stock respectively subscribed by them; and the first board of directors shall, as soon as conveniently may be after said elec-

tion, organize by electing a president in the manner herein before prescribed for the election of a president, and shall also elect a cashier; and after the said board shall be thus organized, it shall be the duty of said commissioners to pay over to the said board of directors all the money received by them for subscriptions to said capital stock, deducting and retaining therefrom only the necessary expenses incurred by them, and the receipt of the said president and cashier in behalf of said board of directors for said moneys, shall be full and absolute acquittance, and discharge therefor; and said board of directors shall hold their offices until the second Tuesday of December, in the year one thousand eight hundred and seventy-two, and until their successors are chosen and qualified.

5. *And be it enacted*, That the capital stock shall be deemed personal property, and shall be subjected to such taxes as other banking institutions of this state are liable to; and the real estate of said corporation may be taxed as other lands in this state are or may be taxed; and that the board of directors for the time being shall have full power to call in the residue of the subscriptions to said capital stock, by such installments, and at such times as the board may think proper, under the penalty of the holders of said stock forfeiting to said corporation all previous payments thereon, which forfeiture may be made and declared by a resolution of said board of directors; *provided*, that at least twenty days' previous notice of the time and place of the payment of said installments shall be given by advertisements in one or more newspapers published in Monmouth county; and that no installment of more than twenty dollars on each share, shall be called in at one time, nor shall said installments be required to be paid in less than twenty days of each other.

6. *And be it enacted*, That there shall be a cashier of said bank appointed or reappointed annually, by said board of directors, liable, however, to be removed and another appointed in his place at the pleasure of said board of directors; and on such appointment or reappointment the said cashier shall, before entering on the duties of his office, take an oath or affirmation faithfully to perform the duties of his office, and shall give bond, with good and sufficient security, to be approved by the board of directors, in the penal sum of at least twenty thousand dollars, conditioned for the faithful performance of his duties as cashier of said bank.

All bills and notes issued binding on corporation.

7. *And be it enacted*, That said corporation shall not issue bills or notes of a less denomination than one dollar, and the bills or notes which may be issued by said corporation, signed by the president, and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to bearer, although not under the seal of said corporation, shall be binding and obligatory on said corporation, and of like force and effect, and shall be assignable and negotiable in like manner, as if made by a natural person, and all bills obligatory and of credit under the seal of said corporation, which shall be made for the payment of money to any person or persons, and his, her and their assignee or assignees, and all bills, notes, bills obligatory, or of credit made or issued by said corporation, shall be deemed and taken to be demandable and payable at the banking house of said corporation.

Semi-annual dividends.

8. *And be it enacted*, That it shall be the duty of the board of directors of said corporation to make semi annually dividends of so much of the profits of the business of said corporation as the board shall deem advisable, but no dividend shall be made of any part of the capital stock.

Rates of discount.

Proviso.

9. *And be it enacted*, That the rate of discount at which loans may be made by said corporation shall not exceed the legal rate of interest in this state for the time being; *provided*, that nothing herein contained shall be construed to prohibit said corporation from dealing in bills of exchange, and the purchase and sale of the bonds, notes and bills of the government of the United States, and the bonds and securities of the state of New Jersey, or of any town, city, or county thereof.

No transfer of stock to be made by stockholders inherited to corporation.

10. *And be it enacted*, That no transfer of stock of said corporation shall be made by any stockholder from whom any debts are due to the said bank, or who is a drawer or endorser of any bill of exchange or note discounted and held by said bank when said bill of exchange or note is due, without the consent of said board of directors, but such stock shall be and remain liable for the payment of such notes or bills of exchange.

Refusal to redeem to debar banking operations.

11. *And be it enacted*, That if at any time said corporation shall refuse or neglect on demand being made at their banking house during the regular hours of business to redeem in lawful money any of the bills or notes issued by it, and which may then be due and payable, the said corporation

shall thereupon, under the pain of forfeiting its charter, wholly discontinue and cease from banking operations until such bills or notes are fully paid; *provided*, that the provisions of ^{Proviso.} the act entitled "An Act to suspend the penalties of the non-redemption in specie of bank notes," approved March twenty-fourth, eighteen hundred and sixty-two, and the supplement thereto, approved March sixth, eighteen hundred and sixty-two, be and continue in force, in relation to the bank incorporated and chartered by this act.

12. *And be it enacted*, That if the said corporation here- ^{Assets first lia- ble for pay- ment of bills in case of failure.} after become insolvent, the whole assets of said corporation at the time of its becoming insolvent shall be first liable for its bills and notes then in circulation, and shall be first applied for the payment thereof; and in case of a distribution of the assets among the creditors of said corporation under the order or decree of the court of chancery, the holders of such bills and notes shall be equal in priority, and shall have a preference over all other creditors except bona fide judgment or mortgage creditors.

13. *And be it enacted*, That in case of the insolvency of ^{Directors lia- ble for circula- tion.} said corporation, the directors thereof shall be jointly and severally liable for all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prosecuted at law or in equity, by any receiver or receivers that shall or may be appointed for the payment of such bills or notes, as if the same were their joint or several bills or notes, and executed by them in their individual capacity, and it shall not be law- ^{Shall not re- sign office to avoid liability.} ful for any director of said corporation to resign his office to avoid such liability; and in case any director shall thus at- tempt, he shall be and continue liable the same as if such resignation had not been attempted, and such liability of di- rectors shall continue after they cease to be directors, either by resignation or otherwise, if the said corporation was in- solvent when they ceased to be directors, and it shall not be lawful for any director to assign or transfer his stock to avoid his said liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that ^{Proviso.} no suit shall be prosecuted against the said directors by such receiver or receivers, except for the deficiency as may remain after the assets of such corporation have been duly appro-

priated to the payment of said bills or notes, except in case of fraud committed by said directors.

Distribution of
assets.

14. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of said bills or notes, then the amount that shall or may be realized from said assets and property, shall be distributed ratably among the holders of said bills or notes, and the stockholders of said corporation, at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid, to an amount sufficient to redeem said bills after the assets of said corporation and the property of said directors shall have been distributed as aforesaid; *provided*, that no stockholder other than said directors shall be made liable to an amount exceeding the par value of the stock held by him or her at the time said corporation becomes insolvent, and if that amount shall not be required for the full redemption of said bills and notes, then said stockholders shall be liable in ratio of the stock so held by them, and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.

Stockholders
liable to re-
ceiver.

Proviso.

Actions at law

15. *And be it enacted*, That in case of any action or suit at law against any director or directors of said corporation, by any receiver or receivers thereof, the said receiver or receivers may declare generally for money had and received; *provided*, that a schedule shall be annexed to said declaration, setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on and the number and denominations thereof.

Proviso.

Amount of
bills issued.

16. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock paid in; and if the president or cashier shall knowingly or wilfully issue or cause or suffer to be issued, bills or notes of said corporation, exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment not less than one year nor more than five years, in the discretion of the court.

17. *And be it enacted*, That it shall be the duty of said

corporation on the first Monday in the months of December, ^{Statements to be published.} March, June and September in each and every year after commencing the business of banking, to publish in one or more of the newspapers published in Monmouth county, a statement under oath or affirmation of the actual condition of said corporation, conforming as nearly as may be with the annual statement now required by law, and shall within ten days after making such statement forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier or director shall knowingly and wilfully and falsely swear or affirm to any such statement, he shall be deemed guilty of perjury, and be liable to the pains and penalties therefor.

18. *And be it enacted,* That a majority in interests of the ^{Residents.} stockholders shall be residents of this state.

19. *And be it enacted,* That this act shall be deemed and ^{Limitation.} taken to be a public act, and shall go into effect immediately, and continue in force for twenty years; but it shall be lawful for the legislature, at any time hereafter, to alter, modify or repeal the same, whenever, in their opinion, the public good shall require it.

Approved March 14, 1872.

CHAPTER CCXXII.

An Act to incorporate the Phillipsburg Building and Loan Savings Bank.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey.* That Edward H. Bird, William W. ^{Corporators.} Dale, Jacob Seigle, William Feit, Samuel Thomas, and such other persons as may be associated with them, shall be, and they are hereby constituted and declared a body corporate and politic, in law and fact, by the name of "The Phillips- ^{Name and powers.} burg Building and Loan Savings Bank," to be located in the county of Warren, in said state, and by that name, style and title shall have continued succession, and shall be capable of

purchasing, leasing, mortgaging and conveying any lands, tenements, goods and chattels, and to let money at interest, and to secure the payment thereof as hereinafter provided, and to do all things necessary to carry out the objects of said corporation hereby created.

Capital stock. 2. *And be it enacted*, That the capital stock of said association shall be three hundred thousand dollars, with the privilege of increasing the same, from time to time, to any sum not exceeding five hundred thousand dollars, divided into shares of fifty dollars each, each stockholder being entitled, in person or by proxy, to as many votes as he or she holds shares of said stock, which shall be deemed personal property, and transferable on the books of the association only; that two dollars on each share of stock shall be paid into the association each and every month, until the full amount of stock subscribed shall be fully paid up, at such time and place as the directors shall appoint, and that notice of said time and place of meeting shall be published in one newspaper published in the county of Warren, at least one week previous to the time of said meeting; *provided*, that any stockholder may fully pay up his or her full amount of stock subscribed for at any time that the directors may agree to receive the same, and each stockholder shall be personally liable to double the amount of their stock.

Proviso.

Directors to manage affairs.

3. *And be it enacted*, That the property and business of said association shall be managed and directed by a board of directors, who shall be stockholders in said association, and shall be chosen annually, at such time and place in the county of Warren, in such manner and upon such notice, as the by-laws of said association shall direct, who shall serve for one year, and until others are elected; that Edward H. Bird, William W. Dale, Jacob Seigle, William Feit and Samuel Thomas shall appoint three judges or tellers to receive the votes for the first directors of this association under this charter; that the board of directors shall not be less than three nor more than nine directors; that the directors of said association shall choose one of their number president, and may appoint such other officers and agents as they shall deem expedient, fill vacancies in their own board until the next annual election, make by-laws, collect installments on stock, let money on interest to members and other persons of said association offering the highest premium, and declare dividends to stockholders entitled to receive them.

Vacancy, how filled.

4. *And be it enacted*, That each member of said association shall pay the sum of one dollar initiation fee upon each share of stock taken in said association; that if any member owning stock in said association shall neglect or refuse to pay his or her installments, at the time and place appointed by the directors for the payment thereof, said members so neglecting shall pay a fine to said association of twenty-five cents on each share owned in said association by said delinquent; and in case any member of said association shall neglect or refuse to pay any installment for the space of six months after the same shall have become due, such delinquent shall forfeit to said association all profits on his or her stock during the time such member shall so neglect to make such payment; that any person may become a member of said association for the purpose of obtaining a loan, by paying to said association, the sum of one dollar initiation fee for every loan of one hundred dollars obtained from said association; that no person shall be entitled to vote in said association, or any profits or dividends, except upon stock owned by him or her upon which there has been no loan obtained from the association.

Failure to pay
subscriptions
to work for-
feiture.

How to be-
come a mem-
ber.

5. *And be it enacted*, That the directors shall at all times keep or cause to be kept proper books of accounts, in which shall be entered all transactions of said association; and also books for the transfer of stock of the association, which shall at all times, at reasonable hours, be open for the inspection of stockholders of said association; that the directors shall make an annual report to the stockholders of the affairs of the association, of the amount of stock actually paid in, and assets and debts of the association, and no dividends shall be declared, except from the actual profits of the association.

Books of ac-
count to be
kept.

Dividends.

6. *And be it enacted*, That the said institution may, or may not as the majority of directors may decide, receive as deposits, all such sums of money which may be offered for the purposes of being invested, in such amounts and at such times, and on such terms as the by-laws shall prescribe, which shall be invested accordingly, and shall be repaid to the depositors at such times, and with such interest, and under such regulations as the board of managers shall from time to time prescribe; and the said institution may accept and execute all such trusts of every description, as may be committed to them by any person or persons whatever, by will or otherwise, or transferred to them by the order of any court.

May receive
money on de-
posit.

May execute
trusts.

- Interest not allowed. 7. *And be it enacted*, That the institution shall not be required to allow interest on deposits until it amounts to five dollars, nor to allow interest on the fractional part of one dollar, nor shall the institution be required to allow interest on the fractional parts of a month.
- Deposits to be entered in books. 8. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the institution, and every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit shall be regularly entered, as soon as made.
- May invest money in stocks or bonds. 9. *And be it enacted*, That the said institution may invest money in the stocks created under the laws of the United States, and in the stocks and bonds issued by the several states, and also in such bonds as may be issued by the several counties, and cities and townships in the different states, under the laws thereof, and also upon bonds and mortgages.
- Act how construed. 10. *And be it enacted*, That this act shall be and is hereby declared to be a public act, and the same shall be construed in all courts favorably and benignly for every beneficial purpose therein intended.
- How dissolved. 11. *And be it enacted*, That the said association may be dissolved at any time, at a general meeting of the stockholders, specially called for that purpose; *provided*, that the stockholders of said corporation, representing at least two-thirds in value of the capital stock, concur therein; and upon such dissolution, the directors for the time being, and the survivors of them, or such other persons as the stockholders shall appoint, shall be trustees for settling all the affairs of the association, collecting and disposing of its property and assets, paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interest in the stock.
- Proviso. 12. *And be it enacted*, That this act shall take effect immediately.
- Approved March 14, 1872.

CHAPTER CCXXIII.

An Act to amend an act entitled "An Act to validate and confirm certain agreements between the companies owning the railroad lines between New York and Philadelphia."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the joint board of directors of the corporations designated in said act as consolidated companies, to wit, "The Delaware and Raritan Canal Company, The Camden and Amboy Railroad and Transportation Company, and The New Jersey Railroad and Transportation Company," shall, as provided in the said act hereby amended, have filed or caused to be filed the certificate in the second section of said act authorized or directed to be filed, the said three companies shall be and become one consolidated corporation, with the corporate name stated in such certificate, with the following named powers, in addition to those in said last mentioned act conferred, to wit: the consolidated corporation thus authorized to be formed, shall be vested with and hold all the rights, titles, powers, franchises, privileges, property, immunity and advantages heretofore conferred upon or now held by any or either of said three corporations respectively, and subject to all contracts, agreements and engagements heretofore lawfully made by said corporations or either of them, and the same shall pass to and become merged in said consolidated corporation; subject, nevertheless, to all the duties and obligations now existing upon or made by said three corporations; and said consolidated corporation shall have like power to grant, convey, transfer or assign, under or by using the name of such consolidated corporation, all the property held by either or all of the said three corporations, as they or either of them now have; such conveyances or assignments, grants, transfers, or other instruments to be executed by the proper officers or agents of said consolidated corporation, as the board of directors thereof may, from time to time, regulate or direct; *provided*, that nothing in this act contained, shall release either of the said corporations from any duty, obligation or

Authorized to
consolidate
and adopt a
corporate
name.

Powers.

Proviso.

Proviso. contract imposed upon and now resting upon them under any of the laws of the state of New Jersey; *and provided further*, that nothing in this act contained, shall in any wise affect or impair the rights of the state of New Jersey in reference to the said corporations or either of them, nor shall this state in consequence of the passage of this act be considered as waiving any right or rights which the state now has or hereafter may have in said corporations or either of them, nor be a waiver of the right of the state to take the said corporations or either of them, at the time and in the manner provided for in the charters of the said several corporations and the supplements thereto or either of them.

Capital stock. 2. *And be it enacted*, That the capital stock of said three corporations shall constitute and be the capital stock of said consolidated corporation; and the certificates of stock of the present existing three corporations shall be called in and cancelled, and a like amount of the stock of the said consolidated corporation issued in lieu thereof; and each stockholder shall be entitled to as many votes at the meetings of the stockholders of the said consolidated corporation as he shall hold shares of stock; and the directors of said consolidated corporation shall be thirteen in number, one to be appointed by the legislature in joint meeting, and the other twelve as follows, to wit: four of the first directors shall be elected by the stockholders of The New Jersey Railroad and Transportation Company; four by the stockholders of The Delaware and Raritan Canal Company, and four by the stockholders of The Camden and Amboy Railroad and Transportation Company; after which the said twelve directors shall be elected annually, on the first Monday in May in each year, at a meeting of the stockholders of the consolidated corporation, to be holden at Trenton, or such other time or place within the state of New Jersey as the directors may appoint; but a failure to elect on the day named, shall not dissolve the corporation, but the directors may order the election to be held on a subsequent day: and all directors shall hold their office until others are chosen in their stead; and the said directors shall elect from their number a president, and may elect such other officers, and make such by laws as they may deem necessary.

Election of directors. President. Act not to take effect until accepted by stockholders. 3 *And be it enacted*, That this act shall not go into effect until accepted by the stockholders of each of said companies, at stockholders' meetings to be called for that pur-

pose, at which the stockholders may vote in person or by proxy, and each stockholder shall be entitled to one vote for each share of stock held by him, and a majority of votes thus cast shall be necessary for such acceptance; and after the acceptance of this act, and the organization of the said consolidated corporation under the same, the said three companies shall cease to exist as separate corporations; *provided*, Proviso. that nothing in this act shall in anywise affect or interfere with any suit or suits, or proceedings of any kind now pending in any of the courts of this state to test the validity of the agreement, lease or leases entered into by the said corporations or any or either of them, with any railroad company or corporations.

4. *And be it enacted*, That any provision in any act heretofore passed relative to said corporations, or either of them, inconsistent herewith, is hereby repealed, so far as the same is so inconsistent. Repealer.

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

Approved March 14, 1872.

CHAPTER CCXXV.

A Further Supplement to an act entitled "An Act to facilitate the collection of taxes in the township of Washington, in the county of Burlington," approved March seventeenth, one thousand eight hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of said act be Act extended. and are hereby extended to the townships of Woodland and Randolph, in the said county of Burlington.

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

Approved March 15, 1872.

CHAPTER CCXXVI.

An Act to incorporate the Continental Transit Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Bishop, James A. Williamson, John P. Hardenbergh, Charles Lord, John D. Maxwell, James Bryce and William S. Banta, together with such persons as shall subscribe to the stock hereby authorized, and their successors, be and are hereby constituted a body corporate and politic, in law and in fact, by the name of "The Continental Transit Company," and by that name shall and may have perpetual succession, and shall have power to use a common seal, to sue and be sued, to defend and be defended, in all courts of law and equity, for the receiving and transferring and general forwarding and express business, of all kinds of goods, chattels, merchandise, money, and all and any, and every description of property, from, to and between, and at various parts and places in this state and beyond the limits thereof, and to do such things as are incident to a corporation and necessary for the purpose of this act.
2. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, with liberty to increase the same whenever a majority of the directors of said corporation shall so determine, and shall be divided into shares of one hundred dollars each, and the said stock shall be deemed personal property, transferable only on the books of said corporation, and shall be paid at such times, and in such manner, and upon such notice as the directors of the corporation may appoint.
3. *And be it enacted*, That the above named persons, or a majority of them, may receive subscriptions, from time to time, to the capital stock of said company, in shares of one hundred dollars each, and for the purpose of offering such subscriptions, they shall give at least ten days' notice, by advertisement in one or more newspapers of this state, of the time and place of subscribing; and every person who shall become a holder or entitled to one or more shares of said

stock, shall thereupon become a member of "The Continental Transit Company," hereby incorporated.

4. *And be it enacted*, That for carrying out the purposes mentioned in the first section, the said company may, from time to time, acquire, hold, use, receive and transfer all and any and every description of personal property as may be needed by them for carrying on their business as aforesaid, and may also purchase, hold, mortgage and convey so much real estate as may be necessary in and for the prosecution and transaction of their business; and for the purpose of carrying on its business its principal office shall be at Jersey City. May purchase and hold real estate.

5. *And be it enacted*, That whenever five hundred shares of said stock shall be subscribed, and twenty-five per cent. thereof paid, the said company shall have power to organize by the election of directors and officers, and to transact business contemplated by this act. When to commence business.

6. *And be it enacted*, That the business of the said corporation shall be conducted by seven directors, who shall hold their office until others are elected in their stead, who, during their term of service, shall have the sole management and direction of the stock, property and affairs of said company, and a majority of whom shall, at all times, constitute a quorum competent to transact business; the election for directors shall be held at such time and place as the by-laws of the said corporation shall provide, at which each stockholder shall be entitled to one vote, in person or by proxy, for every share he may hold of full paid stock, as shall appear on the books of said company; and the said directors shall have power, by ballot, to select such officers as they may need, and to fill any vacancy that may occur either in the board of directors or officers. Election of directors. Vacancy, how filled.

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

Approved March 19, 1872.

CHAPTER CCXXVII.

Supplement to the act entitled "An Act to incorporate the Ridgfield Park Hotel Company," approved March eighteenth, eighteen hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title of the act to which this is a supplement be and the same is hereby changed to "The Teaneck Improvement Company," and all the rights, powers, privileges and franchises conferred upon the said "The Ridgfield Park Hotel Company," be and the same are hereby conferred upon and granted to the said "The Teaneck Improvement Company."

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

Approved March 19, 1872.

CHAPTER CCXXVIII.

An Act to incorporate the Teaneck Water Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George H. Coffey, John V. H. Terhune, Charles Rohr, Lyman B. Bunnell and I. Augustus Johnson, their successors and assigns be and hereby are created a body corporate, under the title of "The Teaneck Water Company," and shall be capable of purchasing, holding and conveying any lands and chattels necessary or proper for the object of the corporation hereby created.

2. *And be it enacted*, That the capital stock of the company shall consist of two hundred and fifty shares of one

hundred dollars each, with the privilege to increase the number of shares to five hundred.

3. *And be it enacted*, That a majority of the corporators may open books to receive subscriptions to the capital stock; that the company may commence operations, as soon as one hundred and fifty shares have been subscribed for, and ten thousand dollars paid in; that the corporators aforesaid shall form the first board of directors, and hold their office until their successors are chosen; and that there shall be an annual meeting of the stockholders held on the first Monday of October, in each year, for the purpose of electing directors and transacting other business of the company; *provided always*, that a neglect to elect directors on the day aforesaid, shall not work a forfeiture of the charter. Commissioners to open books of subscription.

4. *And be it enacted*, That the Teaneck Water Company are hereby authorized to construct and operate water works at Teaneck, in Bergen county, and to this end are empowered to build reservoirs, pumps, drains and other structures, to make drains, lay pipes, clean and excavate streams, and to do any and all lawful acts necessary and expedient to procure water for the domestic and public uses of the citizens of Teaneck and places adjacent thereto; and it shall be lawful for the said company, by its agents, to enter at all times upon all lands or waters west of the Northern Railroad of New Jersey in the townships of Englewood and Ridgefield, in the county of Bergen, and survey, excavate and bore for water, and locate pipes, drains, reservoirs and other buildings (doing no unnecessary damage to private property), and when said location shall have been determined upon, shall cause a map to be made of all lands, except streets now in use, which they require for the purpose aforesaid, and file the same in the office of the clerk of Bergen county; and then it shall be lawful for the said company, by its servants or contractors, to enter upon and hold the same for reservoirs, conduits, and all other purposes necessary for completing the works hereby contemplated, subject to such compensation as is hereinafter provided for. Authorized to construct and operate water works, &c.

5. *And be it enacted*, That in case of legal incapacity or the absence of the owner, and in other cases, where the company cannot agree with the owner or the owners on the price, the company shall serve personal notice upon the owner, if known and in the state, or if unknown or out of the state, shall publish notice in one of the newspapers Proceedings in case company and owners cannot agree.

printed in Bergen county, that the company intends to make application to one of the judges of the court of common pleas in said county, on a day and at a place named, and not less than twenty days from the service or publication thereof, for the appointment of three commissioners, and on said day and at the place named in said notice, the said judge shall make said appointment under his hand and seal, and it shall be the duty of said commissioners, having first taken an oath or affirmation before some person authorized to administer the same, faithfully and impartially to examine the matter in question and make a true report, according to the best of their skill and understanding, to meet at such time and place as they shall designate, giving at least fifteen days notice of their said meeting, as hereinbefore directed, and on the day so appointed, to proceed to view and examine the said lands, and make a just and equitable estimate of the value of the same, and assess the damages which will accrue from erecting said works; and the said commissioners shall report in writing to the parties interested, the whole amount which the company must pay each owner, stating in said reports the metes and bounds of the lands assessed, which said report the said company shall have filed in the office of the clerk of Bergen county, to remain on record therein, and 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 land so described, and it shall be the duty of said company to pay the owner or owners the amount assessed as aforesaid; or in case the owner or owners refuse to receive the same, or live out of the state, or are incapacitated by law to receive the same, then said sum shall be paid and delivered to the clerk of said county, to be by him retained for such owner, and upon making payment in either of the ways above stated, the title of the premises mentioned in the said award, and so paid for, shall be vested in said company.

Proceedings
in case of ap-
peal.

6. *And be it enacted*, That if said owners, or any of them, are dissatisfied with the report of the commissioners in the preceding section, the said party so dissatisfied may appeal to the circuit court of said county at its next term, whereupon the said court shall hear and determine the whole matter, in the same manner as if said owner summoned the said company to appear before them; and if the jury upon trial of the cause shall find a greater sum than the commissioners

have awarded or the company offered in favor of said owner or owners, then judgment thereon, with costs, shall be entered against the company, which shall constitute a lien upon the premises in question; which said lien shall have priority over any other incumbrance which said company may have given; but if the said jury shall find the same or less amount than the company shall have offered, or the said commissioners awarded, then the person appealing shall pay the costs in such manner as the court shall direct.

7. *And be it enacted*, That if any person shall wilfully impair, injure, or wilfully do, or cause to be done, any act or acts whereby to injure any conduit, pipe, cock, machine, tank, reservoir, works, buildings, or structure whatsoever, or any thing appertaining to the works of said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be deemed guilty of a misdemeanor, and being thereof convicted shall be punished by a fine not exceeding three hundred dollars, or imprisonment, not exceeding two years, at hard labor, or both; *provided*, such criminal prosecution shall not impair the right of action for damages by a civil suit, which is hereby authorized to be brought for such injury as aforesaid, by and in the name of said corporation, in any court having cognizance of the same. Penalty for injuring works. Proviso.

8. *And be it enacted*, That said company be, and they are hereby fully authorized and empowered to lay their pipes beneath such public roads, streets, avenues and alleys, as they may deem necessary for the purpose aforesaid, free of all charge, to be made by any person or persons, or body politic whatsoever for such privilege, and also place hydrants at the crossings or intersections of the said streets and alleys; *provided*, that the said pipes shall be laid at least two feet below the surface of the same, and shall not, in anywise, unnecessarily obstruct or interfere with the public travel or damage public property, and that the earth excavated in laying said pipes shall be replaced so that the surface of the ground shall be in as good condition as the same was before said excavations were made. Empowered lay pipes in streets, &c. Proviso.

9. *And be it enacted*, That the said company may sell and dispose of the water issuing from said reservoirs, aqueducts or pipes, for such price or prices, as annual rents, and under such restrictions as they may think proper. Water rents.

10. *And be it enacted*, That if the work of constructing Limitation.

said reservoirs and appendages shall not be commenced within the term of five years from the date of the approval of this act, the same shall be null and void.

May borrow
money, &c.

11. *And be it enacted*, That the said company shall have power to borrow money not exceeding two-thirds of their capital stock paid in, and to secure the same by bonds or other evidences of debt, bearing interest not exceeding seven per centum per annum, and mortgage upon their property and franchises and privileges, and by such other assurances as they may deem expedient.

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

Approved March 19, 1872.

CHAPTER CCXXIX.

An Act to incorporate the Wildey Hall Association of Camden County, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George F. Fields, Jesse W. Starr, John F. Starr, William Allen, P. G. Stephani, H. B. Wilson, James W. Wroth, Thomas Meryweather, Josiah W. Horn, Charles S. Garnett, their successors, and such persons as are now, or hereafter may be associated with them, shall be, and hereby are ordained, constituted and declared a body politic and corporate, in fact and in law, by the name, style and title of "The Wildey Hall Association of Camden County, New Jersey."

Corporators.

Name,

Object and
powers.

2. *And be it enacted*, That the object of said incorporation shall be the purchase of a hall known as "the Wildey Hall," and located in the city of Camden; and it shall be lawful for said corporation to use, rent, or lease any part thereof, and permit to be used such parts of the hall or building as shall not be necessary for holding meetings, for the purpose of carrying on any trade or business therein, not in-

consistent with the laws of this state, or the provisions of this charter.

3. *And be it enacted*, That the capital stock of said as- Amount of capital stock sociation shall be fifteen thousand dollars, with the privilege of increasing the same, from time to time, to any sum not exceeding thirty thousand dollars, divided into shares of ten dollars each; said shares to be deemed personal property, transferable in such manner as the by-laws of said incorporation shall direct.

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

5. *And be it enacted*, That the election for directors afore- Election of directors. said shall be held annually, on the second Tuesday of April, at such place in the city of Camden as shall be directed by the by-laws of said incorporation, and public notice of said election shall be given, not less than five days' previous thereto; and each stockholder shall be entitled to as many votes, in person or by proxy, as he, she or they shall hold shares of the capital stock of the said incorporation.

6. *And be it enacted*, That in case it should at any time Failure to elect directors not to dissolve happen that an election should not be held, the said corporation shall not, for that cause, be deemed to be dissolved, but it shall and it may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the laws of said corporation.

7. *And be it enacted*, That the directors shall at all times Books to be kept. keep or cause to be kept proper books of accounts, in which shall be regularly entered all transactions of the said corporation, which books shall at all times be open to the inspection of the stockholders, or their legal attorney or attorneys; and further, that no transfer of stock shall be

Stock, how
transferable.

Taxation.

Repealer.

valid or effectual until such transfer shall be entered or registered in a book kept by the directors for that purpose.

8. *And be it enacted*, That the real and personal property of said corporation shall be subject to taxation.

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

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

Approved March 19, 1872.

CHAPTER CCXXX.

A Further Supplement to an act entitled "An Act to incorporate the Farmingdale and Squan Village Railroad Company," approved April third, eighteen hundred and sixty-seven.

Authorized to
construct
branch rail-
road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said the Farmingdale and Squan Village Railroad Company be, and they are hereby authorized and empowered to survey, lay out and construct an extension or branch of their railroad from some point at or near the present terminus thereof, at Squan Village, in the county of Monmouth, to some point at or near Ocean Grove, in said county; and in order to enable said company to prosecute, complete and use the said extension or branch of their railroad, they are hereby invested with all the rights, powers and authority, and subject to all the liabilities, restrictions and limitations conferred by or imposed in the original act of incorporation, and the supplements thereto now in force.

May borrow
money.

2. *And be it enacted*, That the said company shall have power to borrow such sum or sums of money from time to time, as shall be necessary to build and construct said extension or branch of their said railroad, and to secure the payment thereof by bond and first mortgage, or otherwise, on the said road, lands, privileges, franchises, depots and appur-

tenances of or belonging to said extension or branch of said road, at a rate of interest not exceeding seven per cent. per annum, which mortgage shall have priority over any mortgages that have been or may hereafter be executed on main line of said road; and it shall not be lawful to plead usury on their bonds or other securities sold by them at such prices as at the time they thought best for the interest of the company, but if said securities shall be good at all times against said company for their face value.

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

Approved March 19, 1872.

CHAPTER CCXXXI.

An Act to authorize the trustees of the Trinity Methodist Episcopal Church in Dennisville, in this State, to sell the parsonage and chapel.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Trinity Methodist Episcopal Church, a corporation located in Dennisville, in the county of Cape May, in this state, be and they hereby are authorized and empowered to grant, bargain, sell and convey, by deed, in fee simple or otherwise, their parsonage and chapel.

Trustees may
sell and con-
vey parson-
age and chapel

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

Approved March 19, 1872.

CHAPTER CCXXXII.

An Act to incorporate the Workingmen's Beneficial Association, of Gloucester City, Camden county, New Jersey.

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| Corporators. | 1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That Thomas McCabe, David McKeown, Laurence Conroy, Herman Klosterman, John O. Brien, Peter Toole, and such other persons as now are or hereafter may be associated with them, and their successors, shall be and are hereby constituted a body corporate, by the |
| Name. | name of "The Workingmen's Beneficial Association, of Gloucester City, Camden County, New Jersey," and by this name they and their successors shall have perpetual succession, and may have and use a common seal, and shall have power to change and alter the same at pleasure; and by their name aforesaid, and under their common seal, may make, enter into, form and execute any contracts or agreements relating to, touching or concerning the objects of said incorporation. |
| Object. | 2. <i>And be it enacted</i> , That the object of this corporation shall be to assist its sick or disabled members, and also to aid in burial of its deceased members, or a member's wife. |
| May make by-laws, &c. | 3. <i>And be it enacted</i> , That the said corporation shall have power to adopt a code of by-laws and constitution for the better management of finances, general business and election of officers; <i>provided</i> , that such by-laws shall not be repugnant or inconsistent with the constitution of the United States or this state. |
| Proviso. | |
| May hold real estate. | 4. <i>And be it enacted</i> , That the said corporation may hold real or personal property, either purchased or devised, not to exceed the sum of five thousand dollars. |
| May provide for collection of fees and assessments. | 5. <i>And be it enacted</i> , That said corporation may provide for the collection of fees, dues, assessment and fines from its members to carry out the objects hereinbefore stated, and for the suspension or expulsion of its members for non-compliance with its lawful rules. |
| Property exempt from tax | 6. <i>And be it enacted</i> , That the property of said corporation shall be exempt from any tax imposed by or under the laws of this state. |

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

Approved March 19, 1872.

CHAPTER CCXXXIII.

An Act to incorporate the New Jersey Conference Camp Meeting Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William E. Perry, Elwood H. Stokes, Jacob B. Graw, Henry M. Brown, Samuel E. Post, M. Hays Perry, Philip Kline, William Watson, James F. Morell, Garner R. Snyder, Isaiah D. King, Joseph B. Dobbins, James M. Cassidy, James M. Hoffman, William Fischer, Aaron E. Ballard, and their successors, be and they are hereby constituted a body politic and corporate, by the name of "The New Jersey Conference Camp Meeting Association," for the purpose of providing and maintaining for the members and friends of the Methodist Episcopal Church, a proper, convenient, desirable and permanent camp meeting grounds in the townships of Mantua and Clayton, in the county of Gloucester. Corporators.
Name and powers.

2. *And be it enacted*, That it shall and may be lawful for said corporation to purchase and hold real and personal estate, and to acquire such lands in this state, in fee simple or otherwise, as they may deem necessary, proper, or desirable, for the purposes and objects of said corporation, and the same or any part thereof to dispose of in fee simple or otherwise, on such terms, conditions and restrictions, not repugnant to the laws of this state or the laws of the United States, as the officers of said corporation may see fit. May purchase, hold and possess lands.

3. *And be it enacted*, That the capital stock of said corporation shall be twenty-five thousand dollars, and may be increased to any sum not exceeding fifty thousand dollars, and shall be divided into shares of fifty dollars each, which Capital stock.

shall be considered personal property, and transferable on the books of said corporation only.

Commissioners to receive subscriptions.

4. *And be it enacted*, That the persons named in the first section of this act shall be commissioners to open books and receive subscriptions to the capital stock of said company, at such time or times, place or places, and upon such notice, as they or a majority of them may think proper; and as soon as the sum of five thousand dollars shall have been subscribed, said commissioners shall give notice in such manner as they may see fit, of a meeting of the stockholders to choose not less than five nor more than nine directors, who shall hold their offices until others are elected in their stead.

Affairs, how managed.

5. *And be it enacted*, That the affairs of said corporation shall be managed by not less than five nor more than nine directors, to be chosen by the stockholders annually on the first Tuesday in October in each year, who shall hold their offices for one year, and until others are chosen in their stead, and said directors shall elect one of their number to be president of said corporation, and shall also elect, employ or appoint such other officers, agents and servants as they may deem necessary, and shall have power to appoint such peace officers as may be deemed necessary for the purpose of keeping order on the camp grounds and premises of said corporation, which officers shall be paid by said corporation for their services, and such peace officers when on duty shall have the same power and authority, and be entitled to the same privileges and immunities which constables and other peace officers possess or are entitled to when in the discharge of their duty; and such peace officers shall have power, and it shall be their duty, to enforce obedience to any rules or regulations of the directors of said corporation, the provisions of an act entitled "An Act for suppressing vice and immorality," and of an act entitled "An Act to prevent the disturbance of meetings held for the purpose of religious worship," and of the several supplements thereto, shall apply to all meetings or other gatherings of said corporation.

Peace officers to have powers of constables.

May make rules and regulations.

6. *And be it enacted*, That the directors of said corporation shall make and enforce all such by-laws, rules and regulations as they may think proper, for the government of said corporation; and if any and all persons while upon the camp grounds and premises of said corporation, during the continuance of any camp meeting there held, and for admission to the camp grounds and premises of said corporation,

and for the purpose of maintaining order and preventing disturbances in, upon, or about the camp grounds of said corporation; and they shall have power to suppress the sale of ardent spirits, and prohibit gambling either upon the camp grounds and premises of said corporation, or within one quarter of a mile of the boundaries thereof, during the continuance of any camp meeting or other assemblage upon the camp grounds and premises of said corporation. May prohibit sale of liquors

7. *And be it enacted*, That said corporation shall have power, and it is hereby authorized, to lay out streets and highways upon and across the lands by said corporation purchased or acquired, and to regulate the use of such streets and highways, and to vacate and close up any road upon or over said lands; *provided*, that nothing herein contained shall authorize said corporation to interfere with or impair the right, property or franchises of any other corporation, or to vacate and close up any public highway which has been heretofore laid out, and a return thereof recorded in the office of the clerk of the court of common pleas of the county of Gloucester. May lay out streets and highways. Proviso.

8. *And be it enacted*, That said corporation be, and it is hereby authorized and empowered to purchase from an association called "The New Jersey Conference Camp Meeting Association," the lands now owned by said association, situate at Pitman Grove, in the townships of Mantua and Clayton, in the county of Gloucester, and to issue and use in payment thereof the capital stock of said corporation. Empowered to purchase lands from an association.

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

Approved March 19, 1872.

CHAPTER CCXXXIV.

A Further Supplement to an act entitled "An Act to incorporate the Hudson County Gas Light Company," approved March sixth, eighteen hundred and sixty-three.

Capital stock
may be in-
vested.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of the said company shall have power to increase the capital stock thereof to any sum not exceeding the sum of four hundred thousand dollars more than they are now authorized to issue, the same to be divided into shares of fifty dollars each, as in the said act to which this is a supplement is provided.

Approved March 19, 1872.

CHAPTER CCXXXV.

A Supplement to an act entitled "An Act to incorporate the Mechanics' Savings Bank of Elizabeth," approved February twenty-third, eighteen hundred and seventy.

May increase
number of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any annual meeting of the incorporators of said bank, and those associated with them as hereinafter provided, it shall be lawful for them, by the vote of a majority of those present and voting, to increase the number of incorporators to such number as they may deem proper, not exceeding thirty-five, and may also fill any vacancy that may occur among the original incorporators or those so elected, by death, resignation, declination to serve or removal from the county of Union, and the managers or any part thereof, thereafter elected, may be chosen from the original incorporators, or those selected as above stated;

and the managers so elected, shall meet on the Tuesday following their election and elect a president who shall serve for ^{President.} the ensuing year, and until his successor is elected and qualified.

2. *And be it enacted*, That the said bank shall invest no ^{Money, how} money in any public stocks, other than such as are created ^{invested} under the laws of the United States or the states of this union, or in the bonds of the counties, cities and townships of this state; *provided*, said corporation may take temporary loans upon personal securities, but no such temporary loans shall be made, except upon the pledge as collateral of stocks or bonds of an incorporated company in this state, and doing business in the counties of Essex or Union, and upon which dividends or interest shall be regularly paid, equal to at least seven per cent. per annum on the par value thereof, and the amount loaned thereon shall not in any case or at any time exceed ninety per cent. of the market value thereof.

3. *And be it enacted*, That so much of the act to which ^{Repealer.} this is a supplement as conflicts with this act be and the same is hereby repealed, and that this act shall take effect immediately.

Approved March 19, 1872.

CHAPTER CCXXXVI.

An Act to incorporate Company A, National Guard, of the City of Trenton.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert C. Belville, William ^{Corporators.} H. Skirm, Thomas S. Stevens, Howell C. Stull, John Evans, Peter Tyson, and John G. Boss, and their associates, members of company A, third battalion, national guard, of the state of New Jersey, of the city of Trenton, and state of New Jersey, and their successors, be and they are hereby declared to be a body politic and corporate in law, by the

- Name and powers. name, style and title of "Company A, National Guard, of the City of Trenton;" and by that name they and their successors may, at all times hereafter, be able to sue and be sued, plead and be impleaded, and to have full power to collect any debts now due and owing, or which may become due and owing, to said company, in any court of law and equity, or elsewhere.
- May hold real or personal estate, &c. 2. *And be it enacted*, That the said corporation shall, and may at all times hereafter, be capable of having, holding, purchasing and possessing any lands, tenements, hereditaments and personal estate, purchased, devised or bequeathed, by any person or persons, bodies corporate or politic, capable of making the same; *provided, always*, that the said corporation or body politic shall not, at any time, hold or possess property, real, personal, or mixed, exceeding in value the sum of fifteen thousand dollars.
- Proviso. 3. *And be it enacted*, That the management and disposition of the affairs and property of the said corporation, shall be vested in a president, vice president, treasurer, secretary and five directors, who shall be elected annually, at such time and in such manner as the said corporation shall by its by-laws provide; *provided*, such by-laws shall not be repugnant to the constitution and laws of this state or of the United States.
- Affairs, how managed. 4. *And be it enacted*, That this act shall take effect immediately.
- Proviso. Approved March 19, 1872.

CHAPTER CCXXXVII.

An Act to incorporate the Wolf Tone Association, of Hudson county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel Hare, John Hanlon, Richard Hardy, David Lane, Hugh Murphy, William Burns and David Daly, their successors and assigns, be and they
- Corporators.

are hereby created a body politic and corporate, in fact and in law, with all corporate powers for the purpose of building ^{Powers.} and erecting a hall in the county of Hudson and state of New Jersey, and for such other social and benevolent purposes as they by their by-laws may direct, not incompatible with the laws of this state or of the United States; and for this purpose the said corporation may from time to time make such by-laws for their government and regulations as to the said society shall seem meet and proper; and they may from time to time increase or decrease the number of trustees, and for the purposes of said organization shall have all the powers of corporations of like kind under any laws of this state.

2. *And be it enacted*, That the capital stock of said cor- ^{Capital stock.} poration shall be fixed at thirty thousand dollars.

3. *And be it enacted*, That the charter hereby conferred ^{Limitation.} shall remain in full force and virtue for the period of thirty years.

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

Approved March 19, 1872.

CHAPTER CCXLI.

A Further Supplement to the act entitled "An Act to facilitate judicial proceedings in the county of Camden," approved March ninth, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the court of common pleas and general quarter sessions of the peace, in and for said county of Camden, shall hereafter consist of three judges, in addition to the justice of the supreme court holding the circuit for said county, one of which three judges shall be a counsellor at law. ^{Court to consist of three judges, one to be a counsellor at law.}

2. *And be it enacted*, That the judge of said court, who ^{Salary of judge.} is a counsellor at law, shall receive a salary of eighteen hun-

dred dollars per annum, payable by the board of chosen freeholders of said county, in quarterly payments, but shall receive none of the fees or compensation now divisible among the judges of said court; *provided, nevertheless*, that he shall be at liberty to practice law otherwise than in the courts whereof he shall be judge.

3. *And be it enacted*, That the other judges of said court, except the justice of the supreme court, shall each receive a salary of nine hundred dollars per annum, payable by the said board of chosen freeholders, in quarterly payments, but shall receive none of the fees or compensation now divisible among the judges of said court; and said salaries shall be in lieu of all compensation and fees that said judges are now entitled to by law; and all fees and costs that said judges are now entitled by law to receive, shall be taxed in all bills of costs the same as are now taxed, and shall be collected by the sheriff of said county of Camden, and by him paid over to the collector of said county for the use of said county, and all fees collected or received by said judges or either of them or received by the clerk of said county, for or in behalf of said judges or either of them shall be accounted for quarterly and paid over by the clerk or by the judge or judges receiving the same to the county collector for the use of the county.

4. *And be it enacted*, That whenever the justice of the supreme court holding said circuit court shall be absent, the judge of said court, who is the counsellor at law, shall be the president judge of the court of common pleas, quarter sessions and orphans' court, in and for said county of Camden.

5. *And be it enacted*, That it shall be the duty of the judge who is a counsellor at law, to approve of all taxed bills of costs taxed by the clerk of said quarter sessions, and no taxed bill of costs, or part thereof, shall be paid by the sheriff of the said county of Camden to any person authorized to receive the same, unless the same shall be first approved by said judge, and said approval written on said taxed bill of costs, and signed by said judge; and if said judge shall willfully approve any taxed bill of costs which shall contain any fees or costs not allowed by law to be taxed, or any greater fees and costs than are allowed by law to be taxed, he shall be deemed guilty of a misdemeanor, and on conviction thereof may be fined any sum not exceeding one hundred dollars; and if any sheriff shall pay any such taxed

bill of costs, or any part thereof, to any person or persons, without such approval of said judge in writing on the same, he shall be deemed guilty of a misdemeanor, and on conviction thereof may be fined any sum not exceeding one hundred dollars.

6. *And be it enacted*, That hereafter when any person shall be charged, upon oath or affirmation, before any justice of the peace or police justice in the county of Camden, with any offence now triable by law before the court of general quarter sessions of the peace in and for said county, and such person shall, in writing, signed by him or her, addressed to the prosecutor of the pleas of said county, waive indictment and trial by jury, and request to be tried immediately, it shall be the duty of said prosecutor to apply to the presiding judge of said court of common pleas, and if, in his opinion, the public interest will be benefited by granting said request, he shall thereafter call a court of special quarter sessions, to be composed of himself and at least one other judge of said court, to meet in the court house of said county, which court is hereby empowered and required to try such person with all due speed, having due regard to the circumstances of the case, the public benefit, and the possibility of obtaining necessary witnesses, and to determine and adjudge the guilt or innocence of the person charged; *provided, nevertheless*, that no person shall be convicted of any offence by said court unless by a majority of the judges of said court before whom such person shall be tried, of which majority the judge who is a counsellor at law shall be one. Indictments and crimes tried there when deemed necessary.

7. *And be it enacted*, That whenever two or more persons shall be charged with any crime triable before the said court of quarter sessions who could be jointly indicted for the same, there shall be but one allegation filed against such persons, and but one bill of costs taxed for the trial thereof. Allegations and bills of costs.

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

Approved March 19, 1872.

CHAPTER CCXLII.

A Further Supplement to an act entitled "An Act to revise and amend the charter of Atlantic city," approved March thirteenth, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city council of Atlantic City, by a majority of votes, shall have power to pass and enforce ordinances to take effect in said city, for the following purposes: to declare what shall be considered nuisances in the streets, lots and places in said city; to prevent and remove all nuisances in or upon any street, lots or enclosures; and further, to determine when it shall be necessary for the health of said city or the citizens thereof, that the lots upon which water stagnates shall be filled up by the owner or owners of the same, and order and direct and fix the time within which the same shall be done; and in case the owner or owners shall fail or neglect to fill said lots within the time prescribed by said city council, then the said council may proceed to fill up said lot or lots, and the costs and expenses of so doing shall be a lien on said lot or lots for the space of five years, and the said city council may proceed to collect the same either by action of debt or by the sale of such lot or lots from the owner or owners of such real estate or his or their legal representatives, in the same way and manner as by said city charter is provided where owners of real estate refuse to comply with ordinances directing the grading, paving, graveling, flagging and curbing the streets and sidewalks of said city.

2. *And be it enacted*, That the superintendent of common schools of said city shall be the school treasurer thereof, and shall receive from the tax collector of said city all moneys assessed and by him collected for school purposes of said city, which moneys the tax collector shall pay over to the school treasurer and take his receipt therefor, within the time prescribed by law for collecting the same; and the city treasurer of Atlantic City shall pay over to said school treasurer, and take his receipt therefor, all moneys which he may

receive for school purposes, by virtue of any law of this state, immediately after receiving the same.

3. *And be it enacted*, That the said school treasurer shall pay out no moneys by him so received for school purposes, except upon a written order of the trustees of said city, or a majority of them, which order shall state the purpose for which it is given, and be made payable to the person entitled to receive the money, and be by him or her endorsed. Money, how paid out.

4. *And be it enacted*, That it shall be the duty of the said school treasurer annually to present to the city council of said city, at their annual meeting, an exhibit of his account in such manner as will show the sources and amount of receipts, the disbursements, to whom paid, and for what purpose, and his vouchers, in order that his account may be audited by said council. Statement to be made.

5. *And be it enacted*, That it shall be the duty of said school superintendent, in connection with the trustees, to meet at such times and places as the said superintendent shall appoint, to examine and license at their option, under their hands and seal, or a majority of them, who shall attend at the time and place so appointed, a person or persons to be teachers of public schools in said city, for such time as they see fit, which license shall specify what grade it is, and may be renewed or revoked by said superintendent and trustees when convened as aforesaid, and no person shall receive any public money for teaching in said city, unless possessed of such certificate or license. May license teachers.

6. *And be it enacted*, That it shall be the duty of the said superintendent to visit each public school, and each department thereof, at least once in each quarter, and he shall recommend to the trustees what to him shall seem for the welfare and prosperity of said schools; and he shall examine all text books for said schools, and when new books are to be purchased he shall select them. Superintendent to visit schools quarterly.

7. *And be it enacted*, That for all the duties hereinbefore prescribed for said superintendent, he shall receive a compensation of ten cents per head for each pupil on the school registers of said city, to be paid out of the city treasury as the salaries of other officers of said city are paid. Compensation

8. *And be it enacted*, That any reputable person owning real estate in Atlantic City may sign a petition for the granting of a license to keep an inn and tavern in said city, and their signatures shall be valid; and in granting any such Petition to keep inns and taverns.

License fee. license, the city council of said city may charge any license fee not exceeding three hundred dollars, nor less than one hundred, and the person receiving the same need not be certified to be provided with stabling.

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

Approved March 19, 1872.

CHAPTER CCXLIII.

An Act to empower the Board of Chosen Freeholders of the county of Union, to build a drawbridge over Rahway river, in the city of Rahway.

Power to build draw bridge. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the county of Union be, and are hereby empowered to build a drawbridge over Rahway river, to connect Paterson street, as laid down on the map made by the commissioners appointed to lay out streets, avenues and squares in the city of Rahway, with Hopkinson street, as laid down on said map.

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

Approved March 19, 1872.

CHAPTER CCXLIV.

A Further Supplement to the act entitled "An Act to revise and amend the charter of the city of Camden," approved February fourteenth, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of section twenty-eight of said act, to which this is a supplement, as authorizes the president of the city council of the city of Camden, to call special meetings of said city council, when the public good shall, in his opinion, render it necessary, be and the same is hereby repealed. Repealer.

2. *And be it enacted*, That so much of section twenty-nine of said act, as requires the ordinances mentioned in said section to be published in the newspapers printed and published in the said city of Camden, before the same shall take effect, be and the same is hereby repealed; and the ordinances mentioned and referred to in said act, shall be published for two weeks, at least once in each week, in three newspapers, printed and published in said city, before the same shall take effect, and the said city council shall designate in which three newspapers the same shall be published. Ordinances to be published.

3. *And be it enacted*, That it shall not be lawful for said city council to publish any notice, advertisement, ordinance or petition in any more or greater number of newspapers than is required by law, and whenever any notice, advertisement, ordinance, or petition is required to be published, the same shall be published in such newspapers as city council shall designate. Ordinances, notices, &c., published.

4. *And be it enacted*, That hereafter no person shall be appointed by the said city council of the city of Camden a building inspector for said city, unless he shall be a practical builder in the art of building, and shall pass a satisfactory examination before a board composed of five master builders to be selected by the city council, and shall have served a regular apprenticeship in the art of building, and shall have been a master builder at least three years before the time of his appointment. Building inspector.

Discount on
payment of
taxes.

5. *And be it enacted*, That on all taxes assessed and paid before the first day of October in each and every year after such assessment, the receiver of taxes shall deduct therefrom a discount of five per centum.

No deduction
allowed on
real estate for
mortgage debt

6. *And be it enacted*, That after making the valuation of the real and personal estate in the said city of Camden for which any individual shall be assessed, it shall not be lawful for the assessors or for the commissioner of appeal in cases of taxation in and for the several wards of said city to deduct from such valuation any debt or debts due and owing from such individual, to any creditor or creditors; and that no deduction shall be made in the valuation or assessment of any lot or real estate in said city by reason of any mortgage, judgment or other incumbrance thereon; *provided*, that in all cases when the holder of any mortgage on any lot or real estate in said city shall not reside in the same ward where the mortgaged premises lie, the tax on the money secured by the said mortgage shall be assessed against and be paid by the mortgagor in the ward where the lands lie; *provided further*, that in such case the said mortgagee shall not be assessed for such mortgage in the township or county in which he or she resides.

Proviso.

Proviso.

No deduction
on real estate
when mort-
gage is held by
corporations.

7. *And be it enacted*, That in case any real estate in said city shall be subject to a mortgage held by corporations whose funds, investments and securities are by law exempt from tax, the said real estate shall be assessed at its full valuation, without any deduction for said mortgage.

Council may
appoint com-
missioners.

8. *And be it enacted*, That hereafter whenever the city council of the city of Camden shall determine to lay out and open any street, road or highway in any part of said city, or to cause any street, road, highway or alley already laid out in any part of said city, to be vacated, opened, altered or widened in pursuance of the seventy-ninth section of the act to which this is a supplement, and commissioners shall be appointed by said city council in pursuance of said section, the said commissioners in estimating and assessing the damages that any owner or owners of any lands and real estate with the appurtenances necessary to be taken for either of said purposes, shall have due regard both to the value of the land and real estate, and to the injury or benefit to the owner or owners thereof, by laying out, altering or widening any such street, road, highway or alley, and shall assess against the owner or owners of any lands and real estate necessary

Commission-
ers to make
assessment of
benefits.

to be taken for either of said purposes, the amount that any such owner or owners will be benefited by the laying out, altering or widening any such street, road, highway or alley over and above the damages that they shall assess in favor of such owner or owners by reason of laying out, altering or widening any such street, highway or alley, and if in any case said commissioners shall estimate the benefit to such owner or owners to be greater than the damages, they shall so certify in the certificate which they are required by said eighty-second section of said act to make, and shall specially estimate and assess the value of the lands and real estate which will be so damaged, and after such award shall be made the remaining lands and real estate of any such owner or owners shall be liable for the amount by said commissioners assessed as benefits.

9. *And be it enacted*, That said commissioners shall also assess against the owner or owners of any land or real estate fronting on any such street, highway or alley so determined by said city council to be laid out, opened, widened or altered, the amount that such owner or owners will be benefited by laying out, opening, widening or altering any such street, highway or alley, and shall state such amount in said certificate; and said assessment shall be and remain a lien on the said lands and real estate of such owners respectively fronting on any such street, highway or alley so determined by said city council to be laid out, opened, widened or altered, from the time of the ratification of the said certificate by said city council, until the same be paid and satisfied, and the amount of all assessments for benefits may be collected by said city council from the owners and lands so liable, in the same manner as the costs and expenses of grading, paving and curbing the streets in said city are authorized to be collected by said city, in the act to which this is a supplement, as prescribed in the seventy-seventh section thereof.

10. *And be it enacted*, That when said certificate and the estimates and assessments therein contained are ratified by said city council, the same shall be binding and conclusive upon the owner or owners of any such lands or other real estate, with the appurtenances; *provided however*, that any person or persons conceiving himself, herself or themselves aggrieved by the proceeding of the said city council or the said commissioners, may appeal therefrom, to the supreme court of this state, within thirty days from the time of the

Assessment to
remain a lien.

Assessments
binding.

Proviso.

ratification of the said certificate, and the estimates and assessments therein contained by said city council; and the said supreme court shall order a trial by jury, to assess the damages sustained by the party aggrieved, and the amount such party will be benefited, the trial whereof shall be conducted as in other cases.

Vacancies,
how filled.

11. *And be it enacted*, That in case of the resignation, death or disability of any of the commissioners to be appointed under the seventy-ninth section of the act to which this is a supplement, it shall be lawful for the said city council to supply by appointment the vacancy or vacancies caused by such death, resignation or disability.

Costs and fees
on warrants to
be paid to city
treasurer.

12. *And be it enacted*, That all costs and fees hereafter collected by the receiver of taxes of said city on any warrant or warrants to him directed for the collection of taxes in said city, shall be by him paid over to the treasurer of said city for the use of said city, at the same time he pays over the taxes by him collected on said warrant or warrants.

Failure of
owners to
curb and pave
sidewalks,
council may
order same
done by con-
tract.

13. *And be it enacted*, That whenever the said city council of the city of Camden shall by any ordinance or ordinances passed in pursuance of the act to which this is a supplement, ordain and direct that the owners of real estate fronting on any street, highway or alley in said city, or on any part thereof, shall curb, pave, grade, flag, macadamize, or otherwise permanently improve the same, or any part thereof, or pave and grade the sidewalks and gutters thereof, or any part thereof, or repair the same or any of them, or any part or section of the same, along and opposite to such owners' property, and said owner or owners shall refuse and neglect to comply with said ordinance or ordinances, and shall not curb, grade, pave, flag, macadamize, or otherwise permanently improve the said street, highway or alley, or pave and grade the sidewalks and gutters thereof, or repair the same as may be by said ordinance or ordinances directed, and in the manner in said ordinance prescribed, for the space of thirty days from the time when the same is required to be done, it shall be lawful for said city council to contract with some person or persons to do the same; and when so done, the contractor or contractors doing the same, shall within thirty days after the same is done, file in the office of the receiver of taxes of said city, a claim or statement, setting forth the proportion of the costs and expenses for which each and every owner or reputed owner of said real estate is

Contractor to
file claim or
statement.

liable for doing the same, which claim or statement shall also contain the name of the owner or reputed owner of the real estate in front of which said work was done, and as nearly as may be an accurate description of the same, and where the same is situated ; and the costs or expenses of performing the said work shall remain a lien upon the real estate aforesaid, from the time of performing said work until paid and satisfied, notwithstanding any devise, descent, alienation, mortgage, judgment or other incumbrance thereof, and notwithstanding any mistake in the name or names of the owner or owners, or omission to name the owner or owners of such lands and real estate in the said claim or statement ; and the said contractor or contractors may sue for and recover the amount so as aforesaid due from the owner or owners or reputed owner or owners of such real estate, or his, her or their legal representatives, with interest and costs of suit, in any court of this state having cognizance thereof, in an action on the case, in the name of " The City of Camden," to the use of the said contractor or contractors, for so much money by said city paid, laid out and expended to and for the use of such owner or owners, or reputed owner or owners, or his or their legal representatives ; and in every such action the said claim or statement so filed as aforesaid, or a copy thereof, with the proof that the labor has been performed or the materials furnished shall be conclusive evidence for the plaintiff ; and said claim or statement, or a copy thereof may, in any such action brought to recover the amount specified to be due therein, be received as evidence of the facts therein set forth ; and no plea alleging nonjoinder or misjoinder of parties ; no plea touching the rates or proportions of contribution among parties jointly interested, nor any plea touching the question of ownership shall be allowed in any such action, and in any such action it shall only be lawful for the defendant to deny that the said work was done or materials furnished or that the amount claimed has been paid for or released.

Costs and expenses to remain a lien.

Actions may be commenced for collection of costs and expenses.

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

Approved March 19, 1872.

CHAPTER CCXLV.

A Supplement to the "Act to incorporate the city of Beverly," approved March twenty, eighteen hundred and fifty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall and may be lawful for the common council of said city by ordinance to lay out or vacate any street, road, lane or alley, or any part thereof, within the corporate limits of said city, said common council deeming the laying out or vacation of said street, road, lane or alley, advisable for the best interests of said city.

May lay out,
vacate streets,
&c.

Petition for
laying out
streets, &c.

2. *And be it enacted*, That upon the petition of five or more citizens, residents and property owners of said city, for the laying out or vacation of any street, road, lane or alley, between any points designated by said petitioners, made at any stated meeting of city council, said petition shall be referred to the street committee, which committee shall give written or printed notice in not less than five public places, and for not less than ten days previous, of the time and place of meeting of said committee to view said street or road, and if at said time they should deem such laying out or vacation desirable, they shall cause the city surveyor, or some person duly qualified, carefully to lay out said street or vacate the same, as the case may be, and the street committee shall carefully estimate all damages to private property, and shall report the result of their said view, with the estimate of damages to the next stated meeting of council.

Estimate of
damages to be
made.

Ordinances to
pass if council
confirm action

3. *And be it enacted*, That upon the favorable report of the street committee for the laying out or vacation of any street, road, lane or alley, should said council confirm their action, they shall immediately frame and pass an ordinance to that effect, and authorize orders to be drawn upon the treasurer for the amount of damages allowed.

Ordinances,
when to take
effect.

4. *And be it enacted*, That upon the passage of any ordinance as aforesaid, it shall lay over for thirty days, or until the next stated meeting, and if in that time no appeals be made from its provisions, it shall be considered in full

force and effect, and the right of the public to use any street, road, lane or alley thus vacated, shall then and thereafter forever cease and terminate.

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

Approved March 19, 1872.

CHAPTER CCXLVI.

An Act to authorize the inhabitants of the township of Millstone, in the county of Monmouth, to borrow money.

WHEREAS, it appears that the late township collector of the township of Millstone, in the county of Monmouth, on or about the twenty-second day of December last, absconded, taking with him several thousand dollars of the funds of said township, and has not since been heard from; and whereas, in consequence thereof the township committee of said township have not the necessary funds on hand to meet the pressing demands which lawfully exist against the inhabitants thereof in their corporate capacity; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That it shall be lawful for the inhabitants of the township of Millstone, in the county of Monmouth, to provide for the indebtedness existing against them, as aforesaid, by issuing bonds in the corporate name of said township, and under the hands and seals of their town committee, or any two of said township committee, and attested by their clerk, for an amount of money not exceeding four thousand dollars, in such sums as may be most convenient, payable on the first day of April, anno domini one thousand eight hundred and seventy-three, bearing interest at seven per cent. per annum, and to pledge the taxable property and credit of said township for the payment of the same; *provided*, that no bond shall be sold for less than its par value.

Preamble.

Authorized to
issue bonds.

Proviso.

May provide
by taxation
for payment
of bonds.

Proviso.

2. *And be it enacted*, That said corporation shall have power and authority, by their town committe, to provide by taxation for the payment of said bonds, and the interest that may accrue thereon, at the same time and in the same manner that other taxes are assessed and collected in said township ; *provided*, that this act shall not exonerate, or prevent said corporation from pursuing all the lawful remedies for the recovery and appropriation to its use of all moneys deficient, occasioned by the non-performance, on the part of the collector aforesaid, of any of the duties pertaining to his office.

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

Approved March 19, 1872.

CHAPTER CCXLVII.

Supplement to an act entitled "An Act to authorize the inhabitants of the village of Matawan, to improve the sidewalks, and to lighten and sprinkle the main streets of said village," approved March twenty-eighth, eighteen hundred and sixty-eight.

Lighting of
streets, and
assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners of assessments, shall have power to contract for lighting said streets with gas, and to make assessments from time to time as other assessments are made to defray the expenses attending such lighting.

Repealer.

2. *And be it enacted*, That anything in the original act inconsistent with this act, be and the same is hereby repealed, and that this act take effect immediately.

Approved March 19, 1872.

CHAPTER CCXLVIII.

An Act for the relief of John Nelson, of the county of Salem.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be Pension. and is hereby authorized and required to pay to John Nelson, of the county of Salem, who was a soldier in the war of one thousand eight hundred and twelve, or to the order of his wife, Hannah Nelson, the sum of one hundred dollars per annum, during the term of his natural life, in equal semi-annual payments of fifty dollars each; the first payment to be made upon the first day of March, one thousand eight hundred and seventy-two.

2. *And be it enacted*, That the treasurer of this state be Treasurer to pay. authorized and required to pay the sum as in the first section of this act provided for, out of any money in the treasury of this state not otherwise appropriated.

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

Approved March 19, 1872.

CHAPTER CCXLIX.

An Act for the relief of Joseph Hillman.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Hillman of Camden Pension. county, who was a soldier from this state during the war of one thousand eight hundred and twelve, be paid from the state treasury the sum of one hundred dollars upon the passage of this act, and one hundred dollars per annum in quarterly payments thereafter during his lifetime.

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

Approved March 19, 1872.

CHAPTER CCL.

An Act for the relief of Samuel V. Heins, of the township of Morris, in the county of Morris.

Citizenship
restored.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel V. Heins, of the township of Morris, in the county of Morris, be, and the said Samuel V. Heins is hereby restored to all his rights, liberties, privileges and franchises as a citizen of the state of New Jersey.

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

Approved March 19, 1872.

CHAPTER CCLI.

A Further Supplement to an act entitled "An Act to incorporate the city of Hoboken."

Official news-
papers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the common council of the city of Hoboken shall designate two newspapers, "both of which shall not be of the same political party," one of each political party, which shall publish the proceedings of the council and board of education of said city, and such matters and things as are now required to be published by the charter of

the city of Hoboken, or by any amendment thereof or supplement to the same, at prices to be fixed by the common council, at rates not exceeding those authorized by law for the printing of legal notices; *provided*, that said newspapers are printed and published in the said city of Hoboken, and now authorized to publish the laws of this state. Proviso.

2. *And be it enacted*, That sections twenty and twenty-one of supplement to an act entitled "An Act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five, and which supplement was approved April sixth, eighteen hundred and seventy-one, be and the same are hereby repealed. Repealer.

3. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of the foregoing act are hereby repealed. Repealer.

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

Approved March 19, 1872.

CHAPTER CCLII.

A Further Supplement to an act entitled "An Act to establish the Long Branch Police, Sanitary and Improvement Commission," approved April eleventh, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Long Branch commissioners to appoint two police justices, each of whom shall give bond to said commissioners, in the sum of two thousand dollars, with freehold security, to be approved by said commissioners, and shall have and exercise, within the jurisdiction of said commissioners, the same power, and receive the same fees, as justices of the peace in this state; the courts held by said police justices shall be courts of record, and said police justices shall have full power to cause to be kept all ordinances that may be made by said commis- Commission-
ers may ap-
point two po-
lice justices.
Powers.

sioners, and all recognizances in criminal cases, taken by or before either of said justices, shall be sent forthwith to the court of general quarter sessions of the peace of the county of Monmouth.

Marshals empowered to arrest persons.

2. *And be it enacted*, That it shall be the duty of the marshals to preserve peace and good order, and they are hereby empowered to arrest any person violating any ordinance or regulation of said commissioners and forthwith bring such person or persons before either of said police justices who are hereby authorized and required to hear and investigate the charges preferred, which in all cases shall be preferred under oath or affirmation, and taken in writing before said justice and on conviction said justice shall impose such punishment as to him shall seem just and proper, and in accordance with the ordinances and regulations of said board of commissioners, and shall enforce the same by his warrant of commitment, directed to any marshal, commanding him to convey the offender to the common jail of the county of Monmouth, therein to remain and be kept and be dealt with as is provided for in said ordinances and regulations and until such fine and costs are paid.

Jailor to receive and safely keep offenders.

3. *And be it enacted*, That the jailor of the county of Monmouth, for the time being, shall receive and safely keep all such offenders as shall be committed to the jail of said county by either of said police justices for the term of imprisonment expressed in the warrant of commitment, the expenses of keeping offenders so committed for transgressions such as may not be crimes or misdemeanors, by the laws of this state, shall be borne and paid by the said commissioners; and in the case of offenders committed for crimes or misdemeanors, the expenses shall be paid as in cases of other offenders in the county of Monmouth.

Actions to recover penalties.

4. *And be it enacted*, That in all actions for the recovery of any penalties created or imposed by the Long Branch commissioners, the record of the said commissioners shall be received as conclusive evidence of the passage of all ordinances recorded therein; and the publication of said ordinances for two successive weeks in one newspaper printed and published at or near Long Branch, in Monmouth county, shall in all cases be presumed to have been made, unless the contrary is proved.

Publication of ordinances.

Police justices may issue writs.

5. *And be it enacted*, That each police justice may, in all matters and causes pending before him, award and issue

writs of subpoena ad testificandum in any county of this state.

6. *And be it enacted*, That every police justice shall be empowered, on oath or affirmation or affidavit, made according to law, and filed in his office, that any person or persons has or have been guilty of the violation of any of the ordinances passed by the Long Branch commissioners, 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 days nor more than fifteen days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and that on the return of such process, or at any time to which the justice shall adjourn 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 against the defendant, 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 in the manner hereinbefore provided.

Powers of police justice.

May issue process.

Proviso.

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

No warrant to be issued unless upon oath.

8. *And be it enacted*, That every person against whom judgment may be obtained under this act shall have the right of appeal, in common with the Long Branch commissioners, to the higher courts, as in case of civil suits before justices of the peace.

Persons may appeal.

9. *And be it enacted*, That it shall be the duty of the marshals to serve all processes issued by a police justice, and return the same in the same manner, as near as may be, as processes issued by justices of the peace are returned; said marshals shall be entitled to receive the same fees for serving said processes as constables are entitled to for like services.

Marshal to serve all processes.

10. *And be it enacted*, That copies of any ordinances or of any proceedings of the Long Branch commissioners, or of

Certified copies to be evidence.

any papers filed in their office, certified under the corporate seal of the said commissioners and the hand of their clerk, shall be evidence of the same facts as the books of record of said ordinances and proceedings or papers filed as aforesaid, in all courts and places.

Actions and
proceedings,
how regulated

11. *And be it enacted*, That all actions and proceedings before a police justice, under the provisions of this act, shall, except as hereinbefore provided, 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 various supplements thereto.

No person
deemed in-
competent.

12. *And be it enacted*, That upon the trial of any issue or upon judicial investigation of any fact, to which issue or investigation "The Long Branch Commissioners" may be a party, or in which they may be interested, no person shall be deemed an incompetent judge, justice, witness or juror by reason of his being a taxpayer within the limits of the jurisdiction of the said "The Long Branch Commissioners."

Commission-
ers to make
assessment of
damages, &c.,
by laying out
streets.

13. *And be it enacted*, That whenever application shall be made to the Long Branch commissioners by ten or more freeholders resident within the jurisdiction of said commissioners, for the purpose of laying out any road, street or avenue, or altering, widening or straightening any existing road, street or avenue within the limits of their jurisdiction, the said commissioners shall, in the first place, if they approve of said application, cause a map to be made of the improvement applied for, which said map shall distinguish each lot or parcel of land through which said improvement may run or extend; and after said map shall have been filed with the clerk of said commissioners, they shall, as soon thereafter as may be, appoint five disinterested freeholders, who, or a majority of them, after taking an oath or affirmation to discharge the duties required of them under this act according to the best of their skill and understanding, shall make an assessment of damages which will, in their opinion, be sustained by the owner or owners of such lands and real estate as may be necessary to be taken for such purposes, and shall assess said damages as equitably as may be, upon the owner or owners of lands and real estate in or upon or in the neighborhood of said road, street or avenue which, in the opinion of said freeholders, or a majority of them, will be benefited by such laying out, altering, widening or straightening of the same; and the said freeholders, or a majority of them, shall make report

in writing, under their hands, to the said commissioners, within twenty days from date of their appointment; and in case any person shall consider himself or herself aggrieved by such assessment, he or they may appeal to said commissioners at any of their three subsequent regular meetings after such report shall be made as aforesaid; and the said commissioners shall, at their fourth regular meeting after said report shall be filed as aforesaid, adopt and ratify the said report, with or without alteration, as to them may seem just and proper. Owners may appeal.

14. *And be it enacted*, That whenever any person shall have appealed to said "The Long Branch Commissioners," as aforesaid, and shall be dissatisfied with the determination of said commissioners, such person may thereupon commence an action against "The Long Branch Commissioners," in the circuit court of Monmouth county, or the supreme court of the state of New Jersey; *provided*, the trial shall be had in said county, which action shall proceed in all things as if the defendant therein upon taking the real estate required for said improvement, had agreed in writing to pay the plaintiff the amount of damage awarded for taking the same as aforesaid; and if in said action said plaintiff shall recover more than the amount awarded as aforesaid, he shall recover his taxable costs according to law; and if he shall not recover more than the amount awarded, the defendants shall recover their taxable costs against the plaintiff, and shall be entitled to have them deducted from the amount recovered, and execution shall issue only for the balance, the assessment, if any, against the plaintiff being also deducted from the amount of judgment; *provided always*, that no such action shall be brought by any person who shall have received payment of the amount awarded; nor unless said action shall be brought within six months after appeal to said commissioners as in the foregoing section of this act. Proceedings in case of appeal. Proviso.

15. *And be it enacted*, That no road, street or avenue laid out under the provisions of this act shall be more than eighty feet in width. Width of roads and streets.

16. *And be it enacted*, That the Long Branch Commissioners shall have power to license, regulate and restrain beer shops and all places where malt liquors are sold; *provided*, this act shall not apply to inns and taverns duly licensed under the provisions of an act entitled "An Act concerning inns and taverns," and the several supplements thereto. Power to license beer shops, &c. Proviso.

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

Approved March 19, 1872.

CHAPTER CCLIII.

An Act to vest the title to certain real estate in the city of Paterson, late of Richard Kelly, deceased, in Abby Kelly, his widow.

Preamble.

WHEREAS, Richard Kelly, late of the city of Philadelphia, in the state of Pennsylvania, died intestate, and seized of certain real estate in the city of Paterson, county of Passaic, and state of New Jersey, hereinafter described; and whereas, the said Richard Kelly left a widow, Abby Kelly, but no heirs at law him surviving, whereby the title to said real estate escheated to the state of New Jersey, subject to the said widow's right of dower therein; and whereas further, the said Abby Kelly did, with her own money, the proceeds of her own labor, make the first payment upon said real estate, although the deeds therefor were executed to her said husband alone; and did, subsequently to his, her said husband's death, with her own money, pay off the incumbrances thereon, not knowing that the title to said real estate had passed from her; now, therefore, in consideration of the aforesaid circumstances,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the right, title and interest of the state of New Jersey, in and to the following described tracts or parcels of land and premises situate in the city of Paterson, in the county of Passaic, and state of New Jersey, late of Richard Kelly, deceased, aforesaid, be and the same are hereby absolutely vested in the said Abby Kelly, her heirs and assigns forever, to wit: a tract beginning on the east side of Pine street, at the distance of fifty feet southerly from the south side of Oliver street, running thence southerly along River street twenty-five feet; thence easterly,

Right and title
vested.

Description of
land.

at right angles from said street, one hundred feet; thence northerly, parallel with Pine street, twenty-five feet; thence westerly, one hundred feet, to the place of beginning, being lot number fifty-one, block G., on R. M. Bouton's lithographic map; also a second tract, beginning on the east side of Pine street, at a point distant seventy-five feet southerly from the south line of Oliver street, running thence southerly along Pine street twenty-five feet; thence easterly, parallel with Oliver street, one hundred feet; thence northerly twenty-five feet to lot sold said Kelly twenty-eighth of December, one thousand eight hundred and fifty; thence westerly along said lot one hundred feet, to place of beginning, being known as lot number fifty-three, block G., on R. M. Bouton's lithographic map.

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

Approved March 19, 1872.

CHAPTER CCLIV.

An Act for the relief of William B. Weatherby.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is Pension. hereby authorized and required to pay to William B. Weatherby, of Washington township, Burlington county, a soldier during the war of one thousand eight hundred and twelve, the sum of one hundred dollars per annum during his natural life, in equal quarterly payments of twenty-five dollars each, first payment to be made May first, eighteen hundred and seventy-two.

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

Approved March 20, 1872.

CHAPTER CCLV.

An Act for the relief of Jane Thompson.

Preamble.

WHEREAS, Joseph Thompson, late of the city of Newark, Essex county, New Jersey, departed this life on the twenty-sixth day of April, eighteen hundred and sixty-nine, intestate and without issue, leaving Jane Thompson, his widow, and no lawful heir who can inherit the estate of which he died possessed, being a small house and lot in said city of Newark; and whereas, the said widow, Jane Thompson, by her labor and industry accumulated a considerable portion of the money which was used in the purchase of said house and lot, and in clearing off the encumbrance thereon, and being advanced in life, is largely dependent upon the small income arising therefrom for her support; therefore,

Title vested.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That all the estate, right, title, and interest of the said Joseph Thompson, deceased, at the time of his death, of, in and to the following described lot of land and premises situate in the city of Newark, Essex county, New Jersey: beginning on the southerly side or line of a street (now or formerly) called Inness street, at the distance of one hundred and sixty feet north, sixty-two degrees and forty minutes west from its intersection with the westerly line of a street called Lock street, which streets are particularly designated on a map of the property called the Inness Place, in the town (now city) of Newark, made by Francis W. Brinley, surveyor; thence from said beginning running along Inness street north, sixty-two degrees and forty minutes west, thirty feet; thence in a line at right angles with Inness street, south twenty-eight degrees west one hundred feet; thence in a line parallel with Inness street on a south-easterly course thirty feet; thence on a north-easterly course one hundred feet to the place of beginning, being lot number one hundred and nineteen (No. 119), as designated on the above mentioned map, with the appurtenances, being the lot hereinbefore mentioned, and all the

right, title, interest and estate of the state of New Jersey, of, in and to the said lot of land and appurtenances, be and he same is hereby vested in the said Jane Thompson, her heirs and assigns, to her and their only proper use, benefit and behoof forever.

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

Approved March 20, 1872.

CHAPTER CCLVI.

An Act for the relief of Mary Alben, widow of Captain Samuel Alben, late of Cumberland county, a sailor in the war of eighteen hundred and twelve.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be ^{Pension.} and he is hereby authorized and required to pay to Mrs. Mary Alben, widow of Captain Samuel Alben, late of Cumberland county, in this state, a sailor in the United States navy, in the war of eighteen hundred and twelve, or to her order the sum of one hundred dollars yearly, in semi-annual payments, during the term of her natural life, and the first payment shall be made upon the approval of this act.

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

Approved March 20, 1872.

CHAPTER CCLVII.

An Act respecting the opening of Delancey street, in the city of Newark.

Preamble.

WHEREAS, James G. Barnet, Henry N. Parkhurst, Sylvester H. Moore, Charles Merchant and James Williams, commissioners appointed by the common council of the city of Newark, to make an estimate and assessment of the damage sustained by the owners of the lands and real estate necessary to be taken and appropriated for the opening of Delancey street, in said city, according to the provisions of an ordinance of said city, entitled "An ordinance to open Delancey street, from Pacific street to the Elm road," approved the eighth day of March, in the year eighteen hundred and sixty-nine, did present their report of said estimate and assessment to said common council, which body did, on the first day of December, eighteen hundred and seventy-one, ratify the same; and whereas, the said commissioners did, unintentionally and by mistake, omit and fail to estimate and assess and include in their said report the damage to be sustained by the owners of certain several tracts of lands and real estate included in and taken for said opening; and whereas, there are no provisions in the charter of said city, or any of the supplements thereto, providing for such a case; and whereas, the public good and necessity, and justice to said last mentioned owners, requires that said commissioners be allowed to estimate and assess the damage they failed to estimate and assess, as aforesaid, and make a supplemental report thereof; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey.* That the said commissioners be and they are hereby directed, authorized and empowered to estimate and assess, in conformity, as near as may be to the requirements of the charter of said city and the supplements thereto, respecting the estimate and assessment of damages in the matter of street openings, the damage sustained by any owner or owners of any lands and real estate necessary

Authorized to
assess dam-
ages in open-
ing streets,
and make re-
port.

to be taken for said opening, and not named or included in their said first assessment and report, and report the same in a supplemental report to the said common council, for ratification by them, and that the said common council are hereby authorized and empowered to ratify the same; and said estimate, assessment, and supplemental report, when so ratified, shall be legal, and as valid and effectual in law as though they had been made in the first instance by said commissioners, and included in and formed a part of their said first estimate, assessment and report; *provided*, that the said owner or owners included in said estimate, assessment and supplemental report, shall have the same time in which to appeal therefrom, from the date of the ratification of the same, as now provided by law.

Report ratified to be valid

Providso.

2. *And be it enacted*, That said first estimate, assessment and report, made by the said commissioners and ratified as aforesaid, shall be in all respects legal, and as valid, effectual, and available in law as though no mistake, omission or failure had been made by said commissioners, as aforesaid.

First assessment declared valid.

3. *And be it enacted*, That this act shall take effect immediately, and shall be deemed and taken to be a public act. Approved March 20, 1872.

CHAPTER CCLVIII.

Further Supplement to the act entitled "An Act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Newark beginning at a point in the centre of Clinton avenue which would be intersected by a line drawn through the centre of Avon avenue; thence running westerly along the centre of Avon avenue to the centre line of Chadwick avenue, as laid down on the commissioners' map; thence southerly along the

Description.

Annexed to
the fourteenth
ward.

centre line of the Chadwick avenue to the line of Clinton township; thence along the dividing line between the township of Clinton and the city of Newark, to the intersection of the same with the centre line of Clinton avenue; thence along the centre line of said Clinton avenue to the place of beginning, comprising a certain portion of the Thirteenth ward of the city of Newark as the same is at present constituted, shall be and the same is hereby annexed to the Fourteenth ward of the city of Newark, and shall hereafter constitute a portion of the said Fourteenth ward, and shall be subject to all the provisions of the "Act creating the Fourteenth Ward of the city of Newark," approved March twenty-eighth, eighteen hundred and seventy-one, except so far as anything therein contained may be inconsistent herewith.

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

Approved March 20, 1872.

CHAPTER CCLIX.

A Supplement to "An Act to facilitate the collection of taxes in the township of Cinnaminson in the county of Burlington," approved March sixteenth, eighteen hundred and seventy.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the provisions of the "Act to facilitate the collection of taxes in the township of Cinnaminson, in the county of Burlington," approved March sixteenth, one thousand eight hundred and seventy, be as the same are hereby extended, and are made applicable as in force in the city of Beverly, and also in the township of Beverly, county of Burlington, for the years eighteen hundred sixty-nine, seventy and seventy-one, and thereafter, the council of said city shall be subject to all the requirements and duties of the township committee recited in the act which this is a supplement.

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

Approved March 20, 1872.

CHAPTER CCLX.

A Further Supplement to an act entitled "An Act to make taxes a lien on real estate, and to authorize sale for the payment of the same," approved March seventeenth, eighteen hundred and fifty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the real estate located in the townships of Mullica and Galloway, in the county of Atlantic, which is owned by parties not residing in said townships of Mullica and Galloway, shall be liable to sale for taxes, according to the provisions of the act, and the several supplements thereto, to which this is a further supplement.

Lands of non-residents liable to sale for taxes.

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

Approved March 20, 1872.

CHAPTER CCLXI.

An Act relating to fees for impounding animals in the county of Bergen.

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 poundkeepers in the county of Bergen shall be entitled to have and receive the sum of one dollar

Fees of poundkeepers, &c.

for each horse and head of cattle, twenty-five cents for each sheep, and fifty cents for each swine, to be paid for the use of the poundkeeper, for letting in and out of the pound kept by him; and the person bringing such animal to be impounded shall also be entitled to receive the sum of one dollar and fifty cents for each horse and head of cattle, twenty-five cents for each sheep, and one dollar for each swine so brought by him; and for feeding and attending, the poundkeeper shall be entitled to receive and have the further sum of one dollar for each horse and head of cattle, and fifty cents for each sheep and swine, for every twenty-four hours they remain in the pound kept by him; and the further sum of two dollars for setting up advertisements and notice of sale, and for selling every such animal in the manner prescribed by law; *provided*, this act shall only apply to such horses, cattle, sheep and swine as shall be left running at large on the public roads, streets, uninclosed lands, and not to those that may accidentally break out of any inclosure.

Proviso.

Repealer.

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

Approved March 20, 1872.

CHAPTER CCLXII.

A Supplement to "An Act to facilitate the collection of taxes in the township of East Brunswick, in the county of Middlesex."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the "Act to facilitate the collection of taxes in the township of East Brunswick," be extended to the townships of Madison and South Amboy, in the county of Middlesex.

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

Approved March 20, 1872.

CHAPTER CCLXIII.

A Supplement amending the act entitled "An Act for the purpose of raising money to construct and complete a public school building in District Number Eleven, of Readington township, Hunterdon county."

WHEREAS, a mistake as to the number of the school district Preamble. to which said act refers was made in the drafting of the said act, the numbers having been changed, and the present number being seventy-one; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the word "eleven," wherever it occurs in said act, and also in the title thereof and the preamble thereto, be and the same is hereby stricken out, and in lieu thereof the words "seventy-one" inserted, wherever the word "eleven" is stricken out. Word "eleven" stricken out, and "seventy-one" inserted.

2. *And be it enacted*, That the act entitled "An Act for the purpose of raising money to construct and complete a public school building in District Number Eleven, of Readington township, Hunterdon county," is applied to and shall be construed to mean and refer to the school district at White House Station, in Readington township, Hunterdon county, of which Garret C. Gearhart, William C. Bloom and William D. Eversole are at present trustees, and to no other, notwithstanding any error as to the name thereof. Act to refer to school district.

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

Approved March 20, 1872.

CHAPTER CCLXVI.

A Further Supplement to the act entitled "An Act to incorporate the Montclair Railway Company," approved March eighteenth, anno domini, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Montclair Railway Company be and is hereby authorized and empowered to deposit in the office of the secretary of state, a supplementary survey of any part or parts of the route or routes of the railway of said company, or the extension thereof, in the county of Passaic, for the purpose of straightening and improving the said route or routes, and the alignment thereof; and from and after the deposit as aforesaid of said supplementary survey, said company may construct and operate said railway, and the extension or extensions thereof authorized by the act to incorporate said company and the several supplements thereto, the same as if said supplementary survey had been the original survey of such part or parts thereof.

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

Approved March 20, 1872.

CHAPTER CCLXVII.

An Act incorporating the Camden Light Artillery Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles G. Zimmerman, Jacob W. Starr, Elwood Cline, George A. Tenner, James H. Carey, Stevenson Leslie, George Hillman, Frank Turner, William

H. Doughten, Christopher Tenner, Hiram Green, and such other persons as may be hereafter associated with them, be and they are hereby constituted and declared a body corporate and politic, in fact and in law, by the name of "The Camden Light Artillery Company," and by that name they and their successors shall have perpetual succession, and shall be capable of leasing, purchasing, selling, building and holding real estate in the city of Camden, in the county of Camden, for the purpose of a hall or armory, and such other purposes as said association shall deem expedient, subject to the by-laws and regulations of said association, to use and lease such parts of hall or armory as shall not be necessary for the use and purpose aforesaid.

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

3. *And be it enacted*, That the above named persons, or a majority of them, shall be a commission to open books to receive subscriptions to the capital stock of said company at such time or times and place or places as they, or a majority of them, may deem proper; and they shall call a meeting of stockholders to elect five directors, a majority of whom shall be chosen from the above named commissioners, and shall be residents of this state; and such elections may be made by such stockholder as shall attend in person or by proxy, each share of the stock entitling the holder thereof to one vote; and said commissioners, or any three of them, shall be inspectors of said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the said subscription books and money paid in after 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 persons named in the first section of this act, or a majority of them; and the directors chosen at such first election, and at the annual election thereafter, shall choose out of their number, a president, who shall be a resident of the city of Camden; and in case of death, resignation or removal of the president, or any of the directors, such vacancy or vacancies may be filled for the remainder of the year by the said board of directors or a

Name.

Capital stock.

Commissioners to receive subscriptions.

Election of directors.

Vacancy. How filled.

majority of them; and in case of the absence of the president, the said board of directors or a majority of them, may appoint a president, *pro tempore*, who shall have such powers and functions as the by-laws of the corporation shall prescribe.

Installments,
how paid.

Proviso.

May make by-
laws.

Property ex-
empt from
taxation.

4. *And be it enacted*, That a majority of the directors shall be competent to transact all business of said corporation, to call in the remaining stock of said corporation, in installments or otherwise, at such times as they may direct, by giving thirty days' previous notice in a newspaper published in the city of Camden; *provided*, that no two installments shall be called within thirty days of each other, and shall have power to forfeit, in case of non-payment of said installments, the share or shares upon which such default shall be made, and may and shall, by its board of directors, be capable of securing and holding any devise, bequest, or donation which may be made to it, and may borrow money on mortgage of the property of the association.

5. *And be it enacted*, That said board of directors shall have power to make such by-laws, rules, and regulations, not incompatible with the laws of the United States or of this state, as may be deemed necessary for the management of its affairs, and the same to change or alter from time to time.

6. *And be it enacted*, That the property of said Camden Light Artillery Company shall be exempt from tax.

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

Approved March 20, 1872.

CHAPTER CCLXVIII.

A Further Supplement to "An Act to incorporate the town of Union, in the township of Union, in the county of Hudson," approved March twenty-ninth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the town treasurer shall receive a salary not exceeding three hundred dollars a year, to be fixed by the council, and it shall be the duty of said treasurer immediately on the receipt of any of the town moneys, from either the collector of taxes, or collector of arrears, or from any other source, to deposit two-thirds of said amount in the Hoboken City Savings Bank, or such other bank as the board of council shall designate, there to remain on deposit until such time as it may be necessary to use the same in defraying the expenses of said town, and shall be drawn only in such amounts as are ordered by said council, the interest accumulating thereon shall be paid into and credited to the incidental fund of said town; that the assessor, the collector of taxes, and the town clerk shall each receive a salary not exceeding three hundred dollars per annum, to be fixed by said council; the corporation attorney shall receive a salary not exceeding five hundred dollars per annum, to be fixed by the council; the members of the board of council shall hereafter be entitled to receive each, for each and every regular meeting held by said board, the sum of two dollars.

2. *And be it enacted*, That the act providing for the election of a street commissioner is hereby repealed, and that hereafter the street commissioner shall be appointed by the council of said town for the term of one year from the first of May of each and every year, the duties of said commissioner to be prescribed by ordinance of the board of council, and the salary to be one hundred dollars per annum.

3. *And be it enacted*, That the commissioners heretofore appointed by the council of said town of Union to assess the costs and expenses for the improvement of Gardner street

Commissioners to assess costs and expenses for improvement of Gardner street and Durham avenue.

and Durham avenue are hereby discharged, and the assessment by them made shall be for nothing holden, and that said council shall upon the completion of said improvement, appoint three disinterested commissioners, non-residents of the town of Union, whose duty it shall be (having first taken and subscribed an oath, or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to execute the duties of their office), to assess the costs and expenses thereof, said assessment to be made in the same manner as is now provided by the charter of said town and the supplements thereto, and the amendatory act, approved February twenty-eighth, eighteen hundred and sixty eight, except that it shall be the duty of said commissioners to assess a proportionate share of the costs and expenses of said improvement on the land and real estate in said town, benefited thereby, by reason of the drainage of said land and real estate.

Repealer.

4. *And be it enacted*, That all acts or parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall be deemed a public act, and take effect immediately.

Approved March 20, 1872.

CHAPTER CCLXIX.

An Act to incorporate Welcome Lodge, Number One Hundred and Eighty-five, of the Independent Order of Good Templars, of the state of New Jersey, located at Plainfield.

Corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Rev. J. R. Bryan, B. F. Onderdonk, D. L. Hulick, George McGinnis, Peter Van Fleet, C. H. Bryan, and their associates, officers and members of Welcome Lodge, Number One Hundred and Eighty-five, of the Independent Order of Good Templars, of the state of New Jersey, and their successors, be and they are hereby constituted and declared to be a body corporate and politic

in law, by the name, style and title of "Welcome Lodge, ^{Name and powers.} Number One Hundred and Eighty-five, of the Independent Order of Good Templars, of the State of New Jersey," and by that name they and their successors shall and may, at all times hereafter, be capable in law of having, purchasing, holding and possessing any lands, tenements, hereditaments and personal estate, purchased, devised or bequeathed by any person or persons, body corporate or politic, capable of making the same, and also to have a common seal and use the same at pleasure; *provided always*, that the said cor- ^{Proviso.} poration or body politic shall not at any time hold or possess property, real, personal or mixed, exceeding in value the sum of twenty thousand dollars.

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

Approved March 20, 1872.

CHAPTER CCLXX.

An Act to incorporate the Woodside Rowing Club.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joshua Hendricks, Peter ^{Corporators.} Wieler, George G. Nevers, Joseph G. Hill, Joseph A. Dreyfous, Henry T. Field, Edwin Benson, R. Smith Carter, Daniel Wright, Henry S. Magrane, J. Edward Russell, and such other persons as are now or may hereafter be associated with them, be and they are hereby constituted and declared a body politic in fact and in law, by the name of "The Woodside ^{Name and powers.} Rowing Club," and by that name they and their successors shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and whatsoever places, and may have a common seal, and change and alter the same at pleasure; and that they and their successors, by the said name, shall be capable in law to hold any estate, real or personal, either by devise,

purchase, donation, or otherwise, to the use of them and their successors, and to lease, sell and convey, or otherwise dispose of the same, as to them shall seem most advantageous for promoting the purposes of their incorporation; but the yearly income of such estate shall not exceed the sum of twenty-five hundred dollars.

Object. 2. *And be it enacted*, That the object of this incorporation shall be to encourage and promote the art and exercise of rowing, and other out door athletic sports.

May purchase and hold real estate. 3. *And be it enacted*, That the estate and funds of said incorporation, after paying all proper charges and expenses, shall be exclusively devoted to the objects aforesaid, except so far as they may deem it necessary to apply their funds to the purpose of holding and purchasing of any real estate, and erecting any buildings thereon for the benefit and accommodation of the members of said corporation, or the purchase, lease or construction of any wharves, docks, or piers as may be deemed necessary to carry out the objects of this incorporation, which said real estate they may sell and invest as the interests of the corporation may require.

May make by-laws. 4. *And be it enacted*, That the said corporation shall have power, from time to time, to make and establish such constitution, by-laws, rules and regulations as they shall judge proper for the election of officers; for prescribing their respective functions, and the mode of discharging the same; for the admission of members, the suspension and expulsion of the same; for the government of the officers and members thereof; for imposing and collecting admission fees, fines, and contributions from the members; for regulating the time and place of meetings, which constitution and by-laws shall not be repugnant to the constitution and laws of the United States, or of this state, and which they may, from time to time, alter and repeal; and they shall have power in their corporate name to institute suits for the recovery of all fines, debts, dues and arrearages due the said corporation.

Where located 5. *And be it enacted*, That the said corporation shall be located in the city of Newark, or at some convenient point in the counties of Essex or Hudson: and that the persons named in the first section shall be the first directors of said corporation, and shall continue in office until the first Thursday in March next, and until others are elected in their stead.

Election of directors. 6. *And be it enacted*, That the directors of said corporation shall consist of eleven in number, who shall be chosen

annually on the first Thursday of March, at such time and place, and on such notice as said by-laws may fix; that all elections shall be by ballot, and that each member shall be entitled to one vote, which must be given in person; and if, at any time, for any cause, it shall happen that no election shall be held or made at the time herein appointed, the directors for the time being shall continue in office until an election be regularly held, according to the requirements of the by-laws in that behalf or of this act; and that in any election of directors the persons having or receiving the greatest number of votes shall be directors, and shall continue in office until their successors are elected.

7. *And be it enacted*, That the legislature reserve the right Act may be repealed. at any time hereafter, to alter, repeal, or modify this act.

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

Approved March 20, 1872.

CHAPTER CCLXXI.

A Supplement to an act entitled "An Act to incorporate the Citizens' Mutual Fire, Marine and Steam Boiler Insurance Company," approved March twenty-fifth, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "The Citizens' Mutual Fire, Marine and Steam Boiler Insurance Company," Change of name. shall hereafter be known and designated by the name of "The Citizens' Insurance Company, of Newark," New Jersey, and by that name and style have and exercise all the powers and privileges conferred by the act to which this is a supplement, and liable to all the duties and obligations therein contained.

2. *And be it enacted*, That the said "The Citizens' Insurance Company, of Newark, New Jersey," May increase capital stock. may increase

Approved March 20, 1872.

CHAPTER CCLXXII.

1. **BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey, That Thomas W. Ivins, Amos Falkenburgh, Augustus G. Richey, William S. Stryker, and Daniel L Platt, and all such persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate, in fact and in law, by the name of "The Forked River Cranberry Company," for the purpose of buying, holding, cultivating and improving lands in the county of Ocean, and for raising and selling cranberries and other fruit, and other produce of said lands, and carrying on the business connected therewith, and erecting such buildings and holding such personal property as may be necessary therefor; and that they and their successors, by the same name, may sell and dispose of the said lands, tenements and hereditaments, cranberries, produce, fruits, goods and chattels, or any part thereof, and may lay, open, make and maintain ditches, drains and embankments through their own and adjoining and contiguous lands, as they may deem for the benefit of said lands; and for such purposes the said company shall or may raise by subscription, by opening the books therefor, or otherwise, a capital stock of four thousand dollars, with liberty to increase the same to forty thousand dollars, which shall be divided into shares of one hundred dollars each.

2. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five directors, one of whom shall be president, and a majority of whom shall have all

the powers of the board, and they shall hold their office for one year and until others are elected in their stead, and shall have power to make by-laws for the government and management of said corporation, and shall hold their meetings at such times and places in this state as the by-laws may provide; and that until an election for directors shall be held, the persons named in the first section of this act shall be directors, and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

Vacancies,
how filled.

3. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferable in such manner as the by-laws may prescribe; but no dividends shall be made to the stockholders except from the net profits of the corporation, and that regular books of account of the corporation shall be kept, to which every stockholder shall have free access at reasonable times for the purpose of inspection, and that their principal office shall be in the county of Ocean, in this state.

Stock, how
transferable.

4. *And be it enacted*, That the said company may be dissolved by a general meeting of the stockholders, specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution, the directors for the time being, and the survivor or survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for the settling all the affairs of the company, collecting and disposing of its property and assets, paying its debts, and dividing the surplus among the stockholders in proportion to their respective interests in the stock.

How dissolved
Proviso.

5. *And be it enacted*, That the said corporation shall possess the general powers, and be subject to the general directions and liabilities set forth in "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same are applicable.

General powers.

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

Approved March 20, 1872.

CHAPTER CCLXXIII.

An Act to extend the provisions of an act entitled "An Act to authorize and empower the Minister, Elders and Deacons of the Reformed Congregation, of Hackensack, in the county of Bergen, in the State of New Jersey, to assess the pews in said Church," approved April fourth, eighteen hundred and seventy-one, to the Minister, Elders and Deacons of the Reformed Church, of Paramus, Bergen county, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to authorize and empower the Minister, Elders and Deacons of the Reformed Congregation, of Hackensack, in the county of Bergen, in the state of New Jersey, to assess the pews in said Church," approved April fourth, eighteen hundred and seventy-one, with all the power and authority thereby given, be and the same is hereby extended to the minister, elders and deacons of the Reformed Church, of Paramus, Bergen county, New Jersey.

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

Approved March 20, 1872.

CHAPTER CCLXXIV.

An Act to enable the Trustees of the Leesville Sunday School Association to convey real estate.

Preamble. WHEREAS, by deed of conveyance bearing date the first day of April, in the year one thousand eight hundred and thirty-three, William Edgar and Phebe, his wife, conveyed

to Thomas L. Janeway and others, as trustees of the Leesville Sunday School Association, and to their successors in office, a certain lot or tract of land and premises situate in the (then) township of Woodbridge, in the county of Middlesex, and state of New Jersey, and particularly described in the said deed, which is duly recorded in Middlesex county clerk's office in Book twenty-six of Deeds, pages two hundred and six and two hundred and seven, which said lot or tract of land was conveyed to and held by said trustees for the use of the said association, and by the terms of said deed the said trustees or their successors in office have power to sell and convey the said property by and with the consent of two thirds of the members of the said association; and whereas, the said association is an incorporated society under the laws of this state, by the name of "The Trustees of the Leesville Sunday School Association;" and whereas, the said "The Trustees of the Leesville Sunday School Association" are desirous of selling and conveying said land and premises, and two-thirds of the members of the said association have consented to the sale thereof; and whereas, in consequence of the death of several trustees named in said deed, doubts have arisen as to the ability of the said association to make a good and valid title to said lot or tract of land and premises; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "The Trustees of the Leesville Sunday School Association" be and they are hereby authorized and empowered to sell and convey the said lot, tract or tracts of land and premises conveyed to the said Thomas L. Janeway and others, as trustees aforesaid, by the deed above recited, or any part thereof, to such person or persons, and for such consideration as they may deem proper, and to make, execute and deliver to the purchaser or purchasers thereof, under the common seal of the said association, a good and sufficient deed or deeds therefor, which deed or deeds shall convey to and vest in the said purchaser or purchasers a good and valid title in fee simple to said premises free and discharged of and from any use or trust whatsoever.

Trustees empowered to sell and convey lands.

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

Approved March 20, 1872.

CHAPTER CCLXXV.

A Supplement to an act entitled "An Act to incorporate the New Egypt and Manchester Turnpike Company," approved April ninth, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time for commencing and completing said road is hereby extended five years from the fourth day of July, eighteen hundred and seventy-two.

Approved March 20, 1872.

CHAPTER CCLXXVI.

A Supplement to an act entitled "An Act to incorporate the Ocean Agricultural Railroad Company," approved March twentieth, eighteen hundred and sixty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time for commencing and completing the said road is hereby extended five years from the fourth day of July, eighteen hundred and seventy-two.

Approved March 20, 1872.

CHAPTER CCLXXVII.

An Act to exempt from borough taxation the stock and property of water companies who may hereafter supply the town of Phillipsburgh with water.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of promoting the location of works to supply the inhabitants of the town of Phillipsburgh, in the county of Warren, with water for the use of manufactories and for the extinguishment of fires, the stock and property of all water works hereafter erected within the limits of said town shall be exempt from borough taxation, but no such works shall be erected without the consent of the common council of said town. Property of water works exempt from taxation.

2. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall go into effect immediately.

Approved March 20, 1872.

CHAPTER CCLXXVIII.

A Supplement to an act entitled "An Act to incorporate the Fairmount Cemetery Association, of the city of Newark," approved February ninth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Fairmount Cemetery Association, of the city of Newark, is hereby empowered to sell, purchase and exchange its lands, and any lands adjoining its premises, for the purpose of straightening its lines, and to sell and dispose of such parts of its land as have not been laid out into burying lots, and appropriate the proceeds May sell lands and apply proceeds.

received therefrom in paying the debts and liabilities of the said association and improving the cemetery.

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

Approved March 20, 1872.

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CHAPTER CCLXXIX.

An Act to enable the trustees of the St. George's Methodist Episcopal Church, of Passaic, New Jersey, to convey and mortgage property; also to legalize the sale of a part of said church property heretofore made.

Preamble. WHEREAS, the St George's Methodist Episcopal Church, of Passaic, New Jersey, are engaged in the erection of a new place of worship; and whereas, it is desirable to sell the old church edifice and the lot or curtilage on which it stands, and another lot, known as the parsonage lot, to aid in paying for the new building: and whereas, it may be desirable to mortgage or sell some part or all of said real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the St. George's Methodist Episcopal Church, of the village of Passaic, Passaic county, New Jersey, are hereby empowered and authorized to sell, either at public or private sale, such part or parts of the real estate now held by them, as they may deem expedient, and to make and deliver to the purchaser or purchasers a good and sufficient deed or deeds for the same, by which the whole title of said corporation shall pass to the purchaser or purchasers free and clear; and they are also empowered and authorized to mortgage any part or all of the real estate held by them, when in their opinion it is desirable so to do.

2. *And be it enacted*, That the proceeds of the said sale or sales, or mortgage or mortgages, shall be used by said

trustees to aid in paying for the new building now erecting, or for such other purpose as the said trustees shall determine.

3. *And be it enacted*, That a conveyance of a part of said church property, made by said trustees on August fourth, eighteen hundred and sixty-eight, to Susan A. Jenkins, is hereby legalized. Conveyance legalized.

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

Approved March 28, 1872.

CHAPTER CCLXXX.

An Act to incorporate the Perry, Packard Lumber Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James A. Perry, Oren Packard, John P. Scholfield, Anson G. P. Dodge, and Samuel Scholfield, and such others as may be associated with them, and their successors, are hereby declared to be a body politic and corporate in law, by the name of "The Perry, Packard Lumber Company," and as such shall possess and exercise the ordinary powers of corporations for the purposes of this act. Corporators. Name.

2. *And be it enacted*, That the objects of said company shall be the dealing and working in lumber in all its branches, and the purchasing and selling of all kinds of wood and lumber, and the manufacturing of the same, and of different articles from the same, for builders and others; the principal office of said company shall be in the city of Camden, in this state, where the meeting of the stockholders and directors shall be held, its books and papers kept, and its business transacted. Principal office.

3. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy real estate, and shall have power to build upon and improve, and also to lease, convey sell and mortgage the same, and to receive, take and assign any mortgage or mortgages, whether the same be taken in May purchase hold and convey lands.

payment or part payment of any real estate sold by them or not, and may also hold, assign, sell and convey any mortgage or mortgages, or any real estate that may have been taken by them, or which shall hereafter have been conveyed to them, and may sell, mortgage, lease, or otherwise dispose of the same, at their pleasure; and may sue and be sued, plead and be impleaded, and may have a common seal, and may change or alter the same at their pleasure, and may make such by-laws for their regulation and government as they shall think proper; *provided*, the same are not inconsistent with the constitution and laws of the United States or of this state.

Proviso.

Amount of
capital stock.

4. *And be it enacted*, That the capital stock of this corporation shall be two hundred thousand dollars, divided into shares of one hundred dollars each, and the capital stock upon which they shall commence business shall be one hundred thousand dollars, of which the stock already subscribed and paid for shall be deemed and taken as part, which shares shall be deemed personal property, and shall be transferable in such manner as the said corporation shall direct, and it shall and may be lawful for the said corporation at any time, by a vote of a majority of the stockholders to increase the same to three hundred thousand dollars.

Affairs, how
managed.

5. *And be it enacted*, That the stock, property, and affairs of the said corporation shall be managed by not less than three, nor more than seven directors, one of whom of said directors shall be elected president, and said directors shall be stockholders in said corporation, and shall hold their office for one year, and until others shall be chosen to fill their places; said election of said directors shall be held at the annual meeting of said stockholders to be elected on such day and hour of said day, and at such place as the by-laws of the said corporation shall direct, and until such annual election shall take place, the persons named in the first section of this act, with such others, being stockholders, as they shall appoint, shall be directors of said corporation; a majority of the directors, shall on all occasions when assembled, at such time and place as the by-laws shall prescribe, constitute a body to transact business; and all business matters before them shall be decided by a majority of votes, and in case any vacancy shall occur in the board of directors by death, resignation or failure of the stockholders to elect a full number authorized by this act, the remaining directors

Vacancies,
how filled.

for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

6. *And be it enacted*, That the said directors shall submit Statement to be made. to the stockholders, at their annual meeting, a written statement of the affairs of said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained.

7. *And be it enacted*, That dividends of so much of the Dividends. profits of the said corporation as the directors may think advisable, may be declared in the months of January and July in every year, to be paid to the stockholders or their legal representatives at any time, on demand, after the expiration of thirty days after the same shall have been so declared.

8. *And be it enacted*, That in case it shall happen that an Failure to elect not to dissolve. election of directors shall not be made upon the day designated in this act for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days' notice being given of the time and place of such election.

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

10. *And be it enacted*, That this act shall take effect as soon Act when to take effect. as the said "The Perry, Packard Company," at a meeting of the stockholders called for that purpose, shall, by a resolution, signify their acceptance thereof as the charter of said corporation; and that this act shall continue in force for fifty years; *provided*, that nothing in this act contained shall be Proviso. construed to alter or impair the rights, liabilities and contracts of the said company under its present organization, and that the corporation hereby created shall possess the general powers, and be subject to the restrictions, provisions, duties, limitations and obligations set forth in an act entitled "An Act concerning corporations," approved February fourteenth, anno domini eighteen hundred and forty-six, and the supplements to said act, so far as the same are applicable.

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

Approved March 20, 1872.

CHAPTER CCLXXXI.

An Act to incorporate the Saint Patrick's Total Abstinence Benevolent Society, of Passaic, New Jersey.

Preamble. WHEREAS, a number of the inhabitants of the village of Passaic, county of Passaic, and state of New Jersey, have formed themselves into an association or society, to which they have given the name of "The Saint Patrick's Total Abstinence Benevolent Society, of Passaic, New Jersey," the object of which is to create a fund to be applied towards the relief or support of such members thereof as shall, by sickness, accident or bodily infirmity, or other cause, be rendered incapable of attending to their usual occupation or calling, and also towards the decent interment of deceased members; and whereas, it is believed that an act of incorporation will promote the objects of the society, and add to the security of its property; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That Thomas Meade, Thomas Giblin, Michael Beirne, Moses Mulchinock, Timothy Hegarty, Henry Frain, Michael King, Patrick Williams, Michael Driscoll, Michael Watters, John Syms, Thomas Momion, and all such other persons as now are or shall hereafter become members of said society, be and they are hereby constituted and declared to be a body politic and corporate, in fact and in law,

Corporators. by the name, style and title of "The Saint Patrick's Total Abstinence Benevolent Society, of Passaic, New Jersey;" and by that name they and their successors shall have continued 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 law and equity whatsoever, in all manner of actions,

Name and powers.

suits, matters, complaints and causes whatsoever; and that they and their successors may have and use a common seal, and shall have power to change and alter the same at pleasure, and by their name aforesaid, and under their common seal, may make, enter into, form and execute any contracts and agreements relating to, touching or concerning the objects of the said incorporation.

2. *And be it enacted*, That for the more effectual accomplishment of the objects of the said incorporation, there shall be a president, vice president, secretary, assistant secretary, and treasurer, and such other officers and assistants as shall be deemed necessary, who shall be elected annually by ballot by a majority of the members present at the annual meeting of the said society, to be held in March of each and every year, and three stewards, who shall be appointed every month in the order of their names on the roll (excepting the president, vice president, secretary, assistant secretary and treasurer), who shall act in the capacity of investigating committee. Officers.

3. *And be it enacted*, That the estate and property, of what kind soever the same may be, now or hereafter held by the said society, shall be vested in the body corporate and politic hereby created, which said body politic and corporate shall, by the name and title aforesaid, be able and capable in law to purchase, receive, take, hold and convey, for the use and benefit of said society, and for the purposes expressed in the preamble of this act, any lands, tenements, hereditaments, or any sum or sums of money, rights, goods, securities and chattels, by gift, alienation, devise, bequest, or otherwise, of any person or persons, bodies corporate or politic, legally authorized to make the same; *provided*, that the clear yearly value or income of the real and personal estate of said society shall not exceed the sum of five thousand dollars. May hold real estate.

4. *And be it enacted*, That the said corporation be and they are hereby authorized and empowered to make, adopt and use, and from time to time to alter, amend or change, as by them may be deemed expedient, such general form of a constitution and by-laws, for the transaction of business, and for effecting the purposes of the society aforesaid, as by the members or a majority of the members present, duly met, shall be deemed right and proper; *provided*, that nothing in the said constitution or by-laws be repugnant to the constitution or laws of the United States or of this state. May make by-laws, &c.

Object.

5. *And be it enacted*, That the sole and exclusive object of the society hereby incorporated shall be the relief of its respective members, when sick, or disabled by bodily infirmities or accidents, from pursuing their ordinary avocations, the payment of the expenses incident to the decent interment of deceased members, and such other necessary expenses as shall accrue by carrying into effect the objects set forth in the preamble, and in this and the foregoing sections of this act, and no part of the funds of said corporation shall be used in banking purposes, or in any other way, except as provided for by this act.

Not to be used in banking purposes.

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

Approved March 20, 1872.

CHAPTER CCLXXXII.

An Act to incorporate the Widows' and Orphans' Benevolent Association, of the city of Newark, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Frederick Kuhnhold, Simon Mayer, Benedict Prieth, Theodore Horn, George C. Webner, Julius Stapff, Gottfried Krueger, John Brustmann, Henry Sanerbiere, John G. Burger, Frederick Reynold, and such other persons as now are or hereafter may be associated with them and their successors, shall be and are hereby constituted a body corporate by the name of "The Widows' and Orphans' Benevolent Association, of the City of Newark, New Jersey," and by that name they and their successors may have perpetual succession; and by their name and under their seal may make, enter into, form and execute any contracts or agreements relating to the objects of said association.

Name.

Object.

2. *And be it enacted*, That the object of this association is to afford relief to its members in case of sickness or distress, accident or infirmity, aiding in the burial of deceased

members, and contributing to the maintenance and education of their families, and widows and orphans generally.

3. *And be it enacted*, That the said corporation shall have ^{May adopt by-laws.} power to adopt a code of by laws for the management of finances, general business, and election of officers, who shall consist of a president, treasurer and secretary.

4. *And be it enacted*, That the said corporation may hold ^{May have and hold real estate.} real and personal estate, either purchased or devised.

5. *And be it enacted*, That the said corporation shall ^{General powers.} possess all the powers and privileges, and be subject to all the restrictions and liabilities contained in the act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and the various supplements thereto.

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

Approved March 20, 1872.

CHAPTER CCLXXXIII.

An Act for the relief of the German Valley Village Rural Cemetery, in the county of Morris.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the German Valley Village Rural Cemetery, in the county of Morris, are hereby authorized and empowered to sell, either at public or private sale, such part or parts of the real estate now held by them as they may deem expedient, and to make and deliver to the purchaser or purchasers a good and sufficient deed for the same, by which the whole title of said corporation shall pass to the purchaser, free and clear and absolutely discharged from all trusts whatsoever, upon which the same now is or has heretofore been held. ^{Trustees may sell and convey real estate}

2. *And be it enacted*, That the proceeds of the said sale ^{Proceeds, how invested.} or sales shall be invested by the said trustees, either in the

purchase of other real estate for the use of said corporation, or for such other use as the said trustees shall determine.

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

Approved March 20, 1872.

CHAPTER CCLXXXIV.

An Act to incorporate the Cranford and Rahway Horse Railroad Company.

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| Corporators. | 1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That John Woodruff, John R. Ayres, Wm. E. Bloodgood, James C. Blake, Geo. W. Tubbs, Sylvester Cahill, Alden B. Bigelow, John Cromwell, Amos P. Scudder and such other persons as may hereafter be associated with them, shall be and are hereby made, constituted, and declared a body politic and corporate, in fact |
| Name. | and in law by the name of "The Cranford and Rahway Horse Railroad Company," and by that name shall be capable of purchasing, holding and conveying lands, tenements and real estate, goods and chattels necessary or proper for the object of said corporation. |
| Amount of capital stock. | 2. <i>And be it enacted</i> , That the amount of the capital stock of said corporation shall be fifty thousand dollars, with the privilege of increasing the same to two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct. |
| Commissioners to receive subscriptions. | 3. <i>And be it enacted</i> , 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 in the city of Rahway, or township of Cranford, as they, or a majority of them think proper, giving at least twenty days notice of the |

same, in one or more newspapers published in the city of Rahway, and at the time of subscribing ten per centum of the value of each share subscribed, shall be paid to the commissioners, or one of them; and as soon as thirty thousand dollars of the capital stock shall be subscribed, said commissioners shall give like notice for a meeting of the stockholders to choose seven directors, a majority of whom shall be residents of this state, and citizens thereof, and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for the purpose, either in person, or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named persons, or any three of them, shall be inspectors of the first election of directors in the said corporation, and shall certify under their hands, the names of the persons duly elected, and deliver over the subscription books and all moneys paid in (after deducting all expenses previously incurred), to such director so elected, and annually after said first election of directors, at a time and place to be fixed by the by-laws of said corporation, there shall be a meeting of the stockholders to choose seven directors, a majority of whom shall be citizens of this state, which election shall be conducted in accordance with the rules fixed by the by-laws of said corporation, and which directors shall hold their offices for one year after their being so chosen.

Election of directors.

4. *And be it enacted*, That in case it shall happen that an election of directors should not be held, upon the day when pursuant to this act it ought to be held, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, giving ten days' notice in the manner provided by law, and the directors for the time being, shall continue in office until others shall have been chosen in their place; and in case of the death, resignation, or removal of any director during the year for which he may have been chosen, such vacancy may be filled by the remaining directors, or a majority of them.

Failure to elect directors not to dissolve

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of said corporation, shall have power to call in the capital stock of said corporation, to be paid by such installments, and at such times as they may direct, and in case of the non-payment of such installments or any of them, to forfeit the share or shares upon which such default shall arise, or, at their option,

Failure to pay subscriptions to work for forfeiture.

to sue for and recover the installments due and unpaid ; to make such by-laws, rules and regulations as shall appear proper concerning the business of said corporation, and to appoint such officers, clerks and servants, and fix for them such salaries and wages as to them shall seem proper.

Authorized to
construct rail-
road.

6. *And be it enacted*, That said corporation shall have power and authority to lay down and construct a railroad with the necessary turnouts and switches, from some point in the city of Rahway, near the principal station of the New Jersey Railroad and Transportation Company, in and along such streets and highways, already laid out, or to be laid out, in the city of Rahway and the townships of Clark and Cranford, as they shall deem proper, to some point in the township of Cranford, near the station of the Central Railroad of New Jersey, to some point in the township of Cranford ; *provided*, that the right to construct said railroad through any of the streets or roads within the city of Rahway, shall not vest in said corporation until the consent of the city of Rahway shall be first had and obtained of the city council.

Proviso.

Track to be
laid level with
surface of
streets.

7. *And be it enacted*, That the track laid by said corporation, shall be of the same width as the wagon track now established by law, and the same shall be laid in all streets within the limits of said city of Rahway, level with the surface of said streets, and in conformity with the grades thereof, which now are, or hereafter may be established by the municipal authority of said city ; and in all cases the rails of such track shall be so laid as to present no unnecessary obstructions to, or in any way interfere with the wagons or other vehicles turning in, or crossing said streets or roads through or over which said road or its turnouts or switches may be laid.

May purchase,
hold and pos-
sess real es-
tate.

8. *And be it enacted*, That the said corporation may purchase, have and hold real estate at each terminus of said road, and at such places not exceeding five, along the line of said road, as they may desire, not, however, exceeding ten acres at each place, or thirty acres in the aggregate, and may erect and build thereon houses, depots, warehouses, stables, machine shops, and such other buildings and improvements as may be necessary for carrying out the objects of said corporation.

Dividends.

9. *And be it enacted*, That the president and directors of said corporation shall declare and make such dividends as

they may deem prudent and proper from time to time, out of the net profits of the said railroad.

10. *And be it enacted*, That the president and directors of said corporation shall have power to purchase, or to have constructed with the funds of said corporation, all such machinery, cars, wagons, or other vehicles for the transportation of persons or property on their railroad as they may think fit, expedient or right; and also to purchase such horses or mules as they shall deem fit for the purpose of said corporation; *provided, however*, that no steam power shall be used as a motive power upon said railroad; and that they are hereby authorized to demand and receive such sum or sums of money for the transfer of persons or property upon said railroad as they shall think reasonable and proper; *provided*, that not more than ten cents shall be demanded or received for conveying any person from any point to another upon said railroad.

May purchase equipments.

Proviso.

Proviso.

11. *And be it enacted*, That if any person or persons shall wilfully or maliciously impair, injure, destroy or obstruct said railroad, or any of its works, turnouts, switches, carriages, animals or machines, such person or persons shall forfeit and pay therefor to said corporation, three times the amount of damages sustained by means of such injury, to be recovered in the name of said corporation, with costs of suit, in any court having cognizance of the same.

Penalty for injuring works.

12. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money from time to time as shall be necessary to build, construct, repair or equip said road, and to secure the payment thereof by bond and mortgage, or otherwise, on the said railroad, lands, privileges, franchises and appurtenances of the said corporation, at a rate of interest not exceeding seven per centum per annum.

May borrow money and issue bonds.

13. *And be it enacted*, That it shall be lawful for said corporation at any time to make contracts and engagements with any other corporation, or with individuals, for operating said railroad, for transporting or conveying any kind of goods or merchandise, freight or passengers, and to enforce the fulfillment of such contracts, and to demand and receive for such transportation by them carried over the road of any other company the same rate of fare and tolls as said corporation are entitled to receive by virtue of this act for transportation and passage over their road; and also to connect with any other railroad or railroads in said city of Rah-

May make contracts.

May connect.

way or township of Cranford, now incorporated or hereafter to be incorporated, upon such terms and conditions as may be agreed upon between them, and not inconsistent with their respective charters; *provided, further*, that said company shall, within the limits of the city of Rahway, in all things be subject to the provisions of the charter and ordinances of said city now or hereafter to be in force.

Proviso.

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

Approved March 20, 1872.

CHAPTER CCLXXXV.

An Act to incorporate the Ocean County Land and Improvement Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David H. Tichenor, William H. B. Thomas, Rutherford Stuyvesant, Henry Morris, Mathew S. McCullough, Isaac S. Jennings, and James H. Tichenor, and all such persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic in fact and in name, by the name of "The Ocean County Land and Improvement Company," and by that name said company and their successors shall have perpetual succession, and enjoy all the privileges and franchises incident to a corporation, and shall have power to sue and be sued, pleading, answering and defending in all courts and places, and in all manner of actions and complaints whatever, and shall be capable in law of purchasing, using, holding, letting, improving, manufacturing, selling and disposing of such real and personal estate in this state or elsewhere, as may be necessary or expedient to the objects of this incorporation, and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever, necessary or useful for the purposes aforesaid.

Corporators.

Name and powers.

2. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing it to one million dollars, which shall be divided into shares of one hundred dollars each, and as soon as five hundred shares of the capital stock shall have been subscribed, and the sum of ten dollars on each share so subscribed paid or secured to be paid, it shall and may be lawful for said company to proceed to carry into effect the objects of said corporation; and it shall be lawful for the directors of said corporation to call and demand from the stockholders thereof respectively, such installments, and at such times and in such proportions as they shall deem proper, not exceeding twenty dollars on each share at any one time, notice of which shall be published for at least thirty days in a newspaper in the county of Ocean, or shall be given in writing for the like space of time to the stockholders before such installments are required to be paid; and in case of failure of any stockholder to pay his, her or their installments at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder or stockholders shall incur a forfeiture of his, her or their share or shares, and all previous payments thereon, for the use of the company; *provided*, the directors of said company shall have power to reinstate such forfeited share or shares, upon such terms as to them shall seem reasonable and fit; and the books of subscription to the stock of said corporation shall be opened at such time and place, and remain open such time in this state, as the directors shall appoint, notice being given previous thereto in a newspaper printed in said county of Ocean; and the shares of said capital stock shall be deemed personal property and transferable in such manner as the corporation by their by-laws shall direct.

Capital stock.

Failure to pay
installments
to forfeit
shares.

Proviso.

3. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by not less than three nor more than seven directors, a majority of whom shall be residents of this state, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices respectively for one year and until others are elected; and that the directors hereinbefore provided for shall be elected at such time and place as shall be provided for by the by-laws of said corporation, by such of the stockholders as shall attend for that purpose, either in person or by proxy, and notice of the time and place of such election shall be

Directors to
manage af-
fairs.

published not less than two weeks previous thereto, in a newspaper published in the county of Ocean, and each stockholder shall be entitled to one vote for each share which he, she or they may hold in said corporation; and the persons having the greatest number of votes shall be directors; and the directors may appoint such agents, officers and superintendents, and make such compensation, and assign such duties to them as they shall think fit; and if at any time any vacancy or vacancies occur from any cause whatever among the directors of said company, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors, or a majority of them, shall appoint; and until other directors are chosen by the stockholders, the persons named in the first section of this act shall be the directors, and shall hold their office until others are legally chosen.

Vacancy, how filled.

May let, lease, mortgage and sell lands, &c.

4. *And be it enacted*, That the said company are hereby authorized to let, rent, lease, mortgage, sell and convey in fee simple all such lands and real or personal estate as they may have and hold from time to time, in whole or in parcels, and to improve any lands and real estate owned or possessed by said company, by erecting, or causing to be erected thereon, buildings of every name, kind, description, and for all proper and legitimate uses and purposes, to lay off any lands and real estate into lots, to make and cut ditches, drains, dykes, dams, sluices and raceways, as the same may be needed for the purpose of improving their lands and real estate, and to use the same for agricultural purposes, planting vineyards, growing cranberries, or in any other lawful way that the said company may deem necessary and advisable, and to purchase, make up, manufacture, sell and dispose of all materials pertaining to the erection of such buildings, or for any other purpose needed by said corporation.

May make rules and regulations.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of the business of the said corporation, and shall have power to make such by-laws, ordinances, rules and regulations, as shall seem necessary and convenient for the management or disposition of the stock, effects and concerns of the said corporation; *provided*, the same are not contrary to the laws or constitution of the United States or of this state.

Proviso.

May issue bonds.

6. *And be it enacted*, That in order to more effectually carry into effect the objects of this corporation, the said company shall have power to borrow money to an amount not ex-

ceeding one-half its capital stock, by the issuing of bonds not more than thirty years to run from the date of the same, until becoming due, and to provide for the payment of the interest on the same, either yearly or half yearly, and to secure the payment of the same by making and executing a mortgage on their lands and real estate, works, property and franchises, and may receive property suitable for its purposes in lieu of such subscriptions.

7. *And be it enacted*, That in case it shall at any time happen that an election of directors shall not be made on the day when it ought to be made, the said corporation shall not for that cause, nor for any other nonuser, be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as the directors of the said corporation shall direct.

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

Approved March 20, 1872.

CHAPTER CCLXXXVI.

A Further Supplement to the act entitled "An Act to incorporate the Dundee Manufacturing Company," passed March fifteenth, eighteen hundred and thirty-two.

WHEREAS, the increasing manufacturing business on the property of the said company, the name of which by a previous supplement has been changed to the "Dundee Water Power and Land Company," and the wants of the people in the neighborhood thereof require that there should be railroad communication with the principal markets of the country; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Dundee Water Power and Land Company are authorized and empowered to survey, lay out, construct, maintain, and operate or lease a railroad upon and from or near to the property owned by

Failure to
elect not to
dissolve.

Preamble.

May survey,
lay out, con-
struct or lease
a railroad.

them, and which shall hereafter be acquired by them, to connect with the Paterson and Hudson River Railroad, now operated by the Erie Railway Company, at some convenient points in the county of Passaic, with as many branches on their property as the said company may deem proper, to facilitate their business, and that additional branches on their property can be located from time to time, after the first location shall be made, as the said company shall determine to be necessary, and to place and run engines and cars thereon, and to demand and take fare for carrying passengers and merchandize at same rates as the Paterson and Hudson River railroad are authorized by law to take, said railroad shall not exceed fifty feet in width, except where from the nature of the ground or the height of the embankment a greater width than fifty feet shall be necessary, excepting that part of the road running on Monroe street, which shall not exceed the width already granted by the council of the village of Passaic; and in such case said company shall take no more ground exceeding the fifty feet in width than shall be necessary, with power to cross highways; and where the same shall cross any highway, the crossing shall be made and maintained in good repair by the said company.

Rates for
transportation

Company not
to occupy
more than
one street in
village of Pas-
saic.

Proviso.

2. *And be it enacted*, That in that part of the village of Passaic lying west of the Dundee canal, the company shall not occupy more than one street, except where their railway shall cross intersecting streets and shall occupy no street except upon the carriage way, unless where a curve makes further occupation necessary; all rails laid in the streets shall be a flat "U," or groove rail properly protected with timber; *provided*, that in the opinion of competent engineers this rail is suitable to carry out the purposes of this act, that the westerly terminus of the road shall be at some point on the Paterson and Hudson River railroad, between Passaic station and the centre line of Monroe street, in Passaic village, but not more than seven hundred feet south of the centre line of said Monroe street, and the easterly terminus on the property of the Dundee Water Power and Land Company at such point as the company may select; the grade between the Paterson and Hudson River railroad and the Dundee canal, shall conform to the surface of the land, as nearly as convenient use of such road for freight trains will permit, a grade of fifty feet per mile not to be exceeded, any extra cost of grading intersecting streets either now or here-

after to be laid, made necessary by the crossing of said railroad shall be paid by the company; should any street cross said railroad below the grade thereof, a passage way the full width of said street, under the track, shall be opened and maintained by the company; and the railroad track shall be so laid and protected with plank as to interfere with travel on Monroe street as little as possible, the centre portion between the tracks being filled in with plank on a level with the top of the rails; *provided*, nothing in this act contained shall be so construed as to authorize said company to construct any railroad, or part thereof, outside of the limits of Passaic county; or to take, or damage any land without first paying or tendering therefor the amount thereof as ascertained by the commissioners hereinafter mentioned or a jury as the case may be; *and provided further*, that the width of the land taken by said company from Henry P. Simmons between Central avenue and Lexington avenue, shall not exceed eighteen feet.

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

4. *And be it enacted*, That if the said company, or its agent or agents, cannot agree with the owner or owners of such required lands or materials for the use or purchase thereof, or if by reason of legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required

for the use of the said company in the construction of the said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of 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 time 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, residents of this state, commissioners to examine and appraise the said lands or materials and assess the damages, upon such notice not less than twenty days, to be given to the person interested or otherwise, as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and to proceed to view and examine the said lands or materials, the said commissioners at the same time taking into consideration as the case may be to the said owner or owners, and to make a just and equitable appraisement of the value of the same, and an assessment of the damages to be paid by the said company, which report shall be made in writing under the hands and seals of said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointment and oaths and affirmations aforesaid in the clerk's office of the county in which the lands or materials lie, to remain of record thereon, which report, or in case of an appeal, the verdict of the jury and the judgment of the court therein and a copy thereof, certified by the clerk of said county, the damages and costs assessed and adjudged being first paid as hereinafter mentioned, shall at all times be considered as plenary evidence

of the right of the said company to have, hold, use, occupy, possess and enjoy the said land or materials; and said justice of the said supreme court shall on application of either party on reasonable notice to the other, tax and allow such costs, fees and expenses, to the justice of the said court, commissioners, clerk and other persons performing any of the duties prescribed in this section as he shall think equitable and just, and shall order and direct by whom the same shall be paid.

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

Proceedings
in case of ap-
peal.

Proviso.

entitled to receive the same, the amount assessed by the commissioners as the value of such lands, or damages, in case the report of the commissioners is not appealed from; or if the same is appealed from, then the said company shall not have the right to retain possession of the said lands, unless they shall pay the amount which shall be found by the jury by whom the issue shall be tried, but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal or the amount found by the jury, in case of appeal, shall refuse, upon tender thereof being made, to receive the same, or shall be out of this state, or under any legal disability, then payment of the amount assessed or found, as aforesaid into the circuit court of the county where the said lands lie, shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners, may upon tender thereof being made, receive the same, without being barred thereby from his, her or their appeal from the report of the commissioners.

May make
agreements
and contracts
with Erie
Railway Com-
pany.

6. *And be it enacted*, That the said company are hereby empowered to make contracts and arrangements with the Erie Railway Company for the transportation of goods, wares, merchandise and passengers upon and over the road hereby authorized, and the road and ferries operated by the said Erie Railway Company, and also to make such railroad connections as may be necessary or proper for such purpose, between the roads operated by the Erie Railway Company and the road hereby authorized.

May purchase
and hold real
estate.

7. *And be it enacted*, That the said company may purchase, have, hold and occupy such real estate at or near the commencement and termination of the said road, and on the line of the same as may be necessary for depot purposes, and the storing of goods, wares and merchandise, not however to exceed three acres in any one place, off the lands of the said company acquired or to be acquired for the purposes by the original act of incorporation contemplated, except in the village of Passaic, where the power to take lands by condemnation for depot purposes is not given or intended to be given by this act.

Statement of
costs to be
made.

8. *And be it enacted*, That as soon as said railroad, or any part of it is in operation, the president of the said company shall make, under oath or affirmation, a statement of the amount of the cost of the said railroad, including equip-

ments, appendages and all expenses, and file the same in the office of the secretary of state, and annually thereafter, on the first Monday in January, of each year, he shall, under oath, make a statement to the secretary of state, of the cost of the equipment, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of State tax. this state, a tax of one-half of one per centum on the costs, equipment and appendages of said road, to be paid annually thereafter, on the first Monday in January of each year, and such other taxes as may be assessed, from time to time, by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws; and until the passage of such law, the payment of the one half of one per centum shall be in lieu of all other taxes; and until the said railroad, or any part thereof, shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purposes, and by the same person or persons as other taxes are assessed in said city or cities, township or townships.

9. *And be it enacted*, That shares of stock of one hundred dollars each, to the amount heretofore authorized, may be Shares of stock may be issued to stockholders. issued proportionately to the stockholders on the surrender and cancellation of their present certificates of shares of fifty dollars each.

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

Approved March 20, 1872.

CHAPTER CCLXXXVII.

A Supplement to an entitled "An Act to repeal an act entitled 'An Act to incorporate the Newark and Mount Pleasant Turnpike Company,'" approved February twenty-seventh, anno domini one thousand eight hundred and six.

Preamble.

WHEREAS, in and by an act of the legislature of New Jersey, approved March seventeenth, anno domini eighteen hundred and seventy, it was enacted that the "Act to incorporate the Newark and Mount Pleasant Turnpike Company," approved February twenty-seventh, anno domini one thousand eight hundred and six, be and the same was thereby repealed, and that said turnpike should be deemed and taken to be a lawful public road, and should be kept in repair in the same manner, and by the same means, and should be subject to the same penalties as the other public roads are in the several townships, through which the same may pass; and whereas, questions have arisen as to the right of the legislature to repeal the charter of the said road without making compensation to the stockholders for the capital stock thereof,

Commissioners to treat with owners of stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jabez H. Hazard, William N. Williams and Edward Williams be, and they are hereby appointed commissioners to treat with the owner or owners of said stock of said, "The Newark and Mount Pleasant Turnpike Company," for the purchase and cancellation thereof.

Proceedings when commissioners and owners can not agree.

2. *And be it enacted*, That if said commissioners cannot agree with the owner or owners of such stock for the purchase and cancellation thereof, or when by the legal incapacity or absence of such owner or owners no such agreement can be made, the said commissioners shall meet in the town of Orange, in the county of Essex; notice of the time and place of meeting shall be given by publication for two weeks, in two newspapers, printed and published in Orange, aforesaid, and having first taken and subscribed on 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 just and true report according to the best of their skill and understanding, shall examine and appraise the value of said stock, and make a just and equitable valuation and appraisal of the same, and assessment of damages to be paid to the respective owner or owners of such stock for the condemnation and cancellation thereof.

3. *And be it enacted*, That the said commissioners may assess upon the several townships through which said road may pass, such proportionate share of said assessment, and of the expenses of said commissioners, as said commissioners shall deem just and equitable; and the said commissioners shall be allowed three dollars per day for each and every day so employed by them in performing the duties prescribed by this act. Assessment to be made upon townships. Compensation

4. *And be it enacted*, That the said commissioners shall, within thirty days from the time of making said award and assessment, make a report thereof under their hands and seals or the hands and seals of any two of them, and file the same in the office of the clerk of the county of Essex, together with their oaths or affirmations aforesaid, which report, or a copy thereof certified by said clerk, shall at all times be considered as plenary evidence of the right of said township, and every and either of them through which said road may pass, to have, hold, use, occupy, work and maintain the same, and the right of said stockholders to recover the said valuation thereof with interest and costs in an action in any court of competent jurisdiction, to be instituted against the said several townships through which said road may pass, if they shall neglect or refuse to pay the same for twenty days after demand made upon their treasurer, and report when filed as aforesaid, shall vest in said several townships the ownership of said stock; *provided always*, either of the said townships, or of the said stockholders feel himself, herself or themselves aggrieved by the decision of the said commissioners, he, she or they may appeal to the court of common pleas of the said county of Essex, at the next term thereafter. Commissioners to make report of award and assessment. Stockholders may bring actions to recover amount of valuation. Proviso.

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

Approved March 20, 1872.

CHAPTER CCLXXXVIII.

A Further Supplement to the act entitled "An Act to incorporate the Citizens' Gas Light Company of the city of Newark," approved March eighteenth, one thousand eight hundred and sixty-eight.

Amendment. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the eighth section of the act to which this act is a further supplement, be amended by striking out of said section the words "adjoining the said city of Newark, excepting the township of East Orange;"

Proviso. *provided*, that nothing in the act shall authorize the Citizens' Gas Light Company to lay pipes or erect gas works in the township of Montclair.

Power to sell gas and make contracts with other companies. 2. *And be it enacted*, That the Citizens' Gas Light Company of Newark, is hereby invested with full power to manufacture, sell and deliver gas to any other gas light company incorporated to supply gas light for all or either of the townships of Belleville or Bloomfield, in the county of Essex, and to make any contract with such company requisite for that purpose; *provided always*, that nothing herein contained shall be held or construed to affect or impair in any way, or to authorize any interference with any contract now existing between said company and any other gas light company of this state, but such last mentioned contract shall be held to be valid and effectual in law.

Proviso.

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

Approved March 20, 1872.

CHAPTER CCLXXXIX.

An Act to incorporate the State Fruit Growers' Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel J. Parker, William A. Newell, Charles G. Imlay, E. W. Earl, William L. Imlay, Charles C. Lathrop, A. Rankin, A. Hart, Thomas L. Vanderbeck, M. D., and Newell Imlay, or any five of them, are hereby appointed commissioners for receiving subscriptions to the capital stock of a company to be denominated "The State Fruit Growers' Company," and for that purpose they shall procure a suitable book and enter in as follows: "We whose names are hereunto subscribed, promise to pay to the State Fruit Growers' Company the sum of ten dollars for each and every share of stock set opposite to our respective names, in such manner and in such proportions, and at such times as shall be determined by the president and directors of said company."

Corporators.

Name.

2. *And be it enacted*, That the capital stock of the said company shall consist of ten thousand shares at ten dollars each, with privilege to increase the same to twenty-five thousand shares.

Amount of capital stock.

3. *And be it enacted*, That the real estate which it shall be lawful for the said company to purchase, hold, rent or convey, shall be such as shall be requisite for the convenient transaction of its business.

Real estate.

4. *And be it enacted*, That the State Fruit Growers' Company is hereby authorized to purchase lands and engage in the cultivation of fruits, grains, vegetables, and such other products as will promote the interests of the corporation, and convert the same into such marketable conditions as may be deemed advisable; *provided*, none thereof shall be converted into spirituous or malt liquors; and to manufacture glass and other wares, whether solids or fluids; and to make what are commonly known as fruit jars or cans, and to buy and sell the same, with or without contents.

May purchase lands, &c.

Proviso.

5. *And be it enacted*, That a general meeting of stockholders shall be annually held on the first Monday of Janu-

Failure to elect directors not to dissolve

ary, for the election of five directors and the transaction of other business; but if such meeting or election shall not take place, the corporation for that cause shall not be dissolved, but such meeting or election shall take place thereafter as soon as may be, public notice thereof being first addressed to the stockholders.

Election of directors.

6. *And be it enacted*, That the election of directors shall be by ballot, from among the stockholders; and that in the enactment of the by-laws for the government of the corporation and its officers, and in the decision of all questions, the stockholders present, either in person or by proxy, shall severally have one vote for each share of stock held by them.

Powers of directors.

7. *And be it enacted*, That the directors shall continue in office until their successors be elected; shall elect a president and vice president from among themselves; shall supply vacancies in their number, whether occasioned by death, resignation or other cause, and shall have general and entire control of the affairs of the corporation, unless otherwise provided by the stockholders; and at their meetings, three members shall constitute a quorum.

Approved March 20, 1872.

CHAPTER CCXC.

An Act for the purpose of raising money to construct and complete a public school building in District Number Fourteen, at Scudder's Falls, in the county of Mercer.

Preamble.

WHEREAS, the trustees of school district number fourteen, of the townships of Ewing and Hopewell, in the county of Mercer, have partially erected a public school building, which building when finished, and furniture necessary in said building, will cost about the sum of fifteen hundred dollars,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees of said district number fourteen are hereby authorized to finish

the erection and construction of said public school building, ^{Trustees au-} and to provide the necessary furniture and apparatus in said ^{thorized to} school building, and to construct fences in and around the ^{finish school} same, and to make such other improvements as to said trustees or their successors may seem desirable, and to expend therefor any sum or sums of money that may be necessary, not exceeding fifteen hundred dollars.

2. *And be it enacted*, That said trustees are hereby au- ^{May borrow} thorized to borrow money on bond and mortgage for the pur- ^{money.} pose aforesaid, and cause the cost of said building to be assessed upon the taxable property of the district in the same manner as other taxes are now assessed and collected ; *pro-* ^{Proviso.} *vided*, not more than one-half of said expense shall be levied and assessed in any one year.

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

Approved March 20, 1872.

CHAPTER CCXCI.

A Supplement to the act entitled "An Act to incorporate the city of Woodbury," approved March sixteenth, eighteen hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "for paying state ^{Amendment.} and county taxes," in the twenty-sixth section of the act to which this is a supplement be stricken out, and that the amount limited in said section to be raised by the council shall be in addition to and exclusive of the state and county tax ordered to be raised in any year.

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

Approved March 21, 1872.

CHAPTER CCXCII

A Supplement to an act entitled "An Act to incorporate the town of Union, in the township of Union, in the county of Hudson," approved March twenty-ninth, eighteen hundred and sixty-four.

Preamble.

WHEREAS, the council of the town of Union having issued improvement certificates to Gardner and Heck for the improvement of Gardner and Durham streets, which said certificates the town of Union guaranteed to redeem in one year from the date of the same; and whereas, said improvement not being completed, and no said assessment having been made, nor money raised to pay said certificates, which are now due; and the holders of said certificates having sued the town of Union to recover the amount due thereon, and the said town of Union desiring to redeem said certificates; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town council of the town of Union shall have power to borrow a sum of money not exceeding thirty thousand dollars, and may issue their bonds therefor, under the corporate seal of said town, and the signature of the chairman of the council, in such sums and payable at such times as said council shall deem proper, bearing interest not exceeding seven per cent. per annum, payable semi-annually, with coupons attached, and to pledge the property and credit of said town for the payment of the same, which bonds it shall be lawful for said council and their successors to sell and assign, *provided*, the bonds so issued shall not be sold for less than ninety-five per cent. of their par value, and the money raised by the sale of said bonds shall be used by said council to redeem said certificates issued to said Gardner and Heck for said improvement, and for no other purpose whatsoever, and said bonds, when due, shall be redeemed out of the moneys assessed and collected for said improvement of Gardner and Durham streets.

Repealer.

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

and this act shall be a public act, and take effect immediately.

Approved March 21, 1872.

CHAPTER CCXCIII.

A Supplement to "An Act to incorporate the Jersey City Omnibus Company," approved March thirty-first, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to ^{Amendment.} which this is a supplement be and the same is hereby amended and extended so as to permit said company to use such other streets, roads and avenues in said city, and in the county of Hudson, as they may require for the purposes of the business authorized by the act to which this is a supplement.

2. *And be it enacted*, That James F. Fielder be an addi- ^{Additional} tional commissioner to those named in section two of the act ^{commissioner.} to which this is a supplement.

3. *And be it enacted*, That all acts and parts of acts in- ^{Repealer.} consistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 21, 1872.

CHAPTER CCXCIV.

An Act to facilitate judicial proceedings in the county of Warren.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the court of common pleas, orphans' court, oyer and terminer, and general quarter sessions of the peace, in and for the county of Warren, shall hereafter consist of three judges in addition to the justice of the supreme court holding the circuit for said county, one of which judges shall be an attorney-at-law, and shall be known as the president judge of the said courts, and shall hold the office for the term of five years.
2. *And be it enacted*, That whenever the justice of the supreme court holding the said circuit court shall be absent, such judge, who shall be an attorney-at-law, shall be the president judge of the court of common pleas, orphans' court, oyer and terminer, and general quarter sessions of the peace for said county.
3. *And be it enacted*, That such president judge shall receive a salary of fifteen hundred dollars per annum, to be paid by the board of chosen freeholders of said county, in quarterly payments, but to receive no other compensation whatever; said president judge may practice law in all the courts in this state in which he is authorized to practice, except such courts of which he is judge.
4. *And be it enacted*, That the court of common pleas, orphans' court, oyer and terminer, and general quarter sessions of the peace of said county of Warren, may hold adjourned and special terms under the same regulations already provided by statute in and of the circuit court.
5. *And be it enacted*, That indictments for crimes within the jurisdiction of the court of general quarter sessions of the peace, shall be handed down by the court of oyer and terminer and general jail delivery unto and tried in the said court of general quarter sessions of the peace, whenever said court of oyer and terminer and general jail delivery shall deem it necessary in order to expedite business and to deliver the jail.

Additional
judge.

Presiding
judge.

When he
shall preside.

Salary of judge

Common
pleas, &c.,
may hold spe-
cial terms.

Indictments
and crimes
tried there
when deemed
necessary.

6. *And be it enacted*, That whenever any person shall be charged upon oath before any justice of the peace or police justice, or any other officer authorized by law to hear said charge in the county of Warren, with any offence now triable by law before the court of general quarter sessions of the peace of said county, and such person shall, in writing, signed by him or her, addressed to the prosecutor of the pleas of said county, waive indictment and trial by jury, and request to be tried immediately, it shall be the duty of said prosecutor, unless he or the presiding judge of the court of common pleas of said county shall the public interest will be benefited by denying said request, to apply to the president judge of the said court of common pleas for the immediate trial of said person, and said president judge shall thereupon call a court of special quarter sessions, to be composed of himself and one other judge of said court (if said president judge shall think it necessary to call him), to meet at the court house in said county, which court is hereby empowered and required to try such persons with all due speed, having due regard to the circumstances of the case, the public interest and the possibility of obtaining necessary witnesses, and to determine and adjudge the guilt or innocence of the person charged; if such person be acquitted by said court, he or she shall be forthwith discharged; if he or she shall plead guilty or be convicted, said court shall thereupon forthwith render and record such judgment of imprisonment or fine, or both, as shall be authorized by law in case such person had been duly indicted and convicted; and it shall be the duty of said prosecutor (in person or by deputy) to attend upon said trial, prefer to said court an allegation, in writing, alleging the time, place and nature of the offence with which such person is charged, and to which such person shall forthwith plead, and the proceedings for bringing such person for trial before said court, the accusation, place, trial and sentence shall be in conformity with law and the practice heretofore, except so far as the same is altered by this act, and the costs of all proceedings in said court, under this act, shall be taxed and paid in the same manner as costs of proceedings upon indictments found in the court of oyer and terminer and general jail delivery of said county are now taxed and paid, except as herein otherwise provided.

Proceedings
in case of per-
sons who
waive indict-
ment and re-
quest trial.

7. *And be it enacted*, That the clerk of said county shall be clerk of the court hereby provided for, and shall issue all

Clerk of the
county to be
clerk of court.

process, whether of *capias*, *subpœna* or execution, which shall be required in carrying out the provisions of this act, which process shall be delivered to the sheriff of said county, and shall be by him served and returned under the same regulations and penalties, and with the same compensation as heretofore, and said sheriff shall be the officer of said court, and exercise the same supervision and direction of all constables and subordinate officers attending said court as heretofore.

Stenographer
may be ap-
pointed.

8. *And be it enacted*, That the justice of the supreme court who shall hold the circuit court for said county, or the president judge of the court of common pleas for said county, may appoint a competent person as stenographic reporter, whose duty shall be to take minutes of and report the proceedings and trials to be had in the supreme court circuit, circuit court, courts of oyer and terminer and general jail delivery, and general quarter sessions of the peace, at the general or special terms thereof, as shall be directed by the said supreme court justice or president judge of the court of common pleas, and such reporter shall be paid by the county collector of said county such compensation as shall be certified by said justice or judge to be proper, but not to exceed ten dollars per day for each day he shall be employed.

Compensation

Repealer.

9. *And be it enacted*, That all acts or parts of acts inconsistent with this act be hereby repealed.

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

Approved March 21, 1872.

CHAPTER CCXCV.

An Act for the relief of Samuel Peak, of the county of Burlington, a soldier of the war of eighteen hundred and twelve.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars be paid by the treasurer of this state to Samuel Peak, a

soldier of the war of eighteen hundred and twelve, upon the passage of this act, and at the rate of one hundred dollars per annum thereafter, to be paid to him semi-annually during his lifetime; and that the receipt of the said Samuel Peak shall be a sufficient voucher for the treasurer for all money paid by virtue of this act.

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

Approved March 21, 1872.

CHAPTER CCXCVI.

A Further Supplement to an act entitled "An Act to reorganize the local government of Jersey City," passed March thirty-first, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one hundred and fifteen of the act entitled "An Act to reorganize the local government of Jersey City," passed March thirty-first, eighteen hundred and seventy one, be and the same hereby is so amended as that said section shall read as follows, to wit: that the said board of fire commissioners shall have power to select of each steam fire engine in and belonging to said city, one driver, who shall receive a salary not exceeding seventy-five dollars a month; one engineer, who shall receive a salary not exceeding a thousand dollars per annum; one foreman, who shall receive a salary not exceeding two hundred and fifty dollars per annum; and not more than twelve hosemen, of whom ten shall each receive a salary not exceeding seventy-five dollars per annum, one shall receive a salary not exceeding eight hundred dollars per annum, and one shall receive a salary not exceeding eight hundred and fifty dollars per annum, and shall act as stoker; said driver, engineer, foreman and hosemen shall constitute an engine company for such engine; the said board shall also have power to select for each hand fire engine in and belonging to said city such com-

plement of officers and men as they may deem necessary, not exceeding thirty-five in all, at salaries not exceeding two hundred and fifty dollars per annum for a foreman, and seventy-five dollars per annum for each of the others who shall constitute the engine company of each hand engine; they shall also have power to select for each hose carriage in and belonging to said city, a driver at a salary not exceeding seventy-five dollars a month; they shall also have power to select for each truck car in and belonging to said city one driver and one tillerman, at salaries not exceeding seventy-five dollars per month; one foreman, at a salary not exceeding two hundred and fifty dollars per annum; two truckmen, at salaries not exceeding seventy dollars per month, and ten truckmen at salaries not exceeding seventy-five dollars per annum, who shall constitute the truck company of each such car; they shall also have power to select a chief engineer of the fire department, at a salary not exceeding twenty-five hundred dollars per annum, and one assistant engineer at a salary not exceeding fifteen hundred dollars per annum, and two district engineers at salaries not exceeding five hundred dollars per annum; they shall also have power to appoint a clerk to said board, and such persons as they may deem necessary for the proper management of the fire telegraph and alarm apparatus of said city, and to define their duties and fix their compensation.

Amendment. 2. *And be it enacted*, That section one hundred and sixteen of said act be and the same hereby is amended by striking out the word "stokers," and inserting in lieu thereof the words "engineers, tillermen," and by inserting in the proviso of said section, after the word "drivers," the words "and the said hosemen and truckmen, whose salaries exceed seventy-five dollars per annum."

Amendment. 3. *And be it enacted*, That section one hundred and fourteen of said act be and the same hereby is amended by striking out the words "*provided*, that repairs to said buildings shall be done under the direction of the board of public works;" and hereafter all repairs to buildings under the control and management of the board of fire commissioners aforesaid, shall be done under the direction and by the order of said board of fire commissioners, and not under the direction of the board of public works of said city.

4. *And be it enacted*, That if any person or persons shall maliciously or wilfully destroy or injure any of the wires,

poles, machines, bells, boxes, locks or other apparatus of the fire alarm telegraph of Jersey City, or shall maliciously or wilfully interfere with the same, or any part thereof, with intent to create a false alarm, or shall in any way maliciously or wilfully obstruct or attempt to obstruct the efficient use or operation of the same, or any part thereof, or hinder or impede any of the operations lawfully intended to be accomplished thereby, he, she or they so offending shall be deemed guilty of misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding one year, or both, in the discretion of the court, and shall also be liable if any damages occasioned thereby.

Penalty for
injuring or in-
terfering with
fire alarm, &c.

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

Approved March 21, 1872.

CHAPTER CCXCVII.

An Act to legalize the bonds issued by the city of Trenton for the relief of the city Chicago.

WHEREAS, the common council of the city of Trenton, pursuant to the resolutions of a public meeting of the citizens of Trenton, did appropriate the sum of ten thousand dollars to the relief of the city of Chicago, by reason of the late disastrous conflagration in that city, and did on the thirteenth day of October, anno domini eighteen hundred and seventy-one, pass an ordinance to authorize the issuing of the bonds of said city to raise money to pay said appropriation, which said bonds, to the amount of ten thousand dollars, payable in one year, with interest, were issued and the money received therefor, and to the payment of which the faith of the inhabitants of the city of Trenton was pledged; therefore,

Preamble.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the debt and liabilities incurred by the said city of Trenton, in consequence of the

Appropriation
legalized.

appropriation of the sum of ten thousand dollars to the Chicago relief fund as aforesaid, and the action of the said common council of the said city, in issuing the bonds of the city for the amount of ten thousand dollars as aforesaid, be and the same are hereby legalized, ratified and confirmed.

May provide
by taxation
for payment
of bonds.

2. *And be it enacted*, That it shall be lawful for the common council of the city of Trenton to order and cause to be assessed and raised by tax, at the time and in the manner that other taxes are collected in said city, the amount of money required to pay the principal and interest of the said indebtedness and to liquidate the said bonds at maturity.

Approved March 21, 1872.

CHAPTER CCXCIX.

An Act to change the name of the First Presbyterian Church in Independence to the First Presbyterian Church of Hackettstown, and to authorize it to convey land.

Trustees au-
thorized to
lease, sell and
convey land.

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 Independence, in the county of Warren, and state of New Jersey, or their successors in office, be and they are hereby authorized and empowered to lease or sell and convey all that certain tract or parcel of land and premises situate, lying and being in Hackettstown, Warren county, New Jersey, bounded and described as follows: beginning at a corner in the lot belonging to school district number one, in the edge of Main street, and running easterly along the line of the said school-house lot, to a point near Bowers' pond; and along said pond to a corner in the edge of a lot owned by the estate of William Rea, deceased, and along the line of said lot in a westerly direction to the edge of said Main street; and thence along said Main street to the place of beginning; and for that purpose to make, execute and deliver a good and sufficient deed or deeds of conveyance therefor, to the purchaser or purchasers of the same,

Description.

and that the said deed or deeds of conveyance shall be good and effectual in law; and the said trustees, or their successors in office, shall have full power and authority to remove all buildings, tombs or graves from said land and premises.

2. *And be it enacted*, That the incorporate name of the First Presbyterian Church of Independence, henceforth be changed to the First Presbyterian church of Hackettstown. Name changed.

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

Approved March 21, 1872.

CHAPTER CCC.

An Act relative to the Heimback Slate Mining Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Heimback Slate Mining Company of the city of Elizabeth be, and they are hereby authorized to keep an office in the city of New York, with such books and papers as may be necessary for the transaction of their business there; *provided*, that the principal office of said company shall be and remain in the city of Elizabeth, where the meetings of its stockholders shall be held, and where its stock and minute books shall be kept. May have an office in New York. Provide.

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

Approved March 21, 1872.

CHAPTER CCCL.

Supplement to "An Act to incorporate the May's Landing and Egg Harbor City Railroad Company," approved March twenty-second, eighteen hundred and seventy-one.

May extend railroad. 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 May's Landing and Egg Harbor City Railroad Company, incorporated by an act approved March twenty-second, eighteen hundred and seventy-one, to continue and extend the said railroad from its terminus at May's Landing, in the county of Atlantic, to some point in the village of Tuckahoe, in the county of Cape May.

Increase of capital stock. 2. *And be it enacted*, That in order to enable the said company to extend the said road as is above mentioned, it shall and may be lawful for the said company to increase their capital stock to the sum of one hundred and fifty thousand dollars, with the privilege of increasing it two hundred and fifty thousand dollars above the capital specified in the act to which this is a supplement.

Powers. 3. *And be it enacted*, That for the purpose of carrying into effect the objects and purposes of this act, and the complete execution of the same, the said company shall be and they are hereby invested with all the provisions, powers, authority and privileges given and granted by their original act of incorporation, and also subjected to all the duties, responsibilities, restrictions and provisions contained in said act, except as herein otherwise provided; *provided*, that nothing in this act shall affect the rights of the state to land lying under water.

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

Approved March 21, 1872.

CHAPTER CCCII.

A Further Supplement to an act entitled "An Act to incorporate the Perth Amboy Gas Light Company," approved March eighth, anno domini eighteen hundred and sixty-one.

WHEREAS, the capital stock of the aforesaid company, as Preamble.
limited by the act to which this is a further supplement, is inadequate and insufficient for the purposes contemplated by said act; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Perth Amboy Gas Light May increase capital stock.
Company be and the same hereby is authorized to increase the capital stock of the said company to an amount, which with the sum now authorized, shall not exceed the sum of one hundred thousand dollars, which increase shall be issued or subscribed and paid in, as the directors of said company from time to time may direct.

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

Approved March 21, 1872.

CHAPTER CCCIII.

Supplement to an act entitled "An Act to incorporate the Marine and Inland Telegraph Company," approved March twenty-eighth, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporation shall have May increase capital stock.
power to increase its capital stock, from time to time, to such an amount as may be decided on by the stockholders, at any

regular or special meeting called for that purpose, by a majority of the directors of the corporation; the said call to be published at least three weeks in advance of the time proposed for holding said meeting, in at least one public paper in every county in the state where the company have already built, or contemplate building its line.

Power to lay,
construct and
land lines or
cables.

2. *And be it enacted*, That the said corporation shall have the power to lay, land, maintain, construct, and operate telegraphic or magnetic lines or cables on lands under water, and also upon and over reefs, islands, shores, and uplands in this state, to connect, by means of said lines or cables, the state of New Jersey, or any part thereof, with the European continent, or the empire of Great Britain.

Tax to be paid
to state.

3. *And be it enacted*, That the said corporation shall pay into the treasury of this state, on such increased capital stock, such sum as shall be necessary, at the rate specified in the act entitled "An Act to increase the revenues of the state of New Jersey," approved March fifth, eighteen hundred and sixty-eight; said corporation shall have the power to pass and enforce by-laws, regulating the subscription for and the time of payment of such capital stock, and at every stockholders' meeting each share of stock shall entitle its holder to one vote.

May make
contracts and
engagements.

4. *And be it enacted*, That the said corporation shall have the power to enter into any arrangements or contracts with any other person or persons, or corporation or corporations, domestic or foreign, to connect the lines of this company with any other lines, and to operate such connected lines as may be agreed upon by such contracting parties, and also to fix and receive the rates for the transmission of messages on the lines of this company or such connected lines.

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

Approved March 21, 1872.

CHAPTER CCCIV.

An Act to incorporate the Pequest Mining and Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Julius S. Howell, Richard D. Wilson, Alexander K. Young, Jason B. Loomis, and such other persons as may be or become associated with them and their successors, shall be and are hereby incorporated and made a body politic and corporate in fact and in law by the name of "The Pequest Mining and Manufacturing Company," with power to have, use and alter a common seal, and by that name sue and be sued, defend, plead, answer and be impleaded, in any court of law or equity, and with all other powers of a corporation, for the purpose of mining, smelting, working, manufacturing and transporting iron and other minerals, ores, earths and metallic substances, and of buying, selling and disposing of the same, and of all articles manufactured, or in process of manufacture, or for manufacturing purposes, and all other articles necessary to be used in the prosecution of their business, and of general merchandise, with power to possess, own and dispose of machinery, implements and personal property necessary or proper to construct and erect furnaces and other works; also to take and hold water power and privileges, and establish, maintain, improve and use the same, and to take and hold, dispose of or convey by renting, lease or any conveyance, any mines, mining or mineral rights and real estate, or any part thereof, or any estate or interest therein, and to take, retain or reserve rents, royalties or other interest in any property, and to take, hold, own, possess and enjoy, by agreement to pay rent or royalty, or otherwise, any property, and to manage, control and dispose of any property or rights they may have or be entitled to, or be interested in, by agreement or otherwise, and to mortgage, pledge or hypothecate the same, or any part or parts thereof, and their franchises and privileges.

Corporators.

Name and powers.

2. *And be it enacted*, That the capital stock of the company shall be forty-eight thousand dollars, with the privilege

Capital stock

of increasing the same from time to time to any sum not exceeding five hundred thousand dollars, which stock shall be divided into shares of one hundred dollars each; that all or any part thereof, which shall be subscribed for, shall be paid in at such times, upon such notice, and in such manner and installments as the directors of the company by by-laws, or otherwise may direct; that said stock, or any of it, may be disposed of for property; that payments for stock, either subscribed for or disposed of, may be in money, in mines or mining property, or may be in land or real estate in the county of Warren, in this state, or in any right or interest therein, or in personal or other property, or in either, any or all of said modes of payment, and the value of any property other than money taken for stock, shall be appraised by the board of directors; in case of failure by any of the stockholders to pay either of his, her or their installments, or to make any payment for stock agreed to be paid, at the place and within thirty days after the time appointed or agreed upon for payment, the stock of such stockholder or stockholders on which he, she or they failed to make payment as aforesaid, and all previous payments made thereon, may be, at any time, by the board of directors declared forfeited; and when such declaration is entered in the books of the company, the said stock and all previous payments thereon, shall be forfeited to the use of the company; but the board of directors may, at their option, before or after such forfeiture, remit the same or issue stock equivalent at par to the amount paid, or make such adjustment with any whose stock has been forfeited, or their legal representatives, as the board of directors may deem best.

Failure to pay
subscriptions
to work for-
feiture.

Stock, how
transferable.

3. *And be it enacted*, That the capital stock of the company shall be deemed personal property, and the shares thereof shall be transferable only on the books of the company in such manner as may be directed by the board of directors; and every share shall entitle the holder to one vote, either in person or by proxy, that dividends on the stock may be made of the proceeds of the business of the company.

Affairs to be
managed by
directors.

4. *And be it enacted*, That the affairs of the company shall be managed, after the first election, by five directors, to be chosen by a plurality of legal votes cast by the stockholders annually, at such time and in such manner as the by-laws of the company may direct, who shall serve one

year, and until the directors elected at an election by the stockholders shall organize; notice of which election shall be previously given for two weeks in a newspaper published in the county of Warren, in this state; but should an election not be held on the day specified by the by-laws, the same may be held afterwards on such day as the directors shall designate, of which election, the like notice shall be given; the directors shall, from time to time, elect a president and such other officers as may be convenient or necessary, and fix their compensation; any vacancy or vacancies that may occur in the board of directors by failure to elect the full number by the stockholders, or for any other cause, may be filled by the remaining directors for the time being, or a majority of them, until the directors elected at the subsequent election for a full board of directors shall organize; no one elected a director shall act as such who is not a stockholder; the directors may, if a majority in interest of stockholders so determine, be increased to any number, not exceeding nine in all; a majority of directors may act with power to do all business.

5. *And be it enacted*, That Julius S. Howell, Richard D. Wilson, Alexander K. Young, and Jason B. Loomis shall be the first board of directors of the company, a majority of whom shall, as soon as convenient after the passage of this act, assemble and organize the company, and they shall continue in office and manage all the affairs and business of the company, until the directors elected at the first election of directors by the stockholders, shall organize, and vacancies before then may be filled by the remainder or a majority of them; meetings of the directors may be held out of this state.

6. *And be it enacted*, That as soon as the company shall be organized, as provided in the next preceding section, the company shall be and are hereby authorized to receive conveyances for the lands, mines and property in the county of Warren, in this state, or for any part, share or portion thereof, owned by the corporators named in the first section of this act, or any or either of them, or their associates, and for such estate, right, title and interest in any property in the county of Warren, in which said corporators, or any of them, are interested, as at the time of the passage of this act, or afterwards, shall belong to any other person or persons who are willing to sell and convey the same to the

Election of directors.

First directors

May receive conveyances of lands for shares, &c.

company, and also to receive conveyances for, or take other property, in the possession of said corporators, connected with, or which pertains to the business which the corporators have heretofore carried on without being incorporated, the company paying for property taken by them, as may be agreed on, and to receive, enter into, make and execute all agreements, mortgages, conveyances, and other instruments necessary or proper in the purchase and sale of any property, or any part, share or portion thereof, or any estate, right or interest therein, or in any part thereof, or in the management of the same, and to pay for the whole, or any part of any property, purchased in whole or in part, with the shares of its capital stock, at not less than the par value of said stock, with bonds of said company, by mortgage or otherwise, or by either or any of such modes of payment.

Authorized to
issue bonds.

Rate of inter-
est.

7. *And be it enacted*, That the company shall have the power, and are hereby authorized, in case two-thirds in interest of the stockholders consent thereto, either in writing or by a vote at any meeting of the stockholders, to make their bonds from time to time to such amount as they may deem expedient, not exceeding in the aggregate the capital stock; any portion or all of which bonds may, if the board of directors so determine, be made convertible into capital stock of said company, at the option of the holder, when and on such terms as may be therein stated; and they, or any of them, may be registered under such regulations as the directors may adopt; they may be coupon or other bonds, and be payable with any rate of interest not exceeding seven per centum per annum on the principal sum named therein; and the company may sell or negotiate, or may use in the purchase of property, such bonds, at such rate of discount or less than par, as they may deem for the interest of the company, without the invalidation thereof, or of any part thereof; and such bonds as shall be sold, negotiated or used at a rate less than par shall be valid and binding at law or in equity for the whole amount of principal named therein, and accruing interest on said principal, and upon any recovery thereon, or in any proceedings to recover the same, principal or interest, or upon any instrument, mortgage or trust deed to secure the same, at law or in equity, there shall be no forfeiture or abatement of any part of the principal or interest or of costs, by reason of such sale, negotiation or use of said bonds; and for securing the payment of said bonds full power and au-

thority are hereby granted to said company to pledge or hypothecate by way of mortgage, trust, or otherwise, the whole or any part of the property and the franchises and chartered rights, powers and privileges of the company; and such pledge, hypothecation, mortgage and trust shall be valid at law and in equity to secure the whole principal sum of money named in said bonds, and all interest on said sum; and the registry or recording of any mortgage or trust deed made by said company, in the county or counties where any bonds or real estate embraced in said mortgage or trust deed shall be situated, shall make the said mortgage or trust deed a lien, not only on the lands and real estate embraced therein, but also on all other property, as well chattels as other property, franchises, rights and privileges mentioned and described therein as mortgaged or conveyed in trust, without filing said mortgage or trust deed, or any copy thereof, or any statement relative thereto, at any time.

May mortgage
property to
secure pay-
ment of bonds

8. *And be it enacted*, That the company shall have the power and are hereby authorized to construct from any mine or mines or works of the company, in the county of Warren, a railroad or railroads to any point or points near or adjacent to any railroad or railroads now or hereafter constructed in said county of Warren; also to make connection with any railroad or railroads now or hereafter constructed, or in process of construction, at any point or points in said county, and to transport, or have transported thereon, by steam or other motive power, with any carriages, cars or other vehicles, all that may be deemed by the company necessary or proper to be transferred; also to make agreements with any person or persons, company or companies, for transportation, and the rates of compensation therefor, on the railroads of the company hereby chartered, or any other railroads in said county of Warren; also to acquire, by agreement, the right of way over or upon any land or property for the railroads of the company, by the purchase of the right of way or of the land; and where the railroads of the company shall be constructed across a public highway, the company shall make, maintain and keep in repair suitable wagon ways over or under or across such railroads, so that the passage of carriages, vehicles, horses and cattle on said highway shall not be impeded thereby; also to construct depots, acquire land therefor, and make and collect charges for the use of or transportation on such railroads or any part thereof.

May construct
railroad.

May make
connections
and agree-
ments.

Wagon ways
to be main-
tained.

Other corporations may take, hold and dispose of stock.

9. *And be it enacted*, That any of the capital stock or bonds of the company may be taken, held, transferred and disposed of by any other incorporated company, and that stock held by any other incorporated company (except incorporated banks, which may take the same only as collateral,) may be voted on by any person or persons designated by the corporations holding such stock; and the company incorporated by this act may, when it is necessary or for the interest of the company, take, hold, transfer and dispose of any stock in any other incorporated company, and that such stock when held (except the stock of incorporated banks, which can be taken only as collateral,) may be voted on by any person or persons designated by the company incorporated by this act.

Purchasers under decree may organize new company.

10. *And be it enacted*, That the purchaser or purchasers at any sale under or by virtue of any order or decree of the court of chancery of this state, in any suit or proceeding to foreclose or enforce any mortgage or trust deed made by the company who shall purchase any of the property of the company, and its franchises, chartered rights, powers and privileges, shall acquire, own and have the benefit and advantage of the property, franchises, chartered rights, powers and privileges of the company, and, with their associates, may organize as and be a new company, with the corporate powers which, at the time of the said sale, the said company, by whom such mortgage or trust deed was made, was entitled to by law, with the sum paid at such sale as the capital stock, with the right to increase the capital to the amount limited in this act, or by any supplementary or other act.

How dissolved

11. *And be it enacted*, That the company may be dissolved by vote, at any general meeting of the stockholders, of which two weeks' notice in a newspaper published in the county of Warren has been given by the president or secretary, and of which notice shall be sent by mail, addressed to the stockholders, stating that at such meeting the dissolution of the company will be considered or acted on; *provided*, that at least two-thirds in value of the stock shall be represented by the stockholders, or by persons holding proxies of the stockholders, authorizing the representatives to vote on such dissolution, present at such meeting; and upon such dissolution such and so many of the then directors as shall be present at such meeting, and consent in writing to act, and if none consent so to act, then, or in case of the death of the survivor, or he shall cease to act, three persons chosen by a majority

Proviso.

in interest of the stockholders present a such or any meeting, shall be trustees, who, or the survivors or survivor, as trustees or trustee, shall settle all the affairs of the corporation, dispose of its effects, with power to make any agreements relative to any property or business, or conveyance of any of the property of the company, sue for and recover all debts and demands, submit differences to the award of arbitrators, make compromises, and do or cause to be done whatever they, the survivors or survivor, may deem necessary; and after applying the proceeds of the property and effects of the company, over and above the payment of expenses incident to the settlement, to the payment of debts of the corporation, to divide the surplus, all of which shall be deemed personal estate, among the stockholders, in proportion to their respective interests in the stock; and in any agreement, conveyance, or business, a majority of the trustees shall have power to act, and their acts, or the act of the survivor of the trustees, shall be valid and have full force and effect; and they, the survivors or survivor, may use the corporate name and seal of the company in any business transaction by them, the survivors or survivor, and may represent the company, and use the corporate name and seal, as may be necessary in all suits or proceedings at law or in equity.

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

Approved March 21, 1872.

CHAPTER CCCV.

An Act to renew the charter of the Fireman's Fire Insurance Company of New Brunswick.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to incorporate the "Fireman's Fire Insurance Company of New Brunswick," approved March fifteenth, eighteen hundred and seventy, shall be and the same is hereby renewed and extended and ^{Act extended.}

Proviso. continued in force; *provided*, that the state assessment on the original act, and on this act, be paid in conformity with the "Act to increase the revenue of this State," approved March sixth, eighteen hundred and fifty-eight, and the supplements thereto.

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

Approved March 21, 1872.

CHAPTER CCCVI.

An Act to incorporate the Bryant, Stratton and Whitney Business College of the city of Newark, New Jersey.

Corporators.	1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That W. C. Whitney, F. W. Ricord, T. B. Peddie, S. Merchant, John P. Jackson, Daniel Dodd, S. R. W. Weath, Marcus L. Ward, their successors and associates, be and they are hereby declared and constituted a body politic and corporate, by the name and style of
Name and powers.	"The Bryant, Stratton and Whitney Business College of the city of Newark, New Jersey," and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and may purchase, hold, sell, convey and dispose of real and personal estate; may have a seal and may change and renew the same at pleasure, and may grant diplomas and confer degrees; <i>provided</i> , the real estate they may own shall not exceed what
Proviso.	may be necessary for providing suitable buildings, accommodations and facilities for carrying out the purposes of this act.
Object,	2. <i>And be it enacted</i> , That the object of said corporation shall be the development, diffusion and perpetuation of business education in the state of New Jersey and other states, and the illustration of business enterprises; and it shall be lawful for said corporation to provide means for facilitating commerce, for the encouragement and improvement of arts and industries, and for the spread of knowledge.

3. *And be it enacted*, That the members of said corporation may agree upon and establish articles of association regulating the terms of membership in said corporation, the management and direction of its affairs, the appointment or election of its officers, agents, directors and faculty, and prescribing their duties, providing for the enactment, amendment or repeal of by-laws and resolutions, and providing for the exercise and enjoyment of the franchises hereby granted to said corporation in any lawful manner, not inconsistent with the provisions of this act; such articles of association may, from time to time, be revised, amended, added to, or repealed, in whole or in part, by said corporation, in such manner as shall be provided in that behalf in said articles. Affairs, how managed.

4. *And be it enacted*, That it shall be lawful for said corporation to enter into any contract which may be agreed upon between said corporation and any business college or school, or the proprietor or proprietors thereof, by whatever name such college or school may be called, and whether the same shall be incorporated, or not, as to any and all matters pertaining to the proper objects of such college or school, and of said corporation. May enter into contracts.

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

Approved March 21, 1872.

CHAPTER CCCVII.

An Act to incorporate the Trade Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William P. Tatum, William J. Sewell, Benjamin F. Lee, Jeremiah Smith, Nathaniel Stratton, William Moore, junior, and S. F. Fries and others, their associates, successors and assigns, shall be, and are hereby ordained, constituted and appointed a body politic and corporate, by the name and style of "The Trade Insurance Corporators. Name.

Company," to be located in Camden, and by the same name have perpetual succession.

Capital stock. 2. *And be it enacted*, That the capital stock shall be one hundred thousand dollars ; said stock to be divided into shares of fifty dollars each, and the sum of fifty thousand dollars shall be paid in cash before commencing business ; and if any subscriber or subscribers of a share or shares of said stock shall neglect or refuse to pay the installments, as ordered by the directors for the space of sixty days after the same shall become due or required, and after thirty-days notice shall have been given to such stockholders, the stock of such negligent stockholder shall be sold by the directors in such manner as they may provide in the by-laws, and the proceeds of said sales shall be first applied in payment of the installment called for ; and that the expense of attending the sale, and the balance, if any, shall be refunded to the owner of said stock, and such sale, in all respects, shall entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought.

May insure against loss by fire, &c. 3. *And be it enacted*, That it shall and may be lawful for the said company to insure dwelling houses, merchandise, personal and all kinds of property for any person or persons against loss or damage by fire, by perpetual policies or otherwise ; also to insure vessels of all description, their appurtenances and cargoes, rights and interests against every description of casualty, incident to marine and inland transportation, upon such terms and conditions as shall be contained in the policy of insurance ; and may cause themselves to be reinsured when deemed expedient.

Managed by directors. 4. *And be it enacted*, That all the affairs, property and concerns of said corporation may be managed and conducted by not less than seven or more than fifteen directors ; a majority of whom shall be residents of this state, who shall continue in office one year, and until others shall be chosen in their place ; all of whom shall be stockholders of said corporation, and shall take an oath or affirmation of office, and choose out of their body a president and vice president, if required ; all vacancies in the board of directors may be filled for the remainder of the year, as a majority, for the time being may appoint ; and a majority of the whole shall constitute a quorum for the transaction of business.

Vacancy, how filled. Officers and compensation 5. *And be it enacted*, That the board of directors may appoint a secretary and treasurer, and such other officers and

agents as may be requisite for effecting the business of said company, and allow them such compensation as may be agreed upon.

6. *And be it enacted*, That the corporators named in the first section of this act or whoever else a majority of them may determine, and any vacancies in said board of corporators, the majority of the balance shall have power to fill such vacancies, and such board shall constitute the first board of directors, and their first meeting may be held as soon as practicable, after the passage of this act, and they are authorized to open the books and receive subscriptions to the capital stock of said company. First directors

7. *And be it enacted*, That all policies or other contracts of insurance may be made either with or without the seal of the company; but shall be signed by the president and secretary, and being so signed and executed, shall be binding and obligatory upon the company. Policies and contracts binding.

8. *And be it enacted*, That the meeting for election of directors shall be held on the second Monday of January, in each and every year, at such hour of the day as the board of directors may direct, at the office of the company in Camden, of which notice is to be given once a week for two weeks previous to said election, and published in a newspaper circulating in Camden county; and each share of the stock shall entitle its owner to one vote at each election, to be given either in person or by proxy; and the office and records of the company shall be kept in said city of Camden. Election of directors.

9. *And be it enacted*, That the capital stock of said company shall be deemed personal property, and the shares transferable on the books of the company in such manner as they may prescribe. Stock; how transferable.

10. *And be it enacted*, That in case it shall happen that an election of directors shall not be made on the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause, be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as the directors of said corporation may direct. Failure to elect directors not to dissolve

11. *And be it enacted*, That the company shall have power to sue and be sued, and to defend and be defended, in all courts, whether in law or equity, and by that name may also have, purchase, possess, and enjoy to them and to their successors, lands, tenements, hereditaments, goods, chattels and effects of what nature and kind soever necessary for the pur- May hold real or personal estate, &c.

pose of said corporation, and the same may grant, demise, alien and dispose of at pleasure for the benefit of said company; and may also have a common seal, and alter and renew the same at pleasure; also may make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and government of said company, and put the same into execution; *provided*, that they be not contrary to the constitution or laws of this state or of the United States.

12. *And be it enacted*, That this act may be altered, amended, modified or repealed by the legislature at any time hereafter, and that it shall take effect immediately.

Approved March 21, 1872.

CHAPTER CCCVIII.

An Act relative to Saint John's Methodist Episcopal Church, of Newark.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That four of the seven trustees of Saint John's Methodist Episcopal Church, of Newark, to be elected by the congregation of said church, at their annual election, shall be elected from persons members of Methodist Episcopal churches of the city of Newark, in this state, other than Saint John's Methodist Episcopal Church, out of the persons who shall be nominated as hereinafter in that behalf provided by the presiding elder, for the time being of the Newark District, of the Newark Conference of the Methodist Episcopal Church, to be voted for by said congregation, notwithstanding anything to the contrary contained in the act, entitled "An Act to incorporate the trustees of religious societies," approved April seventeenth, one thousand eight hundred and forty-six.

2. *And be it enacted*, That in like manner in case of the death, resignation, incapacity, or removal of any of said four trustees, the vacancy thus occasioned shall be filled by said

congregation on like nomination as hereinafter in that behalf provided of said presiding elder.

3. *And be it enacted*, That it shall be the duty of such ^{Presiding elder to nominate trustees &c.} presiding elder, for the time being, to nominate, in writing, before each annual election of trustees of the said the Saint John's Methodist Episcopal Church of Newark, and for the purposes thereof, to said congregation, at least to male members, in good standing, from each of four Methodist Episcopal churches in said city other than said Saint John's Methodist Episcopal Church, and in case of vacancy or vacancies as aforesaid, to nominate, in writing, for each vacancy to said congregation, with a view to filling such vacancy, at least two male members, in good standing, of some Methodist Episcopal church or churches in Newark aforesaid, other than said Saint John's Methodist Episcopal Church.

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

Approved March 21, 1872.

CHAPTER CCCIX.

An Act to incorporate the Conrad Manufacturing Company of Camden county, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James M. Conrad, Ezra ^{Corporators.} Stokes, Samuel S. Cake, Charles Wright, Jabez B. Fisher, John P. Harker, James Hemphill, Ridgeway Gibbs and William T. Sickler be, and they are hereby incorporated under the name, style, and title of "The Conrad Manufac- ^{Name.} turing Company, of New Jersey."

2. *And be it enacted*, That the business of the said com- ^{Business of company.} pany shall be the manufacture of fire brick, terra cotta ware, the mining and shipping of clay, and generally the manufacture and utilization of any and all products of their land, in Camden county.

Capital stock. 3. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars divided into two thousand shares at fifty dollars each ; and that the said company shall be authorized to commence operations whenever one-fourth of the said capital stock is subscribed and paid for.

General powers. 4. *And be it enacted*, That in all other particulars the business of the said company shall be conducted under the provisions and regulations of the act, entitled "An Act to authorize the establishment, and to prescribe the duties of companies for manufacturing and other purposes," approved March second, one thousand eight hundred and forty-nine.
Approved March 21, 1872.

CHAPTER CCCX.

An Act revising the act to incorporate the City of Bayonne, in the County of Hudson and State of New Jersey, approved March tenth, eighteen hundred and sixty nine.

TITLE I.

BOUNDARIES, NAME, CORPORATE TITLE.

Boundaries. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the county of Hudson lying south of the Morris canal, included within the following boundaries, that is to say, commencing at a point in Newark bay, where a line, if drawn from a point where the Morris canal nears said bay into the same at right angles thereto, would intersect the westerly boundary of the township of Greenville ; thence southeasterly along said line to the Morris canal ; thence along the southerly line of the Morris canal to New York bay ; thence into said bay at right angles thereto, to the boundary line between the states of New Jersey and New York ; thence along said boundary line, through New York bay and the Kill von Kull

into Newark bay as far as the boundary of said county extends; thence along said boundary line in Newark bay to the place of beginning, formerly known as the township of Bayonne, shall be one municipal corporation, to be known and called "The City of Bayonne," and the citizens of the state from time to time, inhabitants within said boundaries, shall be and constitute said corporation; they shall have all the powers necessary for carrying out the objects and purposes of this act, and they may have a common seal, alterable at pleasure, and by the title of "The Mayor and Council of the City of Bayonne," may sue and be sued in any of the courts of this state.

Corporate
name.

WARD DIVISIONS.

2. *And be it enacted*, That the said city shall be divided into three wards, in the manner following, to wit: all that portion of said township south of the centre line of Linnet street, extended southerly and easterly to Kill von Kull and northerly and westerly to Newark bay, to constitute the first ward, and from said line northerly to, and including two hundred and thirty feet north of the northerly line of Huron avenue, and parallel with said avenue, from New York bay to Newark bay, to constitute the second ward; and all that portion of said township north of said boundary line, to constitute the third ward of said city, and these divisions shall remain until changed by the mayor and council, who shall have power once in four years, dating from the tenth day of March, eighteen hundred and sixty nine, to revise, and if in their judgment it is necessary, alter said divisions or increase the number of said wards.

First ward.

Second ward.

Third ward.

TITLE II.

CITY OFFICERS—HOW ELECTED. TERM OF OFFICE, AND HOW APPOINTED.

3. *And be it enacted*, That the city officers of said city shall consist of a mayor, a recorder, one chosen freeholder, a city clerk, a treasurer, a collector of revenue, a city attorney, a city counsel, an overseer of the poor, a street commissioner, a tax assessor, one or more poundkeepers, one or more city surveyors, and a chief of police; the mayor, recorder and

City officers.

chosen freeholder shall be elected at the city charter election, in manner and form as hereinafter provided for the election of city officers; the mayor for the term of two years, the recorder for the term of three years, and the chosen freeholder for the term of one year; and the city clerk, treasurer, collector of revenue, city attorney, city counsel, overseer of the poor, street commissioner, tax assessor, one or more poundkeepers, one or more city surveyors, and such other officers as are hereinafter provided for, shall be appointed by the council, and by the mayor and council, as provided for in section thirty-five of this act; and the chief of the fire department shall be elected annually by the fire department, subject to the approval of the mayor and council.

4. *And be it enacted*, That the ward officers of each ward shall be two councilmen, one constable, one commissioner of appeals, one supervisor of taxes, and three inspectors of elections, who shall be elected annually in each ward at the charter election, whose term of office shall be for one year, except that there shall be but one councilman elected in each ward at each election, and his term of office shall be for two years; and each ward subsequently created, as provided in this act, shall elect councilmen and other officers for the said ward, the same as above provided for; except that at the first election for councilmen in said new ward, there shall be elected two councilmen, one of whom shall be elected for one year and the other for two years; *provided, also*, that in electing inspectors of election not more than two in each ward shall be chosen from one political party; there shall be a school trustee elected annually in each ward, at the charter election, who shall hold his office for three years; *provided*, that if any person so elected as a ward officer shall not reside in the ward, or shall during his term of office remove out of the ward in which he was elected, his office shall thereby become vacant, and the said vacancy shall be filled as is otherwise provided for in cases of vacancy of said office; the councilmen of each ward shall perform such duties, ex-officio, as by the laws of this state devolve on the town committeemen in the townships of this state.

5. *And be it enacted*, That the charter election shall be held on the second Tuesday in April in each year, at the place in each ward designated and appointed for that purpose by the board of councilmen, between the hours and in the

same manner and under the same regulations in all things as prescribed by law for state elections for members of the legislature.

6. *And be it enacted*, That every male citizen of the United States of the age of twenty-one years, who shall have been a resident of this state one year, and of the county in which he claims his vote, five months next before the election, and of the city thirty days before said election, and a resident of the ward in which he claims to vote since the first day of the month in which said election is held, shall be entitled to vote for all officers elective under this act; and every person voting shall vote in the ward where he shall actually reside at the day of election, and in no other ward; and the person or persons receiving the greatest number of votes of those given in the city for any city office, and the person or persons receiving the greatest number of votes given in such ward for an office in that ward, shall be deemed elected to that office.

Who entitled
to vote.

7. *And be it enacted*, That all future elections to be held within said city for members of the senate and general assembly of this state, for sheriff, county clerk, surrogate, and coroners of the county of Hudson, and for members of congress and electors of president and vice president of the United States, or for any other office of the general or state government, or officer of the said county of Hudson, to be elected by the people, shall be held by the inspectors of election in the several wards of said city, at the places therein appointed for holding the city election, by said board of councilmen on the day or days which now are or hereafter may be designated by law for holding such elections, and such elections shall be conducted by said inspectors in all things pursuant to the laws of this state applicable to such elections in this state, and the said inspectors of elections in said city of all elections hereafter to be held, shall be liable to the same obligations, duties and penalties imposed upon the like officers of elections in the townships of this state; and they shall be entitled to the same compensation for their services at all elections as the like township officers are entitled to receive, except as otherwise provided in this act or by ordinance; and in case of absence, disqualification or inability of any of them, the vacancy shall be supplied in the manner prescribed by the laws of this state in such cases; and every person in said city entitled to vote at such elec-

Elections, by
whom and
how held.

tions, shall give his vote in the ward in which he actually resides at the time of such election, and not elsewhere; and any person voting illegally or offering illegally to vote at any such election, shall be subject to the same pains, penalties and forfeitures incurred by persons so offending at such elections in the townships of this state.

Inspectors to
make and file
statement.

8. *And be it enacted*, That in all elections for city and ward officers of said city, and inspectors of elections of each of the several wards in said city, in addition to the other duties required of them by law, shall make and sign a statement of the election in said ward, for what officers, the number of votes cast for each person voted for any office specifying the names of the persons so voted for, with the number of votes rejected, which statements shall, within forty-eight hours after the closing of the polls, be filed in the office of the city clerk, who shall within five days thereafter file a true copy of such election returns in the office of the clerk of the county of Hudson.

Vacancies,
how filled.

9. *And be it enacted*, That in case any vacancy shall occur in any of the city or ward offices, by resignation, disqualification, or death of the incumbent of said office, or in any other manner whatsoever, (except in the office of mayor, recorder, or councilman, or in the board of education,) the board of councilmen shall fill, by appointment, such office for the unexpired portion of the term; and in case of any such vacancy, happening as aforesaid, in the office of recorder or councilman, the said vacancy shall be filled by a special election, to be ordered by the board of councilmen, upon a day to be fixed by them, and the same notice shall be given of such special election as is required to be given of a general city election; *provided*, that in case of a vacancy as aforesaid, in the office of recorder, it shall be lawful for the board of councilmen on the nomination of the mayor, to designate any justice of the peace of said city to act as recorder until such vacancy is filled, as herein provided; and such justice of the peace, when so designated by resolution of the board of councilmen, shall have and exercise all the powers and possess all the jurisdiction of the recorder, while acting as such, as well of cases pending in said court and not decided, as of all new matter in said court; and all his official acts as such recorder shall have the same force and virtue and be as valid as if the same had been performed by the recorder himself; but any vacancy occurring in the board of education

Proviso.

in any manner whatsoever, shall be filled by a majority vote of its own body elect, until the last Monday of April next ensuing; at the next charter election after the said vacancy occurs in said board of education there shall be elected a school trustee for the remainder of said unexpired term, and his term of office shall commence on the expiration of the term of office of the person so appointed by said board of education.

10. *And be it enacted*, That the mayor shall be elected every two years, but no person shall be eligible to that office unless he shall have resided in said city at least three years, and shall have attained the age of thirty years; 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 board of councilmen such measures as he may deem necessary or expedient for the welfare of the city; he shall be the head of the city police force, and as such shall maintain peace and good order in said city, and shall have power to suppress all riots and tumultuous assemblies, and 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 this state or the ordinances of the city; he shall possess the same powers and authority in criminal cases with which justices of the peace are now invested; all warrants on the treasurer, all contracts or agreements made under the direction or on behalf of said city shall, before they become valid or binding on the city, be signed or approved by him; and in case of his absence from the city, or his inability to perform the duties of his office, the president of the board of councilmen shall, during the continuance of such absence or disability, be vested with the powers and exercise the duties of mayor; and in case of the death or resignation of the mayor, his powers and duties shall devolve upon the president of the board of councilmen until a successor is elected and qualified; and in case of the death, resignation, or removal of the mayor, a special election shall be ordered by the board of councilmen for the election of a mayor; *provided*, three months or more of the term of office is unexpired, *and provided*, that the mayor thus elected shall only be so for the unexpired portion of said term; it shall be the duty of the mayor to nominate to the board of councilmen all policemen or watchmen of said city; and he shall have power to suspend any policeman or watchman,

Mayor, powers and duties.

Provido.

and he shall report such suspension to the board of councilmen at its next meeting thereafter, with the reasons therefor, and such officer may then be restored or removed by said board.

Recorder,
election and
term of office.

11. *And be it enacted*, That the recorder shall be elected at the next charter election after the passage of this act, and every third year thereafter, and he shall hold his office for three years; he shall have all powers in criminal matters that justices of the peace in and for the several counties of the state now have, and shall have like powers as are given to the mayor, to cause to be arrested and committed without process, any person guilty, or that he may have reason to believe guilty of any crime or misdemeanor or breach of the peace, and to try all causes or complaints arising from the violation of any ordinance of said city.

Recorder,
power to issue
warrants, &c.

12. *And be it enacted*, That the recorder shall have jurisdiction, and is hereby empowered, on oath, affirmation or affidavit made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of said 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 of the nature of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in not less than three nor more than six days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner the same has been violated, and then, on the return of such process, or at the time to which the recorder shall have adjourned the same, the said recorder shall proceed to hear the testimony, and to determine and give judgment in the matter without the filing of any pleadings; and that the recorder shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and against the body of defendant or defendants; *provided*, that in all cases when 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 courts for trial of small causes, and also an appeal as in causes where appeal may now be 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 board of councilmen for the remission of any

Proviso.

Proviso.

penalty that may be inflicted or adjudged; *provided further*, Proviso. that no fine shall be imposed exceeding fifty dollars for such offence, and no term of imprisonment imposed as a penalty shall exceed sixty days for each offence; *and also provided*, Proviso. that all cases and matters pending in the recorder's court at the expiration of his term, or resignation, or death, or inability to serve, shall be continued before his successor, who shall have jurisdiction of the same as if such recorder were personally present; all books and records of said court shall be the property of the city, and as such shall be preserved and transferred by the recorder to his successor.

13. *And be it enacted*, That the officers empowered to serve process issued by the recorder shall be, besides the constables elected or appointed within said city, the policemen of the city, and that said process shall be returned in the same manner, so far as circumstances may permit, as warrants for the arrest of persons issued out of the courts for the trial of small causes are returned, and that the defendant or defendants named therein shall, if the recorder sees fit to adjourn the hearing of the charge made, and so orders, enter into recognizance as near as may be in the manner directed in the courts for the trial of small causes, in the amount of penalty named in the process, or any proceedings to be brought for the recovery of the same, with such surety as may be approved by the recorder, unto "The Mayor and Council of the City of Bayonne," for his or their appearance on the day to which said hearing may be adjourned, and in default of such appearance, the said recognizance may be prosecuted and collected in the same manner as the same might have been if the said recognizance had been taken in a proceeding in courts for the trial of small causes.

14. *And be it enacted*, That in all cases in which persons shall bring certioraris to remove the order, proceedings, or judgment given or made by the said recorder, it shall be lawful for the said recorder to charge and receive before delivery of the return thereto at the rate of ten cents per folio for the same. Writs of certiorari.

15. *And be it enacted*, That no justice of the supreme court shall grant or allow any certiorari to remove any order, proceeding, or judgment to be had or made by the recorder of said city, unless the party applying for such certiorari shall enter into bond with "The Mayor and Council for the City of Bayonne," in the sum of one hundred and fifty dol- Parties applying for certiorari to enter into bond.

lars, with one or more good surety or sureties, conditioned that such applicant shall prosecute such certiorari in the supreme court, shall pay the penalty recovered before the said recorder, with interest and costs, if the judgment be affirmed, and shall in all things stand by and abide the judgment of the supreme court respecting the order, proceedings, or judgment given or made by said recorder, which said bond shall be tendered to said justice granting such certiorari, to be by him filed with the clerk of the supreme court for the benefit of the said mayor and council, and on failure thereof, no certiorari shall be allowed.

Costs, by
whom paid.

16. *And be it enacted*, That if any proceedings of the said recorder, shall, on removal by certiorari, be affirmed by the supreme court, the plaintiff in certiorari shall pay to the defendant all costs on such suit in the supreme court; but if such proceedings be reversed, then the plaintiff in certiorari shall not be entitled to pay any costs.

Treasurer, du-
ties of.

17. *And be it enacted*, That the treasurer shall receive, safely keep, and disburse, under the direction of the board of councilmen, all money collected for said corporation, and shall pay out the same only upon the warrant of the board of councilmen, signed by the mayor and countersigned by the city clerk; and no warrants on the city treasurer shall be authorized, except in pursuance of an order of said board, passed at a stated meeting, and entered in their minutes; and such warrants shall be made and numbered, payable to the order of the persons to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid.

Duties of city
clerk.

18. *And be it enacted*, That the city clerk shall, in addition to the duties required of him in this act, or any other act of this state, have charge of all the records, books and documents of the city, except when the said board shall otherwise direct by ordinance; he shall keep a record of the proceedings of the board; he shall engross all ordinances in a book to be provided for that purpose, with proper indices, which book shall be deemed a public record of such ordinance, 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 the office of the city clerk, and transcripts thereof, and of the records and proceedings of the board of councilmen, and copies of the laws and ordinances of said city, certified by said clerk, under the corporate seal,

shall be evidence in all courts and places, that all the books in which the said board of councilmen have caused their ordinances and by-laws to be recorded, and such other book or books, record or records as shall be by them provided, shall be taken and received as evidence in all courts and places of the due passage by said board of any and all ordinances and by-laws recorded therein; and until the contrary be proven, all ordinances and by-laws so recorded shall be presumed to have been regularly introduced, passed and published according to the requirements of the provisions of this act; that the city clerk shall receive and pay over to the collector of revenue all moneys which by any law or usage may be paid to the clerk of said city, and all the records and minutes of proceedings aforesaid shall at all convenient times be open to the inspection of any citizen of said city.

19. *And be it enacted*, That the overseer of the poor shall perform such duties as by the laws of this state, now appertain to and devolve upon the overseers of the poor in the townships of this state, subject to the provisions of this act, or any ordinance or ordinances passed by virtue thereof; and they shall in addition thereto perform such other duties as the said board shall fix, designate and establish; the street commissioner and city surveyors shall respectively perform such duties as are provided by law and the provisions of this act, and by the ordinances, by-laws or regulations of said board, adopted by virtue thereof.

20. *And be it enacted*, That it shall be the duty of the collector of revenues for said city to receive and collect all moneys due to said city, whether for taxes, assessments, arrears of taxes, or otherwise, and he shall do and perform all other duties which the said board may, by ordinance prescribing his duties, ordain; and it shall be his duty to keep a record of all his proceedings affecting the revenue of the city, and at the end of each and every current year the said proceedings shall be filed in the office of the city clerk; and the said collector of revenue shall pay over all moneys received by him for the city, as soon as collected, to the treasurer of said city, who shall pay over to the treasurer of the state or to the collector of Hudson county, the full quota of taxes required by law to be raised in said city for state and county purposes, so far as the same may have been collected.

21. *And be it enacted*, That the constables, chosen freeholders, surveyors, poundkeepers, commissioners of appeals

and inspectors of elections, and tax assessor and supervisors of taxes in the several wards shall perform the duties required of such officers by law in the several townships of this state and the ordinances of said city.

Persons elect-
ed or appoint-
ed to take
oath.

22. *And be it enacted*, That no person elected or appointed to any office in pursuance of this act, or any law or ordinance of the board of councilmen, shall enter upon the discharge of his duties unless within twenty days after his election or appointment he shall take and subscribe before the mayor or city clerk, or some other person authorized to administer oaths, an oath or affirmation faithfully, fairly and impartially to execute the duties of his office according to the best of his knowledge, skill and ability, and shall file said oath or affirmation with the city clerk, who shall keep all such oaths or affirmations on file in his office, and the oath of the city clerk shall be filed by the mayor; and if any such person shall neglect to take such oath or affirmation for twenty days after his election or appointment, or shall neglect, within said twenty days, to give such security as may be required of him, he shall be considered as having declined such office, and the same shall be deemed vacant.

Failure to
take oath of-
fice declared
vacant.

Official terms.

23. *And be it enacted*, That the official term of the several persons who shall be elected in pursuance of this act shall commence on the last Monday of April next after their election, and they shall continue in office unto the end of their term; and that the official term of the several officers who shall be appointed by virtue of this act for said city, shall commence on the first Monday of May in each year, except in cases otherwise provided for in this act; and they shall continue in office until the end of their term, until others are appointed and qualified in their place, unless removed as herein provided.

Officers to
give bonds.

24. *And be it enacted*, That the city clerk, treasurer, collector of revenue, and such other officers as the board of councilmen may by ordinance or resolution direct, shall, before they enter on the duties of their office, give bonds to the city, in its corporate name, in such sums and with such sureties as the said board may approve, for the faithful performance of their duties; and all constables shall give bonds to the city in the manner required by law, with sureties to be approved by said board.

Justices of the
peace.

25. *And be it enacted*, That for the election of justices of

the peace, each ward shall be considered a township, and shall be entitled at least to one justice of the peace.

26. *And be it enacted*, That all fines inflicted by ordinance ^{fines, where paid.} or otherwise shall, when received, be paid into the city treasury.

27. *And be it enacted*, That if any person, having been an ^{officers to deliver books and papers to successor.} officer of 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, or within such reasonable time thereafter as the board of councilmen shall allow, deliver over to his successor in office all 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.

TITLE III.

OF THE POWERS AND DUTIES OF THE BOARD OF COUNCILMEN.

28. *And be it enacted*, That the legislative power of the ^{Board of councilmen.} city of Bayonne shall be vested in the board of councilmen; they shall annually elect one of their number to be president of said board, and in his absence shall elect one of their number to preside for the time being, appoint the time and places of meeting, determine and establish the rules of their own proceedings, be the sole judges of the qualifications of their own members, keep a journal of their proceedings, pass ordinances, by-laws and resolutions pertaining to the purposes and objects of said corporation, and necessary and proper for carrying out the provisions of this act, and may expel a member for disorderly conduct or a violation of their rules, but no expulsion shall take place except by a vote of two-thirds of all the members elected, nor until the delinquent member shall have an opportunity to be heard in his defence.

29. *And be it enacted*, That every ordinance of the ^{Ordinances and resolutions to be approved by the mayor.} common council, and every resolution of the common council affecting the interests of the city, shall, before it takes effect, be presented, duly certified, to the mayor, and the report of the clerk shall be conclusive evidence that the said ordinance or resolution has been so presented to the mayor; if he approve of it, he shall sign it, if not, he shall return it with his

objections, and file the same with the clerk within ten days after he received it, and the said board shall, at its first regular meeting thereafter, order the objections to be entered at large on its journal, after which it shall proceed to reconsider the same, and if two-thirds of all the members elected shall pass the same, it shall take effect as a law, but in every such case the vote shall be taken by yeas and nays and entered on the journal, and if such ordinance or resolution shall not be so returned by the mayor within ten days after he has received it, it shall become a law in like manner as if he had signed it; *provided always*, that each and every ordinance so passed as aforesaid, shall be published for the space of ten days, in two newspapers circulating in said city, to be named by resolution of the city council, before said ordinance shall go into effect; *provided also*, that no ordinance or by-laws shall be enacted or passed by the said board of councilmen, unless the same shall have been introduced before the said board of councilmen at a previous stated meeting, and shall have been agreed to by a majority of the board of councilmen.

Proviso.

Proviso.

Councilmen may make arrests.

30. *And be it enacted*, That every councilman shall have the power, and it shall be his duty, without warrant, to arrest, or cause to be arrested, any person or persons engaged in his presence in disturbing the public peace or violating any law of the state or ordinance of the city, for the preservation of good order or morality, and to bring or cause such person or persons to be brought before the recorder or a justice of the peace, to be dealt with according to law.

Statement of receipts and expenditures to be printed.

31. *And be it enacted*, That the said board shall, on the first Monday of April in each year, cause to be printed a full statement of all receipts and expenditures of every description for the fiscal year preceding, which statement shall include all moneys which have passed through the hands of the treasurer for any purpose whatever, together with the different sources of revenue, and the amount received under each, with all such other information as may be necessary for a full understanding of the financial concerns of the city, and that it shall be the duty of the city clerk to distribute such printed statements among the people of said city, or to furnish a copy of said statement to every citizen upon his applying for the same.

Quorum and special meetings.

32. *And be it enacted*, That a majority of the board of councilmen shall constitute a quorum for the transaction of

business, but a smaller number may adjourn from day to day and compel the attendance of absent members; the said board shall hold stated meetings at least twice in each month, at such times and places as they may appoint in said city, but the mayor or any two councilmen may call special meetings, by written notice to each of the members served personally, or left at his usual place of abode, at least twenty-four hours previous to the time appointed for such meeting.

33. *And be it enacted*, That resignations of any office held under the provisions of this act may be made to the board of councilmen, and said board may fill vacancies in office, as provided in this act; that any officer except the mayor may be removed from office for cause by resolution of the said board; *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 elected vote therefor, and in cases of any such removal, the yeas and nays shall be entered upon the minutes.

Resignations
to be made to
council

Officers, how
removed.

Provide.

34. *And be it enacted*, That no councilman shall be surety for the faithful performance of any contract with said city; and no member of said board shall become security for any public officer elected or appointed in said city, and no member shall, during the period for which he was elected, be appointed to or competent to hold any other city office or ward office in the city of Bayonne, the pay or emoluments of which would come from the city treasury.

Councilmen,
not to receive
surety or hold
any other or-
fice.

35. *And be it enacted*, That the board of councilmen shall from time to time appoint by a majority of the whole number of the members of said board of councilmen, a city clerk, treasurer, collector of revenue, city attorney, city counsel, overseer of the poor, street commissioner, tax assessor, one or more poundkeepers, one or more city surveyors, and such other subordinate officers not herein named, as they shall think necessary for the better ordering and governing the said city, and carrying into effect the powers and duties conferred and imposed upon the said board of councilmen; and every appointment to office made by the board of councilmen, with the exception of that of city clerk, shall, before it takes effect, be submitted, duly certified, to the mayor, and when so submitted, if he approves it, he shall do so in writing; if not, he shall notify the council thereof, with his objections in writing and file said notice with the clerk of the board within six days after he receives notice of said ap-

Officers, how
appointed.

Appointments
to be approved
by mayor.

pointment, and if two-thirds of all the members elected shall, at the next regular meeting thereafter, on reconsideration thereof, vote in favor of said appointment, it shall be valid and legal to all intents and purposes; and if notice of any appointment made by the board of councilmen shall not be returned by the mayor within six days after the same shall have been submitted to him, the said appointment shall be valid in like manner as if he had approved it.

Vacancy, how filled

36. *And be it enacted*, That whenever any vacancy by reason of death, resignation, or otherwise, shall occur in any office, the appointment to which is to be made by the board of councilmen, by virtue of the thirty-fifth section of this act, the mayor shall have authority to appoint some person to fill such office, who shall hold the office to which he shall be so appointed until the board of councilmen shall elect some person to fill such vacancy, and until the person so appointed by the said board of councilmen shall enter upon the duties of said office, or until he shall be removed by the said mayor: *provided*, that no person who shall be so appointed by said mayor to fill any vacancy as aforesaid, shall enter upon the discharge of the duties thereof until he shall have entered into such bonds as may be required by this act, or by any ordinance of said city or resolution of the council, which bonds shall have been first approved by the said mayor.

Proviso.

No officer to be interested in any contract, sale or purchase.

37. *And be it enacted*, That no officer holding any office under the provisions of this act, shall, during his term of office, be directly or indirectly interested in any contract, work, business, sale or purchase, in regard to which any money may be at any time required to be paid by said city, or any department thereof, or by any tax or assessment upon any person or property within said city, except as in this act expressly directed; and in case any person shall enter upon any such contract, work, business, purchase or sale, knowing that any such officer is interested therein in violation of this section, such person shall not be entitled to receive any benefit by reason thereof, and in case such person shall receive any benefit by reason thereof, such benefit or its equivalent may be recovered back by said city from such person, his executors or administrators, with costs of suit in action on the case, to be commenced within six years thereafter in any court having cognizance of the same, and any sale or transfer made by said city in which any such

officer may be interested, as aforesaid, shall be void as to all persons aware of such interest; and any such officer interested, in violation of the true intent and meaning of this section, shall be liable to indictment and impeachment therefor, as for malfeasance in office.

38. *And be it enacted*, That the board of councilmen shall have power to fix the pay, salary, or compensation of the city clerk, recorder, treasurer, collector of revenue, commissioners of assessments, overseers of the poor, street commissioners, surveyors, constables, poundkeepers, commissioners of appeals, city attorney, city counsel, tax assessor, supervisors of taxes, inspectors of election, policemen, and other ward and city officers; and the salary or compensation of any officer or officers which has once been fixed as aforesaid, shall not be increased during the continuance of his term of office.

Council to fix the compensation of officers.

39. *And be it enacted*, That it shall be the duty of said board, by ordinance or ordinances, to prescribe and define the duties, and establish all needful regulations for the government of all officers in the different departments of said city corporation, and to require any of them to make returns and reports at stated periods during the year, and the payment into the city treasury of all money, fines, penalties, or from any other source not herein otherwise provided for.

Ordinances to prescribe duties, &c.

40. *And be it enacted*, That the said board of councilmen shall, by their title, "The Mayor and Council of the city of Bayonne," have power to pass, enforce, alter and repeal ordinances to take effect within said city, for the following purposes, to wit:

Adopt and repeal ordinances.

[1.] To lay out, extend, open, widen, vacate, alter, grade, fill up, refill, establish, alter and regulate the grade and grading of all streets, avenues and roads, side and cross-walks; to ascertain and establish the boundaries of all streets, public alleys and roads in said city, and to authenticate any and all of said improvements by maps or otherwise; *provided*, that such of the powers contained in this section as were conferred by the act entitled "A Further Supplement to an act entitled 'An Act authorizing the appointment of commissioners to lay out and map streets, avenues and squares in that part of Bergen township south of the Morris canal, in the county of Hudson,'" approved the sixteenth day of March, eighteen hundred and fifty-seven, which supplement was approved April seventh, eighteen hundred and sixty-

To lay out, open, &c. streets and roads.

Proviso.

eight, and any supplements thereto, upon the board of commissioners, commonly known as the map and grade commissioners and township committee, shall continue to be exercised by said commissioners and the said board of councilmen, until the expiration of the term of office of said commissioners, and after the expiration of the term of office of said commissioners, the mayor and council shall be vested with all the powers conferred by said act and any supplements thereto upon said commissioners and township committee, and said bill shall then continue in force except as otherwise changed or modified by the provisions of this act, until repealed or amended by the legislature.

To pave, curb,
and gutter.

[2.] To pave, macadamize, gravel, curb and gutter the streets, avenues and roads, to construct and build and repair sewers and drains in and from any, or in and from any parts of the public streets, roads, alleys, places and public or private grounds in said city, and to construct and repair receiving basins.

Crosswalks.

[3.] To lay sidewalks of flag stone or other materials, to lay out crosswalks of stone, to reset the curbs and gutters in the streets and roads, or any part thereof.

Water and
gas pipes.

[4.] To lay and regulate, or prohibit the laying of water or gas pipes in or under the streets and roads, or any part thereof in said city.

Nuisances.

[5.] To declare what shall be considered nuisances in streets, roads, lots, and places in said city, to prevent and remove all encroachments, encumbrances and nuisances, in and upon any street, road, sidewalk, lot or enclosure, place or places in said city, and to provide for the sale or other disposition of such encumbrance in or upon the streets or roads.

Use of streets.

[6.] To secure in every respect to the public and the adjoining owners the safe and convenient use of all streets, sidewalks and public places, for the purpose for which they are or may be laid out or dedicated in said city.

Driving of
cattle.

[7.] To regulate and control the driving of cattle, mules, or other animals in droves, through such streets or roads only as they shall prescribe.

Building of
docks, piers,
&c.

[8.] To order and regulate the building of all docks, piers and wharves in and about said city, and the use thereof, when built, and the rates of wharfage, and to make such by-laws and regulations touching the same, not inconsistent with the laws of this state and of the United States, as to

said board may appear proper and necessary, and in the building of any such docks, piers or wharves, if more land is thus filled in than may be necessary for the use of such wharf, as a wharf or dock, to lay out proper streets upon the same.

[9.] To make and adopt an assessment map, whereby to describe lands assessed for taxes and improvements. Assessment map.

[10.] To make and adopt a general plan of sewerage and drainage for said city, or any part or parts thereof, conformably to which all sewers, drains, receiving basins, and all other appurtenances of public drainage shall be constructed, and to alter and vary the same. Sewerage and drainage.

[11.] To prevent horses, cattle, sheep, swine, dogs, goats, geese, and all other animals from running at large, and to provide for the impounding and sale of the same. Running at large.

[12.] To prevent immoderate and fast driving in the streets, cruelty to animals, and driving over or upon sidewalks, and to regulate the planting and protecting of shade trees. Fast driving.

[13.] To prevent riots, disturbances, and disorderly assemblages in the streets, or in any house or place in said city, to prevent and suppress all gaming houses, and to prohibit gaming, and to restrain and punish all mendicants, vagrants, street beggars, and common prostitutes; to suppress vice and immorality. Riots.

[14.] To license and regulate or prohibit, inns or taverns, restaurants, and beer saloons, and to prohibit all traffic in or sale of intoxicating drink or drinks, to license, regulate and prohibit billiard saloons, bowling alleys, peddlers, hawkers, hucksters, butchers, slaughter houses and markets, on such terms and under such regulations or penalties as the said board shall by ordinance impose, and no other license for such purpose, within said city, granted by any other authority, shall be lawful, except licenses granted by the governor to hawkers and peddlers. To license beer saloons, inns and taverns, &c.

[15.] To license and regulate cartmen, porters, hack, cab, omnibus, stage and truck owners and drivers, carriages and vehicles used for the transportation of passengers and merchandise, goods or articles of any kind, (or to authorize the mayor to grant such licenses, and to require the owners to mark vehicles in such manner as the board of councilmen shall designate,) auctioneers, common criers, pawnbrokers, junk shop keepers, sweeps and scavengers, and to fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in such capacities. Cartmen, porters, hackmen, &c.

- Public build-
ings. [16.] To manage, regulate, control and protect the finances and property of the city, and all public buildings, and the erecting and maintaining the same, and to provide a city armory, and to regulate the use of the same.
- Day and night
police. [17.] To establish, regulate and control a day and night police, and to regulate and define their duties and compensation ; to provide suitable and proper police stations and lock-ups, and all necessary rooms and cells for the safe keeping of criminals, offenders, or persons under arrest.
- Fire depart-
ment. [18.] To establish, regulate and control a fire department, with power to exempt its members from militia duty in time of peace, and from serving as jurors in courts for the trial of small causes, and the mode of their appointment and removal ; to provide fire engines, apparatus, and houses therefor, and for the purpose of guarding against fire and protecting the safety of firemen ; to regulate the manner of building dwelling houses and other buildings, and of constructing and placing steam engines, engine chimneys, ovens, flues, pipes, and all matters connected therewith, and the keeping of lights in stables, and the manufacture and keeping of gun-powder, petroleum, fireworks, and all other dangerous and combustible articles ; to provide water for extinguishing fires, and to limit the height, and prevent in certain limits, to be from time to time prescribed by ordinance, the erection of wooden buildings.
- Street lamps. [19.] To provide street lamps for, and to light the streets, either by gas or other material.
- Board of
health. [20.] To provide health laws, and to establish a board of health.
- Shooting of
birds. [21.] To prevent the shooting or trapping of birds within the limits of said city ; to punish by fine or imprisonment, in the lock-up of said city, or both, 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 purposes of said city corporation, and to have and exercise all the powers provided in this act.
- Bathing, and
exhibitions. [22.] To regulate or prohibit interments within the city, and bathing within adjacent waters ; the exhibition of shows, caravans, theatres, circuses, or all other like matters, the firing of guns, firecrackers, or other fireworks, in said city.
- Weights and
measures. [23.] To provide for the appointment and government of inspectors of seals, weights and measures, and to prescribe

their duties and compensation, and to enforce the keeping and using of weights and measures.

[24.] To regulate the numbering of houses and lots in the streets and avenues of the city. Numbering of houses.

[25.] To regulate the use of streets, avenues and public places by foot passengers, vehicles, railways and engines, and by dummy engines. Use of streets.

41. *And be it enacted*, That whenever any ordinance shall be passed by the board of councilmen for making any improvement or performing any work under and by virtue of the provisions of the fortieth section of this act, or either of the subdivisions thereof, all further acts and proceedings which it may be necessary for the council to take to carry out said improvements or work to completion, and all orders relating thereto, shall be by resolution and not by ordinance. Acts and proceedings, when to be done by resolution.

42. *And be it enacted*, That the board of councilmen may provide by ordinance, that the city shall pay one-third of the expense and cost of paving avenue S and avenue D of said city with "Belgian" block, macadamizing, or with such other substantial material as the property holders on the line of the street may desire, and such payment shall be made out of the proceeds of improvement bonds or stock to be issued by the city, with interest thereon, not to exceed seven per centum per annum, payable semi-annually, to run not less than ten or more than twenty years; and the said bonds or stock may be sold at public or private sale, or paid to contractors at not less than ninety-five per centum of their par value, at such times and in such amounts as directed by resolution of the board of councilmen; and for the purpose of paying such bonds or stock, and the interest thereon as the same may become due; the mayor and council of the city of Bayonne are hereby authorized to assess and collect annually, a tax sufficient to pay the interest thereon each year, and to constitute a proper sinking fund for all or any portion of said debt which may exist, which tax shall be in addition to any other tax authorized by this act; and the collector of revenue shall collect and pay the same to the city treasurer, and enforce the payment thereof in the same manner as other taxes; and said tax shall be kept separate and distinct from all other taxes. City may pay one-third cost and expense of paving.

43. *And be it enacted*, That in all cases in which persons shall bring writs of certiorari to remove the proceedings of the board of councilmen, it shall be lawful for the city clerk May issue bonds. Charge on writs of certiorari.

to charge and receive from the parties bringing such certiorari, or presenting the same, at the rate of ten cents per folio for the necessary return thereto, in lieu of his other charges.

TITLE IV.

OF TAXES AND COLLECTION.

Taxes and
collections.

44. *And be it enacted*, That it shall be lawful for the board of councilmen to raise by tax every year, so much money as they may deem expedient for the purpose of lighting the streets, supporting a day and night police, for repairing streets and roads, supporting and maintaining public schools, prisons and lock ups, for contingent expenses, and all other purposes authorized by this act, and that the ordinances 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 fifteen mills on the dollar of the actual valuation of the property assessed, except obligations for war purposes and improvement bonds or stock, and for the purpose of lighting the streets; and every male resident of said city, over the age of twenty-one years, shall be assessed the sum of one dollar, as a poll tax, to be applied for the purpose of public schools; and said board may borrow such sum or sums of money in anticipation of taxes as may be necessary, and may secure the payment thereof by bond or other instrument under the common seal and signature of the mayor, attested by the city clerk, but it shall not be lawful for said board to raise any such sum of money by loan unless the repayment thereof shall be provided for from taxes to be raised in said city in the same year.

Lamp districts

45. *And be it enacted*, That the board of councilmen may establish, by ordinance, certain limits in said city, to be called lamp districts, and shall, in directing taxes to be raised each year, designate how much is to be raised for the expense of lighting the streets, and shall provide that such taxes shall be assessed on property lying within each lamp district, and the board of assessors shall assess such taxes separately from all other taxes, in the manner aforesaid; *provided*,

Proviso.

that one-fourth of the expense of lighting any street, road

or avenue may be paid by the city and collected in the general tax levy.

46. *And be it enacted*, That the tax assessor and the supervisors of taxes shall constitute a "board of assessors;" Board of assessors to make assessments and assess tax. all taxes for the purposes of the state, county and city shall be assessed by said board in the manner, and within the time, directed by the laws of this state, for assessing township, county and state taxes, or by the provisions of this act, or of any ordinance adopted in accordance therewith; in order that just and equitable valuations may be established for all portions of the city, the tax assessor aforesaid (with the assistance of the other members of the said board, whose duty it shall be to aid him in the work, in their respective wards,) shall prepare, on or before the first day of July of each year, full and complete lists of assessments upon all property, real or personal, within the said city; and the said board shall diligently prosecute said work by frequent meetings, at short intervals, until the same is complete; and it shall require a vote of three-fourths of the members of said board to establish, alter or correct each and every valuation in said lists of assessments; when the valuations aforesaid are completed, the board of assessors shall give notice in the official papers published in said city, and said lists shall be open for examination for at least ten days thereafter, at the office of the city clerk, and said tax assessor shall be present at such time to hear objections to said valuations, which shall be made under oath and in writing, and each person taxed therein shall be at liberty to examine said lists, in reference to his or her own taxes, until the first day of October following; and the said board may, after hearing an application therefor, by a vote of three-fourths of the whole number of said board, revise and correct said assessment in such manner as they may consider just and proper; it shall be the duty of said board to assess upon the valuations in the aforesaid lists, a percentage sufficient to produce the amount necessary for state and county taxes, and for the sums required by ordinances to be raised for city purposes; and the board of councilmen of said city shall in no case have power to remit or reduce any taxes so assessed in said city; the tax assessor aforesaid shall have power to administer oaths or affirmations in the discharge of his duty, or the duties of the said board, under this act, and all taxes so assessed for city purposes shall be collected by the collector of revenue, in the same

manner as he is by law directed to collect township, county and state taxes, and shall be paid over by him to the city treasurer as soon as collected, and all taxes shall be paid to said collector at his office in said city, upon his giving notice through the official newspapers circulating in said city, and by notices posted in twenty public places, that such taxes are due and payable.

Collector of
revenue to
make out list
of delinquents

47. *And be it enacted*, That the collector of revenue in said city, in case of the non-payment of taxes on or before the twentieth day of December in each year, shall make out a list of the names of all delinquents, with the sum due from them respectively, and shall deliver the same to the clerk of the city, on or before the thirtieth day of December in each year, except when said day shall fall on Sunday, and then on the next day following; and it shall be the duty of the said clerk to lay the same before the board of councilmen, at a meeting thereof held next after the same shall be delivered to him, and thereupon the said board shall deliver the same to a justice of the peace of the 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 revenue, who shall have power to collect the same, in like manner, in all things, as the constables in townships are directed by law, but such collector shall, before he delivers such list to said clerk, take and subscribe an oath or affirmation before the mayor or city clerk, or a justice of the peace in said city, that the moneys in said list mentioned have been duly demanded, or due notice given at the usual places of residence of such delinquents who could be found, or may then reside in said city.

If taxes are
unpaid inter-
est to be
charged.

48. *And be it enacted*, That whenever, within the said city, any tax shall remain unpaid after the twentieth day of December in each year, it shall be lawful for, and shall be the duty of the collector of revenue to charge, receive and collect in addition to the amount of said tax, interest thereon, to be computed at the rate of twelve per centum per annum from said twentieth day of December until the same is paid, and on all taxes due and payable which remain unpaid on the fifteenth day of February in any year, an additional penalty of five per centum shall be added and such penalty shall be paid over by the said collector of revenue to the treasurer of the city, in like manner and at the same time as he may be

required to pay over to said treasurer all taxes by him collected.

49. *And be it enacted*, That personal taxes and taxes upon goods and chattels which shall hereafter be levied or assessed in the city of Bayonne against any person or persons, shall be and remain a lien on all the lands, and real estate of such person or persons within the said city; and all taxes and assessments which shall hereafter be levied, assessed or made upon any lands, tenements or real estate, situate in the city of Bayonne, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other encumbrance thereon: and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed by the said board for the payment thereof, it shall and may be lawful for the said board 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, or the balance thereof remaining unpaid, with the interest and penalty thereon, and all costs, charges and expenses, and to execute under the common seal of said city a declaration of such sale, to be signed by the mayor and city clerk, and to deliver the same to the purchaser, and such purchaser, his executors, administrators or assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements or real estate for his and their proper use against the owner or owners thereof and all persons claiming under him or them, until his said term shall be completed and ended: but said board shall first have caused said sale to be advertised for at least sixty days in at least two newspapers circulating in said city, and published in the county of Hudson, and by advertisements put up in at least five public places in said city, which advertisements shall describe said lands, tenements or real estate, and specify the amount of the assessment or tax, and the recitals in such declaration of sale shall be prima facie evidence in all courts and places of the assessment, advertising and sales; *provided*, that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant, or person interested therein, or by any other person for or on behalf of the owner, mortgagee or claimant of such lands, tenements or real estate, at any time within two years after the sale, for either taxes or assessments or for both, by paying to the treasurer of the city, for the use of

Taxes unpaid to remain a lien.

Lands to be sold for non-payment of taxes.

Sale to be advertised.

Proviso.

the said purchaser, the purchase money, together with any other sums paid for taxes or assessments which the said purchaser may have paid chargeable on such lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon, at the rate of fifteen per centum per annum in addition thereto, and the certificate of the treasurer of the city, stating such payment, and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; a mortgagee shall have power to redeem at any time until the expiration of the six months' notice herein specified; no mortgagee whose mortgage shall have been duly recorded before sale for any tax or assessment shall be affected by such sale, unless six months' notice in writing shall have been given to him by the purchaser, or those claiming under him, either personally, or if not to be found in said city, directed to him at his last known place of residence, or at the post office nearest thereto, but nothing herein contained shall be so construed as to impair the lien created by such tax, assessment or sale, that the said term of time for which any land, tenement or real estate so sold as aforesaid shall not commence, nor shall said purchaser or those claiming under him, have a right of possession to said land, tenement or real estate, until the two years limited for the redemption of the same shall have expired; and the said purchaser or those claiming under him, shall at the expiration of such a declaration of sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural wear and accidents excepted.

Sale may be
adjourned.

50. *And be it enacted*, That the said sale of any lands, tenements or real estate for assessments or taxes may be adjourned or postponed from time to time, or suspended, as said board may direct; and if at any sale the whole, or any part thereof, shall remain unsold for want of purchasers, then it shall be lawful for the said board to adjourn the sale not less than thirty days, nor more than sixty days; twenty days' notice, at least, shall be given, as aforesaid, of the adjournment of said sale; and if at the adjourned sale there shall be no purchaser of said lands, tenements or real estate, or any part thereof, then it shall be lawful for the treasurer of said city to purchase said lands, tenements or real estate for the use and benefit of the city of Bayonne, subject to the redemption as herein provided for; and all moneys paid for the re-

Treasurer may
purchase for
use of city.

demption of said lands, tenements or real estate as aforesaid, together with such taxes and assessments paid by a mortgagee or judgment creditor, shall be a lien on said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annua, and said lien shall have the preference over all other liens on said lands, tenements or real estate ; and on foreclosure of any mortgage by such mortgagee redeeming, shall be directed to be made out of said lands, and on the sale of said lands under any such judgment, shall be paid out of the proceeds of the sale, and a complete record of all taxes and assessments shall be kept in the city clerk's office, which record shall contain the time when such assessments and taxes were laid, the time when they were paid, and, if the property has been sold therefor, the time of sale, to whom sold, and if redeemed, when and by whom.

Money paid to remain a lien.

Records to be kept.

51. *And be it enacted*, That it shall be the duty of the city clerk to record in a book to be called "record of sales," all declarations of sales as aforesaid, to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on the certificate of the city treasurer of such redemption, and to file such certificate in said clerk's office ; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming and one to be filed in the said clerk's office.

Record of sales.

52. *And be it enacted*, That it shall be the duty of the board of councilmen to give notice of the expiration of the time limited for the redemption of all lands sold for assessment and taxes as aforesaid, by virtue of this act, by advertisement as aforesaid sixty days next preceding the expiration of the time so limited for redemption, specifying the property unredeemed and the amount due thereon.

Notice to be given for redemption of lands.

53. *And be it enacted*, That all real and personal estate in said city shall be liable to taxation, except mortgages on real and personal property therein, which said mortgages shall be exempt from taxation in the hands of any citizens of this state, and the amount of such mortgage shall not be deducted from the value of the taxable property within said city.

Mortgages on real and personal estate exempt from taxation.

54. *And be it enacted*. That all taxes shall be assessed, levied and collected in said city in the manner prescribed in

Taxes to be assessed and collected.

this act, and no act shall be deemed to repeal or modify this section, unless expressed in such act to apply to the city of Bayonne, by name.

TITLE V.

OF COMMISSIONERS OF STREET IMPROVEMENTS.

Commission-
ers of street
improve-
ments.

55. *And be it enacted*, That it shall be lawful, and it shall be the duty of the board of councilmen to appoint three persons, who shall be residents of different wards, and freeholders of said city, to be called commissioners of assessments for street improvements, and they shall take and subscribe the oath required by this act, and shall be appointed annually for the term of one year, as provided in section thirty-five of this act; and in case any one or more of the said board of commissioners of assessments shall be interested in any assessment or improvement, then the board of councilmen shall appoint some discreet and impartial freeholder or freeholders residing in said city, to serve with said board of commissioners of assessments in lieu of the commissioner or commissioners so interested, and the person so appointed shall take and subscribe the oath herein required.

Powers of
commission-
ers.

56. *And be it enacted*, That said board of commissioners for street improvements shall possess and exercise all the powers in this act prescribed, in all cases and matters referred to them by the board of councilmen under the control of the mayor and council of said city, but this act shall not affect any proceedings in cases of such improvements now in the hands of commissioners heretofore appointed under acts relating to street improvements in Bayonne township, and all such proceedings heretofore referred shall be conducted and concluded by the commissioners to whom the same have been referred, the same as if this act had not been passed.

Acts, &c.

57. *And be it enacted*, That all acts required by this act to be done by said commissioners of assessments, shall be valid and effectual, if the same are approved by a majority of them, but each commissioner of assessment shall be notified of the time and place of meeting to consider the subject.

TITLE VI.

OF IMPROVEMENTS AND ASSESSMENTS THEREFOR.

58. *And be it enacted*, That it shall be lawful for the board of councilmen, by ordinance, to open, extend or widen any street or avenue, or any part thereof in the city, in the following manner, and not otherwise: on application in writing to the said board of councilmen, setting forth accurately the improvement desired, and the petitioner or petitioners for such improvement shall deposit with the city treasurer such sum of money as said board shall direct, being sufficient to cover the expense to be incurred, in case such improvement shall not be ordered; if said board shall favor the application, the same shall be advertised by the board of councilmen in the official newspapers circulating in said city, for two weeks at least before the ordinance is passed to carry out the same, which ordinance shall be referred to the commissioners of assessments, and a city surveyor, not interested in such improvement, who shall thereupon make a map of such improvement, showing the real estate to be taken therefor, and all the property which, in the judgment of said commissioners, will be benefited thereby, designating each lot and parcel on said map by a number; said commissioners shall also ascertain, so far as practicable, the names of the owners of said real estate to be taken, and property to be benefited, and the interest of each of the owners of real estate to be taken, and when such names or estate are not known, they shall so report; they shall also appraise the value of the interest of each known owner of real estate to be taken, and the damage to be done to such owner by taking the same, considering in such appraisal the condition in which each owner's parcel of real estate will be left after taking so much thereof as will be required for the improvement; and where the estates in any plot of land are unknown, they shall appraise the value of, or the damage done to the fee simple; said commissioners shall also estimate all other expenses likely, in their judgment, to attend the completion of the improvement; *provided*, that where the line of such improvement would bisect any building, the said commissioners may determine, as shall seem to them most just, to take or to require the owner or owners thereof to move it back from the line of improvement, in case the owner or owners

Opening, extending and widening streets and avenues.

Proviso.

thereof have land enough left for that purpose, and their appraisalment shall be made accordingly; said commissioners shall also estimate the amount likely to be realized from the sale of any buildings or parts of buildings to be taken on account of said improvement, and shall so determine the probable net cost of making the improvement; this probable net cost they shall then assess upon the land to be benefited, in proportion to the benefit to be received; thereupon they shall, under their hands, make a report of the facts ascertained, and of the appraisements, estimates, determinations and assessments made by them concerning said improvements, and shall file such report and map with the city clerk within twenty days after the reference to them, or within such further time as said board of councilmen shall grant; thereupon the said clerk shall give notice of the filing of said map and report, in the official newspapers circulating in said city, for the space of two weeks, and by at least five notices put up on the line of said improvement; and the city clerk shall mail a written or printed notice to each of the known owners of land to be assessed therefor, which notice shall contain a general description of the improvement intended, of the land to be taken, and of the land to be assessed therefor, and shall state the time and place when and where the said board of councilmen, or a committee thereof, will meet to hear and consider any objections to said report, or to the improvement, which may be presented in writing, the time appointed for such objections being not less than ten days after the expiration of said two weeks; and all objections made at such time and place, presented in writing, said board of councilmen shall consider and adjudicate upon, and the said report and map shall be returned to said commissioners of assessments, by resolution of the council, and the awards or assessment made in said report shall be corrected accordingly by said commissioners, and said report and map, when corrected, shall be filed with the city clerk within twenty days thereafter; if said board of councilmen shall then determine to make said improvement, notwithstanding any objection to the same, the said board shall confirm said awards, with the corrections, if any, and order the said improvement to be made and completed in such manner as said board may direct, under the supervision of said commissioners of assessments; *provided*, the said board of councilmen shall not proceed to make any such improvement if the owners of more than one-half of the

Proviso.

property per lineal feet front to be assessed for the improvement, shall remonstrate against the same being made; said board of councilmen shall thereupon pass a resolution directing the several sums awarded to be paid to the persons to whom the awards are made for real estate taken, and damages sustained in making said improvement, and the city treasurer shall tender and pay to the owner of said lands, if a resident of said city, the amount of such award due to him, but if such owner is not a resident of the said city, or if upon inquiry he cannot be found therein, or is a lunatic or idiot, or if, for any other lawful cause, he is incapacitated to receive the same, or if said owner will not accept the same and sign a proper receipt therefor when tendered, then the treasurer shall make affidavit of such facts, and file the same with the city clerk, and the board of councilmen shall after inquiry into the facts of the case, by resolution, direct the amount of such award to be placed either in the city treasury, or some bank or trust company, where the same shall draw interest at the rate of not less than five per cent. per annum, for the use of the person to whom it may be due; and upon filing such receipt of the owner, or the passing of such resolution by said board of councilmen, the lands so taken shall be vested in the said city of Bayonne, and the city officers may proceed with such improvement, and the said money so deposited shall be paid by proper warrant to the person entitled thereto, on demand, with accrued interest thereon: *provided*, Pr. 189. that where the commissioners shall have reported the names or estates of the owners of any plot as unknown, said resolution shall direct the sum of the award on account of such plot to be paid to the owners thereof, when and as their interest may appear; and any such owner or person interested in said land, may, by bill in chancery, according to the practice of that court, have the said sum distributed, or in whole or in part paid over to him or to her as law and justice may require; after the completion of said improvement, the said commissioners of assessment shall report to said board of councilmen the actual net cost thereof, and shall assess the same upon the land reported by said commissioners as benefited thereby, in the same proportions as the estimated net cost had been previously assessed in the map and report of said commissioners, as corrected, by the said board; the assessment so made, when filed with the city clerk and confirmed by the board of coun-

cilmen, shall constitute a lien upon each parcel of said lands for the amount assessed to the same.

Proceedings
in case award
for damages
exceed assess-
ment, &c.

59. *And be it enacted*, That whenever, by the report and map of the said commissioners of assessments, corrected as aforesaid, it shall appear that an award has been made to any person for property taken or damages sustained, and that such person is also assessed for benefits received on account of the same improvement, then, if the assessment equal or exceed the award, no payment shall be made on account of such award; and if the award exceed the assessment, only so much of the award as is in excess shall be paid, and the resolution of the board of councilmen ordering the award to be paid shall be framed accordingly; and when the amount to be assessed shall be finally determined, such amount shall be set off against the amount of the award unpaid; and if the amount of the award unpaid be in excess, the assessment shall be canceled, and such excess only shall be paid to the person to whom the award is made; and if the amount of the assessment be in excess, the award unpaid shall be canceled and such excess only shall be a lien upon the property assessed, the rest of the award or assessment, as the case may be, being also canceled.

Assessment of
lands held by
a tenant for
life or years.

60. *And be it enacted*, That whenever land, held by a tenant for life or years, and the fee in remainder or reversion, shall be taken for the opening, extending or widening of any street or avenue, or any part thereof, the benefits to be done to the residue of any lot or parcel of land, a part of which may be taken for such improvements, shall be estimated in the same manner as to other lands, and the commissioners of assessment shall include in their preliminary and final report, the value of the land taken for such improvement, and the value of the erections thereon, and the damages aforesaid, done by taking or removing the same, and to whom said lands belong, and the interest and estate of the several owners in the same, as far as practicable, and the commissioners shall in their report apportion such value and damages between them; and in any case any lands assessed as aforesaid, or for any other assessments and taxes, shall be held by a tenant for life or years, and such tenant shall pay such assessments or taxes, or the same may be made by a sale of his interest in said lands; said tenant or tenants, his or their legal representatives, shall, at the termination of his or their estate, be repaid such principal sum, as well as the appraised value of

all improvements made thereon by said tenant, by a reversioner, his heirs or assigns, and shall have a lien upon said lands for the same, and may, by bill in chancery, have said lands sold to pay such lien, and the proceedings thereon in the court of chancery, except the allegations in the bill, shall be the same as if said reversioner had given a mortgage on said lands, and said bill was filed for the foreclosure thereof, and such lien shall have a priority over all other encumbrances.

61. *And be it enacted*, That all streets, roads or avenues ^{width of streets, roads and avenues laid out or opened.} to be laid out or opened, shall not be less than forty, nor more than one hundred feet in width, and all streets widened, extended or altered, not less than forty, nor more than one hundred feet in width; the sidewalks upon either side of any street, road or avenue, shall occupy one-fifth of the whole width of said street or avenue, and no stoop or step shall project, or enclosed area extend beyond the line of said street, road or avenue; and said board shall have power, by ordinance, to regulate the planting of shade trees upon said sidewalks, and to protect the same; and they shall have power to take any lands that may be necessary for opening, widening or altering of any street or avenue or any part thereof in said city, but no lands shall be taken for the laying out, opening, widening or alteration of any street or avenue, without allowing or paying to the owner or owners thereof, the fair value of the lands taken, and for the improvements and buildings thereon, and the damage done to any distinct lot or parcel of land or tenement by taking any part of it for that purpose.

62. *And be it enacted*, That it shall be lawful for the ^{Grading, paving, curbing, &c., crosswalks in streets, &c.} board of councilmen, by ordinance, to grade, pave, curb, gutter, fill up, refill, macadamize, lay side and crosswalks in any street, road or avenue, or any part thereof in said city; to build sewers, drains and receiving basins in and upon any street, road or avenues in said city, or any part thereof, on application in writing to said board of councilmen; and all such applications shall be advertised by the board of councilmen in the official newspapers, circulating in said city, for ten days at least before the ordinance is passed to carry out the same, which ordinance shall be referred to the commissioners of assessments, who shall examine into the whole matter impartially, and to the best of their skill, judgment and ability, and who shall cause a survey and preliminary

map to be made of said improvement, distinguishing each lot or parcel by numbers on said map, and they shall estimate the whole cost of said improvements according to the best of their judgment, and shall assess such estimated cost upon the lands and real estate benefited in proportion to the benefits received, and report the names of the owners of the lots or parcels, as far as practicable, with the amounts assessed to each, and shall file said report and map with the clerk of said city, within twenty days thereafter; the clerk shall give notice of the filing of any such report and map within ten days after the same shall be filed with him in the official newspapers circulating in said city, and by five notices put up on the line of said improvement; *provided*, that when a petition for an improvement states that the property owners whose names are signed thereto, will pay all the expenses and costs of the improvement applied for, and that they consent that the amounts assessed against their property by the commissioners of assessments, shall be a lien thereon until paid, that then and in that case, the board of councilmen may, by ordinance, proceed forthwith to execute and carry out said improvement under said application; and it shall not be necessary to advertise said petition, make the preliminary map and report, or do any of the other matters required by this act.

Proviso.

Proceedings
for owners
to remon-
strate against
improvement.
Hence.

63. *And be it enacted*, That unless within twenty days after the filing of said report, as in the preceding section provided, the owners of a majority of the lands in lineal feet to be assessed for such improvement shall file with the clerk of the city, a remonstrance signed by them or their agents, lawfully authorized, said board of councilmen shall proceed forthwith to execute and carry out said improvement under said application, and all costs and expenses incurred in such proceedings shall be repaid to the said city by the petitioners for such improvements, in case such majority of owners remonstrate against the same, and the board of councilmen shall make regulations touching the receiving and proceedings upon such petition, and security for the expenses thereof, as they may deem proper, by resolution or otherwise, and the said board may refer back said report and map to said commissioners of assessments for alterations or corrections in matters of form or substance, when they deem the same necessary; *provided*, that whenever the owners of three-fourths of the property interested per lineal feet along the

Proviso.

line of any street or avenue shall apply in writing to the board of councilmen for any of the improvements provided for in the sixty-second section of this act, the council shall have power to dispense with the preliminary map and estimate of the assessments, and to proceed by ordinance to cause said improvement to be made forthwith.

64. *And be it enacted*, That all expenses and cost of proceedings for improvements in grading, paving, curbing, guttering, filling up, refilling, macadamizing, laying side or crosswalks, sewerage, draining and building receiving basins in or upon any street, road or avenue in said city, or any part thereof, when the same shall be completed, shall be assessed by the commissioners of assessments upon and be paid by the lands and real estate benefited by the improvement so applied for, in proportion to the benefit received by said lands and real estate, and the said commissioners of assessment shall determine and report in writing to the board of councilmen what proportion of such expenses shall be assessed upon each separate lot or parcel of land, and shall accompany such report with a final map containing each lot assessed, and the name of the owner or owners thereof, which report and map shall be filed in the office of the city clerk, whereupon said clerk shall cause to be inserted in two newspapers circulating in said city, for at least ten days, a notice of filing of said report; and the city clerk shall mail a written or printed notice to each of the known owners of land to be assessed therefor, and he shall also put up five notices on the line of said improvement in said city, and that the board of councilmen, or a committee thereof, will meet at a time and place to be designated in said notice, to be at least ten days from the date of filing of said report, to consider said assessment, and to receive and consider all objections thereto which may be presented in writing, and the said board of councilmen shall have power to return said map and report for correction, in matters of form and substance, before confirming the same, and when so returned for correction, the said commissioners of assessments shall have power to correct the same, and they shall refile it with the city clerk within ten days after it shall have been so referred back to them, and if said board of councilmen shall by resolution confirm said assessment, it shall constitute a lien on the property assessed for the amount of such assessment.

Expenses and cost for grading, paving, &c., how assessed.

65. *And be it enacted*, That any assessment upon any

Assessment, if property or any excess of assessment over any award as here-
 not paid, to inbefore provided for any street or public improvement shall
 draw interest, be due and payable, without interest, if paid within thirty
 days subsequent to the confirmation of the same by the city
 council, and subject to interest at seven per centum per
 annum if paid after thirty days and within sixty days from
 the date of said confirmation; and the parties assessed may,
 within the time provided for the payment of the same, and in
 lieu of a cash payment, deliver to the city collector a bond
 payable to the city treasurer, entered into by the owner or
 owners of the property assessed, conditioned for the payment
 of such assessment or excess thereof as aforesaid in five years
 from the date of the confirmation thereof by paying twenty
 per centum of the amount of said assessment or excess
 thereof in each and every year, with interest upon the
 amount of said assessment or excess thereof or such part
 thereof as may remain unpaid, at the rate of eight per
 centum per annum, payable annually, and the said bond
 shall be forthwith filed by the city collector of revenues in
 the office of the city treasurer, and when so filed shall be re-
 corded in a book or books of assessment bonds, and the said
 bond, or a certified copy of the record thereof, under the
 hand and seal of the said city treasurer, shall be conclusive
 evidence in any court of the contents of the same and of the
 legality of the assessment for which the said bond was given,
 and of all the proceedings in relation thereto, up to, and in-
 cluding the date thereof; *provided*, that all public improve-
 ments commenced, or contracted for before the passage of
 this act, shall be completed and paid for, and the assessments
 upon the land and real estate for the payment of the costs,
 damages and expenses thereof, shall be levied and collected
 in the manner prescribed by the laws and ordinances that
 were in force at the time the improvement was ordered to be
 made.

Parties assess-
 ed may deliver
 bond.

Bond to be
 filed.

Proviso.

Owners failing
 to pay or give
 bond, lands to
 be sold.

66. *And be it enacted*, That in case the owner or owners
 of any land or real estate assessed for any public improve-
 ment, shall neglect or fail to pay the amount, or to give the
 bond required within the sixty days aforesaid, then such as-
 sessment shall bear interest at the rate of twelve per centum
 per annum until paid; and at the expiration of one year
 from the date of the confirmation of the assessment, the said
 land and real estate shall be sold in the manner provided in
 this act for the sale of lands for taxes and assessments, for

the amount of such assessment, with interest as above stated, costs and expenses; and in case any installment of a bond which shall have been given for an assessment as aforesaid, or any interest thereon, shall not be paid according to the terms thereof, the whole amount of said bond unpaid shall become immediately due and payable, and interest shall be charged thereon at the rate of twelve per cent. per annum, from the date of its becoming due until paid; said land and real estate shall be sold in the manner provided in this act for the sale of lands for unpaid taxes and assessments, for the amount of such assessment, with interest as above stated, costs and expenses; and the amount thus due on the bond for the collection of which the sale has been made, shall be credited on the bond, which shall be held by the city until the same is paid in full and extinguished.

67. *And be it enacted*, That in all cases where the board of councilmen are authorized to make or levy an assessment for any improvement heretofore made, or hereafter to be made, under this act, they shall be authorized to borrow the amount of said assessment, or any portion thereof, in anticipation of the collection of said assessment, to be expended only in payment of such improvement, or loans for the payment thereof; and for that purpose to issue the bonds of the city to be called "Improvement Bonds of the City of Bayonne," payable in six years from the date thereof, with interest at the rate of not to exceed seven per centum per annum, and said city may sell these bonds at public or private sale, at not less than ninety-five per cent. of the par value thereof, or in lieu of said sale thereof, the said city may expend said improvement bonds at their par value in payment of such improvement, or any part thereof, in anticipation of the collection of said assessment; *provided*, that the said assessments and the assessment bonds of property owners aforesaid shall be held by the city as specially pledged for the payment of the city bonds issued as above authorized; and in case said assessments or said assessment bonds should be paid in faster than the improvement bonds mature, the board of councilmen shall direct the city treasurer to purchase improvement bonds with the proceeds at such prices as they may determine; and the said improvement bonds of the city shall be receivable at par (and accrued interest) by the city in lieu of cash, in cancellation of the assessments for such improvements and such only

Council may
borrow money
in anticipa-
tion of assess-
ments.

May issue
bonds.

Provided,

as shall have been completed during the same year in which the said bonds were issued.

Improvements directed to be paid before passage of this act.

68. *And be it enacted*, That where any improvement directed to be paid for by assessments has been commenced before the passage of this act, but the final assessment therefor has not been confirmed, the board of councilmen shall on completion of said improvement refer it to the commissioners of assessments, to make and report the final assessment for such improvement, upon the principles on which the final assessment was to be levied, according to the laws in force at the time when such improvement was ordered to be made, and upon the filing of said report and map of said assessment with the city clerk, the same proceedings shall be had with regard thereto, and with the same force and effect in all things, as are provided for by this act.

Assessments heretofore confirmed, how collected.

69. *And be it enacted*, That all final assessments heretofore confirmed according to law, but not yet collected, except as hereinbefore otherwise provided, shall be collected in the manner provided for the collection of assessments made under this act, and all such assessments, where the time for the payment thereof is not now fixed according to law, as well as in all assessments made under this act, the said board of councilmen may by ordinance fix the time of payment of the same, from which time interest at the rate of twelve per centum per annum shall be collected on all sums unpaid, except as otherwise in this act provided.

Council may, by resolution, direct repairs of crosswalks, &c.

70. *And be it enacted*, That the board of councilmen may, by resolution passed at any meeting, direct any repairs in the carriage ways or crosswalks of any street, road or avenue within said city, whenever they shall deem such repairs necessary; in cases where such repairs or improvements are not applied for in the manner prescribed for by this title, such repairs shall be made by contract or otherwise, as said board may direct, shall be superintended by the street commissioner, and shall be paid for by said board, upon their approval of the work, out of the moneys raised by tax for repairs of streets, and that all repairs of sidewalks, and curbs and gutters shall be made by the owner or owners of the lands in front of which said repairs are necessary, upon the written notice of the street commissioner, and if said owner or owners shall be non-residents of said city, it shall be sufficient for the street commissioner to post such notice upon or near the lot or lots in front of which the sidewalk, and curb and gut-

ter may require to be repaired or relaid, and if the same shall not be repaired within ten days from the serving or posting of said notice, then it shall be lawful for the said board, by resolution, to direct the street commissioner to cause the same to be made; the costs and expenses for repairing and relaying, as aforesaid, shall be assessed by the commissioners of assessment upon the lands directly in front of which such repairs shall be made, and shall remain a lien thereon, and shall be collected as prescribed by this act for the collection of assessments for improvements.

71. *And be it enacted*, That the grade of any street, road or avenue, when established as provided in this act, shall be and remain the permanent grade thereof, and shall not be changed or altered except upon the application to said board of councilmen by the owners of at least three-fourths of the land to be affected thereby, nor without paying to the owners of any buildings where damages are sustained by the alteration of such grade, the amount of the damage which shall be ascertained and determined by the commissioners of assessment making such assessment, and the cost and expenses of establishing and authenticating such grade shall be assessed upon the lands of those applying for said change, and the same shall be and remain a lien thereon, and the payment thereof enforced in the same manner and to the extent as other assessments in this act provided. Grades of streets, how changed.

72. *And be it enacted*, That when any sewer or drain heretofore constructed in said city by individuals, at their own expense, shall be adopted by the board of councilmen as a continuation or receiving sewer of or for any sewer or drain to be constructed under their direction, then the owner or owners of the land fronting on such sewer or drain heretofore made shall not be assessed for the same. Sewers heretofore constructed.

73. *And be it enacted*, That the board of councilmen are hereby empowered to cause all or any of the improvements authorized by this act to be made in any of the streets, roads or avenues, whether the same is used as a plank road, railroad or otherwise, (except so far as such improvements may interfere with the corporate rights of such plank road or railroad) in and upon all streets, roads or avenues, that have been or shall hereafter be dedicated to public use, whether they have been actually opened to the public travel or not, and any or all of the said improvements may be made in a part of any such street, road or avenue in said city, and the Power of council to make improvements.

said board shall have power to regulate the position and construction of all railroads to be laid in any street, road or avenue of said city.

Petitions for
improve-
ments.

74. *And be it enacted*, That the petition filed praying for any improvement contemplated by this act and the ordinance in reference thereto, may embrace any number of improvements upon the same street, road or avenue or proposed street, road or avenue; but the commissioners of assessments shall return a separate map and report for such of said improvements embraced in said petition or ordinance, as may be directed by resolution of the board of councilmen, and in all other cases they shall return one map and report for all of said improvements embraced in said petition or ordinance.

TITLE VII.

MISCELLANEOUS PROVISIONS.

Act to con-
tinue in force.

75. *And be it enacted*, That all acts of the township committee of the township of Bayonne, and of said city of Bayonne, that may be in force when this act shall go into effect, so far as the same may be applicable to the city, and so far as is not inconsistent with this act, shall be and continue in force, until altered or repealed by the board of councilmen hereby created; and nothing in this act shall be construed to invalidate or affect any bonds, contracts, agreements or liabilities of the township of Bayonne or the city of Bayonne heretofore legally given, made or entered into, for any purpose whatever.

Deb'ts, claims,
taxes, &c., to
be collected.

76. *And be it enacted*, That all debts, claims, taxes and assessments due to the former township of Bayonne, or to the city of Bayonne, when this act takes effect, shall and may be collected by the mayor and council of the said city of Bayonne, for the use and benefit of the said city, in the manner provided herein for the collection thereof, and the board of councilmen in reference to any tax or assessment due to the former township of Bayonne, or said city of Bayonne, may sell the lands, tenements or real estate upon which the same was assessed or is a lien, in the manner prescribed in sections forty-nine and fifty of this act, and all the powers and provisions of sections forty-nine, fifty, fifty-one and fifty-two, of this act shall be applicable to the said taxes and assessments due to the former township of Bay-

onne, or said city of Bayonne, the same as if the terms of said sections had been made specially applicable thereto.

77. *And be it enacted*, That upon ~~the~~ trial of any issue, or No person incompetent. upon any judicial investigation, to which issue or investigation the City of Bayonne is a party, or in which said city is interested, no person shall be deemed an incompetent judge, witness or juror, by reason of his being an inhabitant thereof.

78. *And be it enacted*, That the firemen now or hereafter regularly enrolled and recognized by the constituted authorities of the city shall be exempt during the term of their service, and after having served seven years consecutively, shall forever thereafter be exempted from service on any jury, and also from serving in the militia, except in case of invasion or insurrection, and that certificates of the time that such persons have served as firemen in said city, signed by the mayor and city clerk, shall be evidence thereof, but no fireman of the city shall be exempted from jury duty unless he actually performs all the duties of a fireman in his company, and to entitle him to such exemption he shall present to the board of councilmen a certificate of the foreman or other chief officer of his company, that he is a faithful and acting member thereof. Exempt firemen.

79. *And be it enacted*, That the mayor and council are hereby authorized and empowered to purchase sites for parks, Authorized to purchase sites for parks, &c. markets, public buildings and wharves in said city, and to erect suitable buildings or wharves, or other structures or improvements on said sites, and for said purposes or for the purpose of purchasing sites for school houses, the said mayor and council are hereby authorized and empowered to issue, May issue bonds. in the name of "The Mayor and Council of the City of Bayonne," coupon bonds, which may be made payable to bearer or registered in the name of the party holding the same, or registered bonds without coupons, according to the option of the holder thereof, and bonds of either of said classes may from time to time be converted into bonds of either of the other classes, at the option of the holder, to be denominated on the face thereof, "City of Bayonne Bonds," to an amount not to exceed three hundred thousand dollars, bearing interest at a rate not over seven per centum per annum, payable half-yearly, and the principal of said bonds shall be payable at periods not less than ten nor more than thirty years from the date thereof, and the said bonds may be sold at public or private sale, at not less than ninety-five

per centum of the par value thereof, at such times and in such amounts only as the proceeds may be required as aforesaid, and for the purpose of paying said bonds and the interest thereon, as the same may become due, the said mayor and council are hereby authorized to assess and collect annually a tax sufficient to pay the interest each year, and to constitute a proper sinking fund for any portion of said debt which may exist, which tax shall be in addition to any other tax authorized by this act; and the collector of revenue shall collect and pay the same to the city treasurer, in the same manner as other taxes; and said tax shall be kept separate and distinct from all other taxes.

Tax, &c.
Writs of certiorari, when allowed.

Proviso.

80. *And be it enacted*, That no certiorari shall be granted or allowed to stay any proceedings (except the collection of the final assessment), for any street or sewer improvements, unless the writ be allowed before the filing with the city clerk of a copy of the resolution for the payment of awards, in case awards are to be paid, or before the making of the contract, in case a contract is to be made; *provided*, that if the applicant for such writ shall, before the filing of such resolution or the making of such contract, file with the clerk of the board a written notice of his purpose to apply for such certiorari, such writ may be granted or allowed, and served at any time within thirty days after the filing of such notice; and the filing of such resolution, or the making of such contract shall be delayed by said board until the expiration of said thirty days, and if any final assessment shall be changed or set aside on certiorari, the court changing or setting aside the same shall either specify the particulars in which said assessment shall be changed, or shall appoint three discreet and impartial freeholders, residents in the city of Bayonne, to make a new assessment, which new assessment shall be made by said freeholders, as the commissioners of assessment should have made the same, and shall be of the same force as if so made by the commissioners of assessments.

Lands vacated may become property of front owners.

81. *And be it enacted*, That whenever the map and grade commissioners mentioned in section forty of this act shall change or alter the location of any street, lane or avenue now laid on the map of said city, or now open for public use, or in cases where they may already have made changes or alterations in the same, the commissioners of assessment of the city shall have the power to take into consideration the

land or premises which may be vacated and thus become the property of the front owner on said street, lane or avenue, in awarding benefits or damages to the property benefited or damaged by said alteration or location of said street, lane or avenue so changed, and the lands so made, to become the property of the said front owners, shall be held by said front owners in fee, and the said map and grade commissioners shall file a description of the lands so vacated in the office of the county clerk of Hudson county, which said description shall be deemed and taken to be a deed of conveyance to the said property owners, and this shall apply to all alterations heretofore made or hereafter to be made.

82. *And be it enacted*, That no certiorari shall be had or maintained to set aside any assessment for taxes heretofore made in said city for the year eighteen hundred and sixty-nine, by reason of any failure on the part of the mayor and board of councilmen to assess and collect the school poll tax mentioned in section forty-four of this act, and the tax assessment heretofore made in said city shall be as valid and effectual in all respects as if said school poll tax had been levied and collected as required by the charter of said city of Bayonne.

No writ of certiorari allowed to set aside assessment of taxes for year eighteen hundred and sixty-nine.

83. *And be it enacted*, That the mayor and council of the city of Bayonne are hereby authorized to enter into a contract with the board of chosen freeholders of the county of Hudson, agreeing to pay the expenses of erecting a proper stone pier or abutment for a bridge crossing the Morris canal from Greenville to the city of Bayonne, and the money to pay for said pier or abutment shall be raised by a general tax on all the taxable property in the city of Bayonne, by an ordinance to be passed for that purpose.

May enter into contract with board of freeholders to build stone pier, &c.

84. *And be it enacted*, That the council shall have power to build bridges or the abutment or any portion thereof, or enter into contract, agreeing to pay the whole or any portion of the expense of such erection, and to raise the money therefor by taxation upon all the taxable property in the city of Bayonne.

Power to build bridges.

85. *And be it enacted*, That all the city and ward officers of the city of Bayonne, now holding office, shall continue in office and have all the powers and authority now vested in them by law until the expiration of their term of office, except so far as shall be necessary to carry out the provisions of this act.

Officers to continue.

Bonds to be
signed by the
mayor, and
record kept.

86. *And be it enacted*, That all bonds issued as aforesaid shall be signed by the mayor of the city and by the city clerk, under the corporate seal of said city; the clerk shall keep a record of all bonds issued or disposed of, and copies of such record shall be made by him and delivered to the city treasurer; all moneys received from the sale, or otherwise, upon said bonds, shall be paid to the city treasurer, who shall pay out the same in the manner that other moneys are paid out in said city.

Conveyances
by the city.

87. *And be it enacted*, That whenever it shall be necessary for said city to make any conveyance of real estate, said conveyance shall be signed and executed under the seal of the city, by the mayor and by the city clerk, and the latter shall keep an accurate record of such conveyances.

Awards for
damages due
owners.

88. *And be it enacted*, That in all cases where an award for damages done, or land taken in the opening of any street, road or avenue in said city, is now due to any property owner, and property of such owner is also assessed for benefits arising from said opening, that then, and in that case, the counsel may offset one against the other, in the way and manner set forth in section fifty-nine of this act.

Improvements made
in streets to
be paid by
general tax.

89. *And be it enacted*, That the council may at any time, by resolution, direct any street improvement to be made in any street, road or avenue in said city, where they direct, by resolution, that the city is to pay for the same by general tax, and when the expenditure therefor shall not exceed the sum of one thousand dollars, and in such case all the requisites of the city charter in case of improvements by ordinances may be dispensed with by said council, and they may proceed immediately to complete and finish said improvements.

Chicago relief
fund.

90. *And be it enacted*, That the action of the mayor and council of said city, in paying the sum of one thousand dollars to the "Chicago Relief Fund," be, and the same is hereby ratified and confirmed.

TITLE VIII.

BOARD OF EDUCATION.

School trustees,
powers
and duties.

91. *And be it enacted*, That the school trustees of said city shall constitute and be called "The Board of Education of the City of Bayonne;" they shall annually elect a president

from their own body, and in his absence a president pro tempore, appoint the times and place of meeting, and determine the rules of their own proceedings, they shall also appoint a secretary, who shall keep a journal of their proceedings and perform such other duties as the board may prescribe; a majority of the board shall constitute a quorum for the transaction of business, and no resolution or order of the board shall be adopted unless with the consent of a majority of the whole board; the president of the board shall have power to call special meetings whenever he shall deem it expedient; that said board shall prepare and transmit to the city council, on or before the first day of June in each year, an estimate of the amount of moneys necessary for the support of public schools in said city during the year, which estimate shall specify particularly, under the several heads of repairs of school houses, salaries of teachers, school books, school furniture and school libraries, stoves and fuel, and incidental expenses, as nearly as may be, the several sums required for each branch of expenditures, and all moneys appropriated by said city council for the support of public schools, as well as other taxes or moneys devoted to that object, shall be expended by said board of education for the support of public schools in the city of Bayonne; that said board of education shall take charge of the public school houses in said city and shall cause all necessary repairs to be made to the same, and they are also empowered to establish schools of different grades adapted to the age and progress of pupils, including evening schools for apprentices, to select and employ teachers, to provide school books, furniture and school libraries, to purchase stoves and fuel and incur such incidental expenses for the maintenance of the schools as may be necessary, to adopt rules and regulations for the admission of pupils, the visitation and inspection of the schools, and the government and studies to be pursued therein, and the board of education shall have power to purchase real estate for school purposes, and to erect buildings thereon, when appropriations for those purposes are made by the mayor and council of said city, and the real estate so purchased shall be vested in said city of Bayonne; and all moneys so appropriated shall be expended by the board of education, in compliance with the laws of the state, and the said board shall, at the close of the fiscal year, prepare a report embracing the number of schools under their charge, specifying their grades, the number and names

All moneys to
be expended
by board of
education.

of the teachers, the number of pupils on the roll, and the average attendance in each school, and a full and true account of the expenditures of said board during the year, under the respective heads of repairs to school houses, salaries of teachers, school books, furniture and libraries, stoves and fuel, and incidental expenses, and shall transmit the annual report to the city council, and a copy thereof to the county superintendent of common schools, and the treasurer of said city of Bayonne shall credit said board of education with the sum or sums of money appropriated for the support of public schools in said city, and it shall be the duty of said treasurer to enter on his book the sums so appropriated under the respective heads to which the same may be appropriated, and the treasurer of said city shall, to the extent of said appropriations, pay, on presentation, all drafts drawn upon him by order of said board of education and duly attested by the signatures of the president and secretary for the time being of said board, which drafts shall specify from which appropriation the same is to be paid; and all suits or proceedings brought against any person or persons or body corporate, for damages or injury to any school house or outbuilding, fences, trees or other improvements, or to any furniture or school books in any school under the charge of said board, shall be in the name of the treasurer of said city, and all damages received in such actions shall be paid in the city treasury, and shall be credited to the school fund of said city; and it shall be the duty of the assessors of the several wards of said city to make out a list of the children capable of attending school, between the ages of five and eighteen years, within each of the wards, specifying the age of each child, with their names and the names of their parents or guardians, and to transmit the same under proper certificate, on or before the fifteenth day of August annually, to the secretary of the board of education, and the sum of five dollars for every one hundred names of children contained in said lists, respectively, shall be allowed to the assessor duly making and transmitting the same; and the city of Bayonne shall be entitled to its just quota of the annual appropriation made by the state for the support of public schools, to be ascertained according to law, which shall from time to time be paid to the treasurer of said city, to be expended by the board of education for the support of public schools in said city.

Duty of assessors.

92. *And be it enacted*, That whenever any street or avenue

in said city, or any part of any street or avenue, has been or shall hereafter be dedicated by the property owners to the public as a public highway, to be used as such, that then and in such case the council may, by a simple resolution, and without any further or other proceedings whatever, declare such street or avenue, or part thereof, open to the public as such.

93. *And be it enacted*, That "An Act to incorporate the city of Bayonne, in the county of Hudson, and state of New Jersey," approved March tenth, eighteen hundred and sixty-nine, and all supplements and amendments thereto, and all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately; but this repeal shall not affect any proceedings had or commenced under said charter and its supplements, nor any rights or dues which the city of Bayonne or any person or corporation is or are entitled to by virtue thereof, except where this act otherwise specifically provides.

Approved March 22, 1872.

CHAPTER CCCXI.

An Act to authorize the inhabitants of the township of Montclair to elect Commissioners of Public Roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of the township of Montclair, in the county of Essex, are hereby authorized and empowered to elect, at their annual township elections, and in the same manner as their other township officers are or shall be elected, five resident freeholders of said township, to be known under and by the name of "Commissioners of Public Roads," who shall continue in office for the term of one year, and who, before entering upon the discharge of their duties, shall severally take and subscribe an oath or affirmation before the township clerk that they will faithfully and impartially execute their said office, which oath or affir-

Proviso: mation is to be filed and preserved by said clerk ; *provided*, that any vacancy in the office of one or more of said commissioners may be filled by the township committee ; *and provided, also*, that it shall not be lawful for any of said commissioners to serve at the same time as a member of said township committee.

Empowered to lay out, widen, alter, &c., roads. 2. *And be it enacted*, That it shall be the duty of said commissioners, or any three of them, and they are hereby authorized and empowered to survey, lay out, widen, alter, straighten or vacate any public road or highway, and also to alter the grade of any such road or any part thereof, in the said township, in the manner hereinafter prescribed ; *provided however*, that no commissioner shall act in any case where he is personally interested ; *and provided, also*, that every such road shall be not less than two rods nor more than five rods in width.

Proceedings when owners petition to lay out, widen or vacate any road. 3. *And be it enacted*, That whenever ten or more freeholders of said township, or whenever the owner or owners of more than half (the same being measured by lineal feet) of the land fronting on any proposed or existing road shall petition the said township committee, in writing, to survey, lay out, widen, alter, straighten or vacate any such road, or to alter the grade of any such road, or any part thereof, it shall be the duty of said committee to appoint a time and place for the meeting of said commissioners to act upon said petition ; and it shall then be the duty of the township clerk to deliver a copy of said petition to said commissioners, or one of them, and to inform him or them, in writing, of such appointment, and also to give public notice thereof, by advertisements under his hand, which shall be set up in five or more of the most public places of said township, at least two weeks before the time appointed for said meeting.

Meeting of commissioners. 4. *And be it enacted*, That it shall be the duty of said commissioners to attend at the time and place aforesaid ; that three of their number shall be a quorum for the transaction of any business or the performance of any duty hereby enjoined or authorized, but that one of them may adjourn any meeting ; that they may adjourn from time to time, as may appear necessary ; that they shall first determine whether the time and place of their first meeting have been duly advertised as aforesaid, and upon which point their determination shall be final and conclusive ; that they shall give to all persons claiming to be interested in the contemplated improve-

ment ample opportunity to be heard in relation thereto; that they shall not only view the premises, but shall have power, in their discretion, to examine any witness or witnesses concerning the same, under oath or affirmation, which oath or affirmation may be administered by any one of their number; that they shall employ a surveyor and such assistants or agents as they may think proper, but at a rate of compensation to be determined by the township committee; that they and their employees may enter upon all lands and premises for any of the objects contemplated by this act; and that after having made a thorough examination of the matter so referred to them, they, or any three of them, may and they are hereby authorized and empowered, to lay out, widen, alter, straighten or vacate said road, or to alter the grade of said road or said part thereof, as the case may be, in such manner as may seem to them to be most for the public convenience, and so as to occasion the least injury to private property; and they shall cause said road or said grade to be marked or indicated by stakes, or in such other mode as to them may seem fit; and they shall then proceed to assess, fairly and impartially, the damages which, in their opinion, will be sustained by the owner of any lands and real estate taken for or damaged by the improvement, and shall then proceed to assess the said damages, together with their expenses (as the same may have been determined by the township committee), fairly and impartially upon the owner or owners of any lands and real estate on the line or in the neighborhood of said improvement which, in their opinion, will be peculiarly benefited thereby, and in such proportions and to such extent as they may consider said lands and real estate to be so benefited, and to assess any excess of such damages over said benefits upon the township at large; and that they shall without unnecessary delay make a report in writing, signed by them, or any three of them, of all their proceedings in the matter, including the said assessments, and shall deliver the same unto the township clerk or any member of said committee, accompanied by a map showing not only the termini, courses and distances of said road, or the lines of said grade, but also all the lands and real estate which will be taken for, or damaged or benefited by, said improvement as aforesaid, and for or upon which they have made said assessments.

5. *And be it enacted*, That said report and map shall

Examine witnesses.

May enter on lands.

Authorized to make improvements.

Assessment of damages.

Report and map to be made.

Report and
map to re-
main open to
inspection.

Notice to be
given.

Report and
map may be
altered and
corrected.

Report and
map to be
filed.

Decreed a
public road
when adopted

remain at the office of the township clerk, open to inspection by interested parties at all reasonable hours, until the meeting of the township committee for the purpose of considering the same; that as soon as said committee shall have appointed the time and place of said meeting, the said clerk shall give public notice thereof, by advertisements, under his hand, set up in at least five of the most public places of said township, and shall also give notice thereof, in writing, to the said owner or owners of said lands and real estate, if resident in said township, or (if he, she or they be non-residents), by depositing such notice or notices in the post office of said township, prepaid, and addressed to said owner or owners at his, her or their post office addresses as far as he can ascertain the same; and that said clerk shall take and subscribe an oath or affirmation as to the manner in which he shall have given or served said notices, and shall lay the same before the said committee, at their said meeting, and that the determination of said committee as to the legality of said notice shall be final and conclusive.

6. *And be it enacted*, That at the said or any subsequent meeting, the said township committee shall and may consider the said report and maps, and shall give to all parties interested therein, and who may be present, full opportunity to be heard in relation thereto, and shall thereupon have power to alter, correct and amend the same or either thereof in all particulars, and to adopt and ratify the same, either with or without alteration as may happen; and that when said report and map shall be so adopted and ratified, the same shall be final and conclusive upon all parties, except only in relation to an assessment for lands and real estate taken or damaged, as is hereinafter provided; and that said report and maps, after having been copied at full length by said clerk in the minutes of the proceedings of said committee, and within twenty days after said adoption and ratification, shall be transmitted by him to the clerk of the court of common pleas of said county, to be filed and recorded in the office of said court as the returns of roads are now or shall be filed and recorded, for which service the said clerk of said court shall be entitled to receive from said committee the sum of three dollars.

7. *And be it enacted*, That from and after the time of such adoption and ratification of said report and map, the said road so surveyed, laid out, widened, altered or straightened,

as the case may be, shall be deemed and taken to be a public road or highway, and shall, under the direction and control of the said township committee, be opened, worked and repaired in the same manner as other public roads of said township are or shall be.

8. *And be it enacted*, That any person or persons feeling himself, herself or themselves to be aggrieved by any such assessment of damages, for any lands and real estate taken for or damaged by any such improvement, may appeal to the circuit court of said county, at any time within sixty days after the final adoption and ratification of said report by the said township committee; and that the said circuit court shall thereupon order a trial by jury, to assess such damages anew; and that the said trial shall be conducted as in other cases of trial by jury; *provided*, that the completion of said improvement shall not be delayed thereby, and that the said committee may proceed therewith as though said appeal had not been taken. Appeal may be taken to circuit court.

9. *And be it enacted*, That before any such improvement shall be carried into effect, it shall be the duty of the township treasurer, under the direction of the township committee, to pay, or tender, unto the owner or owners of lands and real estate taken therefor, or damaged thereby, as aforesaid, the amount or amounts of damages so assessed to him, her or them, respectively; *provided*, that if such owner do not reside in said township, or upon due inquiry cannot be found therein by the said treasurer, or is a lunatic or idiotic, or is under age, or otherwise legally incapacitated to receive such damages, or if such owner or owners will not accept such damages, and sign a proper receipt therefor, when tendered, then the said treasurer shall make an affidavit of the fact, and shall file the same with the township clerk; and the township committee shall, after inquiry, direct the amount or amounts of said damages to be placed on special deposit in some suitable depository for the use of the person or persons to whom the same may be due; and the same shall be paid to him, her or them, when duly authorized to receive the same, without interest, except from and after the time when demand may be made for the same and be refused; *and provided, also*, that no tender shall be necessary in any case where the benefits which may be assessed against the said owner or owners, are equal to or exceed the amount of damages assessed in his, her or their favor. Amount of damages to be paid. Proviso. Proviso.

Copy of report
and map to be
delivered to
collector.

Notice to be
given.

Assessment,
how assessed
and collected.

Assessment to
remain a lien.

Lands may be
sold.

Committee
may remove
any building.

10. *And be it enacted*, That within ten days after said report and map shall be so adopted and ratified, it shall be the duty of the township clerk to deliver unto the collector of taxes for said township a certified copy of said report and map, and said collector shall, within twenty days thereafter, cause a written notice of the amount of each assessment, as finally adopted and ratified by said committee, to be served upon every land owner affected thereby; said notice to be served personally upon said land owner, if resident in said township; but (if he or she be non-resident) then to be deposited in the post office of said township, prepaid, and addressed to his or her post office address, as far as said collector can ascertain the same; and that it shall be the duty of each land owner so assessed for benefits, to pay the amount of said assessment (or any excess thereof over and above any assessment of damages in his or her favor) unto said collector, within sixty days after the time of such service of said notice as aforesaid; and that, after the expiration of said sixty days, said assessment (or any excess thereof over and above said assessment of damages) shall draw interest, until paid, at the rate of one per centum per month; and that any portion of said assessment which may have been assessed upon the township at large, shall be assessed and collected by the assessor and collector of said township in the same manner as the general township tax for the working or repairing of roads are or shall be assessed and collected.

11. *And be it enacted*, That any and all assessments for benefits so made, adopted and ratified, shall be and remain a lien or liens, upon the lands and real estate so benefited, from the time of the adoption and ratification of said report and maps, until the time when the same, with all interest thereon, shall be fully paid and satisfied; and that the said lien may be enforced by the sale and conveyance of said lands and real estate in the same manner that lands and real estate in said township are or may be sold and conveyed for taxes.

12. *And be it enacted*, That whenever any building, or any part of any building, shall stand within the lines of any said road which shall have been so laid out, widened, altered or straightened, and the owner or owners of said building, or said part of a building, shall have neglected to remove the same, after four weeks' notice therefor, it shall be the duty of

the township committee, or of any three of them, to sell and dispose of the same, to the highest bidder, at a public auction, of which they shall have given at least four weeks' notice in a newspaper printed in the said county, and circulating in said township; and that they shall have power to adjourn said sale from time to time, as they may see fit, by making public proclamation thereof at the time of such adjournment; and that they may undertake to deliver possession of said building, or said part of a building, to the purchaser thereof, at any time thereafter, which they may determine to be just and fair to the former owner or owners thereof; and that it shall be the duty of such former owner or owners, or his, her or their tenant or tenants, to vacate and yield up the possession of the same, at the time so determined; and that the amount for which the same shall be so sold, after deducting the expenses of said advertisement and sale, shall be deposited with the said township treasurer, and be by him paid to said former owner or owners on demand.

Building to be sold.

13. *And be it enacted*, That in addition to the remedy herein provided for the collection of any unpaid assessment, it shall be lawful for the said township committee to direct, by resolution, that any such assessment shall and may be collected in and by an action at law; and that said action may be brought in any court of competent jurisdiction, in either debt or assumpsit, in the name of the township, against the owner or owners of the lands and real estate assessed, for the amount of such assessment, with interest and costs; and that in such action it shall be lawful to declare generally, and to give the special matter in evidence; and that either party may have the same remedy against the judgment to be rendered in said action, by appeal or otherwise, as though said parties were private individuals.

Actions at law may be taken for collection of unpaid assessments.

14. *And be it enacted*, That the said commissioners shall be entitled to receive the sum of three dollars for each and every day's service by each of them rendered in pursuance of this act, in addition to such reasonable sum as may be determined by the township committee for surveying, mapping and other expenses.

Compensation

15. *And be it enacted*, That it shall not be lawful for the surveyors of the highways of said county, at any time hereafter, to lay out, vacate or alter any public road or highway within the limits of said township.

Surveyors of highways.

16. *And be it enacted*, That all laws or parts of laws in-

Repealer.

consistent with the provisions of this act, be and the same are hereby repealed, so far as relates to the said township, and that this law shall be deemed and taken to be a public law, and shall take effect immediately.

Approved March 22, 1872.

CHAPTER CCCXII.

An Act to direct and authorize the Trustees of School District Number One, in the county of Essex, to convey certain real estate and appurtenances.

Preamble.

WHEREAS, by an act of the legislature of the state of New Jersey entitled "An Act to divide the township of Woodside between the city of Newark and the township of Belleville," approved April fifth, eighteen hundred and seventy-one, a portion of said township of Woodside was annexed to and now forms a part of said city of Newark; and whereas, certain lands and premises, together with the school house building thereon and the appurtenances belonging thereto, being the property of the said School District Number One, and held by said district and the trustees thereof, and situate in said township of Woodside, were included in said portion of said township of Woodside so as aforesaid annexed to said city of Newark; and whereas, a large portion of the territory composing said school district was embraced in said annexation, and it is desirable that said lands and premises and school house building and appurtenances be conveyed to said city of Newark; therefore,

Trustees may transfer, set over and convey lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of said School District Number One, in the county of Essex, now being, or their successors, or if no trustees of said school district are now in office, then the trustees of said district who were last in office or a majority of either of them, be and they are hereby directed, authorized and empowered to transfer, set over and convey, by deed of conveyance, under their hands and the corporate

seal of said school district, or if no corporate seal of said school district exists, then under their respective hands and seals, in fee simple absolute, the said lands and premises and school house building thereon, and the appurtenances belonging thereto, and all fixtures and personal property connected therewith, being all the lands, and premises, and school house building, and appurtenances, and fixtures, and personal property owned, held and possessed by said School District Number One, in the county of Essex, or by the trustees thereof, situate or being in that portion of the township of Woodside so annexed to said city of Newark as aforesaid, to the mayor and common council of the city of Newark, in the county of Essex, and state of New Jersey ; and that the said the mayor and common council of the city of Newark, their successors and assigns, shall hold the same, under and by virtue of said deed of conveyance, to and for their use, benefit and behoof forever, free and clear and absolutely discharged from all trusts whatsoever, upon, by or under which the same may have been held, and from all claim, suits, trouble, demand or right whatsoever of said School District Number One, in the county of Essex, or any part thereof, or of the trustees of said district, or any of them, of, in or to said lands and premises, school house building, appurtenances, and fixtures, and personal property, or any part of the same.

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

Approved March 22, 1872.

CHAPTER CCCXIII.

A Further Supplement to the act entitled " An Act to revise and amend the charter of the city of Newark," approved March eleventh, one thousand eight hundred and fifty-seven.

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

May establish
or repeal ordi-
nances for the
selling of hay,
straw, bread,
&c.

city of Newark shall have power and authority within the said city to make, establish, publish and modify, amend or repeal ordinances regulating and establishing the time and manner of selling or offering or exposing for sale, hay, straw, wood, bread, flour, fruits and vegetables; said ordinances to contain such restrictions, provisions and regulations as may to them seem just and proper.

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

Approved March 22, 1872.

CHAPTER CCCXIV.

An Act respecting the holding of elections in the township of Hillsborough, in the county of Somerset.

Election dis-
tricts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of Hillsborough, in the county of Somerset, shall hereafter constitute two election districts; all that part of said township lying westerly of the following described line, to wit: beginning at a point in the Raritan river road, between the farms now owned by Thomas Hope and Frederick T. Frelinghuysen; thence running southerly in a direct line to the public highway leading to the road known as the New Amwell road; thence along the middle of said highway to the New Amwell road; thence in a direct line across lands of Isaac A. Van Cleef and John I. Stryker to the Old Amwell road; thence across said Old Amwell road to the new road recently opened; thence running along the middle of said new road the several courses thereof, to the line of Montgomery township; shall be known as the first election district; and all that part of Hillsborough township, lying easterly of the above line so established, shall comprise the second election district.

Elections.

2. *And be it enacted*, That the annual township elections in the township of Hillsborough, for town officers of said township, and for the raising of money for township purposes

and for such other purposes as may be authorized by law, shall be held in each of said election districts, and the voting shall be by ballot; that the next annual township election shall be held in the first election district, at the hotel of John M. Stevens in the village of Neshanic, and in the second election district at the hotel of Isaac H. Hall, in the village of Millstone, and thereafter at such places in said election districts as may be determined from time to time by the vote of said election districts respectively.

3. *And be it enacted*, That the polls shall be opened in each of said election districts in the township of Hillsborough at each annual town meeting, after the passage of this act, at nine o'clock A. M., and close at four o'clock P. M.

4. *And be it enacted*, That the legal voters of the said election districts, or as many of them as may be present at the next township election, shall immediately before the opening of the polls, elect *viva voce*, by a majority of votes, a clerk, one judge and two inspectors of election, who shall be legal voters of the district, and who shall preside at such election only, and constitute the boards thereof; and the said election shall be conducted in the manner now provided by law.

5. *And be it enacted*, That in each of the said election districts hereby constituted at their next annual and succeeding township election, there shall be elected one clerk and three judges of election, but no ballot shall contain the names of more than two persons for judges of election; in case more than two names are voted for, the ballot shall be void only as to said judges of election, and in case two persons receive an equal number of votes the first person named on the ballot for judge of election shall be elected; the persons so elected in their respective election districts shall perform the same duties, and be subject to the same penalties as now prescribed by law for judges, inspectors and clerks of election; and the township clerk shall constitute one of the district clerks and preside in the district where he may reside.

6. *And be it enacted*, That the clerk of the township of Hillsborough, shall cause to be posted in three of the most public places in each of the election districts hereby constituted by this act, fifteen days prior to the next township election, notices of the time and places for holding the same

in each of said districts, and said notices shall define the dividing line between said districts as herein described.

Overseers of
highways.

7. *And be it enacted*, That all overseers of highways in the township of Hillsborough shall, after the passage of this act, be elected in their respective road districts on the Saturday immediately following the annual meeting; at least five days' public notice of such election shall be given by the clerk of said township, and conspicuously posted in each ward district, giving the hour and place of holding such election.

Repealer.

8. *And be it enacted*, That all acts inconsistent with this act are hereby repealed, and that this act shall take effect immediately.

Approved March 22, 1872.

CHAPTER CCCXV.

A Further Supplement to an act entitled "A Further Supplement to an act entitled 'An Act incorporating the inhabitants of townships, designating their powers and regulating their meetings,' " approved April fourteenth, eighteen hundred and forty-six, which supplement was approved March fourth, eighteen hundred and sixty eight.

Election of
chosen free-
holders.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the city of Trenton, in the county of Mercer, shall be entitled and required at their annual charter election, to elect in each ward in said city of Trenton one chosen freeholder, to represent said ward in the board of chosen freeholders of said county, instead of five to represent said city, as now required by the supplement to which this is a further supplement.

Powers and
duties.

2. *And be it enacted*, That the chosen freeholders so elected shall be elected in the same manner and for the like term, and shall be invested with the same powers, perform the same duties and be subject to the same laws as other chosen freeholders in this state.

Repealer.

3. *And be it enacted*, That all acts and parts of acts in-

consistent 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 22, 1872.

CHAPTER CCCXVI.

An Act to refund a certain tax, and to confirm the boundaries of School District Number Thirty-three, in the township of Oxford, in the county of Warren.

WHEREAS, taxes have been assessed and collected for school Preamble.
house building purposes, by the trustees of school district number thirty-two (formerly number six), of the township of Oxford, in the county of Warren, during the years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine, from the taxable inhabitants of school district, number thirty-three, then forming an integral part of said district number six and number thirty-two, but latterly by act of assembly, number four hundred and sixty five, approved March seventeenth, eighteen hundred and seventy, constituted a separate district; and whereas, the trustees of said school district, number thirty-three, have since built and occupied for the purpose intended a commodious school house at great cost to them, while work upon the school house of district number thirty-two (formerly number six), was deferred until the autumn, eighteen hundred and seventy-one, and is still incomplete; therefore, in view of the justice due the taxable inhabitants of school district number thirty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district number thirty-two, in the township of Oxford, in the county of Warren, shall, on or before the first day of January, anno domini eighteen hundred and seventy-three, refund and pay over unto the trustees of school district number thirty-
Taxes to be refunded.

three, all taxes collected of the taxable inhabitants, or upon taxable property within the said school district number thirty-three, during the years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine.

Trustees to
apply moneys
refunded.

2. *And be it enacted*, That it shall be lawful for the trustees of school district number thirty-three, to apply all moneys thus refunded in conformity with this act, in liquidation of their indebtedness incurred for school house building purposes.

Boundaries
confirmed.

3. *And be it enacted*, That the boundaries of school district number thirty-three be, and remain the same as established by decision of the county superintendent, and approved by the secretary of the state board of education, August first, eighteen hundred and seventy-one, and that all acts or parts of acts inconsistent with the foregoing be, and the same is hereby repealed.

Repealer.

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

Approved March 22, 1872.

CHAPTER CCCXVII.

An Act supplemental to an act entitled "A Further Supplement to an act entitled 'An Act respecting Public Schools in the town of Phillipsburg,'" approved March sixth, eighteen hundred and seventy-one.

Council to
issue public
school bonds
on request of
commission-
ers.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That upon the request of "The Commissioners of Public Schools of the Town of Phillipsburg," made in the manner prescribed in the third section of the act to which this is supplemental, the common council of the town of Phillipsburg shall, within the space of thirty days from the date of said request, issue bonds, to be designated "public school bonds," to the amount of ten thousand dollars, in the manner and under the regulations prescribed in the first section of the act to which this is a supplement, for the payment

of which bonds the credit and the whole property of the town of Phillipsburg shall be pledged, and which bonds, or the net proceeds thereof, shall be delivered to the treasurer of "The Commissioners of Public Schools of the Town of Phillipsburg," and in case said common council shall neglect or refuse to deliver said public school bonds, or the net proceeds thereof, to said treasurer, within the time specified, then it shall be lawful for "The Commissioners of Public Schools of the Town of Phillipsburg" to issue said public school bonds, in the manner and under the regulations prescribed in the third section of the act to which this is a supplement.

Commissioners may issue upon refusal of council.

2. *And be it enacted*, That the common council of the town of Phillipsburg shall provide for the payment of the public school bonds, to be issued under the authority of this act, and the interest thereon, in the manner and under the regulations prescribed in the second section of the act to which this is a supplement; *provided*, that not more than five thousand dollars of the principal of said bonds shall be made redeemable in any one year.

Payment of bonds.

Proviso.

3. *And be it enacted*, That it shall be lawful for "The Commissioners of Public Schools of the Town of Phillipsburg" to sell said public school bonds, under the regulations prescribed in the third section of the act to which this is a supplement, and said commissioners shall apply so much of the net proceeds thereof as may be necessary to the payment of the debt incurred in the erection of the public school buildings in the third ward of said town, and if any surplus shall remain, the same shall be applied to the repairing of the public school buildings of said town.

Commissioners to sell bonds.

Proceeds, how applied.

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

Approved March 22, 1872.

CHAPTER CCCXVIII.

An Act to enable the Rowandtown School District Number Eleven, in the township of Haddon, in the county of Camden, to raise by tax and loans, the money necessary to build a public school house within the said district.

Preamble.

WHEREAS, it has been represented that the public school house in the Rowandtown School District Number Eleven, in the county of Camden, is in a dilapidated condition, and in regard to size and other deficiencies unfit for the purposes of education; and that the taxable inhabitants of said district are desirous to raise by tax and loans sufficient money for the purpose of erecting and building a new school house in the said district, therefore,

Trustees may call meeting of voters.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey. That in order to enable the legal voters of Rowandtown School District Number Eleven, in the county of Camden, to borrow money for the purpose aforesaid, they are hereby empowered, by the consent of a majority of the legal voters of said district, present at a special meeting to be called by the trustees of the said school district, to be held at the present school house in said district, by advertisements signed by the said trustees, or a majority of them, and posted up in at least three of the most public places within said district, at least ten days before the day on which said meeting is appointed to be held, setting forth in said advertisements the time, place and object of the said meeting, which meeting shall be held between the hours of seven and nine o'clock in the afternoon of the day so appointed, to authorize the trustees of said district to raise by loan such sum or sums of money, not exceeding three thousand dollars, as a majority of the legal voters present at such meeting shall agree to; and further, it shall and may be lawful for the taxable inhabitants so assembled, for the purpose aforesaid, to order an annual poll tax of not less than one, nor more than four dollars on each tax payer, to be levied annually for the space of three years, and no longer; and for the sum or sums of money so determined to be raised

Trustees authorized to raise money by loan.

by loan, it shall and may be lawful for the trustees of said district to issue obligations in the corporate name of the said district, payable at such time or times and place as shall be fixed by a majority of the legal voters present at said meeting, authorizing the raising the money aforesaid, which obligations shall bear such rate of interest as shall be agreed upon, not to exceed the rate of seven (7) per centum per annum, and shall be approved and signed by the said trustees or a majority of them; and that all the taxable property, both real and personal, in said district, shall be held liable and bound for the money mentioned in said obligations with the interest thereon.

2. *And be it enacted*, That it shall be the duty of the said Rowandtown School District Number Eleven, in the county of Camden, to provide by taxation on the taxable property within said district, for the payment of the obligations by this act authorized, with the interest which may accrue thereon.

3. *And be it enacted*, That it shall be lawful, and it is hereby made the duty of the assessor and collector, and of other proper officers of the township of Haddon, in the said county of Camden, to assess upon the inhabitants of said school district and their estates, and the taxable property therein, and collect all the taxes necessary for the purpose of redeeming and paying the obligations authorized to be issued by this act, in the same manner, and at the same time that other taxes in said township are or shall be assessed and collected; and that for the purpose of this act, and of the exercise of their powers thereunder, by the said officers, said school district shall be considered as lying entirely within the limits of the township of Haddon.

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

Approved March 22, 1872.

CHAPTER CCCXIX.

An Act for the relief of Eliza Dancer, of the county of Monmouth.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, and he is hereby authorized and required to pay to Eliza Dancer, of the county of Monmouth, widow of Zachariah Dancer, deceased, who was a soldier in Captain Perrine's company, New Jersey militia, in the war of eighteen hundred and twelve, or to her order, the sum of one hundred dollars per annum, during the term of her natural life, in equal semi-annual payments of fifty dollars each; the first payment to be made on the first day of April, eighteen hundred and seventy-two.

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

Approved March 22, 1872.

CHAPTER CCCXX.

An Act for the relief of Thomas Megill.

Pension.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars be paid by the treasurer of this state to Thomas Megill, of Monmouth county, a soldier during the war of one thousand eight hundred and twelve, upon the passage of this act, and at the rate of one hundred dollars per annum thereafter to be paid to him semi-annually during his lifetime.

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

Approved March 22, 1872.

CHAPTER CCCXXI.

An Act to incorporate the New Jersey Stone Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Nelson H. Coykendall, James H. Startup, Salmon W. Hoyt, John W. Baker, Mortimer D. Conklin, James Coyle, William C. Whyte, and such other persons as may hereafter be associated with them, and their successors and assigns, be and they are hereby constituted a body corporate and politic, in fact and in law, by the name of "The New Jersey Stone Company," for the purpose, and with the power and authority of carrying on, in the county of Hudson, in this state, and in the state of New York, in all its branches, the business of mining, quarrying, manufacturing and producing stone, paving and building blocks, and materials of stone of every description and kind, and of buying and selling the same, and all other goods and articles necessary and proper to be used in the business authorized by this act, and also with power to make contracts for laying sidewalks and paving streets, or placing stone thereon, in any mode or manner authorized by law, and also with power to make contracts for building any structure, or part thereof, and by the said name shall have continued succession, and be capable of purchasing, holding, leasing, mortgaging and conveying any lands or real estate, tenements, goods and chattels in the state of New Jersey and in the state of New York, necessary or proper for the purposes of the said corporation; and the said company shall have its principal office in Jersey City. Corporators. Name and powers. Principal office.

2. *And be it enacted*, That the capital stock of the said company shall be fifty thousand dollars, with the privilege to the directors of increasing the same to any amount not exceeding one hundred thousand dollars, which shall be divided into shares of one hundred dollars each; and the persons named in the first section of this act are hereby authorized to open books of subscription, and take and receive subscriptions for such capital stock, at such time or times, and in such manner as they shall deem proper; and whenever ten thou- Capital stock.

Failure to pay
subscriptions
to work for
forfeiture.

sand dollars of the said stock has been subscribed for and paid in, it shall be lawful for the said company to commence its business; and the persons before named, and the directors of said company, may receive, in payment of subscriptions for stock, any lands, buildings, machinery, or other property by them deemed necessary or proper for the use of said company, and at such valuation as a majority of said directors shall approve; and it shall be lawful for the directors of said company to call for and demand from the stockholders thereof, respectively, such installments, and at such times and in such proportions, and upon such notice as they shall deem proper; and in case of failure by any stockholder to pay his or her installment or installments, as the case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and all previous payments made thereon, for the use of the company; and the shares of the said capital stock shall be deemed personal property, and transferable only on the books of the company in such manner as the board of directors by their by-laws may direct.

Affairs to be
managed by
directors.

3. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by a board of directors, not less than three nor more than five in number, being stockholders, one of whom shall be president, and who shall hold their offices, respectively, for one year, and until others are elected; and that the said directors shall be chosen on the first Monday in May in every year, at such time and place and upon such notice as the by laws of said corporation shall provide, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled to one vote for each share of stock which he or she may hold in said corporation; and the persons having the greatest number of votes shall be directors; and the directors may appoint such officers, superintendents and agents, and assign such compensation as a majority of said directors shall think fit; and if any vacancy by death, resignation, or otherwise, shall occur among the directors named in this act, or those hereafter to be elected, such vacancy may be filled by the remaining directors, or a majority of them; and the said persons named in the first section of this act shall be the first directors of said company, and

Vacancy, how
filled.

shall serve as such until the first Monday in May next, and until others are legally chosen.

4. *And be it enacted*, That in case an election for directors shall not be made on the day specified in this act, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election on such other day as may be provided by the by-laws of said corporation, or by resolution of the board of directors. ^{Failure to elect directors not to dissolve}

5. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of the business of the said corporation, and shall have power to make such by-laws, ordinances and regulations as shall seem necessary and convenient for the management or disposition of the stock, effects and concerns of the said corporation; ^{May make by-laws.} *provided*, that the same are not contrary to the laws or constitution of the United States or of this state. ^{Proviso.}

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

Approved March 22, 1872.

CHAPTER CCCXXII.

An Act to incorporate the Burlington County Land and Improvement Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That J. R. Flanigen, Francis W. Cross, Washington Hunter, Edward I. Mathews, Elwood Conner, and such other persons as may be associated with them or become subscribers as hereinafter provided, shall be and they are hereby created into a body politic and corporate, under the name, style and title of "The Burlington County Land and Improvement Company," which shall have perpetual succession, power to sue and be sued, and be invested with all the rights, powers and privileges of a corporation. ^{Corporators.} ^{Name.}

2. *And be it enacted*, That the capital stock of the corporation herein provided for shall consist of two thousand ^{Amount of capital stock.}

shares of the par value of fifty dollars each, and it shall be lawful to increase the same to such an extent as may be deemed necessary by the directors under such rules and regulations as may be prescribed in the by-laws; *provided*, that the capital shall at no time be increased to exceed ten thousand shares of the par value of fifty dollars each.

Proviso.

May purchase hold and convey lands

3. *And be it enacted*, That the corporation aforesaid shall have power to purchase and hold lands and improve the same, in such manner and for such purposes as may from time to time be determined by the directors thereof; and it shall be lawful for such corporation to dispose of any lands or improvements acquired by it, and to mortgage the same, or receive in payment for any property it may dispose of, notes, bonds or mortgages, and to hold or dispose of the same at pleasure; *provided*, that said corporation shall not at any one time hold, possess or own more than one thousand acres.

Proviso.

Approved March 22, 1872.

CHAPTER CCCXXIII.

An Act to incorporate the Farmingdale Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Butcher, Austin H. Patterson, Isaac S. Nesbit, Charles G. Boud, Samuel T. Williams, William H. Nesbit, senior, Benjamin F. Wainright, Oliver B. Kinne, Grandin Vannote, and such other persons as may hereafter be associated with them, shall be and are hereby created a body politic and corporate, in fact and in law, by the style and title of "The Farmingdale Manufacturing Company," for the purpose of manufacturing, selling and dealing in all kinds of timber, lumber, building materials, crockery, glass, earthenware and paper, and the business incident thereto; and for such purpose the said company shall or may raise by subscription, by opening the books

Corporators.

Name.

Capital stock.

therefor or otherwise, a capital stock of ten thousand dollars,

to be divided into shares of one hundred dollars each, with the privilege of increasing the same from time to time, with the consent of a majority of the stockholders, to any amount not exceeding two hundred thousand dollars; and it shall be lawful for said company to issue certificates of stock in whole or in part payment for any real or personal property purchased or leased by said company for the purposes of their said business.

2. *And be it enacted*, That the said corporation may purchase, use, possess, hold and enjoy, such real estate May purchase and hold real estate. as may be necessary or expedient for the purposes of said corporation, and may sell, mortgage, lease, or otherwise dispose of the same at pleasure; and may borrow money and issue bonds therefor, not to exceed at any time one-half of their paid up capital; and may sue and be sued in all courts of law or equity; and may have and use a common seal, and may change or alter the same at pleasure; and may make such by-laws for their regulation and government as they May make by-laws. may see proper; *provided*, the same are not inconsistent with Proviso. the constitution or laws of the United States or of this state.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president; and said directors shall be stockholders in said corporation, and shall hold their office for one year, and until others shall be chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders to be held on such day, at such hour of the day, and at such place as the by-laws of said corporation shall direct; and that until such election shall take place, Charles Butcher, Austin Election of directors. H. Patterson, Isaac S. Nesbit, Charles G. Boud, Samuel T. Williams, William H. Nesbit, senior, Benjamin F. Wainright, Oliver B. Kinne, Grandin Vannote, being stockholders, shall be directors of said corporation; a majority of the directors shall on all occasions when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business; and all business matters before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by appointment of any stockholder. Vacancies, how filled.

Failure to
elect not to
dissolve.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designed for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, ten days' notice being given of the time and place of such election.

Statement to
be made.

5. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written statement of the affairs of the said corporation, setting forth the amount of capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained.

When to com-
mence busi-
ness.

6. *And be it enacted*, That the said corporation may organize and commence the transaction of business under this act whenever ten thousand dollars of capital shall have been actually subscribed and paid in.

Principal of-
fice.

7. *And be it enacted*, That the principal office of the said company shall be at Farmingdale, in the county of Monmouth, state of New Jersey, and that regular books of accounts shall be kept in the said office, to which books of accounts any stockholder may have free access at all reasonable times, for the purpose of inspection, and that books of transfer of stock shall also be kept and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.

How dissolved

8. *And be it enacted*, That the said corporation hereby created may be dissolved by a general meeting of the stockholders of the same specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being, and the survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for the settling all the affairs of the company, collecting and disposing of all its property and assets, paying its debts, and dividing its surplus among the stockholders in proportion to their respective interests in the stock.

Proviso.

General pow-
ers.

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

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

Approved March 22, 1872.

CHAPTER CCCXXIV.

An Act to incorporate the Laurel Grove Cemetery Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John H. Hindle, Hiram Gould, Corporators. Albert A. Van Voorhies, Joseph R. Baldwin, Alpheus S. Allen, John Beaumont, George J. Hopper, Harmon Hockenberry, Charles Hemingway, Henry A. Hopper, Garret A. Hobart and James W. Ensign, and such others as shall become associated with them, shall be and are hereby created, declared and constituted a body corporate and politic, by the name of "The Laurel Grove Cemetery Company," with the Name. general powers and privileges of a corporation.

2. *And be it enacted*, That the said association shall have May purchase, hold and sell lands for cemetery purposes, &c. power to purchase, to take and hold in fee, a tract or tracts of land, situate in either the counties of Passaic or Bergen, in the state of New Jersey, not to exceed two hundred acres, for the use and purpose of a cemetery, and erect thereon such buildings and other improvements as the directors may deem suitable and necessary for the objects of the said corporation, and may sell or otherwise dispose of the sub-lots or plats in the said cemetery to the several purchasers or owners thereof, by a good and sufficient deed or deeds of conveyance, under the corporate seal of said association, signed by the president and secretary thereof, to be used only as a cemetery, for the burial of deceased persons, with the use and privilege of the several avenues, passages and walks, and other accommodations therein and thereunto belonging, subject, however, to such rules, regulations and restrictions as may be established in relation thereto, by any by-law or ordinance of the said association; transfers of sub-lots or rights thereunto may be made by the owner or owners

thereof, by simple assignment annexed to said deed, but shall not be valid until the assignment is recorded on the books of said association.

May sell lands
unsuited.

3. *And be it enacted*, That if any part of the lands purchased by the said corporation, for the purpose aforesaid, shall be unsuited for the purpose of a cemetery, or if the title made to such corporation should contain any restriction prohibiting them from using such land for such purposes, then it shall be lawful for said corporation to sell and dispose of such parts thereof as are unsuited for or which they are prohibited from using for said purpose.

Directors to
manage af-
fairs.

4. *And be it enacted*, That the business and concerns of the said corporation shall be conducted and managed by a board of directors, consisting of ten persons, a majority of whom shall be residents of this state, and who shall be elected annually, at such time and place as the by-laws may direct, upon notice given at least ten days previous thereto, by advertisement in two newspapers published or circulated in the county where said cemetery is now or shall hereafter be located; at which election each share of stock shall entitle the holder thereof to one vote; and the said directors shall elect one of their number president, and shall appoint such other officers and agents as they may deem expedient, and fix the compensation to be paid them; they shall have power to fill all vacancies in their own number, until the annual meeting next ensuing; and the said board of directors shall have power to make and establish all needful rules, regulations, ordinances and by-laws, and affix from time to time to the several plats and lots such prices as they shall deem reasonable and proper; and shall have the sole charge, control and superintendence of said cemetery.

Vacancy, how
filled.

Failure to
elect directors
not to dissolve

5. *And be it enacted*, That until the first election of directors, the persons named in the first section of this act shall be the directors, and may act as such until others are chosen in their stead; and in case it should happen that an election of directors should not be made during the day fixed by the by-laws, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time upon due notice being given by the directors; and the directors for the time being shall continue to hold their office until others are chosen.

Capital stock.

6. *And be it enacted*, That the sum or consideration which the said corporation may agree to pay for the tract or tracts

of lands hereinbefore mentioned, and the sums which shall be expended in embellishing, improving, beautifying, erecting fences, buildings and other necessary accommodations, shall be the capital stock of the said association, and shall be divided into shares of one hundred dollars each.

7. *And be it enacted*, That on the sale of any or all of the lots or plats in said cemetery, not less than twenty-five per centum of the net proceeds shall be appropriated or funded for the further embellishment and maintaining the improvements, fences and other accommodations of said cemetery grounds, and the balance received shall belong to and be divided among the stockholders according to their several interests, and whatever sum shall be funded as aforesaid, the same shall be free from all taxes and assessments, and no taxes or assessments shall be imposed on the lot owners therefor. Proceeds applied for ornamentation.

8. *And be it enacted*, That it shall be lawful for the directors, or a majority of them, to call in the subscriptions to the capital stock at such times and in such sums, and upon such notice as they may deem reasonable, and a failure to comply with such notice on the part of any stockholder shall, at the option of the directors, or a majority of them, be cause of forfeiture of all moneys paid thereon, and all rights by virtue of his or her subscription to such stock, shall be vitiated. May call in amount subscribed under penalty of forfeiture.

9. *And be it enacted*, That the said corporation shall have, use and exercise all the rights and privileges incident to a corporation herein stated, and shall be exempt from all taxes, assessments and charges upon their capital stock and the property which they may acquire, hold or possess, and the real estate of said corporation and the said lots and parcels when conveyed by the corporation, or when sold to individual proprietors, or held by any person, shall be exempt from all taxation or assessment whatsoever, and shall not be liable to be sold in execution, or subject to attachment or applied to the payment of debts by assignment under any insolvent or bankrupt laws, but may be conveyed under such regulations as the said directors may adopt. Corporation to be exempt from taxes and assessments.

10. *And be it enacted*, That no public street or road shall hereafter be opened through the cemetery grounds without the consent of the said corporation. No street to be opened.

11. *And be it enacted*, That any association of persons for benevolent purposes, and also any religious society, may Association may purchase and hold lots.

purchase and hold lots in said cemetery adjacent to each other, in which they may bury, agreeable to any peculiar rites or ceremonies of their own, subject only to the rules and regulations prescribed by the said board of directors.

May take and hold grants or donations, &c. for improving grounds.

12. *And be it enacted*, That the said corporation may take and hold any grant, donation or bequest of property upon trust, to apply the same, or the income thereof, under the direction of the board of directors, for the improvement or embellishment of the said cemetery, or for the erection, repair, preservation or renewal of any tomb, monument or gravestone, fence, railing, or other erection, or for the planting and cultivation of trees, shrubs, flowers or plants, in or around any cemetery lot, or for improving the said premises in any other manner or form consistent with the design and purposes of this act, according to the terms of such grant, donation or bequest.

Powers.

13. *And be it enacted*, That the provisions of the eighth section of the act entitled "An Act authorizing the incorporation of rural cemetery associations," approved March fourteenth, one thousand eight hundred and fifty-one, be and the same are hereby made part of this act.

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

Approved March 22, 1872.

CHAPTER CCCXXV.

A Further Supplement to an act entitled "An Act to incorporate the Elizabeth and Newark Horse Railroad Company," approved March twenty-fifth, eighteen hundred and sixty-four.

May extend and construct railroad.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Elizabeth and Newark Horse Railroad Company be and they are hereby authorized, in addition to the railroad authorized to be constructed by said act, and the supplements thereto, to lay down and con-

struct their said railroad from the present terminus of their railroad at Lyon's farms, through and along the old road to Newark, and through Elizabeth avenue, as now laid out by the Essex County Road Board, to Miller street, in the city of Newark.

2. *And be it enacted*, That the time for completing said railroad authorized by this act, and the act to which this is a further supplement, and the supplements thereto, be and is hereby extended to five years from the first day of April next ensuing. <sup>Time extend-
ed.</sup>

3. *And be it enacted*, That said corporation be and they are hereby authorized to increase their capital stock two hundred thousand dollars, in addition to the capital stock now authorized by said act and said supplements thereto. <sup>May increase
capital stock.</sup>

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

Approved March 22, 1872.

CHAPTER CCCXXVI.

An Act to incorporate the Cold Spring and Cape May Water Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John C. Bullitt, William J. Sewell, Jacob F. Cake, James Leaming and Return B. Swain, and all other persons who may hereafter be associated with them in the manner hereinafter provided, and their successors, shall be and are hereby constituted and declared to be a body politic and corporate by the name and style of "The Cold Spring and Cape May Water Company," and by that name shall have continual succession, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, and in all manner of actions whatsoever; have a common seal, and make, change or alter the same at pleasure, and acquire, hold and enjoy such real and personal estate as may be necessary for the object of this in- <sup>Corporators.
Name and
powers.</sup>

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

Amount of capital stock.

Election of directors.

Vacancies, how filled.

Commissioners to receive subscriptions.

2. *And be it enacted*, That the persons named in the first section of this act shall be commissioners to procure subscription for the stock of said corporation, and they, or a majority of them, may open books for that purpose, at the city of Cape May, in the county of Cape May, at any time after the passage of this act, giving fifteen days previous notice thereof, in a newspaper published at the city of Cape May; and five dollars on each share of stock subscribed for, shall be paid at the time of subscribing therefor, and the balance shall be paid by installments from time to time, and in such sums as the said commissioners, or the directors of

said corporation shall think proper and direct; and whenever five thousand dollars shall be subscribed, the said commissioners shall call a meeting of the stockholders within thirty days thereafter, by giving one week's notice of the time and place of such meeting, in a newspaper published in the city of Cape May, for the purpose of electing directors and transacting other necessary or proper business; and when directors are elected, the said commissioners shall pay over to them the money they shall have received, first deducting therefrom a reasonable compensation for their own services and expenses; and all the powers of the said commissioners shall cease and be determined on the election of a board of directors; and the said directors, or a majority of them shall have power, and are authorized to call upon the said stockholders, for the payment of further installments, in such sums, at such times, and under such forfeiture as they may deem expedient, until the whole amount of shares subscribed, shall have been fully paid; *provided*, the said installments, shall be at least thirty days apart, and shall not be called for in larger sums than ten dollars on each share at a time, and thirty days' notice of each installment required shall be given in a newspaper published at the city of Cape May aforesaid.

Failure to pay
subscriptions
to work for-
feiture.

Proviso.

3. *And be it enacted*, That the directors shall be authorized in their discretion, to appoint a secretary, treasurer and other officers, agents and servants, as they shall from time to time deem necessary for carrying into effect the objects and powers of said corporation, to establish rules, regulations and by-laws for and concerning the conduct and government of the directors, their officers, agents and servants, and to determine the compensation to which they shall be entitled, and to require such security from them for the faithful discharge of their respective duties as they shall deem reasonable and proper, and for and concerning the manner of making transfer of the stock; and the conduct and government of all persons and corporations with whom they may contract for the use and preservation of water furnished by the said corporation, and to restrain the waste of water and to impose penalties and forfeitures for any neglect and refusal to comply with such rules and regulations; *provided*, no penalty shall exceed one hundred dollars, which penalties and forfeitures shall be recoverable in the name and for the use of the said corporation, before any justice of

Powers of di-
rectors.

May make
rules and reg-
ulations.

Proviso.

the peace of the county of Cape May, with costs, in an action of debt.

May enter on
lands.

4. *And be it enacted*, That it shall and may be lawful for the said corporation by its agents, engineers, superintendents or others in its employ, to enter at all times upon all lands and water in the Lower township of the county of Cape May, or in the city of Cape May, for the purpose of exploring surveying, leveling or laying out a proper route or line for laying the pipes or conduits of said company, or for the purpose of ascertaining the quantity and flow of water, and for locating such reservoirs, stand-pipes and basins as may be necessary for the use of said company; *provided*, that the payment or tender of the payment of all damages for the occupancy of any lands for any of the purposes aforesaid, shall be made before the said company or any person under its direction shall enter upon or break ground in the premises, except for the purpose of exploring, surveying, leveling or locating as aforesaid, unless the consent of the owner or owners of such land shall be first had or obtained.

Proviso.

Proceedings
in case com-
pany and own-
ers cannot
agree.

5. *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 reservoirs, aqueducts, stand pipes, conduits or raceways shall be given in writing under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal three disinterested, impartial and judicious freeholders, residents in the county in which the land or materials in controversy lie, or the owners reside, commissioners

to examine and appraise the said land or materials and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of said commissioners, having first taken or subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding, to meet at the time and place appointed, and to proceed to view and examine the said land or materials, said commissioners at the same time taking into consideration all the benefits to be derived from, or in consequence of the said reservoir, aqueduct, stand-pipe, conduit, raceway or other works of said company, as the case may be, to the said owner or owners, and to make a just and equitable estimate or appraisalment of the value of the same and assessment of damages as shall be paid by the company for such lands or materials and damages aforesaid, which report shall be made in writing under the hands and seals of the said commissioners or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid in the clerk's office of the county of Cape May, 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, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the aforesaid county of Cape May, wherein said lands or materials may lie.

Proceedings
in case of ap-
peal.

6. *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 of Cape May, wherein the lands or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same; and to direct a proper issue for the trial of said controversy, to be formed between the said parties, and to order a jury to be struck, and a 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 of Cape May, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained; and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered or the said commissioners shall have awarded, then said costs to be paid by said applicant or applicants, and either deducted out of the said sums 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 reservoirs, aqueducts, stand pipes, conduits, raceways or machinery of said company, or of making any erection or improvements whatever, or otherwise appropriating said lands to the use of said company, until they have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners as the value of such lands or damages; in case the report of the commissioners is not appealed from, or if the same is appealed from,

Proviso.

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 said county of Cape May, where 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.

7. *And be it enacted*, That whenever it shall become necessary to make any repairs or alterations in any pipes which may have been laid through any private lands, either by virtue of the preceding section, or by agreement, with the owner or owners thereof, it shall be lawful for the said corporation, with its workmen and agents, and with necessary vehicles, tools and implements to enter upon said lands and make the necessary repairs and alterations, doing no unnecessary damage; *provided always*, that nothing in this section contained, shall be so construed as to protect the workmen or agents of said corporation from any action that may be brought against them individually by the owner or owners of said lands for any damage which they may have wilfully or unnecessarily done.

May enter on
lands to make
repairs, &c.

Proviso.

8. *And be it enacted*, That for the purpose of effectually supplying with water the city of Cape May, its vicinity, and the inhabitants thereof, it shall and may be lawful for the corporation created by this act, and it is hereby empowered to procure or purchase such lands as may be necessary for the uses of said company, not exceeding in the whole thirty acres, to make contracts with persons and corporations for the supply, use and preservation of water, to sink wells, and to erect, construct and maintain all such basins, reservoirs or other works as may be necessary or convenient to carry into effect the purposes of this act, and to lay down pipes and other conduits, and to erect, construct and maintain hydrants and fire plugs in the streets, alleys, lanes and other places in the city of Cape May, and in the highways of the Lower township in the county of Cape May, and to do all

May make
contracts and
engagements,
lay pipes, &c.

things necessary to furnish the said city of Cape May and its vicinity, and the buildings, streets and other places situate therein with water; *provided*, that the public travel upon the said highways, streets, lanes and alleys, shall at no time be unnecessarily affected or impeded in the laying or repairing of pipes, or the erection and construction of fire plugs or hydrants or other necessary or proper work, and after the completion of any work, the street, side and crosswalks, shall be left in as good condition as before the commencement of any such work.

PROVISO.
May increase capital stock.

9. *And be it enacted*, That if the water now contemplated to be used by the said corporation for the purposes of this act of incorporation, should, by reason of the increased demand therefor, be insufficient to supply said city of Cape May, it shall be lawful for the said corporation, and it is hereby empowered to procure an additional supply of water from other sources, and to erect and construct the necessary works therefor, and if necessary for such purposes said corporation is hereby authorized and empowered to increase its capital stock from time to time, to an amount not exceeding in the whole the sum of one hundred and fifty thousand dollars, to be divided into shares of fifty dollars each, to be paid by installments in the manner and upon like notice above mentioned; and whenever a subscription to said additional stock is authorized by the board of directors the stockholders for the time being shall be first entitled to subscribe for said stock in a ratable proportion of stock held by them; and whenever a dividend is declared, the said directors shall declare and make dividends upon all the stock subscribed and paid for.

May sell and dispose of water.

10. *And be it enacted*, That said corporation may supply, sell and dispose of the water procured and furnished by it upon such conditions, for such rents, and at such prices as the directors of said corporation may from time to time prescribe, and that all moneys due to said corporation for the use of any water so supplied, sold or disposed of shall draw interest at the rate of twelve per centum per annum from and after the time when such money shall respectively become due.

Actions of debt.

11. *And be it enacted*, That all moneys due to said corporation for the use of water may be sued for and recovered, with costs, in an action of debt or assumpsit, before any court of competent jurisdiction; and in case of non-payment of any

such moneys it shall be lawful for said corporation immediately, and without notice to the person or persons failing to pay the same, to cause the supply of water to the premises of such person or persons so failing to pay for the use of such water, to be stopped; and such moneys so due for the use of water supplied to any building or other premises shall be and remain a lien upon such building, and the lot or curtilage whereon it is erected, from the time such moneys shall become due, and until the same shall be paid.

Moneys for use of water to remain a lien on lands.

12. *And be it enacted*, That the president and directors of the said corporation shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the net profits of the said water works; and the said corporation shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open within the usual hours of business for the inspection of the stockholders.

Dividends.

13. *And be it enacted*, That said corporation shall have power to borrow such sum or sums of money from time to time as shall be necessary to purchase lands or to build, construct, maintain and procure such reservoirs, stand pipes houses, machinery, engines, pumps, pipes, hydrants, conduits or other things necessary for the use of said company; and to secure the payment thereof by the bonds or notes of said company, or by mortgage on the property, land, privileges, franchises and appurtenances of, or belonging to said corporation at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for said company to plead any statute or statutes of this state against usury in any suit in law or equity instituted to enforce the payment of any bond, note, mortgage or other security, executed in pursuance of this act.

May borrow money and issue bonds.

Proviso.

14. *And be it enacted*, That if any person shall wilfully do or cause to be done any act or acts whatever, to injure any engine, machine, reservoir, pipe, fire plug, hydrant or structure whatsoever, or anything appertaining to the works of the said corporation or whereby the same may be obstructed, stopped or injured, or shall wilfully and maliciously draw off or waste the water from any fire plug or hydrant, the person so offending shall be deemed guilty of a misdemeanor, and being thereof convicted shall be punished by fine not exceeding five hundred dollars, or imprisonment in the county

Penalty for injuring works.

Proviso.

jail not exceeding six months, or both; *provided*, such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit, and the said corporation is hereby authorized to bring an action and recover damages by a civil suit for any such injury aforesaid, by and in the name of said corporation, in any court in this state having cognizance of the same.

Penalty for
polluting
water.

15. *And be it enacted*, That if any person or persons shall wilfully pollute or adulterate the water in any reservoir, aqueduct, stand-pipe, conduit or raceway, erected, constructed, built or laid down by said corporation, every person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the state prison for any term not exceeding three years, or both, at the discretion of the court.

Taxation.

16. *And be it enacted*, That said corporation shall be assessed and taxed upon the full and actual value of all its real and personal property only, and not upon the amount of the capital stock paid in, and said corporation shall be entitled to all deductions for and in respect to debts owing by said corporation in the same way and to the same extent as natural persons now are or hereafter may be under the laws of this state.

Failure to
elect not to
dissolve.

17. *And be it enacted*, That if at any time it shall so happen that an election for directors shall not take place on the day herein appointed for that purpose, this corporation shall not be deemed dissolved; but the directors for the time being shall appoint a future day to hold such election for directors, giving the same notice of such election as is hereinbefore required for that purpose.

General pow-
ers

18. *And be it enacted*, That the corporation hereby created shall possess the general powers and be subject to the restrictions and liabilities set forth in an act entitled "An Act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and the several supplements thereto, so far as the same are applicable.

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

Approved March 22, 1872.

CHAPTER CCCXXVII.

An Act to incorporate the Freehold Park Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Odikirk, William H. Conover, George H. Irons, Hudson Bennett, George W. Patterson, John D. N. Willis, George Schenck, Daniel Conover, Charles Conover, John H. Ellis and Henry Bennett, and such other person and persons as may hereafter be associated with them and their successors, shall be and they are hereby constituted a body corporate and politic in fact and in law, by the name of "The Freehold Park Association," and by that name shall have power to sue and be liable to be sued, answer and defend, plead and be impleaded unto, in all courts of law and equity in this state.

2. *And be it enacted*, That the said society shall from time to time have power and authority to make, ordain and establish such constitution, by-laws and regulations as they or a majority of them shall deem proper, and to alter and change the same at pleasure, for the designation of the officers of the said society, and by the election of the same, for prescribing their several functions and their compensation, to adopt a corporate seal, and all other acts necessary for the organization of the corporation hereby created, and for the transacting, managing and conducting the affairs of said society, and the maintaining and preserving good order and conduct over and among the visitors on the grounds of the said society; *provided*, such constitution, by-laws and regulations shall not be repugnant to the constitution and laws of this state or of the United States.

3. *And be it enacted*, That the said corporation hereby created, shall have power and authority from time to time, and all times to acquire, purchase or lease and use, hold, possess and enjoy such real estate, not exceeding in all, one hundred and fifty acres, and such personal estate as they shall deem necessary for the purpose of the said society, and the same or any part of such real or personal estate to sell, mortgage, lease or otherwise dispose of at pleasure; and also

with power and authority to make, build and construct on the real estate so held by them, such buildings, roads and other improvements as they may deem proper and necessary for the better carrying into effect the objects and purposes contemplated by the provisions of this act.

Taxation.

4. *And be it enacted*, That all lands, tenements and real estate which may hereafter be held, owned or leased by said society, shall be subject to taxation for all purposes as others in this state; *provided, however*, that the capital stock, scrip and shares of said society, and all the personal estate and personal property of the said corporation hereby created shall be exempt from and shall not be liable to have any taxes levied or assessed against or upon the same whatever, so long as and no longer than the said society declares and pays no dividend on the capital stock, scrip and shares aforesaid.

Object.

5. *And be it enacted*, That the objects of the said society shall be to improve and encourage the agricultural, horticultural and the mechanical, manufacturing and scientific arts and productions of this state, and of other states at their discretion.

May hold fairs and exhibitions.

6. *And be it enacted*, That for the purpose of carrying into effect the objects and purposes of the said society, it shall be lawful for said society to hold upon their grounds, from time to time, and as often as they shall deem proper, fairs and exhibitions, and to give to the exhibitors at such fairs and exhibitions premiums and other rewards, and to ask, demand and receive for the said society's own use, such reasonable fees for admittance of exhibitors and visitors to the said grounds and exhibitions as the said society may deem proper.

Authorized to appoint persons to make arrests.

7. *And be it enacted*, That for the purpose of maintaining and preserving peace, good order and decorum upon the said society's grounds, and among the visitors and spectators to the same, it shall be lawful for the said society to appoint, from time to time one or more fit, proper and discreet person or persons, who shall take and subscribe an oath before the sheriff of the county of Monmouth, or one of the judges of the court of common pleas in and for the said county, an oath or affirmation, which oath or affirmation shall be filed in the office of the clerk of the county of Monmouth, and shall be of the like form and effect as now required by law for constables to take and subscribe, and which person or per-

sons so appointed and sworn shall possess the same powers and authority on the premises of said society, and on the premises adjacent thereto, which constables now possess in criminal cases; and they shall have power and authority to arrest all persons who shall be there found violating any of the laws of this state, or who shall conduct themselves in a disorderly or immoral manner, or disturb or wrongfully interfere with the said fairs or exhibitions; and the said parties so arrested shall, as soon as conveniently may, be taken before some justice of the peace of said county of Monmouth, there to be dealt with according to law.

8. *And be it enacted*, That the capital stock of the said corporation hereby created shall be the sum of fifty thousand dollars, divided into five hundred shares of one hundred dollars each share, and which capital stock shall be deemed personal property, and such shares shall be transferable, but only upon the books of the said corporation, in such manner as the said society may prescribe.

9. *And be it enacted*, That this act shall take effect immediately, and the same to be repealed, altered or amended at the pleasure of the legislature.

Approved March 22, 1872.

CHAPTER CCCXXVIII.

An Act to change the name of Job Hillman Gaskill Meirs to Job H. Meirs Gaskill.

WHEREAS, Job Hillman Gaskill Meirs, of the county of Monmouth, has been adopted by Job H. Gaskill, of the county of Burlington, who is desirous of having the name of said Job Hillman Gaskill Meirs changed to Job H. H. Meirs Gaskill, and no reason appearing to the contrary, therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of Job Hillman Gaskill Meirs, of the county of Monmouth, be and the same

Amount of
capital stock.

Name chang-
ed.

is hereby changed to Job H. Meirs Gaskill, and by that name he shall possess and enjoy all the rights, powers and privileges which he would have possessed and enjoyed had he retained his original name of Job Hillman Gaskill Meirs.

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

Approved March 22, 1872.

CHAPTER CCCXXIX.

An Act to incorporate the New Jersey Company.

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| Corporators. | 1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That Benjamin Fish, R. F. Stockton, Charles Sitgreaves, Richard F. Stevens, Benjamin Williamson, Gershom Mott, Benjamin Clark, George A. Halsey, T. Jones Yorke, and such other persons as may be hereafter associated with them, shall be and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in law, by the name of "The New Jersey Company," and |
| Name and powers. | by that name, style and title shall have perpetual succession and all the privileges, franchises and immunities incident to a corporation, may have a common seal, sue and be sued, implead and be impleaded, and purchase, hold and convey all such lands, tenements, leasehold estates and hereditaments, goods and chattels, securities and estates, real, personal and mixed, as may be necessary or proper for the objects of the said corporation hereby created. |
| Capital stock. | 2. <i>And be it enacted</i> , That the amount of the capital stock of said company shall be five millions of dollars, in shares of one hundred dollars each, with the privilege of increasing the same by the vote of the holders of a majority of the stock present at any annual or special meeting, to such an amount as they may, from time to time, deem needful, not exceeding in all the sum of seventeen millions of dollars; and, by a like vote, said capital stock may be divided into preferred and |

common stock, in such proportions as said company may determine.

3. *And be it enacted*, That the corporators above named, Commissioners to open books and resolve subscriptions. or a majority of them, shall be commissioners to open books for receiving subscriptions to the capital stock of said corporation, at such times and places as they may deem expedient, twenty days' notice being given, by public advertisement of the same; and when not less than five hundred shares shall have been subscribed for, and twenty per centum thereon paid in, the shareholders may elect not less than three nor more than nine directors, to serve until the next annual election, or until their successors shall be duly elected and qualified, each share of stock entitling the holder thereof, at all elections, to one vote; the balance due upon the stock so subscribed as aforesaid shall be payable at such times and places, and in such installments, as the board of directors may direct; and upon failure of payment as directed, the said board shall have power to forfeit the shares of each and every person so failing to pay said installments, or any of them, to and for the use of the company.

4. *And be it enacted*, That the directors, a majority of whom Election of directors. shall be residents of the state of New Jersey, shall be elected annually by the stockholders, on the first Tuesday of May of each year, twenty days' notice, by advertisement published in two or more newspapers, being given of such elections; and they shall elect from their number, at the first meeting of the board after their election a president, and shall have power President. to elect from their number, or otherwise, such other officers and agents as the business of the company may require; that the directors so chosen, or a majority of them, may and they are hereby authorized and empowered to have and exercise all the corporate powers of the company, and to make and prescribe such by-laws and regulations for its management as shall appear needful to them.

5. *And be it enacted*, That the corporation hereby created shall have power to accept and to hold from the Pennsylvania Railroad Company, lessee of the Delaware and Rarital Canal Company, the Camden and Amboy Railroad and Transportation Company, the New Jersey Railroad and Transportation Company and the Philadelphia and Trenton Railroad Company (and which said Pennsylvania Railroad Company, as lessee, is hereby authorized to assign and transfer the same), all or any portion of the shares of stock and estate and in- Power to accept and hold shares of stock in other corporations.

terest in other railroad and canal companies, in horse or passenger railroad companies, in railroad and other bridges, in ferry companies and ferries, in turnpike and plank road companies, and a plank road and other property, and other property, real or personal, and which have been heretofore acquired by the Delaware and Raritan Canal Company, the Camden and Amboy Railroad and Transportation Company, and the New Jersey Railroad and Transportation Company, and which passed to the said Pennsylvania Railroad Company under and by virtue of the lease and contract between said Delaware and Raritan Canal Company, the Camden and Amboy Railroad and Transportation Company, the New Jersey Railroad and Transportation Company, and the Philadelphia and Trenton Railroad Company, lessors, and the Pennsylvania Railroad Company, lessee, and dated June thirtieth, one thousand eight hundred and seventy-one; and to enter into contracts with any of the corporations whose shares of stock or estate or interest wherein may be so accepted and held, for and in respect to the transportation of the traffic on or over or for the operation of their lines and works, the improvement, extension and enlargement of the same, and for the better and more effective managing and carrying out of the objects and purposes for which said corporations have been created; and such corporations are hereby authorized, in their behalf, to make such contracts, by and with the assent, in writing, of two thirds of their stockholders, respectively, and when necessary therefor to purchase the stock and bonds or either or endorse or guaranty the payment of dividends or of the principal and interest or either of the stock and bonds of such corporations.

May make
contracts.

Authorized to
issue capital
stock.

6. *And be it enacted*, That it shall be lawful for the company hereby incorporated to issue its capital stock at par, to and in the name of "The Pennsylvania Railroad Company, Lessee of the Delaware and Raritan Canal Company, the Camden and Amboy Railroad and Transportation Company, the New Jersey Railroad and Transportation Company, and the Philadelphia and Trenton Railroad Company, Lessors," to such an amount as may be determined to be the fair value of the said shares of stock, estates and interests and property, real and personal, so assigned and transferred by the Pennsylvania Railroad Company, lessee; *provided, however*, that nothing in this act contained shall in any wise impair or release the Pennsylvania Railroad Company, lessee, from

Proviso.

any of the duties or obligations assumed by them under the terms and conditions of said lease and contract ; that nothing in this act contained shall impair or invalidate any rights that the state of New Jersey may have in any of the corporations named in this act, nor shall any act authorized to be done by this act, be considered as a waiver of any rights that the state of New Jersey has or may have in the said corporation or any of them, nor shall this act be construed as authorizing the said corporations or any of them to enter into any contract that may lessen, decrease or impair any of the rights of the state of New Jersey, or diminish or impair the securities or the rights of the state of New Jersey in the same.

Rights of the
state not to be
impaired.

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

Approved March 22, 1872.

CHAPTER CCCXXX.

An Act to incorporate the High Bridge Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Lewis H. Taylor, William J. Taylor, Peter A. Beavers, John C. Welsh, Jesse M. Sharpe, Oliver W. Chrystie, James H. Walker, and such other persons as may hereafter be associated with them, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The High Bridge Railroad Company," and by that name they and their successors and assigns, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter ; and they and their successors, by the same name and style, shall be capable of purchasing, holding and conveying

Corporators.

Name and
powers.

any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this incorporation.

Capital stock

2. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, but said company may increase the same to an amount not exceeding the cost of the railway and appurtenances which are hereinafter authorized; and the said capital stock shall be deemed personal property, and shall be transferable in such manner as the by-laws of the said company shall direct.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, may open books and procure subscriptions to the capital stock of the said company, at such time or times, and place or places, as they or a majority of them may think proper; and whenever there shall be one thousand shares of the said stock subscribed, the said corporators, or a majority of them, may give notice for a meeting of the subscribers to choose seven directors, and such election shall be made at the time and place appointed in the said notice, by such subscribers as shall attend for that purpose, either by lawful proxy or in person, each share of the capital stock entitling the holder thereof to one vote; and the above named corporators, or the majority of them, shall be inspectors of such election, and certify under their hands, the names of those persons duly elected directors, and deliver over the subscription books to the said directors at the first meeting of the said directors, and the said directors so chosen as aforesaid, shall at their first meeting, or annually at the annual election of the said company, or as soon as may be after every such election, choose out of their own number a president; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said company shall provide.

Vacancies, how filled.

Failure to elect not to dissolve.

4. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day when pursuant to this act it ought to be made, the said company shall not, for that cause, be deemed to be dissolved, but such election may be held at any other time; and the direc-

tors, for the time being, shall continue to hold their office until new ones shall have been chosen in their places.

5. *And be it enacted*, That four directors of the said company shall be competent to transact all business of the said company, and they shall have power to call in the capital stock of the said company, by such installments, not to exceed ten dollars on each share at one time, and at such times as they may direct; *provided*, that such installments shall not be called for at a shorter period than thirty days from each other; and in case of the non-payment of said installments, or any of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said company, and also shall have power to appoint a treasurer and secretary, and so many clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to said board shall appear proper.

Failure to pay installments to forfeit shares.

Proviso.

6. *And be it enacted*, That the president and directors of said company be, and they are hereby authorized and invested with all the rights and powers necessary or expedient to survey, lay out, construct and operate a railroad by such practicable route as they shall deem expedient, from a connection with the railroad now owned and operated by the Taylor Iron Works, at or near High Bridge, in the county of Hunterdon, to a connection with the Chester railroad, at Chester, or at such point as the Chester railroad may be extended to, and with the further privilege of running a branch or branches, from the main line to any mine or mines, a distance not exceeding three miles; but said railroad shall not exceed one hundred feet in width, unless more land shall be required for the slopes of cuts and embankments, with as many sets of tracks and rails, as said company may deem necessary; and it shall be lawful for said company, or others in their employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, levelling and laying out the route or routes of such railroad, and of locating the same, and to locate and erect all necessary works, buildings, conveniences, appurtenances and appendages thereof doing no unnecessary injury to private or other property; and when the route or routes of such railroad, and the location or locations of other works, buildings, con-

Authorized to construct railroad.

May run branches.

Proviso.

conveniences, appurtenances and appendages thereof shall have been determined upon, and a survey of such route or routes, location or locations deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, 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 necessary works, lay rails, and to do all other things which may be suitable or necessary for the completion, repairs, or management of said railroad, and for the conveyance of passengers and freight to and from the terminus thereof, to and from the city of New York and elsewhere, 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 or upon which the said railroad and its conveniences, appurtenances and appendages may be laid out or located, 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 railroad, and its conveniences, appurtenances and appendages, and of locating the same, unless the consent of the owner or owners of such lands be first had and obtained.

Proceedings
in case com-
pany or own-
ers cannot
agree.

7. *And be it enacted*, That if the owner of the land on which such survey or location for said company shall be made, shall not be willing to give the same for such purpose, and said company and owner cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court, who is disinterested in the premises, upon the application of either party, and after giving ten days' notice, in writing, to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners to assess the price of value of said land, who shall be sworn or affirmed, faithfully to execute the duties of such appointment; and after like notice to both parties of the time and place, shall meet, view the premises, and hear the parties in evidence, if desired, and thereupon make such decision and award, as to them shall appear just and proper, and transmit such decision and award, together with a description of the said land, and the quantity taken, by whom owned, how situated and bounded, and described in writings, under their hands and seals, or under the hands and seals of any two of them, to the justice who appointed them, to be by him

returned and filed in the office of the clerk of the county wherein the land lies, together with all the papers before him relating thereto, there to be kept as a public record, and copies taken, if required by either party; and if either party shall feel aggrieved by the decision and award of said commissioners, the party so aggrieved may appeal to the circuit court, at the next term after such decision and award, by proceeding in the form of petition to the said court, with five days' notice, in writing, to the opposite party of such appeal; which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and if required, they shall award a venire in proper form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said land and all damages sustained; and if the said jury be demanded by the said company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs against the said company, and execution issue if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then costs shall be paid by the owner or owners, and shall be deducted out of the said sum awarded by the said commissioners, or execution issued therefor, as may be directed by the said court; and upon payment or tender of the sum so found by the said commissioners or by the jury, with costs, if any, the said company shall be deemed to be seized and possessed, in fee simple, of all such lands and real estate appraised as aforesaid.

Proceedings
in case of ap-
peal.

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

Proceedings
in case per-
sons are inca-
pacitated.

and as to the payment thereof in cases where an appeal is made.

Bridges to be constructed and kept in repair.

9. *And be it enacted*, That it shall be the duty of said company to construct and keep in repair good and sufficient bridges or crossings over or under the said railroad, where any public or other road shall cross the same, so that the passage of carriages, horses and cattle across the said road shall not be unnecessarily impeded thereby, and if the company neglect to perform the same, after giving twenty days' notice to the company by the person or public officers having charge of the repairs or maintenance of said road so to do, such person or public officer may do the work, or cause it to be done, and recover the value thereof from the company by common process of law.

May purchase equipments.

10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed or to purchase with the funds of said company, and to place on the railroad constructed by them, all machines, engines, wagons, carriages or vehicles for the transportation of persons or any species of property thereon as they may think reasonable, expedient or right; *provided*, they shall not charge more than at the rate of ten cents per mile per ton, for the transportation of such property on the said railroad as is usually carried by the ton, or eight cents per mile for carrying each passenger on said railroad, in the cars of the company, or six cents per ton per mile for each ton of such property transported as is usually carried by the ton, or four cents per mile for each passenger carried over said railroad in the carriages of others, and three cents per ton per mile for each empty carriage; and that the railroad and its appendages, and the land over which the same shall pass, and all the works and improvements, steam engines and carriages, and all other property whatsoever belonging to the said company at any time or times, are hereby vested in the said company incorporated by this, and their successors and assigns, during the continuance of this act.

Rates for transportation.

Dividends.

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

company, in proportion to the amount of shares held by them, respectively, as they may deem prudent and proper.

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

13. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said railroad, and its several stations on the lines of the said railroad to a sufficient extent to provide accommodations and conveniences for the business of said railroad, and may erect and build thereon houses, warehouses, machine shops, and such other buildings and improvements as it may deem expedient for the safety of property and construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain such bridges over any rivers and streams of water on the line of its railroad as it may find expedient and necessary for the full enjoyment of all the benefits conferred by this act. May purchase, hold and possess real estate.

14. *And be it enacted*, That as soon as the said railroad or any part of it is in operation, the president of said company shall file, under oath or affirmation a statement of the amount of the cost of the said railroad, including equipments, appendages and all expenses in the office of the secretary of state; and annually thereafter, on the first Monday in January of each year, he shall under oath or affirmation, make a statement to the secretary of state of the cost, equipments, appendages and expenses of said road, and after the said railroad or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum of the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws; and until the said railroad, or Statement of costs to be made. State tax.

any part thereof, shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property, as now taxed in city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person or persons, as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

Proviso-

May issue
bonds.

15. *And be it enacted*, That the said company shall have power, and it is hereby authorized to make its bonds, and for the purpose of securing their payment, to mortgage its real estate and personal property, railroad or railroads, and all the appurtenances, franchises, powers and privileges and rights belonging thereto, which it may possess under its act of incorporation, to such amount as it may deem expedient, and to sell or negotiate the same at such rate of interest or discount, not exceeding seven per centum, as it may deem for the best interests of the company, without invalidation thereof by virtue of any statute of this state; and the said bonds and mortgages so sold or negotiated, shall be valid and binding in law and equity; and the purchaser or purchasers under a decree in equity of foreclosure founded upon any such bond or mortgage, shall be invested with all the estate, rights, franchises, powers and privileges, which are or may be conferred upon or possessed by said company under or by virtue of its act of incorporation, and any supplement thereto; subject, nevertheless, to all restrictions, conditions and limitations contained therein.

Free passes.

16. *And be it enacted*, That the chancellor, governor, judges of the supreme court, and members and officers of the legislature, shall have free passage on said road during the time for which they may be appointed to hold office.

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

Approved March 22, 1872.

CHAPTER CCCXXXI.

An Act to incorporate the Safety Fund 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 to the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body politic and corporate, and have power to sue and be sued, by the name and style of "The Safety Fund Insurance Company;" and the principal office of the said company shall be located in the city of Rahway, in the state of New Jersey, and the board of directors may establish agencies in such other places as they may deem expedient.

Corporate
name.

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

Capital stock.

3. *And be it enacted*, That Joseph T. Crowell, Joseph W. Martin, A. Staats Bonney, L. Murray Perkins, Josephus Shann and Christopher D. Marsh, be and they are hereby appointed commissioners to open the books of subscription to the capital stock of the said company, and that ten days' previous notice of the time and place of the opening of said books shall be given by the said commissioners, or a majority of them, by publication in a newspaper in the city of Rahway, and that said books of subscription may be kept open as long as the said commissioners, or a majority of them, shall so elect or choose; *provided, however*, in case there should be any deaths or resignations among the commissioners above appointed, then the remainder may elect others to supply such vacancy or vacancies.

Commission-
ers to receive
subscriptions.

Proviso.

4. *And be it enacted*, That the said commissioners shall require to be paid at the time of each subscription by each subscriber to the capital stock aforesaid, an installment of at least ten per cent. of the amount subscribed for in cash, and the balance may be paid for in such first class securities on

Installments,
how paid.

real estate or other interest-bearing securities as the commissioners hereinbefore mentioned shall deem sufficient, but that the said association shall not effect or place fire risks, or issue policies, or accept premiums for the same, until at least the sum of one hundred thousand dollars has been fully paid up, either in cash or in such interest-bearing securities as shall be acceptable to and received by the said commissioners.

May increase
capital stock.

5. *And be it enacted*, That the capital stock may be increased at any time to such amount as the board of directors may determine, not exceeding the said sum of five hundred thousand dollars, and they shall open books of subscription for said increased stock, after ten days' previous notice in a newspaper published in the city of Rahway, and the persons who shall then own the stock of the said association shall have the privilege for five days of subscribing for said increased stock, and after that time, if not subscribed for, said increase of stock may be subscribed for by others, and the terms of said subscription, and the mode of payment shall be fixed, prescribed and determined by the said board of directors.

Directors to
divide them-
selves into
classes.

6. *And be it enacted*, That the affairs of the said association shall be managed and conducted by fifteen directors, of whom at least ten shall be citizens of this state; and the said board of directors shall, by lot or otherwise, at their first meeting, divide themselves into three classes of five each; the first class holding office until the next succeeding election, as hereinafter provided; the term of the second class expiring at the following annual election; and the term of the third class at the election next following the last, so that at each annual election five directors shall be chosen, who shall hold their offices for the term of three years, or until others are elected in their stead; and a majority of said board shall constitute a quorum for the transaction of business.

Annual elec-
tion.

7. *And be it enacted*, That the annual election, except for the year eighteen hundred and seventy-two, which may occur as hereinafter provided, shall be held on the second Tuesday in May, in every year, at such place in the city of Rahway as the board of directors may determine, and public notice shall be given in one or more newspapers published in the city of Rahway, at least ten days previous to the time of holding the election; such election shall be held under the direction of any three stockholders, appointed by the board

of directors for that purpose ; and such election shall be by ballot and by a plurality of the votes of the stockholders and their proxies, one vote for every share of stock ; and in case of the death, resignation, refusal to serve, or any other incapacity of one or more of said directors, for the space of two months after such election, then, and in every such case, the remaining directors shall have power to fill such vacancy or vacancies until the next election ; and in case it happens that an election for directors shall not be held on the day when, pursuant to this act, it ought to have been held, the said company shall not for that cause be dissolved, but it shall and may be lawful on any other day to hold such election, when so ordered by the board of directors.

8. *And be it enacted*, That when the books of subscription shall be closed by the said commissioners, and the sum of one hundred thousand dollars paid in as hereinbefore provided, the said commissioners shall call a meeting of the stockholders by an advertisement for at least ten days in some newspaper, published in the city of Rahway, giving time and place where said meeting will be held, and they shall then proceed to elect the first directors of the company, to be classified as hereinbefore provided ; the term of the first class expiring the second Tuesday in May, eighteen hundred and seventy-three, and the said commissioners shall appoint three directors inspectors of said election.

9. *And be it enacted*, That it shall be the duty of the said directors on organizing the company at the meeting of said directors, held first after their election and annually thereafter, to choose one person for president, one person for vice-president at the same time, both of whom shall continue in office till the next annual election, and until others are chosen in their stead ; and the vice-president shall perform the duties of the president in case of the death, absence or inability of the president to act ; and may elect such other officers as shall be necessary and proper for the successful management of this company.

10. *And be it enacted*, That the said directors shall have power to make and prescribe all such by-laws, rules and regulations as to them shall appear needful and proper for the management of the business and property of the company, to appoint and change such officers as may be deemed prudent or advisable for the interests of the company, and to allow

them, respectively, such compensation for their services as they may deem reasonable.

May make insurances.

11. *And be it enacted*, That the said company shall have power to make insurance upon dwelling houses, stores and all kinds of buildings, and upon household furniture, machinery, merchandise, and all personal and other property against loss or damage by fire, and generally to insure against all losses or damages pertaining to fire and marine risks, upon such rates and conditions as shall be stated and contained in their policies of insurance, and to cause re-insurance to be effected whenever they shall deem it expedient so to do.

Policies and contracts binding on company.

12. *And be it enacted*, That all policies of insurance or other contracts founded thereon and authorized to be made, may be made with or without the seal of the said company, and shall be subscribed by the president or by such other officer as may be designated for that purpose by the by-laws of the said company, and attested by the secretary; and when so subscribed and attested and executed, the same shall be binding on the company according to the tenor, intent and meaning of this act and of said policies and contracts; and all such policies and contracts may be made, subscribed and attested and executed, and the business of the said company otherwise conducted, managed and carried on, without the presence of the board of directors, by committees or otherwise, as provided by the by-laws; and the same shall be binding and obligatory on the said company.

Stock, how transferable.

13. *And be it enacted*, That the stock of the said company shall be deemed personal property, and as such assigned and transferred on the books of the company.

May purchase and hold real estate.

14. *And be it enacted*, That it shall and may be lawful for the said company to purchase and hold so much and such real estate as shall be deemed necessary for the convenient accommodation of the said company, and also to take and hold any real estate or securities, mortgaged or otherwise conveyed or pledged to the said company, or to secure the payment of any debt which may be contracted with said company, and to redeem the moneys so pledged or secured, either at law or equity, and also to purchase on sales made under judgment at law, or done in equity or any other legal proceedings, or otherwise to receive and take any real estate in payment or towards satisfaction of any debt previously contracted and due to the said company; and to hold the same at their will,

and also to invest so much of the capital stock and the surplus arising from the business, as they shall deem fit, in such securities as the board of directors shall decide, subject to such restrictions, however, as are hereinafter provided.

15. *And be it enacted*, That it shall be lawful for the directors to declare and pay dividends out of the profits of the said company to such an extent as shall appear advisable, from time to time, to the stockholders of said company, or their representatives; *provided*, that the said dividends shall not at any time exceed the net profits made by the said company; *and provided further*, that at least twenty per centum of the net profits of said company shall be semi-annually reserved and invested as a safety fund, until the said fund amounts to the sum of one hundred thousand dollars; and the said reserved fund shall be invested either in bonds of the United States, state or municipal bonds authorized by the laws of the state of New Jersey, or in first mortgages on real estate situated in this state, and worth at least double the amount loaned.

16. *And be it enacted*, That in case the directors deem it advisable, they shall have power to issue policies, and give, under such terms and restrictions as they may see fit, participation in the profits to the insured.

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

Approved March 22, 1872.

CHAPTER CCCXXXII.

An Act to provide for the election of a County Collector, and Steward of the County Poor House, and of County Auditor, in the county of Burlington.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the first annual election for members of the general assembly of this state, after the passage of this act, and at such election every third year

Election of
county collector,
auditor,
and steward of
poor house.

thereafter, there shall be chosen, by the qualified electors of said county of Burlington, one person to be county collector of said county, and one person to be the steward of the poor house and the farm attached thereto, who shall hold their respective offices for the term of three years, and one person to be county auditor in said county, who shall hold his office for one year; the electors of said county shall vote for said county collector, county auditor and county steward upon the same ballot with members of the general assembly, and the election 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.

Vacancy, how filled.

2. *And be it enacted*, That in case of a vacancy occurring in said offices, by death or otherwise, every such vacancy shall be supplied by the board of chosen freeholders of said county, at a special meeting of the said board, to be held within fifteen days thereafter, until the general election next succeeding the happening of the death of said county collector, county auditor or steward of the poor house, and the person elected or appointed to supply such vacancy may, upon giving bond at the said meeting, as is hereinafter provided, enter upon the duties of the office, and shall continue to hold the same, until his successor shall have been elected at the next general election as aforesaid, and given bond.

Persons elected to be residents of the county.

3. *And be it enacted*, That the persons to be elected county collector, county auditor, and steward of the poor house of the county of Burlington, by virtue of this act, shall be residents of said county at the time of their several elections, and shall have been residents of said county for the term of at least five years next before the election; but it shall not be necessary to be a freeholder of said county to be elected to the said office.

Meeting of board of freeholders.

4. *And be it enacted*, That hereafter there shall be a stated meeting of the board of chosen freeholders of said county at the place of holding the court of common pleas in and for the said county, for the transaction of general business, at the hour of eleven in the forenoon, on the Tuesday next after the general election, and the person elected to the office of county collector of said county of Burlington, under and by virtue of this act, shall, before he enters upon the duties of said office, give bond at said meeting, with at least three sureties, being freeholders and residents in the county, to the

Bond of collector.

board of chosen freeholders of said county, in the penal sum of one hundred thousand dollars, to be approved of by the board of chosen freeholders for the time being, conditioned for the faithful performance of the duties of his said office as collector of said county, according to law, which said bonds, being approved as aforesaid, shall be filed in the clerk's office of said county, and said clerk shall issue a certificate under his seal of office, that at the annual election then lately held, the said person was duly elected county collector of the county of Burlington for the ensuing term, which shall be for three years from that time, which certificate shall be deemed legal evidence of his election; and when the county collector shall have given bond as aforesaid, it shall be the duty of the clerk of the board of chosen freeholders to issue to him a certificate that his official bond has been approved and filed according to law.

5. *And be it enacted*, That the county collector of the county of Burlington hereafter to be elected, shall be entitled to receive for his services the sum of one thousand dollars per annum, to be paid as the salaries of other county officers are paid, in lieu of all other compensation for such services. Compensation of collector.

6. *And be it enacted*, That the persons now elected to the offices of county collector and county steward, by the board of chosen freeholders of the county of Burlington, shall continue in office and exercise all the rights, and discharge all the duties appertaining thereto, the said collector until his successor shall have been elected at the next annual election, and the said steward until the twenty-fifth day of March, one thousand eight hundred and seventy-three; *provided*, they shall give bonds as aforesaid, and as is hereinafter provided, to the board of chosen freeholders of said county, at their meeting on the second Wednesday in May next. Persons in office to discharge duties. Proviso.

7. *And be it enacted*, That the person elected to the office of county collector as aforesaid, and the person who shall continue to hold said office until such election shall take place as aforesaid, shall forthwith deposit all moneys by him received belonging to said county, in a bank within the county of Burlington, and no part of said moneys so deposited as aforesaid, shall be paid out or withdrawn from said depository, except by checks, signed by said county collector, and countersigned by the county auditor as is hereinafter provided. Moneys to be deposited. How withdrawn.

8. *And be it enacted*, That if the person so elected to or

Collector not
to use money
for his own
benefit.

continuing in office as county collector, shall use, employ, or take any part of said moneys so received by him for said county for his own use or benefit, or for any other purpose whatever, than for the payment of the debts and demands of said county, to be ascertained and paid as is hereinafter provided, or as is otherwise provided for by law, he shall be deemed and adjudged to be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding five hundred dollars, or imprisonment at hard labor not exceeding two years, or both.

Steward of
poor house
give bonds.

9. *And be it enacted*, That every person who shall hereafter be elected steward of the poor house of the said county of Burlington, under and by virtue of this act, shall, before he enters upon the duties of said office, give bond, with at least three securities, being freeholders and residents in the county, to the board of chosen freeholders of the county of Burlington, in the penal sum of ten thousand dollars, said bond to be approved of by the said board at their meeting on the Tuesday next after said election, conditioned for the faithful performance of said office as steward of the poor house of the county of Burlington, according to law; which said bond, being approved as aforesaid, shall be filed in the clerk's office of said county.

County clerk
to issue cer-
tificate of
election.

10. *And be it enacted*, That whenever an election for steward of the poor house of the county of Burlington shall be held under and by virtue of this act, it shall be the duty of the clerk of the county, upon the filing in his office of the statement of the result of the election by the board of county canvassers, to issue to the person who shall, by such statement, appear to have been elected steward of the poor house, a certificate, under his seal of office, that at the annual election then lately held, the said person was duly elected steward of the poor house of the county of Burlington for the then ensuing term, which shall be for three years from the twenty-fifth day of March then ensuing, which certificate shall be deemed legal evidence of his election; and when the steward of the poor house shall have given bond as aforesaid, it shall be the duty of the clerk of the board of chosen freeholders to issue to him a certificate that his official bond has been approved and filed according to law.

Compensation

11. *And be it enacted*, That the steward of the poor house of the county of Burlington hereafter to be elected shall be entitled to receive for his services the sum of seven hundred

and fifty dollars per annum, to be paid as the salaries of other county officers are paid, in lieu of all other compensation for such services.

12. *And be it enacted*, That the legislature, in joint meeting assembled, shall appoint a suitable and competent person, who shall have been a resident of said county for the term of five years next before said appointment, county auditor of said county, who shall continue in office and exercise all the rights and discharge all the duties appertaining thereto, as the same are hereinafter defined and prescribed, until his successor shall have been elected at the next annual election and taken the oath and given bond as hereinafter provided.

Election of
county auditor

13. *And be it enacted*, That whenever an election or appointment for auditor of the county of Burlington shall be held under or by virtue of this act, it shall be the duty of the clerk of said county, upon the filing in his office of the statement of the result of the election of the board of county canvassers, or a certificate of his appointment, to issue to the person who shall by such statement or certificate appear to have been elected or appointed county auditor as aforesaid, a certificate under the seal of his office, that at the annual election then lately held, the said person was duly elected or appointed auditor of said county of Burlington for the then ensuing term, which certificate shall be deemed legal evidence of his election.

Clerk to issue
certificate of
election.

14. *And be it enacted*, That said county auditor so to be appointed and elected as aforesaid, before entering upon the duties of his office, shall take and subscribe an oath or affirmation before one of the judges of the court of common pleas of said county, that he will well, faithfully, honestly and impartially discharge all the duties required of him by law, and that he will not allow any claim, demand, charge, or account against said county of Burlington, unless satisfied that the same is justly due, which oath or affirmation shall be filed in the office of the clerk of said county, to be there preserved among the public papers, and shall also enter into bond, with two or more securities, to be approved by the judges of the said court of common pleas, when first appointed, and afterwards by the board of freeholders of said county, at their meeting on the Tuesday next after the annual election aforesaid, in the sum of one thousand dollars, conditioned for the faithful performance of his official duties, which bond, upon

Auditor to
take oath and
give bonds.

being approved as aforesaid, shall likewise be filed in the office of the clerk of said county.

Duties of the
county audi-
tor.

15. *And be it enacted*, That it shall be the duty of the county auditor so appointed to superintend the collection of all dues, revenues, and other claims of the county of Burlington, now due, payable or collectible, or hereafter to become due, payable or collectible, to institute and direct prosecutions against delinquent officers of the county, and for just claims and debts due to the county, to examine carefully, and to audit and adjust all bills, claims, demands and accounts due to or which may be presented against the said county of Burlington, and to certify the amount so adjusted or allowed by him to the county collector, for receipt and payment, and that in the performance of this duty he shall be and is hereby authorized and required to administer an oath or affirmation to the party or person presenting such account or claims, and to any witness or witnesses who may be called or presented with respect to said claims, account or demand, and to examine the same, as to the truth, fairness, correctness and justice of said accounts or claims; and the said auditor shall keep a record or registry of all accounts and claims, audited and adjusted, allowed and certified, and the time when the same was due, which said record shall always be open to the inspection and examination of the citizens of said county; and that the said county auditor shall countersign and register all checks drawn by the county collector of said county, and no checks shall be evidence of payment unless countersigned by said auditor, and he shall countersign all receipts for money paid to the said county collector.

Auditor to ex-
amine ac-
counts and
make state-
ment, &c.

16. *And be it enacted*, That the said auditor shall, quarterly, and oftener if he shall deem it necessary, carefully examine the accounts of the debts and credits in the bank books kept by the county collector, and if he discovers any irregularity or deficiency therein, he shall, unless the same is immediately rectified or explained to his satisfaction, forthwith report the same in writing, to the director of the said board of freeholders; and also, that he shall, in like manner, examine into the condition of the funded or other debt of the county, and if he finds that any bonds, obligations, notes or other securities are issued by the county or said board, or any of its officers or committees, to a greater amount, or for any other purposes, or in any other manner than is authorized by law, he shall thereupon immediately report the same

to the director of said board; and also, that the said auditor shall annually, at the regular meeting in May, report to the said board of freeholders, the financial condition of the county, an estimate of expenditures for the succeeding year, arranged under appropriate heads, together with all the transactions of his office, which report shall be signed by the said auditor, and be open to the inspection of all the citizens of said county.

17. *And be it enacted*, That the said county collector of the county of Burlington shall be under the control and subject to the order of the board of chosen freeholders of said county, and liable in all respects as heretofore, as is provided by law, except only as in this act is otherwise declared, and that he shall also state and settle accounts of his receipts and disbursements, after the same shall have been audited and adjusted by the county auditor, with the said board of chosen freeholders, twice in each and every year, that is to say, at the stated meetings in May and the stated meetings in November, as is hereinbefore provided for, in each and every year thereafter; and that the said board of chosen freeholders of the county of Burlington shall, twice in each and every year hereafter, within thirty days next after the said stated meetings in May and November, cause to be made and published, a full and complete account, in items, of all their receipts and expenditures for the preceding half year, in the manner as is now required by law, instead of publishing the same yearly as heretofore.

18. *And be it enacted*, That the said auditor of the county of Burlington, hereafter to be elected, shall be entitled to receive for his services the sum of five hundred dollars per annum, to be paid as the salaries of other county officers are paid, and shall not be entitled to have or receive any other fees or compensation whatever.

19. *And be it enacted*, That the said steward of the poor house and farm, when elected as aforesaid, and while in office, shall always be under the direction, superintendence and government of the board of chosen freeholders of the said county of Burlington, and accountable thereto, as an officer or servant of said board, as fully and entirely and in all respects (the power of removal only excepted) as if he, the said steward, had been elected by the said board, as heretofore, and as he is now subject to under the law and the regulations, ordinances and by-laws of the said board.

Repealer.

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

Passed March 25, 1872.

CHAPTER CCCXXXIV.

A Supplement to an act entitled "An Act to improve Paterson avenue, from the westerly line of the Paterson plank road to the Seacaucus road, and the Seacaucus road, from Paterson avenue to Pen Horne's creek, in the county of Hudson," approved April first, eighteen hundred and sixty-nine.

Commissioners may build sewers, drains and basins.

Proviso.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the present powers and duties of the commissioners named in the above entitled act, it shall be lawful for the said commissioners to build a sewer, drains and receiving basins in and upon Paterson avenue and Seacaucus road, commencing at a point about three hundred feet east of the easterly line of Grand avenue, to a point about two hundred feet west of Tonnele avenue, and that all expenses and costs thereof, when the same shall be completed, shall be assessed by the said commissioners, in like manner, and the same proceedings shall be had thereunder, as in cases of regulating, grading, curbing, guttering, flagging and paving, as provided in the ninth section of the original act, to which this is a supplement; *provided*, that no assessment shall be made on lands south of the new county road running through Snake Hill; *and provided also*, that the mode of confirming the assessment for the improvements named in this section, the manner in which said assessments shall become and remain a lien on the lands assessed, the mode of sale of lands, tenements or real estate, for unpaid assessments, and all matters and things relating to said improvements, shall be the same as are required in the said

original act, to which this is a supplement, and the supplements thereto, for the improvements named in the ninth section, above referred to.

2. *And be it enacted*, That if at any sale, or adjourned sale of lands, tenements, or real estate, for unpaid assessments, the whole or any part of such lands, tenements, or real estate, shall remain unsold for the want of purchasers, then it shall and may be lawful for the treasurer of the commissioners, named in the above entitled act, to purchase the said lands, tenements, or real estate, for the benefit of the county of Hudson, as payment and security on account of any and all obligations made or given, or to be hereafter made or given, or for any moneys advanced, or to be advanced, by the said county of Hudson, in the furtherance of, or in connection with any improvement made, or to be made, under said act, and all supplements thereto; *provided*, that any such sale or sales, or purchase by the said treasurer, shall be subject to the same conditions and redemption; and the said treasurer shall be vested with the same rights and privileges as other individuals.

Treasurer may purchase lands remaining unsold for unpaid assessments.

Proviso.

3. *And be it enacted*, That any declaration of sale received by the said treasurer may, by order of the said commissioners, be assigned by said treasurer to any person or persons who will pay all sums of money that may be due thereunder, and who shall possess all the rights and privileges of an original purchaser.

Declarations of sale may be assigned.

4. *And be it enacted*, That it shall be the duty of the said treasurer to deliver all declarations of sale received by him to the clerk of the county of Hudson, who is required to record the same in a suitable book to be provided for that purpose, and who shall receive from the said treasurer at the rate of nine cents per folio for recording said declarations of sale, the fees to be repaid to the treasurer by the owner of the property so sold, or by any other person who will pay the same; at the time of redemption, the said treasurer to receive the said declarations of sale after the same shall be recorded.

County clerk to record declarations of sale, &c.

5. *And be it enacted*, That when any of said lands, tenements or real estate shall be redeemed by the payment of the assessments due, for which the same was sold, and all the legal costs, fees and expenses incident to said sale, it shall be the duty of the said clerk of Hudson county, on application to him, and on producing to him the said declara-

Declarations of sale, how cancelled of record.

tion of sale, with a receipt therein signed by the said treasurer, or his assignee, to enter in a margin, to be left for that purpose, opposite this record made by him, a minute of the said redemption, payment and discharge, which minute shall be a full and absolute bar to, and discharge of the said entry, record and declaration of sale.

Collector to
countersign
certificates of
indebtedness

County of
Hudson obli-
gated.

Proviso.

Proviso.

Board of free-
holders au-
thorized to
borrow money
and issue
bonds.

6. *And be it enacted*, That the collector of the county of Hudson, shall countersign the certificates of indebtedness issued by the commissioners named in above entitled act, subject to the provision hereinafter stated, and all such certificates of indebtedness so countersigned, the county of Hudson shall be obligated, and is hereby required to pay at maturity, in case the said commissioners shall not have money for that purpose; and all money advanced by the county of Hudson, for the payment of such certificates of indebtedness, or for, or on account of any improvement contemplated by the original act, to which this is a supplement, and all supplements thereto, shall be repaid to the collector of Hudson county, by the treasurer of the said commissioners, out of the first moneys received for, and on account of assessments for the improvement, for which the money was advanced; *provided*, that the collector of the county of Hudson shall not countersign any certificates of indebtedness of the said commissioners, unless he be authorized so to do by a resolution adopted for that purpose, by a vote of not less than one-half of all the members of the board of chosen freeholders of the county of Hudson; *provided also*, that nothing herein contained shall be so construed as to repeal so much of the second section of a supplement to the original act, of which this is a supplement, approved on the seventeenth day of March, in the year eighteen hundred and seventy, as authorizes the board of chosen freeholders, of the county of Hudson, to advance all money required for any or all improvements, to be done under the act therein referred, in anticipation of the collection of assessments for said improvements.

7. *And be it enacted*, That the board of chosen freeholders of the county of Hudson are hereby authorized to borrow such sum or sums of money as shall be necessary for the purposes of the act to which this is a supplement, and of all the supplements thereto; and to issue the bonds of the county of Hudson therefor, payable at such times and in such manner as the said board may elect.

8. *And be it enacted*, That any surplus money, or any part

thereof, now in the possession of the commissioners, or that may hereafter come into their possession, may be paid by the said commissioners, and applied to any indebtedness relating to any improvement or improvements authorized by the act to which this is a supplement, or of any of the supplements thereto, and for such other purposes relating to said improvements as the said commissioners may in their judgment elect.

9. *And be it enacted*, That all of the provisions of the act to which this is a supplement, and of the supplements thereto, shall apply to the improvements authorized by this act, and to all matters herein contained, as fully to all intents and purposes as if this act had been incorporated therein, except the same be contrary to the provisions of this act.

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

Passed March 25, 1872.

CHAPTER CCCXXXV.

An Act to authorize the extension of New street, from Maple avenue, in the township of East Orange, in the county of Essex, to Munn avenue, in said township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jotham H. Condit, Joseph Booth and George W. Bowers, of the township of East Orange, be and they are hereby appointed commissioners, and are authorized and invested with all the rights, powers, and authority necessary and expedient to survey, lay out, locate and open a street, which shall be fifty feet wide between fences; said street to be called New street, and to be considered an extension of the street of that name in said township of East Orange; said street to commence in the westerly line of Maple avenue, in said township of East Orange, so that the centre of the same shall be at a point directly opposite the centre of New street aforesaid, where

said New street intersects said Maple avenue, and thence running in a westerly direction to a point in the easterly line of a street called Thompson street running through land of Mary A. Trusdell, surveyed by W. H. V. Reimer, surveyor, said point being about six hundred and seventy-five feet westerly from the beginning point, and where a straight line drawn from Cherry street twenty-five feet southerly and exactly parallel with the southerly line of land of Daniel F. Colie will intersect the said point in the said easterly line of said Thompson street; thence westerly along said line about seven hundred feet to the easterly line of Munn avenue, in the township of East Orange aforesaid; and it shall be lawful for the said commissioners, their agents, engineers, surveyors, and others in their employ, to enter at all times upon lands for the purpose of surveying, locating, and laying out the route of said street, and the commissioners, before they enter upon the duties prescribed by this act, shall take an oath or affirmation to act faithfully and impartially in the execution of their trust.

May enter on
lands, &c.

Time of com-
pletion.

2. *And be it enacted*, That the said commissioners shall complete the surveying, extending, laying out, and opening of the said street, on or before the first day of June, eighteen hundred and seventy-two; and immediately after the completion of the survey, they shall file a copy of the same in the office of the county clerk in said county; and after the said street is so extended and laid out by said commissioners, and worked and put in proper and reasonable order for the accommodation of the travelling public, it shall thereafter be worked and kept in order by the township of East Orange.

Commission-
ers to allow
damages and
assess benefits
to owners of
lands.

Proviso.

3. *And be it enacted*, That the said commissioners, or a majority of them, shall have full power and authority to allow damages and assess benefits to the persons owning the lands upon which said street may be located and through which it may run; *provided*, that should damages be allowed to persons for lands taken for said street, which amount to more than the benefits assessed, then the said commissioners, or a majority of them, shall have power and authority to assess such excess of damages upon the owner or owners of the lands who in the opinion of the commissioners, or a majority of them, are benefited thereby, whether the land be located on the line of said street or contiguous streets, and in such proportion as to said commissioners, or a majority of them,

may seem fit and just; and the said commissioners shall cause to be served upon the owners of lands upon which said street may be located, written notice of the time and place of the meeting of the commissioners to assess damages by reason of the taking of his, her or their lands, for said street; which notice shall be served at least six days before the time of such meeting, upon such owner or owners personally or by leaving a copy of such notice at his, her or their usual place of abode; and if the place of abode cannot be ascertained, then by publishing said notice in some daily newspaper in said county for six days; and a like notice shall be served in the same manner by said commissioners upon any land owner or owners who shall be deemed by said commissioners to be benefited by said street, of the time and place when and where the said commissioners will proceed to assess benefits.

4. *And be it enacted*, That if any owner or owners of lands so taken, or upon which benefits are assessed as aforesaid, shall be dissatisfied with the assessment of said commissioners, he, she or they may, within ten days after a copy of the decision of the commissioners shall be served upon them (which copy shall be served in the manner prescribed for serving notices mentioned in the third section of this act), appeal from such decision by filing a written appeal with one of the justices of the supreme court of this state, and the justice being satisfied by due proof that six days' notice has been given in writing to said commissioners of the time and place, shall proceed to appoint three disinterested men, who shall be residents of the said county of Essex, to review the said assessment of damages and benefits made by said commissioners, and to lessen, increase or confirm the same as to them shall seem fit and just, and their report, or a report of a majority of them, filed in the office of the clerk of the court of common pleas of the county of Essex, shall be final and conclusive; and such notice as is required in the third section of this act, shall be given by the persons authorized to be appointed under this section to the said commissioners, and the owners of lands assessed by said commissioners of the time and place of meeting, to review the said assessments; and the persons so appointed as aforesaid, to review said assessments, shall, before they enter upon their duties, take an oath or affirmation to act faithfully and impartially.

Persons dissatisfied with decision of commissioners may appeal.

5. *And be it enacted*, That, notwithstanding any appeal

May proceed
to open
streets, &c.

from the decision of the commissioners named in the first section of this act, it shall be lawful for the said commissioners to proceed with the opening of said street over the lands upon which it shall be located, if the sum or sums awarded for damages by said commissioners be first deposited with the clerk of the court of common pleas of the said county of Essex, to be applied to the payment of the amount that may be awarded upon a rehearing, or to the payment of the land owner or owners should the appeal be withdrawn, abandoned or otherwise discharged.

Failure of
owners to pay
assessments,
actions to be
commenced.

6. *And be it enacted*, That if any land owner or owners shall neglect to pay the amount of his, her or their assessments for benefits as made and determined by virtue of the provisions of this act, for the space of three months after notice from said commissioners of the amount of said assessment, as assessed by them, or in case of an appeal by said land owner from the decision of said commissioners, as provided in the fourth section of this act, then for the space of three months after the amount of said assessment shall have been finally determined by the persons authorized to review said assessments, and their report filed with the clerk as aforesaid, it shall be the duty of the said commissioners, and they are hereby authorized and empowered to sue for and collect by law, with costs of suit, in their own name (as commissioners aforesaid), from said land owner the amount of said assessment; and that any assessment for benefits made by virtue of this act shall be and remain a lien upon the land so assessed as benefited until paid.

Assessments
to remain a
lien.

Assessment
and collection
of expenses,
&c.

7. *And be it enacted*, That the expenses incurred by the commissioners in and about the surveying, extending, locating, opening and putting in order for the traveling public the said street shall be determined by them, and thereupon be assessed by them upon the owner or owners of the lands benefited by the opening of said street in the same manner and at the same time as they shall make the other assessments authorized by this act; and may sue for and collect the same in the same manner and at the same time as is hereinbefore provided for collecting assessments for benefits; and the said commissioners and the persons appointed by virtue of the fourth section of this act, shall each receive as compensation for their services under this act, the sum of two dollars per day for each and every day they be actually engaged in and about their duties under this act.

Compensation
of commis-
sioners.

8. *And be it enacted*, That in case of the death, refusal or inability to serve of any commissioner or commissioners named in the first section of this act, one of the justices of the supreme court of this state may on application made to him by the surviving commissioner or commissioners, or of any one of the owners of the land on the line of the said street to be opened and extended, appoint a person or persons to fill the vacancy occasioned by the death, refusal or inability to serve of said commissioner or commissioners; and said person or persons so appointed having taken the oath or affirmation required of said commissioners, said commissioners shall thereupon proceed as if no vacancy had occurred. ^{Vacancies, how filled.}

9. *And be it enacted*, That all acts and parts of acts inconsistent with this act, and contrary to the provisions of the same, be and the same are hereby repealed so far as the same affect the proposed street. ^{Repealer.}

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

Passed March 25, 1872.

CHAPTER CCCXXXVI.

A Supplement to an act entitled "An Act appointing commissioners in School District Number One, of Linden, Union county, for the purpose of purchasing ground and erecting a school house thereon," &c.

WHEREAS, the board of commissioners appointed by the act to which this is a supplement, in the erection of the school building and providing the necessary furniture, apparatus, outbuildings and fences, and paving the school lot and walks, and purchasing a school lot mentioned in said act, have necessarily contracted to pay the sum of four thousand dollars more than has been for such purposes provided by said act. ^{Preamble.}

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of said

Committee
authorized to
issue bonds.

township of Linden are hereby authorized and required whenever called upon by the said board of commissioners to issue bonds of the said township of Linden for the further sum of four thousand dollars, which bonds shall be at the disposal of said board of commissioners for the purpose of paying such increased expenditure.

Bonds exempt
from taxation.

2. *And be it enacted*, That said bonds shall be issued in sums of one hundred dollars each, with interest at seven per centum, payable half yearly, five of which bonds shall be payable in one year from the date of their issue, and five of said bonds shall annually thereafter become due, and shall be paid with the interest as above provided at maturity, and all the bonds shall be exempt from taxation for county and township purposes.

Payment of
bonds.

3. *And be it enacted*, That said township committee shall have power and authority, and are hereby required to provide for the payment of said bonds and the interest accruing thereon, in the manner and at the same time as is provided in and by the fourth section of the act to which this is a supplement, for the payment of the bonds by said act authorized to be issued by said township committee.

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

Passed March 25, 1872.

CHAPTER CCCXLII.

An Act to provide for the improvement and repairs of the Farnum Preparatory School.

State appro-
priation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the state treasurer to pay to the trustees of the Farnum Preparatory School, at Beverly, on the warrant of the comptroller, out of any money in the treasury not otherwise appropriated, the sum of three thousand dollars, for the improvement and repairs of the said Farnum Preparatory School, the same to

be expended for the purpose named, under the direction of the said board of trustees.

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

Approved March 26, 1872.

CHAPTER CCCXLIII.

A Supplement to an act entitled "An Act to provide for the more effectual prevention and detection of crime in the township of Hackensack," approved February twenty-fourth, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the provisions of the act to Act extended, which this is a supplement, be and they are hereby extended to the Bergen County Vigilance Association, of the township of Harrington, so far as the same are applicable.

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

Approved March 26, 1872.

CHAPTER CCCXLIV.

A Supplement to an act entitled "An Act to incorporate the town of Boonton," approved March eighteenth, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to Amendment, which this is a supplement shall be amended as follows, to

wit: that where the southerly boundary line now crosses the Rockaway river, shall extend thence in a direct line to where it now intersects the public road leading from old Boonton to Boonton, thence along the westerly side of said public road to where it intersects the Newark turnpike, and thence in a direct line to the farm bridge of John L. Kanouse, over the Morris canal.

Powers vested

2. *And be it enacted*, That hereafter all the powers now vested in the board of trustees of the town of Boonton, named in the act to which this is a supplement, shall be vested in the mayor and common council of the town of Boonton, to be chosen as hereinafter provided.

Officers, election and term of.

3. *And be it enacted*, That at the annual charter election on the said first Saturday in May, there shall be elected by ballot, and by the legal voters of the town, a mayor, town clerk and two inspectors of election, to hold their respective offices for one year, and four councilmen, to hold their respective offices for two years, and three councilmen to hold their respective offices for one year; and the tickets to be voted at said election shall state the term for which the said councilmen are respectively elected; and that at every election after the first election, the councilmen elected shall hold their respective offices for two years and until their successors are elected and sworn into office.

Duties and powers of the mayor.

4. *And be it enacted*, That the mayor shall be the chief executive officer of the town; that he shall call special meetings of the common council at any time, either at his own suggestion or upon the request in writing of any three members thereof; that all ordinances of the common council shall, before taking effect, receive his approval in writing, or else be returned by him to the town clerk, within fourteen days after the passage of the same, with a written statement of his objections thereto; that he shall sign each ordinance which has been approved by him, after it shall have been engrossed by the town clerk in the book of ordinances; that he shall grant all such licenses as shall be authorized by the common council; that he shall sign all declarations of the sale of lands and real estate, or unpaid taxes or assessments, notes, bonds, or obligations of the town for the payment of money; that he shall in cases of emergency, be at liberty to appoint special policemen for temporary service, who shall have all the powers and perform all the duties of the policemen of the town, and shall receive the same compensation

during the time of such service; that for the purpose of quelling any riot, disturbance or disorderly assemblage, he shall have the control of all the police force of the town, and have the right to call upon the citizens for aid; that he shall, at least once in each year, communicate to the common council a general statement in writing of the situation and condition of the town, in relation to its government, finances and improvements, with such recommendations as he may think proper; that he shall be vigilant in causing the ordinances of the town to be enforced, and shall exercise a constant supervision over the acts and conduct of all subordinate officers, and examine into all complaints that may be preferred against them; and that he shall receive no compensation for his services.

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

Vacancies,
how filled.

President of
council may
act as mayor.

6. *And be it enacted*, That the common council shall hold an annual meeting within thirty days after the annual charter election, and elect a president from their own body, and in his absence a president pro tempore, and appoint the time and place of meeting; that they may adopt, alter, and repeal by-laws for their own government; that five members shall constitute a quorum for the transaction of business, but any smaller number may adjourn from time to time, and may compel the attendance of absent members; that in the failure of any member to attend any meetings of the common council for three successive months, or more, the other members shall have power to declare his seat vacant; the town clerk (or in his absence, such person as they may appoint pro tempore) shall keep an accurate record of all their proceedings; that no ordinance shall be passed except with the concurrence of five members, nor until it shall have been presented and read at a previous meeting; that no ordinance shall take effect until a copy thereof certified by the town clerk, shall within two days after its passage, have been laid before the mayor,

Common
council

Mayor to ap-
prove ordi-
nances.

Proviso.	and approved by him in writing, except in cases hereinafter ; <i>provided</i> , that in case the mayor shall not return any ordinance, so laid before him, within fourteen days after its passage, it shall take effect in the same manner as if he had approved it, as aforesaid, and that in case he shall return it to the town clerk, within the time above named, with a written statement of his objections thereto, the common council shall, at the first regular meeting thereafter, enter such objections at length on the record of their proceedings and may then proceed to reconsider and pass such ordinance by a vote of two-thirds of their whole number, and then it shall take effect as aforesaid ; and each and every ordinance so passed as aforesaid, shall be published for four weeks in one of the newspapers published in said town ; and that the enacting clause of such ordinances shall be in the words, "Be it ordained by the Common Council of the Town of Boonton."
Enacting clause.	
Adopt and repeal ordinances.	7. <i>And be it enacted</i> , That the common council of the town of Boonton shall have power within said town to make, establish and modify, amend or repeal ordinances for the following purposes :
Finances.	I. To manage, regulate and control the finances and property, real or personal, of the town ;
Quell riots.	II. To prevent vice and immorality, to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblages in said town, and at the depots of railroad companies, to restrain and punish all acts tending to disturb public schools or places of public worship, or to annoy persons passing to or from such places ;
Gaming houses.	III. To restrain and suppress disorderly and gaming houses, and houses of ill-fame ;
To license beer saloons, inns and taverns, &c.	IV. To license and regulate inns or taverns, victualing houses or cellars, billiard and bowling saloons, and to regulate, license and restrain ale and beer shops, and all places where spirituous, vinous or malt liquors are sold ;
Exhibitions.	V. To prohibit, restrain, license and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses and other public performances or exhibitions for money ;
Boundaries of streets.	VI. To ascertain and establish the boundaries of all streets, highways, public lanes and alleys in said town, and to prevent and remove all encroachments upon said streets, highways, lanes and alleys ;

VII. To regulate, clean and keep in repair the streets, highways, lanes and alleys, and bridges, (except county bridges) in said town, and to prevent and remove obstructions, encroachments, incumbrances in and upon all streets, highways, sidewalks, crosswalks, bridges, sewers, drains, aqueducts, or water courses, in any manner whatever, to prescribe the manner in which persons or corporations shall exercise any privilege granted to them in the use of any street, highway or alley in said town, to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, parks and grounds of said town, and to authorize or prohibit the removal or destruction of such shade trees, and to enforce the removal of snow, ice or dirt, from the sidewalks and gutters, by the owners or occupants of the premises fronting thereon, and to restrain, regulate and prohibit the blasting of rock within the corporate limits;

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

IX. To prevent and punish horse racing within the corporate limits, and immoderate riding or driving in any street, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any streets, and to regulate the speed and running of locomotive engines and railroad cars through said town, and to designate the crossings at which any railroad company shall be required to station flagmen or signals, to warn travellers of the approach of locomotive engines or cars; to protect the property and buildings within said town of Boonton from injury or destruction by fire from passing locomotives, and to that end, to punish by a fine not less than twenty or over one hundred dollars, or by imprisonment not less than ten or more than ninety days any engineer or railroad employee, who, having in charge the running of a locomotive engine, shall carelessly or wilfully allow fire to be thrown from such locomotive while passing through said town, so as to unnecessarily endanger the firing of property or buildings therein;

X. To regulate, protect and improve the parks and other public grounds in said town;

- Lighting of streets. XI. To provide lamp and gas fixtures, and to light the streets, parks and public grounds of every description in said town ;
- Cisterns, &c. XII. To make and regulate wells, pumps, aqueducts and cisterns in the public streets and grounds ;
- Public pounds XIII. To establish and regulate one or more pounds, and to prevent the running at large of horses, cattle, swine and other animals, geese and other poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping, impounding and sale thereof ;
- Tax on dogs. XIV. To regulate and prevent the running at large of dogs, to authorize the destruction of dogs running at large, and to impose taxes or fines on the owners of dogs ;
- Slaughter houses. XV. To locate, regulate, prohibit and remove slaughter-houses ;
- Drunwards. XVI. To restrain and punish drunkards, vagrants, mendicants and street beggars ;
- Nuisances. XVII. To abate or remove nuisances of every kind, and to compel the owner or occupant of any butcher's stall, tallow chandler's shop, soap factory, cellar, stable, privy, hog-pen, sewer, drain, or other offensive or unwholesome house or place, to cleanse, remove or abate the same, from time to time, in a summary manner, as often as they may deem necessary for the health, comfort and convenience of the inhabitants of the town, at the expense of the owner or occupants thereof ; to regulate and prohibit any practice having a tendency to frighten animals, or to annoy any person passing in the streets or the sidewalks of said town ;
- Day and night police. XVIII. 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 ;
- Bathing. XIX. To regulate or prohibit swimming or bathing in the waters of, or bounding the city ;
- Fire department. XX. To establish, regulate and control a fire department, to regulate and define the manner of the appointment and removal of the officers and members of the fire department, their duties and their compensation ; to provide fire engines and other apparatus, and engine-houses and other places for keeping and preserving the same, and to provide water for extinguishing fires ;
- To pave, curb, and gutter. XXI. To level, grade, curb and pave, flag, plank or gravel the sidewalks in any street, highway, lane or alley, to prescribe the manner in which the said work shall be performed,

and to cause the expense thereof to be assessed on the adjoining lots, whether improved or unimproved, and collected in the same manner as for regulating, grading and paving streets ;

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

Duties and compensation of officers.

XXIII. To fix and determine a reasonable compensation to be paid to any officer of said town, or other person employed by them, for any service required of him by this act, or by any ordinance or resolution passed by them, for which no specific fee or compensation is provided by this act, to be paid by the person or persons for whom such service shall be performed, for the use of the town.

Compensation

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

May make, alter and repeal ordinances.

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

May raise money by tax.

- I. For lighting the streets of the town.
- II. For regulating, cleaning, and keeping in repair the streets and highways ;
- III. For the support of the police department ;
- IV. For the support of the fire department ;
- V. For the supplying the town with water for the extinguishment of fire ;
- VI. For the contingent expenses of the town, and for all other purposes authorized by this act ; *provided always*, that the amount, and the manner of assessing and collecting such sum or sums of money, shall be the same as provided for in the fourteenth section of the act to which this is a supplement.

Lighting streets.

Repairing of streets.

Police.

Fire.

Water.

Contingent expenses. proviso.

10. *And be it enacted*, That the town clerk shall be clerk of the common council, and subject to their direction ; that

Town clerk, his duties.

he shall attend all their meetings, and keep a true and full record of all their proceedings; that he shall have the custody of the seal and all books and papers of every kind belonging to the town, or which may be filed in his office; that he shall engross and attest all ordinances that may be passed by the common council, in a book to be prepared for that purpose, and shall request the mayor to sign the engrossed copies of such ordinances as have been approved by him; that he shall countersign and keep a record of all licenses granted by the mayor; that he shall receive and pay over to the treasurer all moneys which, by any law, ordinance or usage, are or may be paid to the town clerk, and shall make report thereof to the common council as often as once in every three months; that he shall countersign all warrants for the drawing of moneys from the treasurer, and countersign and seal all bonds, notes or other evidences of indebtedness to be made in behalf of the town, under the authority of the common council; that he shall record and carefully index in books to be kept for that purpose, all certificates and declarations of sale of lands and real estate for unpaid taxes or assessments, and all assignments thereof, and shall also attest the said certificates and declarations of sale, and cancel the said certificates when the said lands and real estate shall be redeemed; that he shall give certificates of search in such records for such certificates, declarations and redemptions to all persons who apply for the same: and that he shall, in general, perform such other duties as are or may be required of him by this or any other law of this state, and that he shall receive such compensation as the common council may direct.

Copies to be
received in
evidence.

11. *And be it enacted*, That copies of any and all papers, filed or kept in the office of town clerk, and of the ordinances or records of the proceedings of the common council, or any part thereof, certified by the said clerk, under the common seal of the town, shall be received as evidence thereof in all courts and places whatsoever.

Notice to be
given of any
improvement
of streets, &c.

12. *And be it enacted*, That when any ordinance shall be presented to the common council for making any improvement, such as the laying out and opening of any street, highway or alley, or the constructing of any sewer or drain, or the vacating, straightening, altering or widening of any street, highway or alley, or any part or parts thereof, or the altering of the grade of any street or highway, or any part

or parts thereof, or the grading, graveling, paving, macadamizing or otherwise improving of any street, highway or alley, or any part or parts thereof, or the widening straightening, leveling, grading, flagging or reflagging, curbing or recurbing, paving or repaving of any sidewalk and gutter in any street, highway or alley, or any part or parts thereof, or the digging down, draining, filling up and fencing of any lot, piece or parcel of ground, public notice of such contemplated improvement shall be given by the town clerk, by publishing a copy of the proposed ordinance, for at least two weeks, in one of the newspapers of the town; and that the said notice shall also state the time and place of meeting of the common council, at which they will proceed to consider the said ordinance; that at such meeting ample opportunity shall be given to all parties in favor or opposed to the said improvement, to present their views with reference to the same, in writing or otherwise, as the common council may at the time direct; and that the common council may, in their discretion, adjourn from time to time for a further consideration of the matter.

Notice to be published.

13. *And be it enacted*, That any ordinance which may be passed by the common council for the laying out and opening of any street, highway, or alley, or the constructing of any sewer or drain, or the vacating, straightening, altering or widening of any street, highway or alley, or any part or parts thereof, shall be accompanied by a map, to be prepared under the direction of the common council, or to be accepted by them, as soon as conveniently may be after the passage of the ordinance; and that said map shall not only give the termini, courses and distances of the improvement, fully and particularly, as the same are described in the ordinance, but shall also show the lands and real estate to be taken therefor, and the name or names (as far as may be ascertained) of the owner or owners of such lands and real estate; which map shall be filed in the office of the town clerk.

Ordinance passed to be accompanied by map.

14. *And be it enacted*, That as soon as may be after the completion of any such improvement as the laying out and opening of any street, highway or alley, or the construction of any sewer or drain, or the vacating, straightening, altering or widening of any street highway or alley, or any part or parts thereof, or the altering of the grade of any street or highway, or any part or parts thereof, or the grading,

Costs and expenses to be ascertained and determined by council.

graveling, paving, macadamizing or otherwise improving of any street, highway or alley, or any part or parts thereof, or the widening, straightening, leveling, grading, flagging or reflagging, curbing or recurbing, paving or repaving of any sidewalk or gutter in any street, highway or alley, or any part or parts thereof; and the expense thereof, including surveying, and a moderate allowance (the same to be estimated by the common council) for the cost of making the assessment hereinafter provided, shall be ascertained and determined by the common council, and be entered by resolution upon the record of their proceedings; and that the amount so ascertained and determined, shall thereafter be treated as, and be held to be the true and actual cost of making such improvement.

Copy to be
given to board
of assessment.

Notice of
meeting.

15. *And be it enacted*, That when any such ordinance, or any such resolution in relation to any such improvement, shall be passed by the common council, a copy thereof, attested by the town clerk, shall, without delay, be handed by him to the board of assessments or any member thereof; and the said clerk shall also give public notice for at least two weeks, in a newspaper printed in the town, of the time and place (the same having been appointed by the common council) when and where the board of assessments will meet to assess damages and benefits as aforesaid, or the expense of making any such improvement as aforesaid, as the case may be; and that the nature and object of such improvement shall be briefly stated in such notice, so as sufficiently to identify the same.

Duties and
powers of the
board.

Interested
parties to be
heard.

Assess dam-
ages.

16. *And be it enacted*, That the members of the said board of assessments shall attend at the time and place appointed as aforesaid; that three of their number shall be a quorum for the transaction of business, and shall be sufficient to make any assessment, but that one member shall have power to adjourn any meeting; that the board may adjourn from time to time, that it shall be their duty to give all parties interested in or affected by the improvement, ample opportunity to be heard upon the subject of the assessment; that they shall not only view the premises, but shall have power to examine witnesses under oath or affirmation, which may be administered by any one of their number; and that they shall assess the said damages, benefits or expense, as the case may be, separately, and with due regard to the rights and interests of all persons concerned, as well as to the value

of the lands and real estate taken or damaged ; that they shall certify their said assessment to the common council, by a report in writing, and signed by at least three of their number ; that such report shall be accompanied by a map, Report and map to be made. showing not only the lands and real estate taken for or damaged by the said improvement, and for which they have so assessed damages, but also, any lands and real estate benefited by said improvement, or upon or by reason of which they have made any assessment for either the benefits or the expense of said improvement ; that such report and map may be considered by the common council, at any meeting of which at least two weeks' previous notice shall be given by the town clerk in and by an advertisement in a newspaper printed in the town ; that said notice shall briefly state the object of the meeting with reference to said assessment ; and that, at that or any subsequent meeting, the said common council, after considering the said report and map, shall and may adopt and ratify the said report, with or without alteration, Council may adopt. as to them may seem proper ; that it shall be lawful for the said common council to refer the matter to any committee of their own body for further examination, before taking final action upon it ; and that when the report shall be so adopted and ratified, whether with or without alteration, as may happen, the same shall be final and conclusive upon all parties, except only in relation to an assessment for lands, taken or damaged, as is hereinafter provided ; and that such compensation shall be paid to the commissioners of Compensation to commissioners. assessments for any services so rendered by them, as shall in each case be determined by a resolution of the common council.

17. *And be it enacted*, That the common council, in considering the said report and map, shall have the power, in their discretion, to assess any part (not exceeding the one-fourth part) of the said benefits or expense attending or occasioned by the said improvement, upon the town at large, and the remainder thereof upon the owner or owners of the said lands and real estate benefited by or upon the line of said improvement as aforesaid. One-fourth of benefits or expense may be assessed upon town at large.

18. *And be it enacted*, That no notice to the owner or Notices to owners. owners of lands and real estate to be taken for, or to be damaged or benefited by said improvement, or to be assessed for such benefits, or for the expense of making said improvement, shall be required other than the several notices

mentioned in the twelfth, fifteenth and sixteenth sections of this act.

Appeals from
assessment.

19. *And be it enacted*, That any person or persons feeling himself, herself or themselves to be aggrieved by any such assessment of damages for any lands and real estate taken for or damaged by any such improvements, may appeal to the supreme court of this state, at any time within sixty days after the final adoption of said report by the common council; and that the said supreme court shall thereupon order a trial by jury to assess such damages anew; and that the said trial shall be conducted as in other cases of trial by jury; *provided*, that the completion of said improvement shall not be delayed thereby, and that the common council may proceed therewith as though said appeal had not been taken.

Proviso.

Treasurer to
pay or tender
amount of
damages as-
sessed.

20. *And be it enacted*, That before any such improvement shall be carried into effect, it shall be the duty of the treasurer, under the direction of the common council, to pay or tender unto the owner or owners of lands and real estate taken therefor or damaged thereby, as aforesaid, the amount or amounts of damages so assessed to him, her or them, respectively; *provided*, that if such owner do not reside in said town, or upon due inquiry cannot be found therein by the said treasurer, or is a lunatic or idiot, or is under age or otherwise legally incapacitated to receive such damages and sign a proper receipt therefor, when tendered, then the said treasurer shall make an affidavit of the fact, and shall file the same with the town clerk; and the common council shall, after inquiry, direct the amount or amounts of said damages to be placed on special deposit, in some suitable depository, for the use of the person or persons to whom the same may be due; and the same shall be paid to him, her, or them when duly authorized to receive the same, without interest, except from and after the time when demand may be made for the same and refused; *and provided also*, that no tender shall be necessary in any case where the benefits which may be assessed against the said owner or owners are equal to or exceed the amount of damages assessed in his, her or their favor.

Proviso.

Proviso.

Report to be
filed with
clerk.

21. *And be it enacted*, That after said report of the board of assessments shall have been adopted and ratified by the common council, whether with or without alteration as aforesaid, and shall have been duly recorded at full length in the record of their proceedings, it shall, together with the last

mentioned map, be delivered to the town clerk, for preservation in his office; and that said town clerk shall immediately thereafter prepare an abstract of said report, including therein a brief description of the several parcels of said lands and real estate, with the improvements and owners' names (when known), the several amounts so assessed against them, and a brief description of the several parcels of said lands and real estate, specifying the locality thereof, with reference to streets, numbers and cross streets, as far as the same can be conveniently stated; that the said town clerk shall enter the said abstract in a book to be kept in his office for that purpose, and which shall be called the book of assessments for improvements; and that he shall then give notice for four weeks in some newspaper printed in the town, that said report and map have been so delivered to him, and requiring the owners of lands and real estate affected thereby to pay the amounts of the several sums assessed against them to the treasurer, at his office, within sixty days from the time of the first publication of said notice.

Abstract to be prepared.

Notice to owners to pay.

22. *And be it enacted*, That whensoever the owners of any contiguous lands in said town, or a majority of them, shall petition the common council to cause such lands to be drained by drains or open ditches, having given at least two weeks' previous notice of such petition by an advertisement in a newspaper printed in said town, stating the precise course of such drains or ditches, with the beginning and ending points thereof, and the names of the owners of the lands through which such drains or ditches will pass, the said council are hereby authorized and empowered, by ordinance, to cause the said lands to be drained as aforesaid, by and under the direction of any person or persons named in said ordinance, and to appoint three disinterested freeholders from the town, and who are also to be named in such ordinance, to act as commissioners in ascertaining the cost of such drainage, after the same shall have been completed, and in assessing the said cost, as well as any damages, which in their opinion, any land owner may have sustained by reason of said drains or ditches being made through his lands, fairly and equitably, upon the owner or owners of any lands which, in their opinion, may have been benefited thereby; and that the report of said commissioners, or any two of them, under their hands, shall be deposited with the town clerk, and be laid by him before the common council, and that the same may be adopted and ratified by

Proceedings in case owners petition to make drains and open ditches.

said common council, either with or without alteration, as to them may seem proper; and that then, and after being duly recorded at full length in the record of their proceedings, it shall be delivered to the town clerk for preservation in his office; and that said town clerk shall prepare an abstract of the assessment, and enter the same in a book to be kept for that purpose, and shall give notice thereof and of the time for paying such assessment, and the treasurer shall proceed to collect the same in the same manner as he is required to do in the case of an assessment for the laying out and opening of a street or highway.

Assessments
to draw in-
terest.

23. *And be it enacted*, That if any assessment to be paid by virtue of this act, shall not be paid to said treasurer within sixty days after the first publication of the notice mentioned in the twenty-first section of said act, the said assessment shall draw interest thereupon, from and after that time, until paid, at the rate of two per centum per month.

Streets open-
ed by owners
for public use,
to be ordained
by ordinance.

24. *And be it enacted*, That it shall be lawful for the common council, whenever they shall deem it expedient, to ordain by ordinance as aforesaid, that any street or highway which may have been or may be opened by the owner or owners of any land over which the same passes, and which has been dedicated to public use by permitting the public to use the same for any length of time, and by selling lots fronting thereon, shall be deemed and taken to be a public street or highway; and that the same shall thereafter be made, maintained and treated as such in all respects.

To lay out,
open, &c.,
streets and
roads.

25. *And be it enacted*, That hereafter no street or highway, to be laid out and opened in said town, shall be deemed and taken to be a public street or highway, unless laid out and opened under and by an ordinance of the common council; and that it shall be lawful for the common council to lay out any street or highway exceeding fifty feet in width; *provided*, all the lands embraced therein shall be given to the town for that purpose by the owner or owners thereof.

Proviso.

Commission-
ers to ascer-
tain width of
streets, &c.

26. *And be it enacted*, That it shall be lawful for the common council, from time to time, to appoint by ordinance, three freeholders from the town, to act as commissioners in ascertaining and determining the precise lines, courses and width of any street or streets in said town, whether legally laid out and opened or not, but which may have been used by the public for twenty years or more, as the said street or streets is, are, or shall be so used at the time of the passage

of such ordinance; which commissioners, or any two of them, shall, with all convenient speed, return to the said common council a report in writing, accompanied by a map, showing such lines, courses and width of said street or streets; and such report and map, when approved by said common council, shall be filed in the office of the town clerk, as well as recorded in the record of the proceedings of said common council, and shall thereafter be taken to be full and conclusive evidence of the existence of such street or streets as a public highway or highways, and that the same shall thereafter be treated and maintained as such, in all respects.

27. *And be it enacted*, That the common council shall and may, from time to time, appoint and remove five commissioners of assessments, who shall constitute and be known by the name of "The Board of Assessments;" that it shall be the duty of the said board to assess damages in favor of any owner or owners of lands or real estate that may be taken for or be damaged by any such improvement as the laying out and opening of any street, highway or alley, or the constructing of any sewer or drain, or the vacating, straightening, altering or widening of any street, highway or alley, or any part or parts thereof; or the altering the grade of any street or highway, or any part or parts thereof, as the case may be, and to assess such damages fairly and equitably upon the owner or owners of any land and real estate on the line of said street, highway or alley which, in the opinion of said commissioners, will be benefited by such improvement; also, to assess the expense of any such improvement as the laying out and opening of any street highway or alley, or the constructing of any sewer or drain, or the vacating, straightening, altering or widening of any street, highway or alley or any part or parts thereof, or the altering of the grade of any street or highway, or any part or parts thereof, or the grading, graveling, paving, or macadamizing or otherwise improving of any street, highway or alley, or any part or parts thereof, or the widening, straightening, leveling, grading, flagging or reflagging, curbing or recurbing, paving or repaving of any sidewalk and gutter in any street, highway or alley, or any part or parts thereof, as the case may be, fairly and equitably upon the owner or owners of any lands and real estate on the line of the said sewer or drain, or of said street, highway or alley, or said part or parts thereof; also, to assess the expense of any such improvement fairly

Appointment
and duties of
board of as-
sessments.

and equitably upon the owner or owners of said ground, whether improved or unimproved; *provided*, that any number of said commissioners, not less than three, shall have power to make such assessment; *and provided further*, that no commissioner shall act in any case where he is personally interested in the assessment which is to be made.

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

29. *And be it enacted*, That when the common council shall order and direct the treasurer to collect any assessment or assessments upon any lands and real estate remaining unpaid, the treasurer shall prepare a transcript of such assessment, including in such transcript a brief description of the improvement or work for which such assessment or assessments was or were made, the names of the owners, if any be given, of such lands and real estate, the description thereof, specifying the street, highway or alley, on which said lands or real estate fronts, on which side thereof, and near or between what streets it may lie, and the amount of the assessments thereon respectively, and enter the same in a book to be kept for that purpose; and immediately after completing such transcript, he shall cause a notice to be published in a newspaper printed in said town, stating that the said transcript of unpaid assessments has been made, and that unless said assessments shall be paid to the treasurer within twenty days after the first publication of said notice, he, the said treasurer, will proceed to collect the same by public sale, according to law.

30. *And be it enacted*, That after the expiration of the said twenty days, it shall be the duty of the said treasurer to collect the assessments in any such transcript then remaining unpaid, by public sale at auction of the lands and real estate whenever said assessments have been imposed or may be a lien; and public notice of the time and place of the sale of any lands and real estate, under the provisions of this act, shall be given by advertisement, signed by the treasurer, and published in a newspaper printed in said town, for the space of six weeks, at least once in each week before the time appointed for such sale.

Assessments,
how collected,

31. *And be it enacted*, That if any such assessment remain unpaid on the day specified in such notice, the treasurer shall proceed to sell by public auction, at the time and place appointed therein, the lands and real estate on which such assessment shall have been imposed, or may be a lien, for the lowest term of years, but in no case exceeding twenty years, for which any person will take the same and pay the amount of such assessment, with the interest, and all costs, fees, charges and expenses; such payment shall be made the conclusion of the sale; and if not so made, the treasurer may resell the property, or the town may have its action against the purchaser for the payment of interest, at the rate of fifteen per centum per annum.

Lands to be
sold for non-
payment, &c.

32. *And be it enacted*, That the owner, mortgagee, occupant, or any person or persons having a legal or equitable interest in any lands or real estate sold as aforesaid, for any assessment under the provisions of this act, may redeem the same at any time within three years from the time of such sale, by paying to the treasurer, for the use of the purchaser, his heirs and assigns, the said purchase money; upon the receipt of such money by the treasurer, he shall cause the same to be refunded to the purchaser, his heirs or assigns; and all proceedings in relation to said sale shall cease and determine.

Owner, mort-
gagee, &c.
may redeem.

33. *And be it enacted*, That whenever any street, or part of any street, in the said town, occupied or used by the track of any railroad company, shall require it to be altered or widened for the convenience of public travel, and proceedings for the altering or widening the same shall have been taken under the provisions of this act, it shall be lawful for the commissioners appointed by the common council, and whose duty it may be to make a just and equitable assessment of the

Altering or
widening any
street used by
railroad, ex-
pense to be as-
sessed on com-
pany.

Assessments
to remain a
lien.

whole amount of the cost, damages and expenses of such altering or widening, among the owners of all the lands and real estate to be benefited thereby, to assess such portion of said costs, damages and expenses upon the corporation or company owning or using said railroad track, as shall to them seem equitable and just; and such assessment shall be a lien upon any property of said corporation or company, in the town of Boonton, and may also be enforced in the same manner as the assessments upon such owners of lands and real estate intended to be benefited thereby.

Licensing of
inns and tav-
erns and beer
saloons.

34. *And be it enacted*, That every application for license to keep an inn or tavern, or to sell ale, beer, porter, cider or wine, or other spirituous, vinous or malt liquors, shall be made to the common council, by the petition of the person or persons applying for such license, stating the place or premises where to be sold; and that the petition shall be signed by at least six respectable citizens and freeholders of the town, who have not signed any other petition for such license in said town; and that if any person or persons shall hereafter obtain a license to keep an inn or tavern within the limits of the town, the fee to be paid for such license shall be fifty dollars, and they shall be subject to the provisions of an act entitled "An Act concerning inns and taverns;" that no person without a license first had and obtained for such purpose shall be allowed to sell ale, beer, porter, cider or wine, or other spirituous, vinous or malt liquors, within the limits of said town of Boonton, and that the fee for such license shall be not less than twenty, nor more than fifty dollars, as the common council may direct; and such license shall be subject to such terms and conditions as said common council may deem proper, and shall not be delivered until the license fee therefor shall be paid to the town clerk; and for every violation of this section each person guilty of such violation shall forfeit twenty-five dollars, which may be sued for and recovered, with costs, in an action of debt, before any police justice or justice of the peace residing in said town or township of Boonton, and it shall be the duty of the clerk of said town to prosecute for the same in the name of "The Mayor and Common Council of the Town of Boonton."

Fees.

Penalty for
violation of
this section.

Licensing of
billiard or
bowling sa-
loons.

35. *And be it enacted*, That if any person or persons shall hereafter keep a public billiard or bowling saloon in the said town shall pay a license fee of not less than ten nor

more than fifty dollars, to be paid and collected in the same manner as provided in section thirty-four of this act.

36. *And be it enacted*, That all parts of the act to which ^{Repealer.} this is a supplement inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall be deemed a public act, and shall take effect immediately.

Approved March 26, 1872.

CHAPTER CCCXLV.

An Act to remove doubts as to the validity of a deed executed by Robert Hayes, assignee.

WHEREAS, the Paterson Steam Fire Engine and Machine ^{Preamble.} Company, on August nineteenth, anno domini eighteen hundred and seventy, made an assignment to Robert Hayes for the benefit of their creditors, at which time the legal title to certain lands in which said company claimed an equitable interest, was vested in Richard Harrell, John A. Nichols and David Stoddard, who, together with their respective wives, by deed dated November thirteenth, anno domini eighteen hundred and seventy, and recorded in Passaic county clerk's office on December fifth, anno domini eighteen hundred and seventy, in book A four, page eighty-four, conveyed the same to said Robert Hayes, assignee as aforesaid, who, by deed dated December first, anno domini eighteen hundred and seventy, and recorded December tenth, anno domini eighteen hundred and seventy, in Passaic county clerk's office, in book A four, page one hundred and fifty-eight, conveyed the same to the Watson Manufacturing Company, to whom he had sold the same at private sale, and who have paid the consideration therefor, and entered upon and built upon the premises so conveyed, and it is desired that all doubts respecting the validity of said assignment and conveyances should be removed; therefore,

Assignment
and deed de-
clared valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said assignment and said deeds of conveyance are hereby declared valid, and shall be deemed and taken in all courts to be operative according to the terms thereof, to convey unto the respective grantees mentioned in them, respectively, for the uses and purposes therein mentioned, all the estate, title and interest the grantors mentioned in the said several deeds had in the lands therein described at the dates of the said respective deeds, and to vest in the said "The Watson Manufacturing Company," their successors and assigns, the legal title of the said several grantors, according to the form and language of the said deeds.

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

Approved March 26, 1872.

CHAPTER CCCXLVI.

An Act to authorize the Freeholders of Atlantic county to build a bridge over Oyster Creek.

Freeholders
empowered to
construct
bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the county of Atlantic are hereby empowered to construct a bridge across Oyster creek, where the new road from Leeds Point to Great Bay crosses the same.

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

Approved March 26, 1872.

CHAPTER CCCXLVII.

An Act for the relief of John Helderbrant and Samuel Dunn, of the county of Hunterdon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, and ^{Pension.} he is hereby authorized and required to pay to John Helderbrant and Samuel Dunn, of the county of Hunterdon, or to each of them, soldiers in the war of eighteen hundred and twelve, or to their orders, the sum of one hundred dollars per annum, during the term of their natural lives, in equal quarterly payments of twenty-five dollars each; the first payment to be made on the first day of May, eighteen hundred and seventy-two.

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

Approved March 26, 1872.

CHAPTER CCCXLVIII.

A Supplement to the act entitled "An Act to reorganize the local government of Jersey City," passed March thirty-first, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Chicago relief bonds heretofore issued by the officers of Jersey City, to the amount of twenty five thousand dollars, donated to the city of Chicago, be and the same are hereby legalized and made to all intents and purposes as binding upon and valid against the mayor and aldermen of Jersey City, as if the same had been issued ^{Bonds issued for relief of Chicago legalized.}

under authority granted by and in accordance with the act to which this is a supplement.

Action of
board of alder-
men and
finance con-
firmed.

2. *And be it enacted*, That the action of the board of aldermen and the board of finance and taxation, in reference to the expenditures and expenses incurred for the celebration of the ninety-fifth anniversary of our national independence, be and the same is hereby ratified and confirmed in all things; and the mayor of said city is hereby directed to sign the warrant for the payment of said claims as they were directed to be paid by the board of finance and taxation on the twenty-eighth day of July, anno domini one thousand eight hundred and seventy-one.

Repealer.

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

Approved March 26, 1872.

CHAPTER CCCXLIX.

A Supplement to the act entitled "An Act to revise and amend the charter of the town of Lambertville."

Corporate
title.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town of Lambertville shall be hereafter known and designated as "The City of Lambertville."

First ward.

2. *And be it enacted*, That the said city of Lambertville shall be and hereby is divided into three wards; the first ward shall consist of all that part of the city of Lambertville lying south of a line through the middle of Coryell street, and west of a line through the middle of Main street or river road; the second ward shall consist of all that part of the said city lying north of a line through the middle of Coryell street, and west of a line through the middle of Main street or river road; the third ward shall consist of all that part of the said city lying east of a line passing through the middle of Main street or river road.

Second ward.

Third ward.

3. *And be it enacted*, That the common council of said city shall consist of three members in and for each of the said wards of said city; and that the board of trustees of public schools of said city shall consist of nine trustees, three of whom shall be elected in and from each ward; *provided*, that the trustees heretofore elected and living in either ward shall hold their respective offices in such ward for the unexpired term for which they may have been respectively elected; and that after the first election of trustees under this act, the said newly elected trustees in each ward shall determine by lot, who shall hold office for one, two or three years respectively; so that the term of one trustee in each ward shall expire annually thereafter; and in each succeeding city election there shall be elected one trustee in each ward, unless there should be vacancies arising otherwise than from the expiration of their term, when such vacancies can also be filled for any unexpired term; *and further provided*, that after the first election of members of the common council under this act, the said newly elected members in each ward shall determine by lot who shall hold office for one, two, or three years, respectively; so that the term of one member of the common council in each ward shall expire annually thereafter; and in each succeeding city election there shall be elected one member of common council in each ward, unless there should be vacancies arising from other causes than from the expiration of their term; when such vacancies can be filled for any unexpired term.

Common council and school trustees, number and term of office.

Proviso.

Proviso.

4. *And be it enacted*, That an election by ballot shall be held annually on the second Monday in April, in each of the wards of the said city, between the hours now designated by law for holding the town elections of said town, at such places as the common council shall appoint; of which places and the officers to be voted for, the city clerk shall give such notice as heretofore required by law, at which election there shall be elected in and for said city, one mayor, one superintendent of public schools, one city clerk, one constable, one overseer of the poor, and two surveyors of highways, who shall hold their offices respectively for the term of one year; and in and for each of the wards of said city, three members of the common council, one assessor, one chosen freeholder, one judge of elections, two inspectors of elections, and one ward clerk, who shall hold their offices respectively for the term of one year, and such number of members of common

Annual election.

City and ward officers.

- council and trustees of public schools, and for such term as hereinbefore expressed; *provided*, that in the election of said inspectors of election, no ballot shall contain the name of more than one person to be voted for as an inspector of election; and in case any ballot voted shall contain the names of more than one person voted for said office, such names shall be rejected; and there shall also be elected in each ward such number of justices of the peace as each ward may be entitled to under the laws of this state; *provided*, that the justices of the peace heretofore elected shall hold their respective offices until the end of the term for which they may have been elected; and that each ward shall be entitled to at least two justices of the peace.
- Proviso.**
- Proviso.**
- Election officers.** 5. *And be it enacted*, That at the first election held after the passage of this act, the present judge and inspectors of election shall be the judge and inspectors of election for the third ward; and the legal voters of the first and second wards present at the hour of the opening of the polls, shall elect by *viva voce* a judge and inspectors of election for said wards respectively; and each election board shall have the power to appoint the ward clerk for such election; and no person shall be eligible to any office in and for any ward unless he shall then be an elector and resident of such ward; and when any officer elected at any such election shall cease to reside in such ward, his office shall thereby become vacant, and if at the time of opening the polls at any election, there should be a vacancy in the board of election, the legal voters present may immediately fill such vacancy by a *viva voce* vote; and all the officers of each election board shall take the oath of office provided by law.
- Vacancies, how filled.**
- Certificate of election to be made.** 6. *And be it enacted*, That immediately after closing the polls at every city election the board of election in each ward shall count the votes cast for the several candidates, and make a certificate thereof under their hands; and on the second day after such election, the judge of election in each ward shall deliver the same to the city clerk; the said judges shall constitute a board of canvassers of said election, and shall meet at the city clerk's office at two o'clock in the afternoon of said day, and shall proceed to make a statement of the result of said election as shown by said certificates, which shall be signed by said board or such of them as may be present and attested by the city clerk, who shall be the clerk of said board, and the person having the greatest number of
- Board of canvassers.**

votes shall be declared elected to the office for which they shall have been voted for respectively; and the city clerk shall file the original certificates from the wards in his office, and the said clerk shall immediately send a notice of such election to each of the persons so elected.

7. *And be it enacted*, That all elections hereafter to be held in said city for any officer or member of the state or general government shall be held in the several wards of the said city at the places therein appointed by the common council for holding the city elections at the time designated by law, and the judges and inspectors of the several wards shall preside and conduct all such elections, and the clerks of said wards, shall be clerks of such elections in their respective wards; every person in said city entitled to vote at such election, shall vote in the ward wherein he actually resides at the time of such election and not elsewhere; and such election shall be conducted according to the laws of the state regulating elections; and that the said judges and inspectors of elections and ward clerks shall take the same oaths and conduct such elections and make returns thereof, except as hereinbefore provided in reference to the annual city election in the same manner as township officers of election are or may be required by law to do; and shall be invested with the same power and authority, entitled to the same compensation, and perform the same duties, and be subject to the same penalties as the like officers of the townships of this state are or may be by law vested with, allowed or subject to; and any vacancies in the said boards, or either of them to be supplied in the same manner as provided by law for the townships of this state.

8. *And be it enacted*, That the common council, by a majority of the whole number of members, shall have power to appoint annually a city treasurer, and fix his compensation.

9. *And be it enacted*, That the office of collector of taxes is hereby abolished, and instead thereof, the common council shall appoint annually (and oftener if necessary to fill a vacancy) a receiver of taxes, who shall have all the powers and perform all the duties of collector of taxes, and shall execute the tax warrants against delinquent taxpayers, the same as is now provided by law for the collector of taxes, and that separate duplicates shall be returned to him from each ward.

10. *And be it enacted*, That the common council elected

Elections,
where held
and how con-
ducted.

Receiver of
taxes, and du-
ties.

President.

Mayor to ap-
prove ordi-
nances.

under this act, and each succeeding common council shall elect one of their number president, who shall be the presiding officer of the common council, and shall sign all orders and all ordinances passed by the said common council, and all such ordinances shall be given to the mayor for his approval, and if the mayor disapprove of any such ordinance, he shall return the same to the common council with his objections, within five days after receiving the same, otherwise the same shall become a law of the common council; and if after the same shall have been returned to the common council with the objections of the mayor, the same shall nevertheless become a law if again passed by a majority of the whole number of common councilmen voting therefor.

Repeater.

11. *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.

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

Approved March 26, 1872.

CHAPTER CCCL.

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

Costs and ex-
penses for
constructing
brick sewers
to be assessed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the common council of the city of Newark shall have ascertained the amount of the costs and expenses for the construction of any brick sewer, of an interior diameter not exceeding the equivalent of a circle of thirty-six (36) inches, or of any stoneware pipe sewer, together with the necessary appurtenances, they shall cause a just and equitable assessment for the same to be made by their city surveyor, as hereinafter prescribed, and it shall be so specified in the ordinance.

2. *And be it enacted*, That the cost of the receiving basins

and manholes, with any other portion of the cost of any such sewer as the common council may direct or sanction, shall be assessed upon and be paid by the city of Newark; the residue of the costs and expenses of any such sewer shall be assessed upon the owners of the lands and real estate on the street or section of a street in front of which such sewer shall have been constructed; *provided*, that any corner lot, having its longer side not exceeding one hundred (100) feet on the line of the sewer, as shown by the property maps in the office of the tax commissioners, shall only be assessed on twenty-five (25) lineal feet, with such additional sum as may be deemed just, by reason of more easy access to the sewer from the side of such lot; *provided also*, that if such sewer be built aside from the centre line of the street, there shall be made a difference in the assessment upon the two sides of the street equal to the estimated difference in the cost of tapping the sewer.

Cost of receiving basins, &c., to be paid by city of Newark, residue to be assessed on owners.

Proviso.

Proviso.

3. *And be it enacted*, That the city surveyor shall make an assessment roll, with a map, showing the property assessed, and shall submit the same, certified, to the committee on sewers and drainage of the common council, and if approved by them, or a majority of them, they shall sign and report the same to the common council; and when such assessment shall have been ratified, it shall be collected in the usual manner.

Surveyor to make assessment roll and map, &c.

4. *And be it enacted*, That it shall be lawful for the said common council to order an assessment, as above prescribed, for any sewer of the kind specified, which they may not already have ordered an assessment for, although the ordinance may have otherwise specified.

Council may order an assessment.

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

Repealer.

Approved March 26, 1872.

CHAPTER CCCLI.

A Supplement to the act entitled "An Act to create a new township in the county of Union, to be called the township of Cranford," approved March fourteenth, eighteen hundred and seventy-one.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all acts and parts of acts of the legislature of this state, authorizing and empowering surveyors of the highways in the county of Union to lay out, vacate, widen or alter highways in the township of Cranford, in said county of Union, and all other acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

2. *And be it enacted*, That a board of commissioners of highways in the said township of Cranford is hereby created to consist of five persons, freeholders and residents in said township, for the purpose of laying out, vacating and altering public roads in the said township of Cranford, and of removing and causing to be removed from public roads in said township, all buildings, obstructions and encroachments thereupon, and no person shall be eligible to, or hold said office of commissioner while he holds any other township office.

3. *And be it enacted*, That the first board of commissioners of highways shall be elected by the legal voters in said township at the next annual town meeting in the said township, in the same manner in which the other officers of said township are elected; four of the said commissioners shall be elected from four of the road districts in said township, and one of the said commissioners shall be elected from the township at large, from any road district therein, as president of said board; and the said commissioners shall be elected and hold their office for the term of two years; and five commissioners of said board shall be elected in the same manner at the annual town meeting in said township every second year thereafter, and when a vacancy occurs by reason of the death of a commissioner, or his becoming a non-resident of said township,

the town committee are hereby authorized to fill the vacancy by the appointment of a commissioner from the road district in which the vacancy occurs, who shall hold said office until another is elected in his place at the next succeeding annual town meeting to fill such vacancy.

4. *And be it enacted*, That each of the said commissioners shall, within ten days after his election, and before entering upon the duties of his office, subscribe and file in the office of the clerk of the county of Union, an oath or affirmation to act faithfully and impartially in the performance of his duties as such commissioner to the best of his ability and understanding; and the acts of a majority of said commissioners shall be deemed and taken to be the acts of the said board; and the said board of commissioners shall be provided by the town committee of said township, at the township expense, with a suitable book, in which shall, from time to time, be recorded by said board, minutes of their proceedings, and the names of the members present at each meeting, and a majority of the members of the board shall be a quorum for the transaction of business, and each member of the board shall receive three dollars for each day's service during the sitting of the board, to be paid by the township committee of said township, upon a certificate of the correctness thereof, signed by the president and two other members of the board.

Commissioners to take oath.

Compensation

5. *And be it enacted*, That the said board are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, locate, alter, widen, straighten and vacate all such public roads in said township of Cranford, as to them shall seem necessary and proper for the convenience of public travel, which roads shall be of such width, not exceeding eighty feet, as to them shall seem best; and they are also invested with full power and authority to remove and cause to be removed all buildings and other structures and obstructions now and hereafter being in and upon any public road in said township, and to remove all encroachments thereupon, wherever they exist.

Authorized to survey, lay out, locate, alter, &c public roads.

Remove buildings.

6. *And be it enacted*, That the said commissioners and their agents and persons in their employ shall have full power at all times to enter in and upon all lands and premises for any of the purposes authorized or contemplated by this act; and that any lands and real estate deemed necessary by the said board of commissioners, for the laying out, locating, altering,

May enter on lands.

May take
lands.

widening, or straightening of any such road, and any buildings or other structures necessary to be removed as obstructions upon any public road may be taken therefor, and compensation therefor as damages to the owner thereof shall be allowed and benefits assessed by the said board to and against the persons respectively who, in the opinion of said commissioners are benefited thereby, and against the township of Cranford, for such portion thereof as said board shall deem right and proper.

Proceedings
when free-
holders make
application for
laying out or
altering road.

7. *And be it enacted*, That when twelve or more persons, being freeholders and residents in said township of Cranford, shall think a public road necessary, or any public road which hath been or shall be laid out unnecessary, or any alteration in such road necessary, in any part of said township, it shall be lawful for the said persons to make application, in writing, to the said board of commissioners of highways of the township of Cranford, by serving the same upon all the members of said board, at least six days before the time of their meeting to consider the intended application, and to give previous notice for at least ten days of such intended application, and of the day and place in said township when and where such application is intended to be made, by advertisements under their hands, and set up at five of the most public places in the said township; and it shall be the duty of the said commissioners to attend at the time and place specified in said written application, and to hear and consider the said application, on due proof being first made to them that the said advertisements have been set up according to law, and that a copy of such written application has been served upon the commissioners as aforesaid on which the judgment of the said commissioners shall be final and conclusive; and the said commissioners shall view the premises, and may, if they think it necessary, lay out, vacate, alter, widen or straighten the said public road and lay the same as may appear to them to be most for the public convenience, and shall cause the road so laid out or altered to be marked at proper distances in the line of the same, and make return thereof with a map or draught of the same, with the courses and distances and reference to the most remarkable places, and the buildings and improvements through which it may pass, with the time when the overseers of the highways shall open the same for public use, which return the said commissioners, or a majority of them, shall date, sign and deliver,

Map to be
made.

or transmit to the clerk of the court of common pleas of the county of Union, who is hereby required to record the said return, together with the said map or draught in the book kept for recording returns of public roads in said county; and every road so laid out, or altered, and recorded as aforesaid, shall be a lawful public highway from the time appointed as aforesaid for the opening of the same; and if any road be vacated by said commissioners, their return thereof shall be made, signed, dated, delivered or transmitted and recorded as aforesaid; and the clerk of said county shall be allowed one dollar for filing and recording such return, and one dollar for a copy of the same, when required of him, and the said return and map shall be delivered or transmitted to said clerk within fifteen days after the date thereof; and that in every case of neglect or refusal to deliver or transmit the same to the said clerk within the time aforesaid, the said return shall be void; and the said commissioners shall, in the performance of their said duties have power to adjourn from time to time; *provided, however*, that their said return shall be made out, dated, and signed within thirty days after the time of the meeting of the commissioners specified in the said written application.

Road laid out
to be a public
highway.

Return and
map filed
with clerk.

Proviso.

8. *And be it enacted*, That whenever any public road or highway shall be laid out or altered by the said commissioners or a majority of them, the said commissioners or a majority of them shall immediately after laying out or altering the same, make an assessment of the damages the owners and lessees of any land, buildings, improvements, or real estate which may be taken or removed for that purpose will sustain by the laying out or altering said public road or highway, or by removing said buildings and improvements therefrom, and when any such damages shall be so assessed, the said commissioners or a majority of them, shall at the same time and without additional compensation, assess the said damages as equitably as may be, upon the owner or owners of any land or real estate in the said township, which in their opinion will be benefited thereby, as nearly as may be in proportion to the benefits which the said land or real estate of each of the said owners shall be deemed by them to have derived from the laying out or altering of the said road, and opening the same to public use, or by removing buildings from a road, and when the said commissioners or a majority of them, are of opinion that the laying out or altering any such road, and

Commission-
ers to make
assessment of
damages, &c.

General benefits to be assessed upon township.

opening the same to public use, or the removal of buildings from a public road is a general benefit to the inhabitants of the said township at large the said commissioners or a majority of them, shall have power to assess upon the said township in its corporate capacity, such part or portion of the damages awarded by them, as they shall deem equitable and just, the remaining part of said damages to be assessed as hereinbefore provided; and in that case the inhabitants of the said township shall be bound to pay the amount so assessed against the township at the same time with the land owners who may also have been assessed therefor, and the inhabitants of said township are hereby authorized and required at their annual town meetings to raise by tax all moneys so assessed upon said township.

Copy of return and assessment to be served on clerk.

Record to be kept.

Notice to owners.

Damages, how assessed and collected.

9. *And be it enacted*, That a copy of the said return and assessment of said commissioners, certified by the clerk of the said county, shall within fifteen days after the same has been filed in his office, be served upon the township clerk of said township, to be kept by him with the other papers of his office, and an entry of the amount of the damages and benefits contained in the said return, with the names of the persons to and against whom the same are made, shall be made by the said township clerk in the book of record of the minutes and proceedings of the town meetings of said township; and the said township clerk shall within fifteen days after the receipt by him of said certified copy of said return and assessment of said commissioners, give notice in writing to each of the said owners of land or real estate upon whom any sum shall have been assessed for benefits or damages, as aforesaid, stating the amount so assessed, and if any of said owners do not reside in said township, the said clerk shall mail such notice to him or her, if he is informed of his or her place of residence, and shall also give the like notice to the township committee, when an assessment has been made against the township.

10. *And be it enacted*, That the township committee of said township shall thereupon cause the amount of said damages to be assessed against and collected from the person or persons, and from the inhabitants of said township, upon whom the same have been assessed, at the same time and in the same manner as the ordinary township taxes are now collected, and shall pay the same when collected to the person or persons to whom said damages have been awarded, or who are

entitled to receive them; and the assessor of said township shall enter such assessments in his duplicates of assessment, and the same shall also appear as a special assessment on the bill of annual taxes made out by the township collector, and the payment of said assessments as a special tax shall be collected and enforced by the same persons and in the same manner and under the same penalties of non-payment or delinquency as the ordinary taxes in said township are collected.

11. *And be it enacted*, That when the said commissioners or a majority of them, shall determine that any building or other structure on any road heretofore used as a public road or highway, or in any road hereafter laid out, shall be removed therefrom, it shall be lawful for said commissioners or a majority of them, to notify the owners and lessees thereof in writing that they are required to remove the same from said public road, and to meet the said commissioners at such time and place as is specified in said notice, to agree with the said commissioners upon the amount of damages, if any, which said owners and lessees shall be entitled to for removing said buildings and structures from the said public road, which notice shall be served upon the said owners and lessees at least five days before the time of the meeting of said commissioners specified in said notice; and if the said commissioners, or a majority of them, shall not be able to agree with said owners and lessees upon the amount of such damages, then the said commissioners shall proceed and award such damages therefor as they shall deem the said owners and lessees entitled to receive for removing the said buildings and structures; and shall also assess the said damages as equitably as may be, upon the owner or owners of any land or real estate in the neighborhood of said road in which said buildings and structures are located, which, in their opinion will be benefited thereby, as nearly as may be, in proportion to the benefits which the said lands and real estate of each of the said owners shall be deemed by them to have derived from the removal of said buildings and structures from the said road; and if the said commissioners at the time of making such assessment of damages, shall be of the opinion that the removal of such buildings and structures from the said road is a general benefit to the township at large, they shall have power to assess upon said township such part of the damages awarded by them as they deem

Owners to remove buildings from public roads laid out.

Owners to meet commissioners.

Commissioners to award and assess damages.

equitable and just, and the remaining part of said damages to be assessed as hereinbefore provided; and the said commissioners shall certify the same in writing signed by them, and shall cause the said certificate to be filed with the papers of said township, in the office of the township clerk, who shall record the same in the township book of records before mentioned, within five days after he receives the same; and the owners of said lands against whom such damages are so assessed, shall be liable to pay the same, and the township committee of said township shall cause the said damages to be assessed and collected in the same manner as damages are hereinbefore to be assessed and collected, in cases where land is taken by said commissioners in laying out a public road; and the said township clerk shall give to the owners of said lands so assessed, the like notice of the assessments against them which he is hereinbefore required to give in case of damages assessed for taking lands for laying out a road in said township; *provided also*, that no damage shall be awarded to any land owner for his or her land taken or buildings removed by virtue of this act, who shall have signed a petition or application to said commissioners to lay out said road or remove buildings and structures from a road.

Owners liable
for assess-
ment.

Proviso.

Commission-
ers to serve
notice on own-
ers to remove
buildings.

Buildings to
be sold if not
removed.

12. *And be it enacted*, That within fifteen days after the said commissioners shall have signed their return or certificate of assessment of damages and benefits for the removal of any building or structure from any public road, they shall cause to be served upon the owners and lessees of such buildings or structures, a notice in writing to remove the said buildings and structures from the said road within such time, not exceeding ninety days from the time of serving said notice, as the commissioners shall decide, and if the same are not removed within the said number of days, it shall be the duty of the said commissioners to advertise the said buildings and structures for sale at public auction on ten days' notice of such sale, by advertisements set up at five of the most public places in the township, and shall sell the same on such terms and conditions of sale and time of removal thereof from the road in which they stand, as the commissioners deem proper, and may adjourn the sale as they think proper, and if the purchasers thereof shall refuse or fail to remove the same within the time required by said terms and conditions, the said commissioners are hereby authorized and empowered to remove and dispose of the

same in any manner and at any time they deem proper, and the persons so refusing or failing to remove the said buildings and structures as before provided and required, shall be liable to pay the inhabitants of said township in their corporate capacity all the costs and expenses incurred by the said commissioners in removing and disposing of the same, and ten dollars per day for every day they shall refuse or fail to remove said buildings and structures, to be recovered in any court having jurisdiction of the amount, in an action of debt for so much money paid by the said inhabitants of said township to and for the use of the persons so refusing or failing to remove said buildings and structures with costs of suit.

13. *And be it enacted*, That when any road has heretofore been laid out or may hereafter be laid out by the land owners, and is properly graded and opened to public use, the said commissioners may accept the same as public roads, when the owners of the land in such roads shall dedicate the said lands to public use as public roads, in writing, in a manner satisfactory to said commissioners, and without compensation made to them for said lands and the buildings and structures in said roads; and said commissioners shall also remove from said roads all buildings and structures that may be therein; and when so accepted by the said commissioners, they shall sign and file a certificate of such acceptance in the office of the said township clerk, who shall immediately record the same at length in the said township book of records of the proceedings of the town meetings of said township; and when the said certificate is so recorded, the said road shall be a public road to all intents and purposes, as if the same had been laid out and opened as a public road in any manner authorized by law.

Commissioners to accept roads laid out or to be laid out by owners

14. *And be it enacted*, That if any owner or owners of any land or real estate shall be dissatisfied with any assessment before mentioned, whether for damages or benefits assessed to or against him, her or them, such owner or owners, at any time within thirty days after filing the return of the commissioners with the clerk of said county, in case such assessment appears in said return, and at any time within thirty days after filing the certificate of assessment of said commissioners with the township clerk in case such assessment appears in said certificate, may appeal therefrom by filing a written appeal with the clerk of said county, when the assessment appealed from is contained in the return of said com-

Proceedings in case owners appeal or are dissatisfied with assessment.

missioners filed in the office of said county clerk, and by filing a written appeal with the clerk of the township when the assessment appealed from is contained in the certificate of assessment of said commissioners filed in the township clerk's office, and the party so appealing is hereby authorized to choose three persons, freeholders and residents in said township, who shall not be within any degree of consanguinity with the party so appealing, and the members of the township committee of said township, or a majority of them, shall choose three other persons, freeholders and residents as aforesaid, and the six persons so mutually chosen or a majority of them, shall choose one other person, being a freeholder and resident of said township, and the whole number of persons so chosen shall constitute a board of appeal, and are hereby authorized and empowered to review the assessment so appealed from, and increase, lessen or confirm the same in whole or in part as to them shall seem fit and just; that before entering upon the performance of their duties, they shall severally take and subscribe an oath or affirmation before any person authorized by law to administer oaths and affirmations, to act fairly, justly and impartially in the matter entrusted to them, according to the best of their skill and understanding; and the party so appealing shall file with the township clerk, within five days after filing his said written appeal, his written certificate of the names of the persons so chosen by him, and the members of said township committee, or any three of them, shall within five days after they have received notice of the filing of the said certificate of choice by the party so appealing, file with the said township clerk their certificate of the names of the persons so chosen by them; and the persons so mutually chosen, or a majority of them, shall thereupon choose one person, a freeholder and resident in said township, and make a certificate in writing, signed by them of such choice, which certificate shall be filed with said township clerk, and the party so appealing shall cause at least six days' notice in writing of the time and place of the meeting of said board of appeal to be given to the members thereof; and the said board shall have power to adjourn from time to time, and to examine witnesses upon oath or affirmation, which oath or affirmation either of the members of said board is hereby authorized to administer, and their report, or a report of a majority of said board, under their hands and filed in the office of the clerk of

said township, shall be final and conclusive upon all parties ; the members of said board shall be paid for their services by ^{Compensation} the party appealing in all cases in which the award of damages by the commissioners is not increased or the assessments of benefits is not lessened by the said board of appeal, at the rate of two dollars to each for every day in which the said board is engaged in the performance of their duties ; and in all cases in which the award of damages by the said commissioners is increased or the assessments of benefits is lessened by the board of appeal, the said compensation to the board of appeal for their services shall be paid by the said township committee, and the increased amount of damages awarded to the party appealing, by the said board of appeal, together with the amount of compensation to be paid to the board of appeal for their services, shall be assessed by said board as equitably as may be upon the owner or owners of any land or real estate in said township, which, in their opinion will be benefited thereby, as nearly as may be in proportion to the benefits which the said land or real estate of each of said owners shall be deemed by them to have derived from the laying out or altering of the said road, or of removing therefrom the buildings and structures in said road, and the said board of appeal may also assess upon the said township in its corporate capacity such portion of said increased damages and expenses of the board, as in their opinion is justifiable by the common interest of the inhabitants of said township, in laying out and opening said road, or in removing from the road the buildings and structures therein ; and the increased damages and expenses of said board, when so assessed by said board, shall be assessed and collected in the same manner, and by the same township officers, as the assessments of the commissioners of highways hereinbefore mentioned are assessed and collected.

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

Approved March 26, 1872.

CHAPTER CCCLII.

An Act to regulate the sale of malt liquors, also wine and cider, in the village of Passaic, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person in the village of Passaic, county of Passaic, New Jersey, to sell any malt liquors, including ale and lager beer, also wine and cider, to be drank on the premises or in quantities less than one quart without first procuring a license.
2. *And be it enacted*, That at the annual election held first after the passage of this act three commissioners shall be chosen by ballot in the same manner as other elective officers of the village of Passaic, one of them to be selected and elected from each of the three election districts, whose business it shall be to hear applicants for license and grant so many as they may deem proper, such commissioners to be elected for one year, and a majority of them shall have power to grant or refuse license; the first meeting of such board of commissioners shall be in not less than one week after such election nor more than two weeks after public notice of such meeting shall be given by posting notices in at least four (4) conspicuous places in said village, and one of said notices to be posted at the council room of said village; in case of a vacancy in the board of commissioners then the council of said village shall appoint to fill such vacancy or vacancies; said commissioners shall meet at the council room at least once in each month or oftener, as they may deem proper, notice being given as above, at which time and place application may be made in writing for license; each person on receiving a license from said commissioners, shall pay the sum of ten dollars to them for said license, which shall allow them to sell ale, lager beer, wine and cider, as above stated for the term of one year, but not spirituous liquors; in case any person shall sell in the village of Passaic any of the above beverages in violation of this act, then such person so selling shall be subject to a fine of ten dollars for the first offence and twenty dollars for each subsequent offence, to be sued
- No person to sell liquors without license.
- Election of commissioners.
- Power to grant or refuse licenses.
- Notice of meeting to be given.
- Vacancies, how filled.
- License fee.
- Penalty for selling without license.

for and recovered in an action of debt before any justice of the peace in said village by any resident of said village, and in case of non-payment of said penalty such person so convicted shall at the discretion of the court be imprisoned till it is paid; the fines when recovered shall be paid over to the treasurer of the village, no person shall serve as commissioner who shall be interested in the sale of these beverages, and it is not the intention of this law to interfere with the granting of hotel license by the courts as heretofore granted by them; in case there shall be complaints against those who have received license as above stated, for keeping disorderly houses the commissioners shall then hear evidence and on proof sufficient to them they may revoke such license.

No person to serve who is interested.

Commissioners may hear complaints and revoke licenses.

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

Approved March 26, 1872.

CHAPTER CCCLIII.

A Supplement to "An Act for the preservation of sheep," 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 provisions of the supplement of the "Act for the preservation of sheep," which said supplement was approved March twenty-fourth, eighteen hundred and fifty-two, are hereby extended to the several townships and wards in the county of Warren.

Act extended.

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

Approved March 26, 1872.

CHAPTER CCCLIV.

An Act providing for the election of Judges of Election in the township of Ewing, in the county of Mercer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the ensuing township election in the township of Ewing, in the county of Mercer, and annually thereafter, three persons shall be elected as judges of election in said township, for the term of one year, and said judges so elected, shall possess the powers, be required to perform the duties, and be subject to the same liabilities as other judges of election, according to the general laws of the state of New Jersey as they now are or may hereafter be; and said judges so elected, shall act as judges of all elections to be hereafter held in said township, and shall receive the same compensation therefor as is now received by the persons now by law performing said services; no ballot for the election of judges of election in said township shall contain the names of more than two persons to be voted for as such judges, and in case more than two names therefor are voted for in the same ballot, the said ballot shall be null and void as to said names, and the three persons who shall receive the highest number of votes at such election shall be deemed and taken to be judges of election for said township; and in case two persons on the same ballot shall receive an equal number of votes, the one first named shall be deemed elected.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act shall be, and the same hereby are, as to said township, repealed.

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

Approved March 26, 1872.

CHAPTER CCCLV.

A Further Supplement to an act entitled "An Act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any two or more lots of land situate in said city of Hoboken, owned by two or more individuals, have been or hereafter may be, by mistake or otherwise, assessed for the costs and expense of any improvement or taxes as if such lots constituted one lot only, it shall be lawful for the mayor and council of the city of Hoboken, by resolution, to make a fair, just and equitable apportionment of said assessments or taxes among such several lots, which have been or may be assessed as one lot, and to declare how much of such assessments or taxes should have been assessed upon each of such lots respectively, and the sum which said mayor and council shall so declare should have been assessed upon each of said lots, shall be and remain a lien on such lots respectively, until the same is paid as fully as if no such error had been made in such original assessment; and thereupon any of such lots may be relieved from such lien, or in case the same have been sold for non-payment of said assessments or taxes, may be redeemed within the time allowed by law by payment of the sum so declared to be a lien thereon, together with the interest, costs and expenses, which may have accrued thereon; *provided*, that the right of the owner or owners of said lands to appeal to the courts from the award of the said mayor and council, shall not in anywise be altered or abridged.

2. *And be it enacted*, That before proceeding to divide and apportion any such assessments or taxes as mentioned in the preceding section of this act, the several owners of such lots shall be notified in writing of the time and place when and where the council or some appropriate committee thereof will meet to consider the matter of making such division and apportionment, to the end that the parties interested therein, may be heard before said council or committee,

Notice to be
published.

which notice shall be served personally upon such owners as can be found in said city of Hoboken, at least five days before the time fixed for said meeting, and upon such owners as cannot be found in said city by publishing said notice in one or more of the newspapers published and circulating in said city, for at least ten days before the time fixed for said meeting.

Repealed.

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

Approved March 26, 1872.

CHAPTER CCCLVI.

A Supplement to an act entitled "An Act to incorporate the borough of Frenchtown, in the township of Alexandria, in the county of Hunterdon," approved April fourth, eighteen hundred and sixty-seven.

Saloons re-
quired to take
out license.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all saloons located within the corporate limits of the borough of Frenchtown, in the county of Hunterdon, where any vinous or malt liquors are kept and sold, to be drank on the premises, shall be required to take out license, in the same manner and upon the same terms, and subject to the same liabilities that inns and taverns are subject to under the laws of this state.

Council may
grant license.

2. *And be it enacted*, That the common council of the said borough of Frenchtown shall have power, and they are hereby authorized to grant license, upon due application made to said council, to any person or persons applying for such license, if, in the judgment of the said common council, the granting of a license to such person or persons so applying will conduce to the public good.

Penalty for
selling with-
out license.

3. *And be it enacted*, That any person or persons keeping an inn, tavern or saloon, within the corporate limits of the said borough of Frenchtown, where any spirituous or malt

liquors shall be sold to be drank on the premises, without first having obtained a license therefor, as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty, nor more than one hundred dollars, or be imprisoned in the county jail of said county not less than twenty, nor more than forty days, or both, in the discretion of the court.

4. *And be it enacted*, That whenever any license shall be granted to any person or persons aforesaid, it shall operate only as to the person licensed, and not to the house; and the said common council of the said borough of Frenchtown, upon written complaint to them, made by any citizen of said borough, when sitting as a council, and upon due proof before said council of the charges in said complaint made, shall have full power to revoke and annul the license by them granted to any person or persons against whom said complaint shall be made; and if any person or persons whose license shall be revoked and annulled as aforesaid, shall continue to sell any spirituous or malt liquors to be drank on his, or her, or their premises, the person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to the pains and penalties prescribed in the third section of this act; *provided*, that the person or persons against whom any written complaint shall be made as aforesaid, shall be served with a copy of said complaint, duly attested by the mayor and clerk of said borough, at least one week before action shall be taken thereon; and that the person or persons so complained of shall be heard before said common council, either in person or by attorney, unless he, she or they shall waive a hearing.

5. *And be it enacted*, That the common council shall have power within said borough to make, establish, publish and modify, amend or repeal ordinances, rules, regulations, by-laws for the following purposes: to license and regulate restaurants, victualing houses or cellars, wholesale liquor dealers, billiard tables, bowling alleys and ball alleys, and to prohibit the keeping of the same, except by persons duly licensed, and any person or persons violating this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to the pains and penalties prescribed in the third section of this act.

6. *And be it enacted*, That each license granted by virtue of the provisions of this act shall be under the hand and seal

of the mayor of said borough of Frenchtown, and attested by the clerk of said borough.

Act when to
take effect.

7. *And be it enacted*, That this act shall take effect on the first Thursday in April, eighteen hundred and seventy-two.

Approved March 26, 1872.

CHAPTER CCCLVII.

A Further Supplement to an act entitled "An Act to revise and amend the charter of Egg Harbor City," approved February thirteen, eighteen hundred and sixty-eight.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the constable, to whom a warrant may be delivered, as specified in the first section of "A Further Supplement to an act entitled 'An Act to revise and amend the charter of Egg Harbor City,' " approved February thirteen, eighteen hundred and sixty-eight, approved March thirty-one, eighteen hundred and sixty-nine, immediately after a tax sale to pay the money or moneys, raised by such sale, to the treasurer of said city, and to make return of said warrant and his proceedings thereunder, to the clerk of said city, to be filed by said clerk among the other papers of said city.

Constable to
pay money to
treasurer and
make return
to clerk.

Warrant to be
recorded.

2. *And be it enacted*, That the warrant mentioned in the last preceding section, before the execution thereof, be recorded by the clerk of said city in a book to be provided for that purpose, which said record thereof shall be received as evidence in the several courts of this state.

Vacancy, how
filled.

3. *And be it enacted*, That in case of death, resignation, inability, disqualification, neglect, refusal, removal out of the city, or expiration of the term of office of the constable who made any sale of land for taxes under the act and supplement to which this is a further supplement, it shall be lawful for the common council of said city, in case of a vacancy, to appoint another constable in his place until the next regular

election, or if there is no vacancy, to appoint one of the two constables in office as successor to the constable who made such sale ; and it shall be the duty of the constable appointed as successor as aforesaid, to execute deeds to the purchasers of land sold for taxes by his predecessor in office, which deeds shall be as good and valid in law as if executed by the constable who made such sale.

4. *And be it enacted*, That for the services hereinafter Fees and costs specified and performed under the act and supplements to which this is a further supplement, the following fees and costs shall be allowed and no more :

I. The justice, who shall issue the warrant to sell real and To justice. personal property for taxes, two cents for every delinquent's name therein contained ;

II. The constable, to whom such warrant shall be directed, To constable. one dollar for executing and returning the same ; and in addition thereto thirty-four cents for each distress, and also three cents on each dollar by him collected and paid over to the city treasurer by virtue of said warrant ; and further, for signing every deed ten cents ;

III. The clerk of the city for each certificate of sale ~~executed~~ To clerk. and delivered to a purchaser, the sum of fifty cents ;

IV. The conveyancer, who is to be selected from among the To conveyancer. fit persons resident in said city, and to be appointed by the common council of said city, for drawing deeds to the purchasers of land at any tax sale, every year, shall receive for a deed containing only one conveyance the sum of one dollar and twenty-five cents ; and for every additional conveyance in the same deed the sum of twenty-five cents ; the party receiving said deed to be at the expense of drawing the same, the revenue stamps and the acknowledging of the same ;

V. For publishing the notice of a tax sale the price shall be Publishing notice of sale. five cents for every delinquent's name, for the first insertion, and two cents for every delinquent's name for each subsequent insertion after the first, in each newspaper that may be appointed by the common council of said city for the publication of such notice.

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

Approved March 26, 1872.

CHAPTER CCCLVIII.

An Act for the preservation of sheep in the township of Mansfield, in the county of Burlington.

Damages for
destruction of
sheep, how as-
certained and
assessed.

Proviso.

Money collect-
ed, how ap-
propriated.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be and is hereby made the duty of the township committee of the township of Mansfield, in the county of Burlington, in each and every year after the passage of this act, to ascertain the amount of damages which has been sustained during the past year by any resident of said township by the destruction or wounding of his, her or their sheep by any dog or bitch, and also to ascertain the number of dogs and bitches owned or harbored in said township; and upon ascertaining the same, the township committee of said township shall direct the assessors of said township to make an assessment upon all owners or harborers of any dogs or bitches therein, to an amount equivalent to the damages so sustained; said assessments to be made at such a rate, upon every such owner or harborer of any dog or bitch, as said township committee may deem equitable and just; *provided*, the rate so fixed to be paid by the owner or harborer of any pen bitch, shall be at least double that imposed upon the owner or harborer of any dog in said township.

2. *And be it enacted*, That the sums of money collected by virtue of this act shall be exclusively appropriated by said township committee to make good any loss or losses which may be sustained by any person or persons, by the destruction or wounding of his, her or their sheep within the said township; and the amount so directed to be assessed and collected each and every year in said township, shall be assessed and collected by the assessors and collectors appointed or elected in said township for the assessing and collecting of the state, county and township tax therein, in the same manner, and at the same time as the other annual taxes in said township are now or shall be hereafter assessed and collected.

3. *And be it enacted*, That all acts, so far as they apply to said township, which conflict with or are repugnant to this

act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 26, 1872.

CHAPTER CCCLIX.

An Act to incorporate the Cape May Paper Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Lester H. Todd, Hezekiah Todd, Henry Swain, Ely Townsend and John Kandle, and their successors and assigns, be and they are hereby created a body politic and corporate in law, by the name of "The Cape May Paper Manufacturing Company," for the purpose of manufacturing and dealing in paper and paper bags in all their branches, in the county of Cape May, and carrying on the business incident to such manufacture and dealings, and may hold and erect such mills, buildings, and other works as may be required to carry on such business.

Corporators.

Name and powers.

2. *And be it enacted*, That the said corporation may purchase, use, hold, and enjoy such real estate in the county of Cape May, as the board of directors may deem requisite for the purpose of said corporation, to erect buildings thereon for the use and occupancy of the operatives in said works, and from time to time may lease, mortgage, sell, or otherwise dispose of the same at pleasure.

May purchase, hold and possess real estate.

3. *And be it enacted*, That the capital stock of said corporation shall be twenty thousand dollars, with power to increase the same to any amount not exceeding thirty 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 shall be prescribed by the by-laws of the said corporation.

Amount of capital stock.

4. *And be it enacted*, That it shall and may be lawful for the persons named in the first section of this act, or a majority of them, at such time and place as they may select,

Books of subscription.

to open books of subscription to the capital stock of said corporation, and whenever the sum of five thousand dollars shall have been subscribed and actually paid in, it shall and may be lawful for the said corporation to organize and conduct its business under the provisions of this act.

Election of directors.

5. *And be it enacted*, That the business of said corporation shall be managed by not less than three nor more than five directors, and shall be stockholders, one of whom shall be president; such directors shall hold their office for one year and until others are elected in their stead; an election of directors shall be held yearly, at such time and place, and upon such notice, and in such manner as the by-laws may direct, at which election each stockholder shall be entitled to one vote either in person or by proxy for each share of stock by them respectively owned.

May increase capital stock.

6. *And be it enacted*, That the said corporation may, from time to time, increase the capital stock to any amount not exceeding the amount authorized in the third section of this act; and it shall be lawful for the directors of the said corporation to call for and demand of the stockholders respectively all such sums of money as are by them subscribed, at such time and in such proportions as the said directors shall determine; and in case any stockholder shall neglect or refuse to pay in the amount so called for and demanded after being notified at least thirty days previous to the time of payment, such shares, and all previous payment made thereon, shall be forfeited to the said corporation.

Subscriptions for stock.

7. *And be it enacted*, That any buildings, land, machinery, or other property used in manufacturing and carrying on said business, may be received in payment of subscriptions to the capital stock, at a valuation agreed upon by a majority of the board of directors, or a majority of the stockholders.

May make by-laws.

8. *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 and regulations as shall seem necessary and convenient for the government, management, and disposition of the stock, effects, profits and concerns of the said corporation.

General powers.

9. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the restrictions and liabilities set forth in an act entitled "An Act concerning corporations," approved February fourteenth,

eighteen hundred and forty six, so far as the same are applicable.

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

Approved March 26, 1872.

CHAPTER CCCLX.

Supplement to an act entitled "An Act to incorporate the Vincentown and Shamong Railroad Company," approved March twenty fourth, eighteen hundred and sixty-nine.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the said Vincentown and Shamong Railroad Company shall have the power and privilege of extending their railroad from Vincentown in a northeasterly direction to a point on the Columbus, Kinkora and Springfield Railroad, at or near Columbus, in the county of Burlington. May extend railroad.

2. *And be it enacted*, That the said Vincentown and Shamong Railroad shall have the power to connect their road with the Vincentown branch of the Burlington County Railroad, and with the road of the Vincentown Marl Company. May connect.

3. *And be it enacted*, That the said Vincentown and Shamong Railroad be, and the said company is hereby authorized to lease its railroad to any other railroad company, which is hereby authorized to take such lease and operate the same for such term or terms, and for such time as the said parties may agree upon; and the said company which shall take or agree to take a lease of such railroad, shall be, and is hereby authorized to endorse or guarantee the bonds of the said Vincentown and Shamong Railroad Company in any manner the parties may agree upon to aid the said company in the construction of its said railroad. May lease railroad, &c.

4. *And be it enacted*, That the time for commencing said railroad shall be extended to the fourth day of July, eighteen hundred and seventy-five, and be completed within ten years Limitation.

from the fourth day of July next ensuing, otherwise this act shall be void.

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

Approved March 26, 1872.

CHAPTER CCCXLI.

An Act for the relief of Thomas Martin.

Preamble.

WHEREAS, Mary Martin, late of the city of Newark, Essex county, New Jersey, departed this life on the fifteenth day of June, eighteen hundred and sixty seven, intestate, and without issue, leaving Thomas Martin, her husband, and no lawful heir who can inherit the estate of which she died possessed, being a house and lot in said city of Newark; and whereas, the said property was purchased with the money of said Thomas Martin, but the title therefor was taken in the name of the said Mary; and whereas, the said Thomas, by reason of advanced age and blindness, is unable to follow any employment, and is entirely without any means of support excepting such as may be derived from said property; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the estate, right, title and interest of the said Mary Martin, deceased, at the time of her death, of, in and to the following described lot of land and premises situate in the city of Newark, Essex county, New Jersey, beginning in the easterly line of Columbia street, at a point three hundred and twenty-four feet and three inches from the corner of Elm street; thence running along Columbia street, north twenty-seven degrees and thirty minutes east, thirty feet to Cornelius Manderville's lot; thence along the said Manderville's line, south sixty-four degrees and fifty minutes east, one hundred feet; thence, south twenty-seven degrees and thirty minutes west, thirty feet, to a lot conveyed by Isaac Baldwin to Thomas G. Laing on the seven-

Title vested in
Thomas Martin.

teenth day of May, one thousand eight hundred and thirty-four; thence along the line of said Laing's lot north, sixty-four degrees and fifty minutes west, one hundred feet, to the place of beginning on Columbia street, and all the right, title, interest and estate of the state of New Jersey, of, in and to the said lot of land and appurtenances be, and the same is hereby vested in the said Thomas Martin, his heirs and assigns, to his and their only proper use, benefit and behoof forever.

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

Approved March 26, 1872.

CHAPTER CCCLXII.

An Act to incorporate the Mount Holly Metal Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That George H. Ball, C. F. Voight, ^{Corporators.} Richard J. B. Slack, Philip F. Slack, their associates and successors be, and they are hereby created and declared to be a body politic and corporate in law, by the name of "The Mount Holly Metal Company," and as such shall have per- ^{Name.}petual succession, and all the privileges and franchises belonging or incident to a corporation.

2. *And be it enacted*, That the capital stock of said com- ^{Capital stock.}pany shall be fifteen thousand dollars, divided into shares of the par value of fifty dollars each, with the privilege of increasing said capital stock to fifty thousand dollars, which capital stock shall be personal property, and be transferable on the books of the company.

3. *And be it enacted*, That the above named corporators, ^{Commissioners to open books and receive subscriptions,} or a majority of them, may, at such time and place as they may select, open books of subscription to the capital stock of the company; and whenever the sum of ten thousand dollars shall have been subscribed and actually paid in, it shall and

may be lawful for the said corporation to organize and conduct its business under the provisions of this act.

Principal office.

4. *And be it enacted*, That the principal place of business of said company shall be located at Mount Holly, in the county of Burlington, and that the said company shall be, and they are hereby authorized to engage in manufacturing and rolling zinc, lead, and other metals, and may erect mills and buildings, may purchase, hold, lease, mortgage, or sell such real estate in the county of Burlington as may connected with, and for the transaction of the business of the company.

Directors to manage affairs.

5. *And be it enacted*, That the business of said corporation shall be managed by not less than three, nor more than seven directors, who shall be stockholders, and one of whom shall be president; such directors shall hold their office for one year, and until others are elected in their stead; an election of directors shall be held yearly, at such time and place, and upon such notice, and in such manner as the by-laws may direct, at which election each stockholder shall be entitled to one vote, either in person or by proxy, for each share of stock by them respectively owned.

Election of directors.

May increase capital stock.

6. *And be it enacted*, That the said corporation may, from time to time, increase the capital stock to any amount not exceeding the amount authorized in the third section of this act; and it shall be lawful for the directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such proportions as the said directors shall determine; and in case any stockholder shall neglect or refuse to pay in the amount so called for and demanded, after being notified at least thirty days previous to the time of payment, such shares, and all previous payments made thereon, shall be forfeited to the said corporation.

May make by-laws.

7. *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 and regulations as shall seem necessary and convenient for the government, management, and disposition of the stock, effects, profits, and concerns of the said corporation.

General powers.

8. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the restrictions and liabilities set forth in an act entitled "An Act

concerning corporations," approved February fourteenth, eighteen hundred and forty-six, and the several supplements thereto, so far as the same are applicable.

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

Approved March 26, 1872.

CHAPTER CCCLXIII.

An Act for the incorporation of Presbyteries in the State of New Jersey of the Presbyterian Church of the United States of America.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That any presbytery in this state of the Presbyterian Church of the United States of America, convened at a stated meeting in accordance with its usages, may, by ballot, elect from its members five ministers and five ruling elders to be trustees of the same, which said trustees, and their successors in office, are hereby constituted a body politic and corporate in law, by such name as they shall assume pursuant to the directions of this act. Trustees constituted a body corporate.

2. *And be it enacted*, That the said trustees shall take upon themselves a name, and shall certify such name under their hands and seals, and forthwith transmit the said certificate to the secretary of state of this state, whose duty it shall be instantly to record the same, for which he shall be entitled to receive two dollars, and thereupon the said trustees shall be known and designated in law by the name of incorporation so taken, certified and recorded; a copy of said certificate duly certified under the hand and official seal of said secretary of state shall be received in evidence in any of the courts of this state. Trustees to file certificate.

3. *And be it enacted*, That the said trustees and their successors, by such name of incorporation, shall be able and capable of taking, acquiring, receiving, having and holding for charitable and religious purposes, by gift, devise, bequest, May purchase, hold and convey lands.

Powers. grant or purchase, any lands, tenements, legacies, donations, moneys, goods and chattels now held for the benefit of, or which hath been, or may hereafter be given, devised, bequeathed, sold or granted to the said corporation, or to the said presbytery for the promotion of its religious and charitable objects; and the same or any part thereof to sell, grant, assign, mortgage, alien, or dispose of; to sue or be sued, implead or be impleaded in any court of law or equity, to make and use a common seal, and the same to alter and renew at pleasure, and to make and adopt all necessary by-laws, rules and regulations necessary and proper for the control and management of the affairs, and carrying into effect the objects of the said corporation, and for the investment and reinvestment of its moneys, and for the disposition of the same and of the other property of the said incorporation.

Other trustees may be elected.

Proviso.

President.

4. *And be it enacted*, That for perpetuating a line of succession in the trustees of every presbytery incorporated under this act, the members thereof, convened at a stated meeting as hereinbefore directed for the election of the first trustees, may at any time they may think proper, elect by ballot any other trustee or trustees in the stead of those or any of those before elected; *provided*, such renewal shall not be less than one year after his or their election into office, unless it shall be to fill up the vacancy, which may be caused by the death or resignation of any trustee or his moving out of the limits of the said presbytery.

5. *And be it enacted*, That such corporation may elect annually one of its own members to be their president, who shall keep the minutes and enter the orders, acts and proceedings of the corporation in a book to be kept for that purpose, and who shall have the custody of the common seal and the papers, deeds, writings, documents and books of or relating to the said corporation, and who is hereby required to convene the said corporation as occasion may require; and in case of his absence from any cause, then the said office of president shall devolve on the senior trustee for the time being, who shall occupy the same until the return of the president or the election of another.

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

Approved March 26, 1872.

CHAPTER CCCLXIV.

An Act to incorporate the Stafford Mutual Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William N. Grier, John A. ^{Corporators.} mack, Isaac S. Jennings, William Cox, John Torrey, junior, William Sprague, Amos Faulkinburg, George W. Campbell, junior, John Willets, Joseph Pharo, Samuel Birdsall, William French, Jarvis H. Bartlett, and all other persons who may hereafter associate with them in the manner hereafter prescribed, shall be a corporation by the name of "The Stafford Mutual Insurance Company," for the purpose of in- ^{Name and powers.} suring buildings, household furniture, merchandise and other property, against loss or damage by fire; and by that name they and their successors may have perpetual succession, and shall 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 have, purchase, possess and enjoy to them, and to their successors, lands, tenements, hereditaments, goods, chattels and effects of what nature and kind soever necessary for the purpose of said corporation, and the same may grant, demise, alien and dispose of at pleasure, for the benefit of said company, and may also have a common seal, and alter and renew the same at pleasure; also may make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and government of the said company, and put the same into execution; ^{Proviso.} *provided*, that they be not contrary to the constitution or laws of this state, or of the United States.

2. *And be it enacted*, That all the affairs, property and concerns of said corporation shall be managed and conducted ^{Affairs to be managed by directors.} by thirteen directors, five of whom shall constitute a quorum, who shall continue in office one year, and until others shall be chosen in their place, all of whom shall be members of the said corporation, and shall take an oath or affirmation of office, and choose out of their body a president; all va- ^{Vacancy, how filled.} cancies 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.

Insured to become members.

3. *And be it enacted*, That all persons who shall insure with said corporation, and also their heirs, executors, administrators and assigns, continuing to be insured in the same as hereinafter provided for, shall thereby become members thereof during the period they remain insured by said corporation, and no longer.

Election of directors.

4. *And be it enacted*. That the persons named in the first section of this act shall be the first directors of said corporation, and that annually thereafter a board of directors may be elected, at such time and place, in the town of Mannahawkin, township of Stafford, county of Ocean, and state of New Jersey, as the said corporation in their by-laws shall appoint; of each election due notice shall be given in at least one newspaper printed in said county, for two weeks immediately preceding such election; and it shall be the duty of the board of directors to appoint three persons, not members of said board, to be inspectors of such election, and to count the votes that may be given in, and to declare the result of such election, which shall be by a plurality of the votes of the members or their proxies then present, allowing one vote to each member for every one hundred dollars insured in said company at the time of such election, and it shall be the duty of such inspectors, or a majority of them, to make and sign a certificate of the result of such election, stating who are elected by the greatest number of votes, and deliver such certificate to the secretary of the company, for the time being, which certificate shall be filed and recorded by the secretary, and be conclusive evidence of the result of such election until set aside by some court having competent authority to do so.

May appoint officers.

5. *And be it enacted*, That the board of directors may appoint a secretary and such other officers and agents as may be requisite for effecting the business of said company, and allow them such compensation as may be agreed upon; and may also determine the rates of insurance, the sum to be insured, and the sum to be deposited for any insurance.

Policies and contracts binding on company.

6. *And be it enacted*, That all policies, or contracts founded thereon, which shall be made or entered into by said company, may be made under the seal thereof, and shall be subscribed by the president and attested by the secretary, and, being so subscribed and attested by the secretary, shall be binding and obligatory upon said company, and the com-

pany shall be liable for all loss or damage sustained, agreeable to and on such terms and conditions as shall be contained in the policy.

7. *And be it enacted*, That every person who shall become insured in said company shall, before he or she receives his or her policy, pay such sum of money, and deposit their promissory note or notes for such sum or sums of money, as shall be determined upon by the directors, such note or notes to be paid at such time and in such manner as the by-laws may determine; and it shall be lawful for said company to loan or put out on interest their moneys, or any part thereof not immediately wanted for the purpose of said corporation, on bonds and mortgage, on real estate, government or other stocks, and may, from time to time, call in such money or change such investments.

Company may invest certain moneys on bond and mortgage.

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

Policies, how surrendered and cancelled.

9. *And be it enacted*, That all buildings insured by said company, together with the right, title and interest of the assured to the lands on which they stand, shall be and hereby are pledged to said company, and the said company shall have a lien thereon, in the nature of a mortgage, to the amount of the deposit note or notes given for such insurance.

Company to have a lien on property insured for amount of notes.

10. *And be it enacted*, That the officers of said company, at the expiration of one year from the time the first policy shall have been issued, or within one month thereafter, and within one month of every subsequent year, shall cause an estimate to be made of the profits or losses, and true state of

Annual estimate of profits or losses.

the affairs of said company, to be made as near as may be for the preceding year, and so on for each successive year, which estimate shall be conclusive upon all persons entitled to receive certificates of profit, as hereinafter provided for.

Certificates of profits.

11. *And be it enacted*, That each member entitled shall receive a certificate for his proportion of the profits, if any, of each year's business in proportion to the amount of premiums paid by him or her, but no person shall be entitled to a certificate for premiums paid on a policy that occasions loss, nor shall any certificate be issued for the fractional parts or sums between even tens of dollars, nor for any sum less than ten dollars, but all such fractional parts of such sum or sums less than ten dollars shall be passed to the contingent account of said company, and applied to the payment of expenses and other charges of said company.

Excess of cash, how applied.

12. *And be it enacted*, That when the cash means on hand shall exceed twenty five per centum of the amount of risks the company is liable for at any annual meeting, the excess may be applied to the payment of the certificate, in such manner as the directors may determine.

Suits at law.

13. *And be it enacted*, That suits at law or in equity may be maintained by said corporation against any of its members for the collection of their deposit notes, or any part thereof, or for any other cause relating to the business of said company; also, suits at law or in equity may be prosecuted and maintained by any member against said corporation for losses, if payment be withheld more than four months after the company are duly notified of such loss or damage, and no member of the corporation not being in his individual capacity a party to such suit, shall be incompetent as a witness in any case on account of his being a member of said corporation.

Especial insurances.

14. *And be it enacted*, That especial insurances may be taken without the parties thereto becoming members of said corporation, if desired by the insured.

When to issue policies.

15. *And be it enacted*, That no policy shall be issued by said company until application shall be made for insurance to the amount of ten thousand dollars at least.

Place of business.

16. *And be it enacted*, That the operations and business of the corporation shall be carried on and conducted at such place in the said village of Mannahawkin as shall be designated by a majority of the directors, at their first regular meeting in every year.

17. *And be it enacted*, That in case it shall at any time happen, that an election of directors shall not be made on the day, when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as the directors of said corporation shall direct. Failure to elect directors not to dissolve

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

Approved March 26, 1872.

CHAPTER CCCLXV.

An Act to authorize and empower the Consistory of the Reformed Church of Middlebush, in the county of Somerset, and state of New Jersey, to assess the pews of the said church.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the consistory of the Reformed Church at Middlebush, be and they are hereby authorized and empowered to make assessments on the pews of said church from time to time, for the purpose of raising money for the salary of the minister, the current expenses of the church, and the support of the gospel, with power to collect the same; *provided however*, that such assessment shall not exceed the sum of five hundred dollars a year above the specified salary of the minister. Power to assess pews, &c. Provide.

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

Approved March 26, 1872.

CHAPTER CCCLXVI.

A Supplement to the act entitled "An Act to incorporate the Columbus and Kinkora Railroad Company," approved April second, eighteen hundred and sixty-six.

Proceedings
in case com-
pany or own-
ers cannot
agree.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the said company or its agents cannot agree with the owner or owners of any lands which may be required by said company for depots or for any other purposes, for the use or purchase thereof, or if, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of the said company shall be given writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state to make publication thereof as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested and judicious freeholders, residents in the county in which the lands in controversy lie, commissioners to examine and appraise the said lands, and to assess the damages, upon such notice, not less than twenty days, to be given to the persons interested, as shall be directed by the justice making such appointment; and it shall be the duty of the said commissioners (having first taken an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and to proceed to view and

examine the said lands, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages which shall be paid by the company for such land and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land, and the appointment and oaths and affirmations aforesaid, in the clerk's office of said supreme court, to remain of record therein; which report, or a copy thereof, certified by the clerk of said court, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against 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 said justice, 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*, Proviso. that should the said company or the owner or owners of any of the land or materials feel himself, herself or themselves aggrieved by the decision of the commissioness aforesaid, he, she or they may appeal to the next circuit court of the county wherein the said land or materials may lie.

2. *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 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 said circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said

Proceedings
in case of ap-
peal.

Proviso.

issue to be tried at the next term of said court to be holden in said county, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land 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 said company shall have offered or the said commissioners 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 the said company enter upon or take possession of any lands of any person or persons, for the purposes aforesaid, or of making any erections or improvements whatever, or otherwise appropriating said lands to the use of said company, until they have paid to the party or parties entitled to receive the same the amount assessed by the said commissioners as the value of such lands and 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 an appeal shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then the payment of the amount assessed or found as aforesaid into the circuit court of the county where the said lands shall lie, shall be deemed a legal and valid payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being barred thereby from his, her or their appeal from the report of the commissioners.

May purchase
and hold real
estate.

3. *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 six acres at each place, and may erect and build thereon houses, warehouses,

stables, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property and the construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof; and shall have the privilege and authority to erect, build and maintain over such creeks or streams as the said 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. May build bridges, &c.

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

Approved March 26, 1872.

CHAPTER CCCLXVII.

An Act to incorporate the New Jersey Trust and Safe Deposit Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Caleb S. Green, Joseph G. Brearley, Philip P. Dunn, Augustus G. Richey, Thomas J. Stryker, Frederick R. Wilkinson, Charles S. Olden, Daniel P. Forst, Timothy Abbott, Samuel R. Smith, John T. Nixon, Charles Hewitt, John Woolverton, John S. Chambers and Albert J. Whittaker, and such other persons as may be hereafter associated with them and their successors, are hereby constituted a body corporate, in fact and in law, under the name of "The New Jersey Trust and Safe Deposit Company," and by that name shall have perpetual succession, and may sue and be sued in any court whatever, with powers and privileges as are hereafter provided. Corporators.

2. *And be it enacted*, That the corporation hereby created shall have power to receive and hold on deposit and in trust, and as security, estate, real, personal and mixed, including notes, bonds and obligations of the government, of states, companies, corporations and individuals, and the same to purchase, collect, adjust, settle, sell and dispose of, in any Power to receive deposits, &c.

- manner, without proceeding in law or equity, and upon such terms as may be agreed upon between them, and the parties contracting with them; and, also, shall have power to receive upon deposit, for safe keeping, bullion, money, jewelry, plate, stocks, deeds, bonds and valuable property of every kind upon terms to be prescribed by the by-laws of the corporation; *provided*, that nothing herein contained shall authorize said company to engage in the business of banking.
- Proviso.** 3. *And be it enacted*, That it shall be lawful for the company hereby incorporated to advance or loan money, and credit on pledge of merchandise, stocks, bonds and notes, and aid by loans contractors and manufacturers; to make insurance for the fidelity of persons holding places of responsibility and trust; to collect coupons of bonds or interest due upon obligations, when authorized to do so by parties depositing the same; to draw drafts or bills of exchange; to receive moneys on deposit, and allow such interest thereon as may be agreed upon with the depositors, not exceeding seven per centum per annum, and to accept and execute all such trusts of every description as may be committed to them upon such terms and commissions as may be established by said company, and agreed upon with any person or persons whatsoever, or by any corporation or for any trust or business committed or transferred to them by any court of record or any officer of this or any other state.
- Company may advance or loan money.** 4. *And be it enacted*, That any court or individual may appoint the said company a receiver, assignee, guardian, executor, administrator or other trustee, or may order the deposit of moneys or valuables of any kind with said company for safe keeping, pending suit or otherwise.
- Company may act as receiver guardian, &c.** 5. *And be it enacted*, That any executor, administrator, guardian or other trustee or public officer having the custody or control of any bonds, stocks, securities, moneys or other valuables, belonging to others, shall be authorized to deposit the same for safe keeping with the said company.
- May receive deposits.** 6. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, in shares of one hundred dollars each, with the privilege of increasing the same by a vote of the directors to any amount not exceeding five hundred thousand dollars, and when the sum of fifty thousand dollars shall have been actually subscribed and paid in, in cash, the said company may organize and proceed to business under this act.
- Capital stock.**

7. *And be it enacted*, That the persons named in the first section of this act shall be, and they are hereby appointed Commissioners to receive subscriptions. commissioners to open books for subscriptions to the capital stock of said company, at such time and place as they, or a majority of them shall deem proper, and for such amounts as in their judgment the business of the company may require, but for no less amount of subscription than fifty thousand dollars as hereinbefore provided; and said persons named in the first section of this act, or a majority of them, are hereby authorized to call a meeting of the stockholders, within ten days after the capital stock to the amount last aforesaid shall have been subscribed, for the purpose of choosing directors, who, when chosen, shall continue in office until the first annual meeting of the stockholders.

8. *And be it enacted*, That the annual meeting of the stockholders shall be held on the second Monday in January of Election of directors. each year, ten days' legal notice thereof having been given; and at this meeting fifteen directors shall be chosen to serve for the ensuing year or until others shall be elected in their place, and a full and complete statement of the affairs of the company during the year past shall be made; all elections shall be by ballot, and every stockholder shall be entitled to one vote for every share of stock held by him.

9. *And be it enacted*, That the directors shall have power Officers. to elect a president, vice president, secretary and treasurer, and such other officers, clerks and agents as the business of the company may from time to time require; and they shall have power to fill all vacancies in their body which shall occur Vacancy, how filled. between any two annual elections; and they shall determine how many of their own body shall constitute a quorum for the transaction of business.

10. *And be it enacted*, That the directors shall have power May make rules and regulations. to make all such by-laws, rules and regulations, not inconsistent with the constitution or laws of the United States and of this state, as may be deemed necessary for the government of its officers and the conduct of its affairs.

11. *And be it enacted*, That it shall be the duty of the board of directors to invest the capital of the company and to keep the same invested in good securities, and it shall be lawful for the same to make such investments of its capital and of the funds accumulated by its business or any part thereof in bonds and mortgages on unincumbered real estate, worth at least fifty per centum more than the sum loaned Capital, how invested.

thereon, and also in the public securities or stocks of the United States or any state thereof, or in the stocks or bonds of any corporation, authorized to be issued by the legislature of this state.

Authorized to
issue certifi-
cates and
make con-
tracts.

12. *And be it enacted*, That the company are hereby authorized to make, execute and issue in the transaction of their business all necessary receipts, certificates and contracts which shall bear the seal of the company, and shall be signed by the president, and countersigned by the secretary or treasurer thereof.

Dividends.

13. *And be it enacted*, That the company shall at no time make, declare or pay to the stockholders thereof, any dividends, except from its clear net profits, after deducting all losses and expenses from its gross income up to the time of declaring such dividends.

Books to be
kept.

14. *And be it enacted*, That the books of the company shall at all times during their hours of business be open for inspection and examination by the supreme court of this state, or such person as the said court may designate as their agent for such purpose.

Principal of-
fice.

15. *And be it enacted*, That the principal office of the company shall be in the city of Trenton, but the directors may establish branch offices or agencies, from time to time, in other parts of the state or elsewhere.

How dissolved

16. *And be it enacted*, That the company may be dissolved by a general meeting of the stockholders specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being and the survivor or survivors of them, or such persons as the stockholders shall appoint, shall be trustees for settling all the affairs of the company, collecting and disposing of its property and assets, paying its debts, and dividing the surplus among the stockholders in proportion to their respective interests in the stock.

Proviso.

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

Approved March 26, 1872.

CHAPTER CCCLXVIII.

An Act to incorporate the Dundee Dye and Print Works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons who shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and they hereby are created and made a corporation and body politic, in fact and in law, by the name of "The Dundee Dye and Print Works."

Corporate
name.

2. *And be it enacted*, That the capital stock of said corporation shall consist of one thousand shares, of the par value of one hundred dollars per share, with liberty to increase the same to twenty-five hundred shares, of the same par value, which shall be transferred in such manner as the said corporation shall direct.

Capital stock.

3. *And be it enacted*, That Samuel W. Torrey and Bradbury C. Chetwood be and they are hereby appointed commissioners to receive subscriptions to the capital stock of such corporation, and they, or either of them, shall open books of subscription to such stock at the village of Passaic, in the county of Passaic, at such time and place as they, or either of them, shall appoint, and shall attend and receive subscriptions.

Commission-
ers to receive
subscriptions.

4. *And be it enacted*, That whenever the capital stock of said corporation to the amount of fifty thousand dollars par value shall be subscribed, and fifty per centum thereof paid in, the said commissioners, or whichever opens the books, shall close the same, and hold an election for directors of said corporation, first giving notice thereof, one week previously, and in a newspaper published in Passaic county; that three directors shall be elected by ballot at such election by the stockholders, each of whom shall have, at such election and all subsequent elections, one vote for every share of stock owned by him; that said three directors shall constitute the first board of directors, and the same number or such number, as the corporation may by its by laws appoint, shall constitute all subsequent boards; and in case of a vacancy occurring in the board between the elections, the remaining di-

Election of di-
rectors.

rectors shall have power to fill the vacancy; that said directors so elected shall hold their offices for one year, and until their successors shall be elected.

President.

5. *And be it enacted*, That the directors shall have power to elect out of their body a president for such term and in such manner as they shall appoint.

Failure to elect directors not to dissolve

6. *And be it enacted*, That said commissioners shall deliver to the said board of directors, when elected, the subscription books of said corporation and all moneys received by them for such subscriptions; and said directors shall, by their by-laws, appoint an annual election for directors; but in case of failure to hold such election upon the appointed day, said corporation shall not thereby be dissolved, but the said election shall be held on some subsequent day, and the directors in office shall continue until such election.

Failure to pay installments to forfeit shares.

7. *And be it enacted*, That the said board of directors shall have power to demand from the subscribers to the capital stock of said corporation the money for such subscriptions, and for any increase of its capital or any assessment thereupon, and in case of failure to pay such subscriptions, calls or assessments at such time as they may appoint, the said board may, after four weeks' notice in a newspaper published in the county of Passaic, declare the said stock, and all previous payments thereupon, forfeited to the corporation; and such stock, and all previous payments thereon, and all right to the same shall be forfeited and belong to the said corporation.

How dissolved

8. *And be it enacted*, That this corporation may be dissolved at any time by a vote of three fourths of its stockholders in interest, at a meeting called for that express purpose, by a notice printed once a week, for four successive weeks, in a newspaper published in the county of Passaic; and upon such dissolution the directors, or such persons as the stockholders shall appoint and their successors, shall be trustees, and as such shall have full power to realize, sell and convey and collect the assets of said corporation, real and personal, and pay its debts, and divide the surplus among its stockholders pro rata.

Business of company.

9. *And be it enacted*, That the said corporation shall have power to carry on the business of dyeing, bleaching, printing and finishing cotton and other goods in this state, and for such purpose may buy and hold, sell and convey, lease and mortgage the necessary real and personal property, and by

water, steam and such other power as they may employ, may carry on manufacturing and milling operations.

10. *And be it enacted*, That the said corporation shall ^{General powers.} 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, and that this act shall take effect immediately.

Approved March 26, 1872.

CHAPTER CCCLXIX.

A Supplement to the act entitled "A Further Supplement to the 'Act to incorporate the Hackensack and New York Railroad Company,'" approved February twenty-third, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words in the first clause ^{Amendment.} of the second section of the act to which this is a supplement, namely: "The Hackensack and New York Railroad Extension Company," be and the same are hereby changed and amended so as to read: "The Hackensack and New York Extension Railroad Company."

2. *And be it enacted*, That the said The Hackensack and New York Extension Railroad Company be and it is hereby ^{Authorized to construct and operate a branch railroad.} authorized and empowered to survey, lay out, construct and operate a branch railroad from a point in the line of their present railroad, at or north of Hillsdale, in Bergen county, to any point in the state line between New Jersey and New York, between the line of their present railroad and the Paterson and Ramapo Railroad, with the privilege of extending the same into the state of New York, upon necessary authority for that purpose from the state of New York, with power to acquire, purchase and hold all lands necessary therefor, in the same manner that the said company were by law authorized to acquire, purchase and hold lands for said com-

pany's main line, and upon the construction of such branch road, to contract with any other company or companies for conveying the passengers and freight of such other company, or for leasing out said branch road to any other railroad company to run or operate the same.

May issue
bonds.

3. *And be it enacted*, That the said company may issue stock for the construction of said branch road in the same manner as provided by law for issuing stock for the construction of said main line, and that the said company may, in addition to the seven hundred thousand dollars of bonds now issued by said company, and secured by mortgage upon their main line in the states of New Jersey and New York, issue such other bonds as said company may deem necessary in the construction and equipment of such branch road, or of completing the main line, and secure such additional bonds by mortgages either upon such branch road alone, or upon said main line alone, or upon said branch road and main line together, as a first mortgage upon said branch road and second mortgage upon said main line.

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

Approved March 26, 1872.

CHAPTER CCCLXX.

An Act to incorporate the Mechanics' Trust Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry Meigs, Solon Humphreys, Jacob E. Schuyler, Rufus Story, Francis J. Smith, Hiram Van Buskirk, James W. Trask, Erastus Randall, George Carrigan, and such other persons as may be hereafter associated with them and their successors, are hereby constituted a body corporate, in fact and in law, under the name of "The Mechanics' Trust Company," and by that name shall have perpetual succession, and may sue and be sued in

any court whatever, with powers and privileges as are hereinafter provided.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars; but when fifty thousand dollars shall have been actually subscribed, and twenty-five thousand been paid in, the company may organize and proceed to business under this act. Capital stock.

3. *And be it enacted*, That the said company shall have power to receive as deposits all sums of money which may be offered, in such sums and at such times, and on such terms as the by-laws shall prescribe; which money so received shall be repaid to such depositor, at such times and with such interest, not to exceed seven per centum, and under such regulations as shall be by said company from time to time prescribed; and shall have power to guarantee the payment, punctual performance and collection of promissory notes, bills of exchange, contracts, bonds, accounts, claims, evidences of debt, and certificates of property or value, and the titles to property, real or personal, upon such terms as may be established by the board of directors of said company; to receive upon storage, deposit or otherwise, merchandise, bullion, specie, plate, stocks, bonds, promissory notes, contracts, or other property, except household furniture and wearing apparel, and to take the management, custody and charge of real and personal estate and property, and to advance moneys, securities and credits, upon any property, real or personal, and on such terms as may be established by the directors of said company; and that the capital stock and funds of said corporation may be invested and reinvested in, and loans made on bonds and mortgages on real estate within the state of New Jersey, and the bonds and stocks of said state and of the United States. May receive money on deposit.

4. *And be it enacted*, That the persons named in the first section of this act, shall be and they are hereby appointed commissioners to open books for subscriptions to the capital stock of said company, at such time and place as they may deem proper, and for such amounts as in their judgment the business of the company may require, but for no less amount of subscriptions than fifty thousand dollars as hereinbefore provided; the persons named in the first section of this act shall be directors of said company for one year after the passage of this act, and until others are elected in their Commissioners to receive subscriptions.

stead, who shall be elected by a majority in interest of the stockholders annually.

Authorized to
issue certi-
ficates, &c.

5. *And be it enacted*, That the said company are hereby authorized to make, execute and issue in the transaction of their business all necessary receipts, certificates and contracts, which shall bear the impress or stamp of the seal of the company, and shall be signed by the president and countersigned by the secretary or treasurer thereof.

May increase
capital stock.

6. *And be it enacted*, That it shall be lawful for said company to increase the amount of its capital stock in the manner provided in and by an act entitled "An Act to authorize the establishment and to prescribe the duties of companies for manufacturing purposes," approved March second, one thousand eight hundred and forty-nine, and by the fourteenth section thereof, and by the supplement or supplements to said act.

Place of busi-
ness.

7. *And be it enacted*, That this act may be altered, amended or repealed at the pleasure of the senate and general assembly, and that the place of business of said company shall be located in the city of Bayonne.

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

Approved March 26, 1872.

CHAPTER CCCLXXI.

A Further Supplement to an act entitled "An Act to incorporate the Elizabethtown Water Company," approved March third, eighteen hundred and fifty-four.

Increase of
capital stock.

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 Elizabethtown Water Company to increase the capital stock of said company the sum of eight hundred thousand dollars, to be divided into shares of ten dollars each, and to be paid in at such times and in such installments as the board of directors of said company shall require ; *provided*, that no such

Proviso.

increase of stock shall be lawful unless authorized by the stockholders of said company, by a vote of at least a majority of such stockholders in interest therein, and the same to be voted for at a meeting of such stockholders called for that purpose, of which each stockholder shall have at least ten days notice, to be given in the same manner as notice of meetings of the said stockholders are required to be given.

2. *And be it enacted*, That the said company are hereby authorized and empowered to do any and all lawful acts necessary and expedient to procure water for the domestic and public uses of the citizens of the city of Elizabeth, and places adjacent thereto; and it shall be lawful for the said company, by its officers and agents, to enter at all times upon all lands or waters in the county of Union, and survey, excavate, and bore for water, and locate pipes, drains, reservoirs, and other buildings and fixtures, doing no unnecessary damage to private property; and when said location shall have been determined upon, shall cause a map to be made of all lands, except streets now in use, which they may require for the purposes of this act and the act to which this is a supplement, and file the same in the office of the clerk of the county of Union; and then it shall be lawful for the said company, by its officers, agents or contractors, to enter upon and hold the same for reservoirs, conduits, and all other purposes necessary for completing the works hereby contemplated, and to take and use such water as they may need, subject to such compensation as is hereinafter provided.

May enter on lands.

Map of lands to be made.

3. *And be it enacted*, That in case of legal incapacity, or the absence of the owners of any such land or water, and in other cases where the company cannot agree with the owner or owners on the price, the company shall serve personal notice upon the owner, if known and in the state, or if unknown or out of the state, shall publish notice in one of the newspapers printed in the city of Elizabeth, that the company intends to make application to one of the judges of the court of common pleas in said county, on a day and at a place named, and not less than twenty days from the service or publication thereof, for the appointment of three commissioners; and on said day, and at the place named in said notice, the said judge shall make said appointment under his hand and seal; and it shall be the duty of said commissioners, having first taken an oath or affirmation before some person authorized to administer the same, faithfully and im-

Proceedings in case company and owners cannot agree.

partially to examine the matter in question and make a true report, according to the best of their skill and understanding, to meet at such time and place as they shall designate, giving at least fifteen days notice of their said meeting, as herein before directed, and on the day so appointed to proceed to view and examine the said lands or waters, and make a just and equitable estimate of the value of the same, and assess the damages which will accrue from erecting said works or taking said lands or waters; and the said commissioners shall report in writing to the said judge, or to the parties interested, the whole amount which the company must pay each owner, stating in said reports the metes and bounds of the lands, or describing the waters for which such assessment is made; which said report the said company shall have filed in the office of the clerk of Union county, to remain on record therein; and 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 land so described, and the water so taken; and it shall be the duty of said company to pay the owner or owners the amount assessed as aforesaid; or in case the owner or owners refuse to receive the same or live out of the state, or are incapacitated by law to receive the same, then said sum shall be paid to the clerk of said county, to be by him retained for such owner; and upon making payment in either of the ways above stated, the title of the premises mentioned in the said award, and so paid for, shall be vested in said company.

Proceedings
in case of ap-
peal.

4. *And be it enacted*, That if said owners, or any of them, are dissatisfied with the report of the commissioners in the preceding section, the said party so dissatisfied may appeal to the circuit court of said county at its next term, whereupon the said court shall hear and determine the whole matter in the same manner as if said company was summoned to appear before said court; and if the jury upon the trial of the cause shall find a greater sum than the commissioners have awarded or the company offered in favor of said owner or owners, then judgment thereon, with costs, shall be entered against the company, which shall constitute a lien upon the premises in question, which said lien shall have priority over any other encumbrance which said company may have given; but if the said jury shall find the same or a less amount than the company shall have offered or the commissioners awarded,

then the person appealing shall pay the costs in such manner as the court shall direct.

5. *And be it enacted*, That the provisions of the several acts ^{Provisions of certain acts to} to which this is a further supplement shall apply to any ex-^{apply.} tension of said company's works, and work done by the company under and by virtue of this act, except so far as the same are inconsistent with the provisions of this act.

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

Approved March 26, 1872.

CHAPTER CCCLXXII.

An Act to incorporate the Manchester Land Improvement and Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joel M. Johnson, Moses Drury, ^{Corporators.} Cornelius Van Winkle, Lyman Johnson and John D. Van Blarcom, and such other persons as may hereafter be associated with them, shall be and are hereby declared a body corporate and politic, in fact and in name, by the name of "The Manchester Land Improvement and Manufacturing ^{Name.} Company."

2. *And be it enacted*, That the stock, property and affairs ^{Election of directors.} of said corporation shall be managed and controlled by five directors, a majority of whom shall be residents of this state, who shall after the first election of directors, hereinafter provided for, be annually elected on the second Monday of September, at such time of the day, and at such place in the state of New Jersey, as the by-laws of said corporation shall direct, and public notice of the time and place of holding such election shall be given, not less than thirty days previous thereto, in a newspaper printed in the city of Paterson; and the election of directors shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and all elections shall be by ballot, each share of stock being

Vacancies,
how filled.

entitled to one vote, and the persons who shall have the greatest number of votes shall be the directors; and the said directors, as soon as may be, after their election, shall proceed to elect one of their number, by ballot, to be president, who shall be a resident of this state; and if any vacancy shall at any time happen among the directors elected by the stockholders, by death, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint from among the stockholders.

Failure to
elect not to
dissolve.

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

Capital stock.

4. *And be it enacted*, That the capital stock of said corporation shall be the sum of seventy-five thousand dollars, until the same shall be increased by a vote of the directors to the sum of two hundred thousand dollars, which the said directors are hereby authorized to do, and that the shares of said stock shall be one hundred dollars; but so soon as twenty thousand dollars shall be subscribed, and the sum of fifteen thousand dollars paid in, it shall be lawful for the said corporation to commence business; and it shall be lawful for the president and directors of said corporation to call for and demand of the stockholders, respectively, all such sums of money as by them are subscribed, at such time and in such proportion as they shall deem fit, not exceeding ten per centum every thirty days, under the penalty of forfeiture of their shares of stock, and all previous payments thereon, to the said corporation; *provided always*, that notice of the calling in of such installments shall be made in at least one newspaper published in the county of Passaic, for at least thirty days before the time for payment of the same.

Proviso.

Meeting of
stockholders.

5. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid upon each share subscribed to the said commissioners; and when the sum of twenty thousand dollars of said capital stock shall have been subscribed, it shall be the duty of the said commissioners, or a majority of them, to call a meeting of the stockholders,

giving at least two weeks' notice thereof in a newspaper printed in the said county of Passaic, for the purpose of choosing five directors by the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said commissioners, or a majority of them, shall be the inspectors of such election, and shall certify, under their hands, the names of the persons, being stockholders, duly elected, and shall deliver over to them the books of subscription and all the moneys paid in, after deducting a reasonable compensation for their services; and the time and place of electing the first directors, as provided for in this section, shall be fixed by said commissioners, or a majority of them.

6. *And be it enacted*, That a majority of the directors shall be a quorum for the transaction of business of said corporation, and said directors shall have power to make by-laws for the government of said corporation. May adopt by laws.

7. *And be it enacted*, That the said corporation are hereby authorized and empowered to purchase real estate, to erect buildings thereon, to lay out and improve said lands, to provide, procure and deal in the materials necessary therefor, to manufacture fertilizers and carry on the business incident thereto, in the county of Passaic, and to sell and mortgage the same. May purchase and hold real estate.

8. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and transferable on the books of said corporation as the by-laws may direct. Stock, how transferable.

9. *And be it enacted*, That this act shall continue in force for thirty years, and that the legislature may at any time alter, amend or repeal the same. Limitation

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

Approved March 26, 1872.

CHAPTER CCCLXXIII.

An Act to incorporate the Gloucester Water Works Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David S. Brown, Chase T. Stinson, James P. Michellon, William Sexton, Edward Hoffman, their associates and successors, be and they are hereby created and declared to be a body corporate and politic, in law and in fact, by the name of "Gloucester Water Works Company," and as such shall have perpetual succession, and the privileges and franchises belonging or incident to a corporation, and by that name shall be capable in law of purchasing, holding, leasing and conveying any lands, water, water rights, tenements, goods and chattels whatsoever, necessary or expedient for the objects of the corporation hereby created, which objects are declared to be the obtaining, supplying, securing, preserving, storing, transporting and selling of water, and the erection of proper water works, and distributing of the same for public and private purposes.
2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, divided into shares of fifty dollars each, which shall be deemed personal property and transferable in such manner as the said corporation shall by their by-laws direct, with the privileges to increase the same.
3. *And be it enacted*, That the affairs of said company shall be managed and controlled by a board of directors, five in number, to be chosen by the stockholders thereof annually, at such time and in such manner as the by-laws shall provide, and who shall serve for one year, and until others are elected and qualified; said directors shall elect by ballot a president out of their own number, and also elect or appoint such other officers or agents as may be deemed expedient; may fill vacancies in their own board, and may have a common seal, and alter the same at pleasure, and until after the first annual election, after the passage of this act, the five (any three of whom shall constitute a quorum for doing business) per-
- Corporators.
- Name and powers.
- Capital stock.
- Election of directors.

sons named above as directors of said company, and have power to make by-laws for the government thereof, not inconsistent with the laws of this state or of the United States.

4. *And be it enacted*, That the above named corporators, ^{Commissioners to receive subscriptions.} or a majority of them, shall be commissioners to receive subscriptions to the capital stock of the said corporation, at such time and place as they may direct, and at the time for subscribing for said stock, such amount on each share subscribed for shall be paid, satisfied, or satisfactorily secured to said commissioners, as they or a majority of them shall direct, and the residue of the subscription shall be paid, satisfied or secured, as the directors of said corporation, when elected, shall from time to time direct, giving notice of such time and place, in a newspaper printed and published at the city of Gloucester, for two weeks, at least once in each week; and upon failure of any person or persons to pay, satisfy and ^{Failure to pay subscriptions to work for forfeiture.} secure the payment of such installment or installments, or any of them, as aforesaid, the directors shall be empowered to forfeit the share or shares of each and every person so failing, or any of them, to and for the use and benefit of said corporation, and any share or shares forfeited as aforesaid, may be held by the said corporation, or any person or persons for its benefit, and may at any time be sold or disposed of for the benefit of the corporation, as said directors may determine, or may be divided proportionally among the remaining stockholders, to be by them held and enjoyed, or sold and transferred with all the rights and benefits incident thereto the same in all respects as they were original shares by them subscribed.

5. *And be it enacted*, That the city, or any of the adjoining town authorities, or any body corporate, may, ^{Town authorities may subscribe for stock.} and they are hereby authorized, to subscribe to the capital stock of this company.

6. *And be it enacted*, That the said Gloucester Water Works Company are hereby authorized and empowered to ^{May take and use streams, &c.} take and use such stream or streams, water or waters, contiguous thereto, and to store and convey such waters by means of aqueducts, pipe, mains, reservoirs, and of other suitable works and appliances, through the lands, streets and roads of the city of Gloucester and adjoining towns; to exercise any powers not inconsistent with the laws of this state for carrying into effect the purposes of this act.

7. *And be it enacted*, That in case said company cannot

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

agree with the owner or occupants of any lands or water intended for the purpose thereof, the said company may apply to the judge of the circuit court of the county of Camden for the appointment of three commissioners, by whom the compensation to be paid for the lands or water required and proposed aforesaid to be used and taken shall be ascertained and determined; and in case of the refusal, disability or neglect to act, of any of said commissioners, the judge of the court aforesaid shall, on application, appoint others in their places.

Powers of
commission-
ers

8. *And be it enacted*, That the commissioners shall, before entering upon the duties of their office take and subscribe the oath before some person duly authorized by the laws of this state, to administer oaths and affirmations, that they will faithfully and without fear or favor, render true and just reward on each and every case submitted by the company to them; they shall also give at least ten days' notice in one of the newspapers published in Gloucester, of their meeting, and cause a notice of the same to be posted upon each and every of the premises in question, and so far as with ordinary diligence they may ascertain the residence or place of business of the parties interested therein, they shall notify them of said meeting through the post office, or by personal service, in case any such owner shall be married women, insane, infants, or otherwise incapacitated to act for themselves, the judge aforesaid, may appoint some suitable person to act in their behalf before the said commissioners; the commissioners may issue subpoenas to compel the attendance of witnesses before them, and they, or any of them, may administer the usual oath to such witnesses; the commissioners shall keep a true record of their proceedings containing the testimony taken, and showing the sum awarded to each owner or other person, and return the same to the clerk of said court to be filed as of record; the company shall pay each commissioner the sum of five dollars per day for every day necessarily spent by him in the performance of his duties under this act.

Proceedings
in case of ap-
peal.

9. *And be it enacted*, That the said company, or any party to the proceedings, after the commissioners, may, within ten days after any award or determination is filed as aforesaid, appeal therefrom, upon due notice to the other party or parties interested in the same, and the said court shall, upon the report of the commissioners, proceed to hear the said appeal, and may confirm the proceedings of the commissioners,

set the same aside for irregularity, or order new proceedings and appraisements.

10. *And be it enacted*, That upon the payment or legal tender of any compensation, awarded by the said commissioners, or in case of appeal by the court, the said company shall be entitled to enter upon, for the purposes contemplated by this act, all the lands, waters and real estate for which said compensation shall be paid or tendered as aforesaid, to hold and use the same to themselves and their successors forever; if any person to whom any compensation shall be awarded as aforesaid cannot be found, then the said payment may be made by depositing the same with the clerk of said court. May take lands, &c.

11. *And be it enacted*, That the legal authorities of the city of Gloucester or adjoining towns or villages, are hereby authorized to enter into any arrangement mutually agreed upon by them and the company to give, take and receive a supply of water for sanitary purposes, for public hydrants, for the extinguishment of fires or other general purposes. City of Gloucester may make arrangements for use of water.

12. *And be it enacted*, That if any person shall knowingly, willingly or maliciously corrupt the water in any reservoir, hydrants, pipes or other portion of said company's works, or destroy or injure such works, he shall forfeit or pay treble damages, one half to said company and the balance to the overseers of the poor of the city of Gloucester, to be sued for and recovered by any citizen thereof, before any court having jurisdiction of the offences, shall be punished by fine and imprisonment, by fine not less than fifty dollars, and by imprisonment not exceeding one year, or by both fine and imprisonment, at the discretion of the court. Penalty for injuring works.

13. *And be it enacted*, That this act shall be deemed and taken to be a public act, and the legal authorities of the city of Gloucester, of any of the towns or villages, are hereby authorized to call any meeting of the taxable inhabitants thereof, for any purpose for which any meeting may be required or necessary under the provisions of this act, for the purpose of obtaining a supply of water for their inhabitants. Meeting of inhabitants may be called.

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

Approved March 26, 1872.

CHAPTER CCCLXXIV.

Supplement to an act entitled "An Act to incorporate the Orange Orphans' Society," approved April ninth, eighteen hundred and sixty-seven.

Annual election. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual election shall hereafter be held on the second Thursday of January in each year, and that the present board of trustees shall continue in office until the second Thursday of January next, and until their successors shall be elected.

Repealer. 2. *And be it enacted*, That so much of the above mentioned act as conflicts with the provisions hereof, shall be and the same is hereby repealed.

Approved March 26, 1872.

CHAPTER CCCLXXV.

An Act for the relief of John White.

Citizenship restored. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John White, of the city of Hoboken, county of Hudson, be and he hereby is restored to all the rights of citizenship.

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

Approved March 26, 1872.

CHAPTER CCCLXXVI.

A Supplement to an act entitled "An Act to incorporate the Home Insurance Company of New Jersey," approved March seventeenth, eighteen hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the corporation created by the act to which this is a supplement, as expressed in the title of this act, shall be changed to "The German Home Insurance Company," with the same effect as if the said act to which this is a supplement, it had been incorporated by the name and style of "The German Home Insurance Company;" and the said corporation by said new name shall possess all the rights and be subject to all the liabilities it now possesses, or is liable to, by or under the name or style given to it by the said act to which this is a supplement.

2. *And be it enacted*, That the number of directors of said company may be increased from time to time by a resolution passed at and by a stated meeting of the board of directors; *provided*, that the whole number of the directors of said company shall at no time exceed thirty.

3. *And be it enacted*, That seven directors shall form a quorum of the board of directors capable of transacting any business of said company.

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

Approved March 26, 1872.

CHAPTER CCCLXXVII.

An Act to incorporate the Carlstadt Stock Company.

- Corporators.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Francis A. Gunz, Clemens Laub, Karl Korth, Herman Foth, Valentine Gramlich, and their associate and successors, be and they are hereby constituted and declared a body corporate and politic in law, by the name of "The Carlstadt Stock Company," with all the rights, powers and privileges incident to a corporation, for the purpose of conducting the business of building and manufacturing, and by that name the said corporation shall have power to agree for and purchase so much land as shall be deemed necessary and expedient by them in the conduct of their business, and to erect such buildings as shall be required for the use of said corporation, and shall also have power to purchase, hold, convey, lease, improve, and otherwise dispose of any lands, tenements, hereditaments, goods and chattels whatsoever, and do all other acts and things necessary and proper to effect the objects of said corporation.
- Name and powers.**
- Amount of capital stock.** 2. *And be it enacted*, That the capital stock of this company shall consist of four hundred shares, of a par value of one hundred dollars each, with the privilege of increasing the same to one thousand shares, all of which shall be personal property, and shall be transferable in such manner, and subscribed and paid for at such times as the said corporation shall direct; and in case of a failure by any stockholder to pay his or her installments at the time and place appointed for the payments thereof, such stockholders may, at the option of the board of directors of said company, incur a forfeiture of his or her share or shares, and all previous payments thereon, to the said corporation.
- Affairs, how managed.** 3. *And be it enacted*. That the said Francis A. Gunz, Clemens Laub, Karl Korth, Herman Foth and Valentine Gramlich, shall manage the affairs of said corporation until it shall have been organized as hereinafter provided, the company shall keep their office for the transaction of their business in Carlstadt, in the county of Bergen.

4. *And be it enacted*, That it shall be the duty of said corporation immediately after the passage of this act, or as soon thereafter as it can consistently be done, to hold a meeting and appoint a time, place and manner in which subscription to the capital stock of said corporation may be made, and that as soon as fifty shares shall be subscribed, they shall call a meeting of the stockholders, who shall organize the said corporation, by electing from their number nine directors and the adoption of a constitution and by-laws for the said corporation, and at the said election and at all subsequent elections, each stockholder shall have one vote for each share of stock held by him or her, but no stockholder shall be allowed more than five votes, either in person or by proxy, and a majority of the votes cast shall determine the election.

Subscriptions
to stock.

5. *And be it enacted*, That thereafter the said board of nine directors (any six of them shall constitute a quorum) shall manage the affairs of said corporation in accordance with the provisions of this act, and the constitution and by-laws adopted by the stockholders aforesaid; and that the said directors may make such dividends as the profits, plans and rules of the said corporation may or will allow.

Directors.

6. *And be it enacted*, That it shall be the duty of the directors of the said corporation to call an annual meeting of the stockholders at the time fixed in the constitution adopted as aforesaid, and to make a report at each annual meeting, setting forth the affairs of the company, and that if required by any of the stockholders, shall produce the books, accounts and papers of the company; and if the directors shall neglect or refuse to call an annual meeting of the stockholders at the time prescribed, then said meeting may be called at any time thereafter by any number of the stockholders holding no less than ten per centum of the stock paid in.

Statement to
be made.

7. *And be it enacted*, That so far as said company, consisting of the aforesaid persons and their associates, is already incorporated and organized, and has executed its business in conformity to the foregoing provisions of this act, such incorporation and organization, and such business transactions shall be and are hereby declared to be legal and valid, the same as though the organization and transactions of its business had been executed subsequent to the passage of this act.

Actions and
proceedings
declared valid

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

Approved March 26, 1872.

CHAPTER CCCLXXVIII.

An Act to incorporate the Hackensack and Englewood Horse
Railway Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William S. Banta, M. M. Knapp, G. Ackerson, junior, Charles H. Voorhis, George H. Coffey, Abram Collerd, Cornelius A. Herring, Joseph B. Miller, Cornelius Lydecker, J. Smith Homans, junior, and Thomas W. Demarest, and such other persons as may hereafter be associated with them, their successors and assigns, be and are hereby created a body corporate and politic, in fact and in name, by the name of "The Hackensack and Englewood Horse Railway Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the object of this corporation.
2. *And be it enacted*, That the amount of capital stock of said company shall be one hundred thousand dollars (\$100,000), with the privilege of increasing the same to five hundred thousand dollars (\$500,000), and shall be divided into shares of one hundred dollars (\$100) each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.
3. *And be it enacted*, That the books of subscription to said stock shall be open at such place as the directors shall designate, for any time not exceeding sixty (60) days, under the direction of the board of directors, or such of them as may be designated for that purpose.
4. *And be it enacted*, That the stock, property and concerns of said corporation shall be managed and controlled by a board of directors, seven in number, who shall be stockholders, and a majority of whom shall be residents of the state of New Jersey; and that the said directors shall be chosen on the third Tuesday of December in each year, at such time and place, and in such manner as shall be designated in the by-laws of said corporation, and shall hold their offices for one year, and until their successors are elected;

and the directors chosen at such meeting shall, as soon as practicable, after every election, choose out of their own number a president; and if it shall happen that any vacancies occur from any cause, the same may be filled by the remaining directors, or a majority of them, at any meeting of the board of directors; and until those elected at the first annual meeting shall enter upon the duties of their office, the persons named in the first section of this act shall be directors of this company.

5. *And be it enacted*, That four (4) directors of 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 installments and at such times as they may direct, and in case of the non-payment of such installments, or any of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation; and 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 board shall appear proper.

Failure to pay
subscriptions
to work for-
feiture.

6. *And be it enacted*, That the said corporation shall have power and authority to construct, maintain and operate lines of street railroads upon any highway, public road and street, between the village of Englewood, in the township of Englewood, and the county of Bergen, and the railway stations in the village of Hackensack, township of New Barbadoes, and county of Bergen.

May construct
and operate
street railroad

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

Dividends.

8. *And be it enacted*, That the said corporation shall have power to borrow any sum or sums of money, from time to time, as shall be necessary to build, construct, repair or equip said road, and to secure the payment thereof, by bond or mortgage, or otherwise, not exceeding the sum of one hundred thousand dollars, on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum.

May borrow
money and
issue bonds,

Penalty for in-
juring works.

9. *And be it enacted*, That if any person or persons shall wilfully or maliciously impair, injure, destroy or obstruct the use of said railroad, or any of its works, carriages, animals, or machines, such person or persons shall forfeit and pay therefor to said corporation three times the amount of damages sustained, by means of said corporation, with costs of suit, in any court having jurisdiction of the same.

Steam power
not to be used.

10. *And be it enacted*, That nothing herein contained shall authorize the said company to use steam as a motive power.

May be altered
and repealed.

11. *And be it enacted*, That the legislature may at any time alter, amend or repeal this act whenever, in their judgment, the public good may require.

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

Approved March 26, 1872.

CHAPTER CCCLXXIX.

A Supplement to the act entitled "An Act to authorize the consolidation of the capital stock, property, powers, privileges and franchises of the New Jersey, Hudson and Delaware Railroad Company with those of the New Jersey Western Railroad Company, the Sussex Valley Railroad Company, and the Hoboken, Ridgefield and Paterson Railroad Company, or any or either of them," approved March seventeenth, one thousand eight hundred and seventy.

Section three
amended.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of the act to which this is a supplement is fully amended so as to read as follows: "3. *And be it enacted*, That said new corporation so formed and consolidated shall be known as the "New Jersey Midland Railway Company," and shall succeed to the property, rights, powers, privileges, franchises, obligations and liabilities of the companies so consolidated; all contracts made with either of the aforesaid companies shall be performed and discharged by such consolidated company, and all

property, real and personal, and mixed, and all debts due, on whatever account, as well as of stock, subscriptions and other things in action belonging to said corporations, shall be taken and deemed to be transferred to and vested in the company hereby created, without further act or deed, and all property, rights of way, and all and every other interest shall be as effectually the property of the said New Jersey Midland Railway Company, as they were of the former corporations, parties to said agreement; the said consolidated company may regulate and harmonize the grades and surveys made by the aforesaid companies, or either of them, and may make and file new surveys and maps; but the route or line of the aforesaid road or roads shall not be located beyond or without the limits authorized by the several acts incorporating the aforesaid companies, and the several supplements thereto; six rods in width for right of way, and such additional width as may be necessary for cuttings and embankments may be taken by said railway company, with so much land and real estate for stations, depots and other buildings as may be necessary; *provided*, that the said consolidated or New Jersey Midland Railway Company shall be laid out and constructed through the county of Sussex, under the chartered rights, powers and privileges of the said New Jersey, Hudson and Delaware Railroad Company; and it shall be lawful for the said company to construct a bridge or bridges across the river Delaware at any point between Belvidere and the Water Gap; *it is also provided*, that this company, or any five persons named by this company, shall be authorized to open books to receive subscriptions for building lateral roads now authorized by the several charters, or either of them of the companies hereby proposed to be consolidated; *and provided further*, that nothing in this act or the act to which this is a supplement shall authorize or empower the said company, or any of the said companies, to pass over any land owned or occupied by the Erie Railway Company, the Long Dock Company, the Morris and Essex Railroad Company, or the Northern Railroad Company of New Jersey, in Hudson county, otherwise than over or under the tracks of those companies, in such manner as to allow all trains to pass freely and safely along such tracks without interruption, and without injury to or interference with the traffic of the four companies last named."

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

Approved March 26, 1872.

CHAPTER CCCLXXX.

An Act to confirm the title of land sold by William S. Woodruff, as administrator of Benjamin Woodruff, deceased, to Matthias F. Garthwaite.

Preamble. WHEREAS, on the fourteenth day of March, one thousand eight hundred and forty-eight, the orphans' court of the county of Essex, did order and direct William S. Woodruff, as administrator of the goods and chattels, rights and credits, moneys and effects, which were of Benjamin Woodruff, late of said county, deceased, to sell the whole of the lands, tenements, hereditaments, and real estate whereof the said Benjamin Woodruff died seized, or so much thereof as would be sufficient for the payment of the debts of the said Benjamin Woodruff, as appears by the record of said order in the surrogate's office of said county of Essex, in book L of orphans' court records, at page two hundred and forty-five; and whereas, under and pursuant to said order, the said William S. Woodruff, as such administrator, did afterwards sell a certain house and lot of land whereof the said Benjamin Woodruff died seized, situate, lying and being in the (then) township of Rahway, in said county of Essex, to one Matthias F. Garthwaite, and by his report dated the thirtieth day of May, one thousand eight hundred and forty-eight, did report such sale to said orphans' court; and whereas, on the said thirtieth day of May, one thousand eight hundred and forty-eight, the said court did confirm the said sale, and did order conveyance of the said premises to be made to the purchaser thereof, as appears by the record of said confirmation and order in said surrogate's office, in book L of orphans' court records, at page two hundred and seventy-nine; and whereas, after-

wards, the said William S. Woodruff, as such administrator, executed and delivered to the said Matthias F. Garthwaite a deed bearing date the first day of June, one thousand eight hundred and forty-eight, purporting to convey to the said Matthias F. Garthwaite, his heirs and assigns, forever, the lands and real estate so sold as aforesaid, as appears by said deed duly recorded in book V six of deeds for Essex county, at page five hundred and forty-seven; and whereas, it now appears that there is no record in said surrogate's office of the grant of letters of administration to the said William S. Woodruff upon the estate of the said Benjamin Woodruff, although the said William S. Woodruff duly executed and filed a bond as such administrator to the ordinary of this state, with sufficient sureties as required by law, as appears by the said bond, dated the fourth day of September, one thousand eight hundred and forty-seven, and on file in said surrogate's office, and as such administrator, the said William S. Woodruff duly settled his account with the said orphans' court on the twenty-ninth day of August, one thousand eight hundred and forty-eight, as appears by the record of said settlement in said surrogate's office, in book L of orphans' court records, at page three hundred and four, and the said William S. Woodruff was always considered and recognized by said surrogate and said court as such administrator; and whereas, the said William S. Woodruff is now deceased, and the original letters of administration upon the estate of the said Benjamin Woodruff, deceased, cannot be found among his papers or effects; and whereas, it is evident that the said William S. Woodruff was duly appointed by the surrogate of the county of Essex, administrator of the goods and chattels, rights and credits, moneys and effects, which were of the said Benjamin Woodruff, deceased, but that the then surrogate of the said county of Essex has failed or neglected to record the grant of such administration; and whereas, in consequence of such failure or neglect, it is alleged that the title of the said Matthias F. Garthwaite, and those claiming under him, to the lands and real estate intended to be conveyed by said deed, is defective; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the acts and proceedings of the said orphans' court, of the county of Essex, in ordering and

Proceedings
of orphans'
court con-
firmed.

Deeds and
conveyances
declared valid

confirming the sale of said lands and real estate, and of said William S. Woodruff, in making sale thereof, be and the same are hereby confirmed and declared to be valid and effectual in law; and further, that the said deeds so made and executed by the said William S. Woodruff, as such administrator as aforesaid, to the said Matthias F. Garthwaite, be and the same is also hereby confirmed and declared to be valid and effectual in law, and to convey to, and vest in the said Matthias F. Garthwaite, his heirs and assigns, all the estate of the said Benjamin Woodruff, in the said lands and real estate, the same to all intents and purposes as though the grant of said letters of administration was duly recorded; and further, that the several conveyances and devices of the said land and real estate, made by the said Matthias F. Garthwaite, and those claiming under him, since the execution and delivering by said William S. Woodruff of said deeds, be and the same are also hereby confirmed and declared to be valid and effectual in law.

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

Approved March 26, 1872.

CHAPTER CCCLXXXI.

A Supplement to the act entitled "An Act to incorporate the National Life Insurance Company, of Elizabeth, New Jersey," approved March sixth, eighteen hundred and sixty-six.

Board of directors.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That hereafter the board of directors of said company shall consist of not less than nine and not more than twenty-one directors, who shall be stockholders in said company; and at each election of directors of said company hereafter held, each stockholder of said company shall be entitled to one vote for each share of stock owned by him.

Approved March 26, 1872.

CHAPTER CCCLXXXII.

An Act to incorporate the Vineland Fire Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That E. M. Turner, Chas. K. Lathrop, Geo. W. Arms, James Sawyer, Semen R. Fowler, Francis Cruker, Hazen T. Ellis and others, their associates, successors and assigns shall be and they are hereby constituted and declared a body corporate in fact and in law, by the name, style and title of "The Vineland Fire Insurance Company," of Vineland, New Jersey, 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.

2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same to five hundred thousand dollars, at any time during the continuance of this charter; which shall be deemed personal property, and transferable in such manner as the said company by their by-laws may direct.

3. *And be it enacted*, That the corporators named in this act, or any two of them, be and the same are hereby appointed commissioners to open the books for subscriptions to the capital stock of said company, and that ten days' previous notice of the time and place of the opening of said books

shall be given by the said commissioners, and that said books of subscription may be kept open as long as it shall seem best by the said commissioners so to do; and as soon as twenty-five thousand dollars of the capital stock shall be subscribed and paid in, such commissioners, or any two of them, shall give notice to such subscribers of the time and place of meeting to choose seven directors of said company, a majority of whom shall be residents of this state; and such election shall be held at the time and place so appointed by such of the subscribers to said capital stock as may attend in person or by proxy; each share of said stock subscribed for entitling the subscriber therefor to one vote; at such election, the corporators herein named, or any two of them appointed for that purpose, shall act as inspectors thereof, and shall certify, under their hands, the names of the persons who may be elected; and shall thereupon deliver over to the persons so elected the subscription books and such moneys as may have been received by them.

Election of directors

4. *And be it enacted*, That the directors chosen at such meeting, and at the annual election of said corporation, shall, as soon as may be after every such election, choose out of their own number a president, who shall hold his office until a successor shall be elected; and in case of death, removal, resignation or disqualification of any director, the vacancy may be filled by said board of directors; the said board of directors shall also have power to appoint a treasurer, secretary, and such other officers and agents as they may deem necessary for carrying on the business of said company.

President.

Vacancies, how filled.

5. *And be it enacted*, That in case it shall happen that an election of directors shall not take place at the time when it should be held, the said company shall not, for that cause, be deemed dissolved; but such election shall be held at such other time as the directors for the time being shall appoint; and such directors for the time being shall continue to hold their office until new ones shall be chosen in their place.

Failure to elect not to dissolve.

6. *And be it enacted*, That the elections for directors shall be held at such times and places as the board of directors shall from time to time direct; of which election public notice shall be given for at least ten days, in some newspaper published in the county of Cumberland; a majority of said directors shall be a quorum to transact all business of said corporation; and they shall have power to call in the capital

Powers of directors.

stock of said company by such installments and at such times as they may direct.

7. *And be it enacted*, That in case any stockholder in said company shall fail or refuse to pay any installments on his or her stock, when called in by the directors, and required to be paid as herein provided for, it shall be lawful for the directors of said company, and they are hereby authorized, to forfeit the share or shares of each and every person so failing to pay such installments or any of them, to and for the use of the company, or, at their option, to sue for and recover the installment or installments so remaining unpaid of the person or persons in whose name such stock shall stand on the books of the company at the time of calling in the said installments respectively.

May call in amount subscribed under penalty of forfeiture.

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

Principal office.

9. *And be it enacted*, That it shall and may be lawful for the said company to insure dwelling houses, merchandise, personal and all kinds of property for any person or persons against loss or damage by fire, hurricanes, tornadoes or lightning by perpetual policies or otherwise; also, to insure vessels of all descriptions, their appurtenances and cargoes, rights and interests and property against every description of casualty incident to marine and inland transportation, and generally to insure against all losses pertaining to fire, loss by marine or inland transportation, upon such terms and conditions as shall be contained in the policy of insurance, and to cause themselves to be reinsured when deemed expedient.

May make insurances, &c.

10. *And be it enacted*, That the board of directors may appoint a secretary, and treasurer, and such other officers and agents as may be requisite for effecting the business of said company, and allow them such compensation as may be agreed upon.

Officers.

11. *And be it enacted*, That all policies of insurance or other contracts authorized by this act, may be made with or without the seal of said company, and shall be subscribed by

Policies and contracts binding on company.

the president, and attested by the secretary, and being so signed, executed and attested, shall be binding upon the said corporation, and all such policies and contracts may be so made, signed and executed and attested without the presence of the board of directors.

Actions at law.

12. *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 him, her or them from said corporation if payment is withheld more than ninety days after the amount, and due proof of such losses shall have been ascertained and made, and the same notified thereof; *provided*, that in case of the loss of buildings, or damage by fire; if the directors agree to rebuild or replace the property lost or damaged, in such case, a reasonable time shall be allowed them.

Proviso.

May have and hold real estate.

Proviso.

13. *And be it enacted*, That it shall and may be lawful for the said company to purchase, hold and convey any estate, real or personal, for the use of said corporation; *provided*, that such estate be only such as is necessary for the corporation in the transaction of the business thereof, or such as shall be taken as security for or in payment of debts, and also that on purchase on sales made under judgments at law or done in equity, or on any other legal proceedings or otherwise, and that received and taken, being personal estate, in payment or towards satisfaction of any debt previously contracted and due to said company; which said real estate the said company is hereby authorized to hold until they can conveniently sell, or convert the same into money or other personal estate; and the said company are hereby authorized and empowered to invest the capital stock, or so much of the surplus profits of the said company as they may deem fit, in such manner as the said directors may decide, but no money shall be loaned on real estate, unless the same shall be in this state.

Assignment of policies, how made.

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

15. *And be it enacted*, That this act may be altered,

amended, modified or repealed by the legislature, at any time hereafter, and that it shall take effect immediately. Act may be repealed.

Approved March 26, 1872.

CHAPTER CCCLXXXIII.

An Act to incorporate the Hudson and Hackensack River Horse Railroad Company of Jersey City.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John R. Mullany, J. B. Cleveland, A. S. Cloke, C. P. Radcliff, G. P. Sumner, James H. Love, John S. Harrison, James H. Whitecar, M. D. Conklin, N. H. Coykendall, Thomas J. Hannan, and such other persons as may be hereafter associated with them, their successors and assigns be, and they are hereby created a body corporate and politic in fact and in name, by the name of "The Hudson and Hackensack River Horse Railroad Company of Jersey City," and shall be capable of purchasing, holding and conveying lands, tenements, goods and chattels whatsoever necessary and expedient for the object of their incorporation. Corporators. Name.

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

3. *And be it enacted*, That the above named persons or a majority of them, be commissioners to open books to receive subscriptions to the capital stock of said company, at such time or times, and place or places, as they, or a majority of them may think proper, giving at least twenty days' notice of the same in some newspaper published in Jersey City; and at the time of subscribing ten per centum shall be paid on each share subscribed for to the commissioners, and as soon as twenty-five thousand dollars of said capital stock Commissioners to receive subscriptions.

Election of directors.

shall be subscribed, such commissioners shall give like notice of a meeting of the stockholders to choose seven directors, a majority of whom shall be resident in the state, and such election shall be made at such time and place, by such stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder to one vote; and the same commissioners, or a majority of them, shall be inspectors of said election, and shall certify in writing the names of the persons duly elected, and deliver the same and the subscription books to the said directors; and the time and place of holding the first meeting of the directors shall be fixed by the persons named in the first section, or a majority of them, and the directors chosen at such meeting, and those chosen annually thereafter at such time in the month of June as may be fixed by their by-laws, shall as soon as may be after every election, choose out of their number a president, and in case of his removal, resignation, death or inability to act, to fill such vacancy, and in case of failure to elect directors at the time the same should be made, and the said corporation shall not be dissolved for that reason, but such election may be held at any other time, and directors for the time being shall hold over until their successors shall have been chosen.

Vacancies, how filled.

Powers of directors.

4. *And be it enacted*, That a majority of said directors shall be a quorum for the transaction of business, and shall have power to call in the capital stock of said company in such manner as they may deem best; and in case of non-payment of any installment at the time specified, to forfeit the share or shares upon which such default shall arise, with all previous payments thereon, to the use of the company, and to make such by-laws and regulations as to them shall appear needful and proper for the management and regulation of the stock and property of said company, and to appoint such officers and servants as they shall deem necessary, and to fix such salaries thereto as they shall deem proper.

Authorized to construct railroad.

5. *And be it enacted*, That the president and directors be, and they are hereby authorized and invested with all the rights and powers necessary, and expedient to survey, lay out and construct a railroad from the Central railroad depot in Jersey City, through Washington street, or such other street as may be opened from said Central railroad depot, to the line of Montgomery street, and up Montgomery street, westerly to the Hackensack river, and also from the Erie

railroad company's depot in Jersey City, up Pavonia avenue to West Side avenue, whenever said Pavonia avenue shall be opened to said West Side avenue, and thence southerly along said West Side avenue, to West Bergen; and the said company shall designate their said map on a suitable map, and file the same in the office of the clerk of the county of Hudson, before the construction of their road; and that when said railroad is built, it shall be subject to the regulations of the city authorities; *provided*, that in constructing said railroad and branches, the work shall be done under the inspection of the committee on streets or board of public works or other proper officers of said city, and shall not unnecessarily interrupt the public travel during the progress of the work, and shall restore the streets to their former condition without unreasonable delay; *and provided further*, that horse power and no other shall be used in running the cars or carriages. Proviso.

6. *And be it enacted*, That the track shall be laid flush with the surface of the street, and conform to the grade of the street as it now is and as it shall be from time to time established or altered, and shall keep the surface of the street inside of the rails in good and proper order and repair. Track to conform to grade of street.

7. *And be it enacted*, That said company shall make such rules and regulations as to the price for carriage of passengers, freight and merchandise, on said road, as the president and board of directors may direct; but the price for each passenger shall not exceed the sum of five cents for one mile, or the fraction of a mile, and after that rate for all distance over a mile. Rates for transportation

8. *And be it enacted*, That the said company may purchase land and hold real estate at the termini of their road, and at the intermediate depots or stations on the line of the same, not exceeding one acre at each place, and may erect buildings thereon, and improve the same, as they may deem expedient; and for the purpose of constructing said road and equipping the same, and the purchase and improving of the property necessary for their business, said company may issue their bonds to an amount not exceeding two hundred dollars, and secure the same by mortgage on their said property and franchise. May hold real estate.

9. *And be it enacted*, That the president and board of directors of said company shall declare and make such dividends as they may deem prudent from time to time out of the net profits of said road; and said company may make Dividends.

- contracts with and connect with other horse railroads in said city ; and they may lease their road to any other company ; *provided*, they obtain the consent of all the stockholders of this company, and in like manner may lease their road when constructed, or any part thereof, to any other company.
- Proviso.** 10. *And be it enacted*, That when so much of said road is completed as to make it a public convenience, the said company may commence running cars for the transportation of passengers, enjoying all the privileges and subject to the restrictions created by this act.
- When to commence business.**
- Limitation.** 11. *And be it enacted*, That if said railroad shall not be commenced within three years after the passage of this act, and finished within three years, this act shall be void.
- Penalty for injuring works.** 12. *And be it enacted*, That if any person shall wilfully injure, impair, destroy, or obstruct the use of said railroad, or any of the necessary works, carriages, or property before mentioned, such person or persons so offending shall forfeit and pay to said company the sum of one hundred dollars, to be by them recovered in any court having jurisdiction in an action of debt ; and further, shall be liable for all damages.
13. *And be it enacted*, That this act be a public act, and take effect immediately.
- Approved March 26, 1872.

CHAPTER CCCLXXXV.

An Act to incorporate the Cranford Gas Light Company.

- Corporators.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alden B. Bigelow, Sylvester Cahill, Nathaniel G. Foster, Stephen J. Cox, John Cromwell, George O. Totten, Augustus C. Kellogg, Cornelius A. Leveridge and Moses T. Crane, and all and every person or persons who may become stockholders in the capital stock hereinafter mentioned, their successors and assigns, are hereby constituted and made a body politic and corporate, in fact and in law, by the name of "The Cranford Gas Light Company,"
- Name and powers.**

and by the said name the said corporation shall have power to sue and be sued, plead and be impleaded, contract and be contracted with, and to make, manufacture and sell illuminating gas, to be made from coal or other materials, for the purpose of lighting the streets, buildings, manufactories and public grounds, situate in the township of Cranford, and in the other townships contiguous thereto, in the county of Union; and under and by the aforesaid corporate name and style, the said corporation shall have perpetual succession, and shall have power and authority to enter into and execute any and all proper contracts, agreements, understandings, undertakings and covenants, for the furtherance of the objects for which the said corporation is created, with power and right to enforce the same in all proper ways and manner under the laws of this state; and shall be capable of purchasing, taking and holding any estate, real or personal, necessary to give effect to the specified purpose of this corporation, for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold for the purpose of securing debts which have become due to them in the regular business of the said corporation; and also to hold any and all patents and patent rights necessary and proper for the purpose of carrying out the object and intent for which such corporation is created, and for the accommodation of its business concerns.

2. *And be it enacted*, That the said corporation shall be and is hereby empowered and authorized to enter upon and make any and all necessary and proper excavations for the purpose of laying down, and to lay down all necessary and proper gas pipes and conductors, and to erect all necessary and proper posts, burners, lights and reflectors, in any and all of the streets, lanes, alleys, avenues, roads, highways and public grounds in the said township of Cranford, and the other townships contiguous thereto in said county of Union, and to do all things necessary and proper to be done for the purpose of lighting the same, and the dwellings, stores and other buildings and places in said township of Cranford, and other townships contiguous thereto, in said county of Union; *provided*, May enter upon all lands and lay gas pipes, &c. Proviso. that the public travel shall at no time be unreasonably and unnecessarily obstructed or impeded thereby, nor shall the said streets, lanes, alleys, avenues, roads, highways and public grounds be permanently injured by the same, but the said corporation shall put and leave such streets, lanes, alleys,

avenues, roads, highways and public grounds in as good, perfect and permanent condition as the same were in before the laying of said pipes and the erection of said posts.

Capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, with the privilege of increasing the same, from time to time, to any sum not exceeding three hundred thousand dollars, divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable on the books of the said corporation in such manner as the said company shall by their by-laws direct.

Books of subscription.

4. *And be it enacted*, That the above named persons, or a majority of them, may open books to receive subscriptions to the capital stock of said corporation, at such time or times, and at such place or places as they, or a majority of them may think proper; and whenever ten thousand dollars of the capital stock shall have been subscribed, and shall be paid or secured to be paid, it shall and may be lawful for the said corporation, and the above named persons, or a majority of them, may then give notice of a meeting of the stockholders, to choose not less than three nor more than seven directors,

Election of directors.

who shall be stockholders in their own right and name, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named persons, or a majority of them, shall be inspectors of the first election of directors of said corporation, and shall certify under their hands, the names of those duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them, and the directors chosen at such meeting, and at the annual 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 the case of the death or resignation of the president, or of any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may ap-

Vacancy, how filled.

point a president pro tempore, who shall have such power and functions as the by laws of said corporation shall provide.

5. *And be it enacted*, That in case it should happen that an election of directors shall not be made on the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but 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 places. Failure to elect directors not to dissolve

6. *And be it enacted*, That a majority of the directors of 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 installments, and at such times as they may direct, and in case of non-payment of such installments, or any one of them, to forfeit the share or shares upon which default shall arise, and to make and provide such by-laws, rules and regulations as to them shall appear needful, touching the management and regulation of the stock, property, estate and effects of said corporation; and also shall have power to elect or appoint as many officers, superintendents, agents, 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 board shall appear proper; and shall have full power and authority, from time to time, to open the books for further subscriptions until the whole capital stock is taken. Installments, how paid. Officers.

7. *And be it enacted*, That if any person or persons shall wilfully injure any conduit, pipe, gasometer, or any other thing appertaining to the works of the company or obstruct the same, the person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine, not exceeding three hundred dollars, or imprisonment not exceeding two years, or both; *provided*, no such criminal prosecution shall impair the right of the company to an action for damages by a civil suit. Penalty for injuring works. Proviso.

8. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money from time to time, as shall be necessary or expedient in the conduct of their business, and to mortgage their property and franchises, or otherwise to secure the payment thereof, and to execute all necessary securities therefor, with interest thereon, not exceeding seven per centum per annum; and it shall be lawful for the said company, and they are hereby authorized to May borrow money and issue bonds.

sell and dispose of any bonds, obligations or assurances which they may issue to secure the payment of the money so borrowed as aforesaid, to any person or persons, or corporation, at any rate of price they may be able to realize or obtain for the same, without the same being in any way invalidated thereby, or any person or persons, or corporation, being liable to any penalty or forfeiture therefor.

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

Approved March 26, 1872.

CHAPTER CCCLXXXVI.

Supplement to an act entitled "An Act to incorporate the North Hudson County Ferry Company," approved March seventeenth, eighteen hundred and seventy.

Time extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time limited within which said ferry shall be established by the tenth section of the act to which this is a supplement, be and the same is hereby extended to the fourth day of July, one thousand eight hundred and seventy-five.

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

Approved March 26, 1872.

CHAPTER CCCLXXXVII.

An Act to incorporate the Telford Pavement Company of Paterson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Beaumont, Harmon Hock-^{Corporators.} enbery, Joseph R. Baldwin, Albert A. Van Voorhies and Charles Hemingway, and such other persons as may become associated with them, and their successors, are hereby created a body politic and corporate, in fact and in law, under and by the name of "The Telford Pavement Company of Pater-^{Name.} son," and by that name shall be capable of purchasing, acquiring, holding, using, conveying and disposing of all such real and personal estate as may be necessary for carrying out the objects of the incorporation, or which may be transferred to them for the payment of any debt; and that their principal office shall be located at the city of Paterson, in the county of Passaic.

2. *And be it enacted*, That said company shall be autho-^{Business of company.} rized to carry on the business of grading and draining lands, and of sewerage, curbing and flagging streets and roads, and of paving or macadamizing streets and roads with stone, concrete and other materials; to enter into and make contracts for such grading, draining, sewerage, curbing, flagging, paving and macadamizing; to manufacture, purchase and lay patent and other pavements; to buy, use or sell patents or patent rights for any process or processes connected therewith; and to transact all business in relation thereto.

3. *And be it enacted*, That the capital stock of said com-^{Amount of capital stock.} pany shall be one hundred thousand dollars, with the privilege of increasing the same to two hundred thousand dollars, divided into shares of one hundred dollars each, which stock shall be personal property, and shall be transferable only upon the books of the company, in accordance with its by-laws; and that said company may organize for the transaction of business as soon as ten thousand dollars of said stock shall have been subscribed and paid in.

4. *And be it enacted*, That the affairs of said company

- Directors to manage affairs. shall be conducted by not less than three nor more than five directors, who shall be stockholders, and of whom a majority shall constitute a quorum; that the first board of directors shall be elected by the stockholders, and by a plurality of votes, as soon as may be after the said sum of ten thousand dollars of capital stock shall have been paid in, and afterwards, on the second Monday in January in each year, in accordance with the by-laws; but that said corporation shall not abate because of any failure to elect such directors as aforesaid; and that any vacancy may be filled by the remainder of the board for the unexpired term.
- Vacancies, how filled. 5. *And be it enacted*, That the said directors shall have power to take in behalf of the company, any property suitable for the purposes of said company, at a valuation to be agreed upon, and in lieu of cash subscriptions; and also to open books of subscription, from time to time, until the whole capital stock shall be taken, and to require payment of all subscriptions to said capital stock, by installments, and under such forfeiture or forfeitures as they may deem expedient.
- May receive property in lieu of cash subscriptions. 6. *And be it enacted*, That the said directors may pass, alter and repeal all such by-laws, and may appoint and remove all such officers or agents as they may think proper or necessary for carrying out the objects of the incorporation; *provided*, that such by-laws shall not conflict with any law or laws of this state.
- May make by-laws. 7. *And be it enacted*, That the said directors shall likewise have power to declare and pay dividends out of and from the earnings or profits of said business.
- Proviso. 8. *And be it enacted*, That this law shall continue in force for thirty years from the time of its passage, and shall take effect immediately.
- Dividends. Limitation.

Approved March 26, 1872.

CHAPTER CCCLXXXIX.

A Further Supplement to an act entitled "An Act to charter the Passaic Valley and Peapack Railroad Company," approved March twenty-ninth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the New Jersey West Line Railroad Company are hereby authorized and empowered to construct, or purchase and hold, use and maintain and operate a line of electric telegraph, with the appurtenances over and along the line of their railroad or railroads, and thence to where they can make a connection or connections with a telegraph line now built or hereafter to be built, and to take and receive compensation for the transmission of messages; and that any person who shall unlawfully and intentionally injure, molest or destroy any of the lines, posts, conductors, buildings or other property belonging to the said company within this state, shall on conviction thereof be deemed guilty of a misdemeanor, and be punished by a fine not exceeding five hundred dollars, or imprisoned within the county jail not exceeding one year, or both, at the discretion of the court before which the conviction shall be had.

Power to construct, hold and use a line of telegraph, &c.

Penalty for injuring works.

2. *And be it enacted*, That so much of the fourth section of an act entitled "A Supplement to an act entitled 'An Act to charter the Passaic Valley and Peapack Railroad Company,'" approved March twenty-ninth, eighteen hundred and sixty-five, which act was approved February twenty-ninth, eighteen hundred and seventy-two, as requires the bridges in said fourth section mentioned, to be constructed on suitable stone piers, not less than one hundred and fifty feet from centre to centre, and said piers to be not less than ten feet above high water mark; and also the proviso at the end of said fourth section, relating to the crossing of streets or avenues in Newark or Jersey City be, and the same are hereby repealed; except so far as said proviso relates to crossing the streets known as Broad street, Frelinghuysen avenue and Pennsylvania avenue, in the city of Newark, with

Repealer.

Where road
crosses any
street the
same to be
done under
direction of
council.

Proviso.

the main line of said company; and where said road shall cross any street or avenue in the city of Newark on level or grade of said street or avenue, the same shall be done under the supervision or direction of the common council of said city; but nothing herein or in said proviso contained shall prevent said company from connecting their line with the line of the New Jersey Railroad and Transportation Company at grade; *provided however*, that if the said railroad shall cross the Passaic river, the bridge across said river shall be constructed with iron or stone piers for the draw, and for two permanent spans each one hundred feet wide in the clear, one on each side of the draw, the abutments of the draw to be ten feet above high water mark, and the piers parallel with the current; and if said railroad shall cross Newark bay then a like draw and openings shall be constructed at the west channel in said bay; and if the said road shall cross the Hackensack river, the bridge across said river shall be made with draw and openings of no less width than the draw and openings of all or either of the other railroad bridges across said river; and if the said road shall cross Newark bay, the bridge across said bay shall contain for the east channel the same width of draw and openings as used and required to be used by the Newark and New York Railroad across said Newark bay, and shall in all cases be so constructed and placed that it will in nowise interfere with or obstruct the channel; and if the said railroad company shall make an open cut through Bergen Hill, the said company shall be and hereby are required to construct and maintain suitable bridges across said open cut for all streets now made or that may hereafter be made; and if the said road shall cross Montgomery street in Jersey City, it shall cross said street at such height above said street as shall not interfere with the free and unobstructed use of said street.

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

Approved March 27, 1872.

CHAPTER CCCXCIII.

A Further Supplement to "An Act to incorporate the city of Bridgeton," approved March twenty-ninth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fifth section of the act to ^{Terms of office} which this is a supplement be so amended that the terms of office of the city treasurer and the school superintendent, respectively, hereafter to be elected, shall be three years instead of one year.

2. *And be it enacted*, That all acts or parts of acts in con- ^{Repealer.} flict with the provisions of this act, be and the same are hereby repealed.

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

Approved March 27, 1872.

CHAPTER CCCXCIV.

An Act to confirm the proofs and acknowledgments of deeds and other writings taken by M. L. Keefe, late a commissioner of deeds, in and for the county of Morris.

WHEREAS, it is represented that Michael L. Keefe was ap- ^{Preamble.} pointed a commissioner for the township of Boonton, in the county of Morris, of this state, to take the acknowledgment and proof of deeds for the said county; and whereas, at the time of his appointment or thereafter, Michael L. Keefe did not reside in the township of Boonton; and whereas, he, while not a resident of said township, and under a misapprehension of the law, did perform official

acts as such commissioner; therefore, to remove all doubts as to the legality of the official acts of said Michael L. Keefe,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the official acts and the acknowledgments and proofs of deeds and other instruments of writing done or taken by the said Michael L. Keefe, as commissioner as aforesaid, under and by virtue of his commission for that purpose, bearing date the first day of April, one thousand eight hundred and sixty-nine, are hereby confirmed and declared, and the same shall be deemed and taken to be as valid and effectual as if the said Michael L. Keefe, at the time of his said appointment, had resided, and had since that time continued to reside, in the township of Boonton aforesaid.

Official acts
confirmed and
made valid.

2. *And be it enacted*, That this act shall be taken and deemed to be a public act, and shall take effect immediately.
Approved March 27, 1872.

CHAPTER CCCXCV.

An Act to divide Deerfield township, in the county of Cumberland, into four road districts, and to provide for raising money, and for the election of overseers in the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the road districts of the township of Deerfield, in the county of Cumberland, as now divided and numbered, shall hereafter be known and designated as the first, second, third and fourth road districts of said township; and that hereafter the overseers of the highways of each of the said road districts in said township shall be elected viva voce by a majority of the legal voters, assembled for that purpose, as hereinafter provided.

Road districts.

Elections,
where held
and time of.

2. *And be it enacted*, That such election for the present year shall be held in each road district on the Saturday next

preceding the annual town meeting, between the hours of two and four o'clock in the afternoon, and the place of holding such election, for the first district, shall be at Park's hotel, Deerfield street; for the second district, at Cedar Grove mill; for the third district, at Friendship school house, and for the fourth district, at Rosenhayn, and thereafter such elections shall be held annually in said districts, on Saturday next preceding the annual town meeting, between the hours of two and four o'clock in the afternoon, at such place as shall have been appointed by said legal voters at the last election; but if they shall neglect or omit to appoint a place, then such election shall be held at the place at which such election was last held; and in all cases eight days' notice of such election shall be given by the overseer of each district, by advertisements signed by himself and put up at two of the most public places in the district, making known the time and place.

3. *And be it enacted*, That a majority of the legal voters present and voting at any such election are authorized and required to determine the amount of money which shall be raised and expended in their district for road purposes during the year, and such sums of money as shall be so agreed upon, shall be assessed and collected at the same time, and in the same manner as other moneys are assessed and collected for said township purposes; and there shall be, also, elected at the same time and place that the overseer is chosen, and the amount of road money determined upon, a treasurer for each road district, who shall receive from the collector of the township the amount of money raised for road purposes in the district for which he shall be treasurer; and who shall give security to the township for the faithful performance of his duty, in double the amount of money ordered to be raised by his district; and whose duty it shall be to disburse the moneys of the said district upon the order of the overseer of the highways of the same.

Legal voters
to determine
amount of
money to be
raised.

Treasurer.

4. *And be it enacted*, That it shall be the duty of the president and secretary of the said annual meetings held for the election of overseers, and for determining the amounts of money to be raised in the said districts, to make a certificate of the results of such election, stating who was duly elected overseer and treasurer of the district, the amount of money voted to be raised for road purposes, and the place appointed for holding the next election, which certificate, signed by the president and secretary of said meeting, shall, on or before the

Certificate of
result of elec-
tion to be filed

day of the following town meeting, be filed with the clerk of the township, to be by him recorded.

Repealer.

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

Approved March 27, 1872.

CHAPTER CCCXCVI.

An Act to prevent cattle from running at large in the township of Hardyston, in the county of Sussex.

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 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," approved March fourth, eighteen hundred and fifty-eight, so far as said act relates to cattle, be and the same are hereby extended to the township of Hardyston, in the county of Sussex; *provided*, that it does not include that part of the said township of Hardyston, known as the Hamburgh, Franklin and Snufftown mountains, and lands lying east of the same.

Proviso.

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

Approved March 27, 1872.

CHAPTER CCCXCVII.

An Act to restore and improve the navigation of Newton creek, and to enable the owners and possessors of meadows on said creek, to improve the same.

WHEREAS, by virtue of, and licensed by, an act entitled "An ^{Preamble.} act to enable the owners and possessors of meadow and marsh lying on Newton creek, in the county of Gloucester, to make and maintain a bank dam and necessary waterworks to stop the tide out of said creek, and keep the water course thereof open and clear," passed November twentieth, one thousand seven hundred and eighty six, and a supplement thereto, approved April sixth, one thousand eight hundred and sixty-seven, the said creek was stopped off at its mouth, and the natural flux and reflux of the tides therein were hindered and destroyed; and whereas, the said meadows have not only deteriorated in character, and become comparatively valueless in consequence of the lack of sufficient drainage, but also the waters have become stagnant, and the said meadows a nuisance highly injurious to the surrounding country; and whereas, it is represented that said owners desire, under the authority of the legislature to restore the flux and reflux of the tides in said creek, as well as to improve their said meadows, as also to restore its navigation; therefore,

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That with the consent, in writing, of a majority of the owners and possessors of the meadow and marsh, lying on said Newton creek and its branches, said Newton creek as far as the Camden and Blackwoodtown turnpike is hereby declared to be a public highway, and the board of managers chosen at the last annual meeting of said owners and possessors who, for the time being, may be such managers, are hereby in such case authorized and required to remove the said dam and waterworks, at the mouth of said creek, and to restore the navigation thereof, on or after the first day of September next, ensuing the passage of this act.

Creek and branches to be declared a public highway when the owners consent.

Dam to be removed.

2. *And be it enacted*, That this act shall be deemed and considered a public act, and shall go into effect immediate y.

Approved March 27, 1872.

CHAPTER CCCXCVIII.

A Supplement to an act entitled "A further supplement to an act entitled 'A supplement to an act to improve Bergen Wood road, in Hudson county,' approved April ninth, eighteen hundred and sixty-nine, approved March seven-teenth, eighteen hundred and seventy."

Amendment. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "or under and by virtue of this act" be inserted in the fifth line of the first section of the act to which this is a supplement immediately after the word "thereto," as the same appears in said line.

Amendment. 2. *And be it enacted*, That the word "such" be stricken out of the ninth line of the first section of the act to which this is a supplement, and the words "made under and by virtue of the original act, and the supplement thereto" be inserted in the same line of the same section, immediately after the word "assessment" as the same appears in said line, and the words "or if the full amount of any assessment made under and by virtue of this act shall not be paid within thirty days after the filing of the report of the commissioners provided for in section two of this act with the treasurer, appointed under and by virtue of section nine of the original act to improve Bergen Wood road, in Hudson county," be inserted in the eleventh line of the same section, immediately after the word "thereof."

Interest to be charged on unpaid assessments. 3. *And be it enacted*, That whenever any assessment made under and by virtue of the act to which this is a supplement, shall not be paid within thirty days after the filing of the report of the said commissioners provided for in said act with the treasurer, provided for in section nine of the original act to improve Bergen Wood road in Hudson county, it shall be

lawful for said treasurer to charge, receive and collect, in addition to the amount of such assessment, interest thereon, to be computed at the rate of twelve per centum per annum from the date of the expiration of said thirty days.

4. *And be it enacted*, That the words "and may include" Amendment. all costs and expenses theretofore incurred, and the prosecution of said writs of certiorari or otherwise" be inserted in the tenth line of the third section immediately after the word "certiorari" as the same appears in said section.

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

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

Approved March 27, 1872.

CHAPTER CCCXCIX.

A Further Supplement to an act entitled "An Act to authorize the Mayor and Common Council of the city of Newark to purchase the property of the Newark Aqueduct Company, and creating the Newark Aqueduct Board."

WHEREAS, The Newark Aqueduct Board are expending large sums of money in erecting suitable works for supplying the whole of said city with water, during the construction of which the water rents are insufficient to pay the interest upon said expenditures; and whereas, buildings into which the water has not been introduced receive great benefit therefrom for fire purposes, without bearing any share of said expenses, as do also vacant lots, in the enhanced value thereof, by reason of the water pipes being laid in front of the same; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the Newark Aqueduct Board, on or before the first day of March in each year, to prepare and file in the office of the board of assessment and revision of taxes in the city of Newark, a correct Aqueduct board to file statement of streets where in pipes are laid.

- statement of the streets, avenues, and alleys, or portions thereof in said city in which the water pipes of said aqueduct board are laid, and through which they are prepared to supply water to consumers, which shall be known as "the water pipe district;" and it shall thereupon be the duty of said board of assessment and revision of taxes, in each year, to assess upon each lineal foot front, or portion thereof, of land upon each side of each of said streets, avenues and alleys within said district (except lands owned by said city, and lands by law exempt from taxes and assessment), a tax at the rate of ten cents per lineal foot front, as aforesaid, which shall be assessed in the name of the respective owners of said lands; or if the ownership is not known by said board of assessment, then in the name of owners unknown, which shall be designated in said assessment "the water pipe district tax;" all the proceedings in relation to the collection of the same, and of the arrears thereof, shall be the same as those in relation to the other city taxes; the city treasurer shall keep his account of the same separately from his other accounts, and shall pay over the same to the said aqueduct board as fast as he shall collect or receive the same.
2. *And be it enacted*, That the amount of said tax so received by said aqueduct board, shall be by them applied to the payment of the interest upon the bonds of said city, which may have been from to time issued by said board, until the net revenue from the said water works shall be sufficient to pay said interest, and thereafter the amount of the said tax shall be paid into the sinking fund already created by said board for the redemption of said bonds.
3. *And be it enacted*, That the amount of the charge made by said board for the use or rents of water furnished or to be furnished by them in or upon any building, place or premises, shall be a lien upon the real estate in or upon which the same is furnished, which being reported by said aqueduct board to the common council of said city, shall be by them enforced and collected in the same manner, in all respects, as arrears of taxes upon real estate are collected; and when the same shall be so collected by said common council, they shall pay the amount thereof to said aqueduct board.
4. *And be it enacted*, That none of the limitations, restrictions, or conditions in the thirty-fifth or sixty-eighth sections of the act entitled "An Act to revise and amend the charter

Water pipe
district tax.

Collection.

Tax raised,
how applied.

Water rents to
remain a lien
on real estate.

Acts not to
apply.

of the city of Newark," approved March eleventh, one thousand eight hundred and fifty-seven, shall be held to be applicable to or in anywise affect this act.

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

Approved March 27, 1872.

CHAPTER CCCC.

A Further Supplement to an act entitled, "An Act to authorize the inhabitants of School District Number One, in the township of Plainfield, in the county of Union, to raise money to build school houses," approved March ninth, eighteen hundred and forty-eight.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the boundaries and limits of ^{Boundaries.} school district number one, in the township of Plainfield, shall conform to and include the present boundaries and limits of the city of Plainfield or such as may be hereafter established.

2. *And be it enacted*, That the number of trustees for said ^{Trustees, in-} district shall be increased from three to five, who shall hold ^{crease of.} office for five years, or until successors shall be elected, and who shall constitute the board of education of the city of Plainfield.

3. *And be it enacted*, That the election of trustees for ^{Election of} said district shall be held at the time and place of the regular ^{trustees.} annual election for city officers, and in the manner provided therefor, at which time one trustee shall be elected annually to serve for five years, or until a successor shall have been elected, excepting that at the first regular city election after the passage of this act, three trustees shall be elected who shall decide by lot; at the first meeting of the board thereafter one trustee of those elected to hold office for five years, one for four years, and one for three years, and the terms of the trustees holding over terminating on the second Monday

of April are hereby extended to the time of the city election at which their successors shall be elected.

Annual report
when to be
made and
published.

4. *And be it enacted*, That the annual report of the trustees now required to be made and published in the month of March shall be made and published in the month of September of each and every year, and shall contain a full and detailed statement of the receipts and expenses for the school year beginning on the first day of September, together with such statistical and other information as they may think proper.

Board of edu-
cation to de-
termine the
amount of tax
to be raised
for schools.

5. *And be it enacted*, That the board of education shall determine annually what amount of tax shall be required for school purposes, not to exceed one-half of one per cent. of the taxable valuation of the district including the state school tax for that year, a requisition for which amount, certified by the president and secretary of the board shall be advertised for three weeks previous to the time of assessing city taxes, and a copy of which shall also be sent to the assessor and collector of the city, whose duty it shall be to assess and collect the amount so required at the same time and in the same manner, with the city taxes, and it shall be their duty in all other respects to perform the duties heretofore required from the collector and assessor of Plainfield township in the several acts and parts of acts in force in relation to school district number one, Plainfield.

Trustees not
to receive sal-
ary.

6. *And be it enacted*, That it shall not be lawful for the trustees, or either of them, to receive any pay, salary or compensation, directly or indirectly, from the board for any services as trustees or otherwise, performed during the period for which they were elected, or for any part thereof.

Repealer.

7. *And be it enacted*, That all acts and parts of acts, in relation to school district number one, inconsistent with the provisions of this act are hereby repealed.

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

Approved March 27, 1872.

CHAPTER CCCCI.

Supplement to an act entitled "An Act to incorporate the Mutual Agricultural Association of the counties of Union and Middlesex," approved February fourteenth, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of directors of the said association shall have power to assess upon each member a sum not exceeding twenty five dollars per annum upon each share of stock owned by him; and if any assessments shall not be paid at such time as the board of directors may direct, the privileges of membership of the non-paying members, and the right of transferring their stock shall be suspended until such assessments shall be paid; and if any assessment or assessments shall not be paid within six months after such assessment or assessments shall become due, then the share or shares of stock upon which said assessment shall remain due and unpaid may be forfeited by the board of directors, and sold at public auction for the benefit of the association; and any excess of net proceeds arising from said sale, shall be paid to such person, his heirs or assigns, on whose account the share has been sold; *provided*, that at least sixty days' notice shall be given of an assessment being payable, and at least sixty days' notice to the non-paying member, his heirs or assigns, before any sale shall be made under a forfeiture, and the said board of directors shall also have the power to make such further assessments upon the shares of stock of said association as may be necessary to pay and discharge the present indebtedness of the association, subject to the same conditions and penalties as are above expressed in relation to the annual assessment of members.

Directors may make assessment on members.

Failure to pay assessments, stock may be forfeited.

Proviso.

2. *And be it enacted*, That the said association shall have the power to sell and convey the whole or any portion of the real estate owned by them; *provided*, the consent of the members representing a majority of the shares shall be first had and obtained, and such consent be recorded in the minutes of said association at any regular or special meeting called

May sell real estate.

Proviso.

according to the rules or by-laws of said association, and that at such meeting members may vote by proxy.

Repealer.

3. *And be it enacted*, That section eleven of the act to which this is a supplement, be and the same is hereby repealed.

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

Approved March 27, 1872.

CHAPTER CCCCII.

An Act enabling the Trustees of the Third Presbyterian Congregation in Newark to sell lands.

Preamble.

WHEREAS, Alexander C. McWhorter and Frances G. C., his wife, Josiah B. Howell and Mary his wife, George H. McWhorter and Margaret his wife, Julia McWhorter and Adriana McWhorter, by their certain deed bearing date the twenty-second day of June, one thousand eight hundred and twenty-four, and recorded in the clerk's office of the county of Essex, in book G two of deeds, on pages six hundred and forty-six, six hundred and forty-seven and six hundred and forty-eight, did for a good and valuable consideration convey unto "The Trustees of the Third Presbyterian Congregation in Newark," and to their successors forever, a certain tract or parcel of land in the township (now city) of Newark, and in the said deed particularly described and set forth; and whereas, the said tract of land has been used and occupied by the said congregation as a burial ground, and burial lots have been sold from the same to various persons, but the same has for a long time ceased to be used or opened for the purpose of burial, and is now neglected and unused by the owners of the said lots; 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 said trustees of the Third Presbyterian Congregation in

Newark to purchase other lands in some suitable location for burial purposes or sufficient burial lots in some cemetery already laid out and established in the vicinity of the city of Newark, and at their own proper cost and charges remove and re-inter the remains of the bodies now interred and buried in the above mentioned land, heretofore used as a burying ground as aforesaid, and also to remove all tombstones and monuments erected over the graves of remains in said burying ground, and set the same up in a substantial and proper manner over the graves of the bodies so removed and re-interred.

2. *And be it enacted*, That upon the removal of the bodies, tombstones and monuments from the said land by the said trustees, as above provided, it shall be lawful for the said "The Trustees of the Third Presbyterian Congregation in Newark," and they are hereby authorized and empowered to sell and convey the whole or part of the said tract of land and premises in fee simple or otherwise as may to them seem proper and desirable, free and clear and absolutely discharged of and from all trusts whatsoever, and to execute and deliver to the purchaser or purchasers thereof good and sufficient deed or deeds therefor, to be executed and proved in the manner that deeds of corporations are now made and proved by law, which deeds shall convey to and vest in the purchaser or purchasers a good and valid title to and for the said lands so conveyed.

3. *And be it enacted*, That the said "The Trustees of the Third Presbyterian Congregation in Newark," shall pay and refund to such person or persons as may have purchased lots in the said tract of land heretofore used as a burial ground, and that have or shall remove the bodies buried therein at their own individual cost and charges, or that may have purchased lots and not used the same for burial purposes, the amount of the purchase money paid for said lots, without interest; *provided*, the same be demanded within five years from the passage of this act; and the remainder of the purchase money received for the land so sold shall and may be applied to and for such purposes as the said "The Trustees of the Third Presbyterian Congregation in Newark" may direct.

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

Approved March 27, 1872.

CHAPTER CCCCIII.

A Further Supplement to "An Act to incorporate the New Jersey Midland Railway Company."

Preamble. WHEREAS, the New Jersey Midland Railway Company have provided for the issue of their first mortgage bonds in the several denominations of one hundred dollars, five hundred dollars, and one thousand dollars, to the amount in the aggregate of three millions of dollars; and whereas, it is desirable to issue a larger proportion of said bonds of the denomination of one thousand dollars, and a smaller proportion of said bonds of the denomination of one hundred dollars than is provided in said mortgage; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees under said first mortgage of said New Jersey Midland Railway Company are hereby authorized and empowered to cancel and destroy five hundred and fifty of said bonds of the said denomination of one hundred dollars, and, thereupon, it shall be lawful for said company to issue, under said mortgage in the place and stead of the bonds so cancelled by said trustees, an additional series of said first mortgage bonds of the denomination of one thousand dollars; said additional series shall consist of fifty-five of said bonds, which shall be countersigned by said trustees, and, thereupon, shall be held and deemed, in all courts and places whatsoever, to be secured by said mortgage the same as if said fifty-five bonds had originally been subject to the lien of said mortgage; but nothing in this act shall be construed to allow of the issue, by said corporation or said trustees, of a larger amount of said bonds than the said aggregate sum of three millions of dollars.

Trustees authorized to cancel bonds.

May issue bonds.

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

Approved March 27, 1872.

CHAPTER CCCCIV.

An Act to incorporate the trustees of Saint Stephen's School.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey.* That Edward S. Renwick, Albert ^{Corporators.} H. Dyett, Edward T. Whittingham, George W. Campbell, jr., and Edward S. Hidden, and their successors, shall be and they are hereby constituted a body politic and corporate, by the name of "The Trustees of Saint Stephen's School;" and ^{Name and powers.} by that name shall have perpetual succession, and may sue and be sued, implead and be impleaded, and may purchase and hold property, whether acquired by purchase, gift or devise, and whether real, personal or mixed; and may make and have a corporate seal, and the same alter at their pleasure; and shall have all other rights belonging to similar corporations, by the law of this state.

2. *And be it enacted,* That the object of said association ^{Object.} is hereby declared to be the education of youth of both sexes.

3. *And be it enacted,* That the entire management of the ^{Trustees.} affairs and concerns of the said corporation, and all the corporate powers hereby granted, shall be and hereby are vested in a board of eight trustees, who shall be residents of this state, and a majority of the trustees shall constitute the necessary quorum for the transaction of business; the rector of Saint Stephen's Protestant Episcopal Church, at Millburn, New Jersey, and the two church wardens of the said church, shall be trustees, ex-officio; they and the persons named in the first section of this act, shall be the first trustees.

4. *And be it enacted,* That the trustees shall have power ^{Powers of trustees.} from time to time to enact by-laws not repugnant to the constitution or laws of the United States or of this state, or to this act, for the regulation and management of the said corporation or school, to fill all vacancies in the board, and to prescribe the number and description, the duties and powers of the officers, the manner of their appointment, and the term of their office; and special meetings of the said trustees may

be called at such times and at such place and in such manner as a majority of them shall hereafter from time to time, determine.

May purchase
and hold real
estate.

Proviso.

5. *And be it enacted*, That for the purpose of carrying out the object declared in the second section of this act, the said corporation shall have power from time to time to purchase, take and hold real and personal estate, and to sell, lease and dispose of the same; *provided*, the annual value shall not exceed the sum of twenty thousand dollars.

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

Approved March 27, 1872.

CHAPTER CCCC.V.

An Act to incorporate the Benevolent Society, Number One, of Fort Lee, Bergen County.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That E. W. Snyder, Nicholas Kurt, Herman Heineker, Jacob Debacker, George Younge, Martin Neizer, Farley Heft, Leopold Bigler, Joseph Casper, their successors and associates be, and they are hereby constituted and declared a body corporate and politic in fact and in law, by the name of "The Benevolent Society, Number One, of Fort Lee, Bergen County," and, also, to have a common seal, and use and change the same at pleasure.

2. *And be it enacted*, That the object and purpose of this association shall be to create and establish a fund to be used for the relief and assistance of such of its members as shall by sickness, casualty or other cause be rendered incapable of attending to their usual occupation or calling, by furnishing for them either partial or entire support, according to their necessities, and for the purposes of mutual protection, benefit and advantage.

3. *And be it enacted*, That this association shall have au-

thority to hold real estate to an amount not exceeding five thousand dollars. May hold real and personal estate.

4. *And be it enacted*, That the management and disposition of the affairs and property of said association shall be vested in such officers, to be elected at such time and in such manner as the said association shall by its laws provide; Affairs, how managed. *provided*, such by-laws shall not conflict with the constitution Provide. and laws of this state, or of the United States.

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

Approved March 27, 1872.

CHAPTER CCCCVI.

A Supplement to an act entitled "An Act to incorporate the Overpeck Creek Canal Company," approved March eighth, eighteen hundred and seventy.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall ~~and may~~ be lawful for May extend and build canal. the Overpeck Creek Canal Company to extend and build their canal, from its present northern terminus, northerly to the New York state line, with the privilege of beginning at any point, and to build any part or parts thereof within the aforesaid boundary; and the said Overpeck Creek Canal Company, shall and may acquire, hold and possess all lands, rights and property required for such extension of said canal, in the manner provided in the act to which this is a supplement, and is hereby invested with and may exercise the same rights, powers, privileges and franchises, for and in the construction, use and enjoyment of the same, and shall be subject to the same conditions, provisions, limitations and restrictions, except as to the time of the construction thereof, as are contained in the act to which this is a supplement. Powers.

2. *And be it enacted*, That for the purpose of enabling Increase of capital stock. said company to build and construct said canal as aforesaid, and hereby authorized to be constructed, the capital stock of

said company may be increased to such amount as the board of directors thereof shall deem necessary and expedient, to be subscribed, called in and collected in the manner provided in the act to which this is a supplement.

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

Approved March 27, 1872.

CHAPTER CCCCVII.

An Act to incorporate the Stafford Land Company.

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|--------------------------|--|
| Corporators. | 1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That Henry M. Alexander, George W. Campbell, junior, William N. Grier, Hugh L. Cole, Samuel Borrows, James F. Kitchen, Nicholas Murray, John Torrey, junior, Reuben Etting, A. D. Hepburn, William H. Fraley, Samuel Campbell and John A. King, and such other persons as they may hereafter associate with them, be and they hereby are constituted and declared to be a body corporate and politic in fact and in law, by the name of "The Stafford Land Company," and in that name shall have a corporate seal, shall sue and be sued, and shall have power to purchase, hold, improve, lease, rent and sell real and personal estate or any interest therein, and to open books of subscription at such time and place in the county of Ocean, as they may select; and until other directors are chosen the corporators herein above mentioned, shall be the first directors with power to make by-laws and transact such other business as may be consistent with this act. |
| Name. | |
| Amount of capital stock. | 2. <i>And be it enacted</i> , That the capital stock of said company shall consist of one thousand shares of one hundred dollars each, with liberty to increase the same from time to time to an amount not exceeding five thousand shares, which shares shall be deemed personal property, and be transferable in such manner as the company may by their by-laws direct; and as soon as one thousand shares are subscribed and twenty |

per centum thereon shall be paid in to said corporators, or a majority of them, or secured to be paid, it shall and may be lawful for the said corporation to proceed to carry into effect the objects of this act; and it shall be lawful for the directors of said corporation to call and demand from the stockholders thereof, respectively, such installments, at such times and in such proportions, as they may deem proper, not exceeding twenty dollars on each share at any one time, notice of which shall be given at least thirty days before such installments are required to be paid; and it shall be lawful for said company to issue certificates of stock in whole or in part for any real or personal estate purchased by said company; and in case of the failure by any stockholder to pay his or her installment or installments, as the case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall, if the company shall so direct, incur forfeiture of his or her share or shares, and of all previous payments thereon for the use of the company.

Failure to pay
subscriptions
to work for-
feiture.

3. *And be it enacted*, That the property and affairs of the said company shall be managed by a board of thirteen directors, shareholders in said company, who shall be chosen annually at such place in the state of New Jersey, and at such times and in such manner and upon such notice as the by-laws of said company shall direct, each share of the capital stock entitling the holder to one vote either in person or by proxy, said directors to hold office until others are elected in their place; five of said directors shall constitute a quorum competent to transact all business; said directors shall choose one of their number to be president and may appoint such other officers and agents as they may deem expedient.

Affairs to be
managed by
directors.

4. *And be it enacted*, That the president and directors of said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to purchase, hold, use and improve, rent, lease, sell and dispose of real or personal estate, or any interest therein in the state of New Jersey, to survey such real estate as they may purchase, to lay it out in such lots, to lay out and establish or locate thereon such streets or lines of division, and to sell it in such lots, and at such prices as shall to said company seem best calculated to improve and build up said property or properties, and to transact all business connected with the carrying out the object of said corporation.

May purchase
and hold real
estate.

5. *And be it enacted*, That any conveyance, deed, lease,

Conveyances, &c., binding on company. agreement or other instrument signed by the president and treasurer of said company, and duly sealed and acknowledged according to the laws of New Jersey, shall have full force and effect to bind said company to all the covenants and conditions therein contained.

May incorporate in any deed a clause forbidding sale of liquors. 6. *And be it enacted*, That for the purpose of restricting nuisances, and of compelling a uniform system of improvements in lands belonging to them, the said company are hereby authorized and invested with full power to incorporate into any deed of conveyance made by them, whether fee simple or otherwise, a clause or condition forbidding the sale upon the premises so conveyed by said company of any spirituous or intoxicating liquors, and forbidding any nuisance which the said company may deem detrimental to the interests and prosperity of said settlement, and to require any grantee of said company to make and maintain such style and character of improvements on said lots so conveyed, or on the streets fronting thereon, as to the said company may seem most expedient for securing a uniform system of development and improvement of their property.

Provisions of last section, how enforced. 7. *And be it enacted*, That for the purpose of enforcing the provisions of the last section, the said company are hereby authorized and invested with power to attach to said clause to restrict nuisances and regulate improvements, a penal sum, which said grantee shall forfeit upon any non-fulfillment or non-compliance therewith, and the said sum the said company may recover in any court of record, having competent jurisdiction in actions of debt.

Dividends. 8. *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 profits of said company.

May borrow money. 9. *And be it enacted*, That the said company may borrow such sum or sums of money, from time to time, as shall be necessary to carry out the objects of said company, and secure the repayment thereof by the execution and negotiation of any bond or bonds, and may secure any of said bonds by mortgage on the lands, privileges, franchises and appurtenances of and belonging to said company, said bonds bearing not more than seven per centum interest per annum.

How dissolved. 10. *And be it enacted*, That the said corporation may be dissolved at any time by a general meeting of the stockholders, specially summoned for that purpose by the president

of said corporation, by direction of the board of directors or a majority of them ; *provided*, that at least two-thirds in value of the stock be represented at said meeting, and upon such dissolution the directors for the time being, or the survivors or survivor of them, shall be trustees for settling all the affairs of said corporation, and dividing the surplus among the stockholders in proportion to their respective interest therein, unless the stockholders at such meeting shall appoint one or more persons for such purpose ; in which case the person or persons so appointed shall be trustee or trustees for the purpose aforesaid.

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

Penalty for
injuring
works.

12. *And be it enacted*, That the said company shall have power to subscribe for and take stock in, or purchase the bonds of, any canal, railroad, bridge, turnpike or other highway that now is or hereafter may be incorporated or established by the legislature of this state, which shall lead to or pass through any lands that may be owned by the said company ; and also that said company may subscribe for or take stock in, or purchase or guarantee the bonds of any manufacturing, mining or other company, or any hotel, that now is or hereafter may be incorporated or established by the laws of this state.

Power to take
stock in other
corporations.

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

Failure to
elect not to
dissolve.

14. *And be it enacted*, That said company shall have power to construct and maintain a bridge or bridges from any lands which may be owned by them near the village of Manahawken, in the township of Stafford, in the county of Ocean, over any waters adjoining the same, to any island or islands opposite to such lands that may be owned in whole or in part

May build
bridges, &c.

Proviso.

by said company ; and said company may charge and collect tolls for passage and transportation over their bridge or bridges ; *provided*, that in case any navigable waters shall be crossed by said bridge or bridges, suitable and proper draws shall be built and maintained not to interfere with riparian rights.

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

Approved March 27, 1872.

CHAPTER CCCCVIII.

A Supplement to "An Act to incorporate the Allentown Railroad Company," approved March seventeenth, eighteen hundred and seventy.

May survey,
lay out and
extend rail-
road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Allentown Railroad Company shall have power to survey, lay out, construct, equip, maintain, operate and extend their railroad from a point at or near Allentown, the terminus mentioned in the act to which this is a supplement, to some point at or near the city of Trenton, and eastward from a point at or near Inlaystown station, on the Pemberton and Hightstown railroad, to Freehold, in the county of Monmouth.

May increase
capital stock.

2. *And be it enacted*, That said company shall be at liberty to increase their capital stock to five hundred thousand dollars.

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

Approved March 27, 1872.

CHAPTER CCCCIX.

An Act to incorporate the Point Pleasant Railway Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Adam W. Clayton, George Lecompte, John Arnold, Sidney Forman and Richard B. Parker, and such other persons as may hereafter be associated with them, shall be and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Point Pleasant Railway Company," and by that name they and their successors and assigns, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all the courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors by the same name and style shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient for the objects of this corporation. Name and powers.
2. *And be it enacted*, That the capital stock of said company shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each; but said company shall have power to increase the same to an amount not exceeding one million dollars; the said capital stock shall be deemed personal property, and shall be transferable in such manner as the by-laws of said company shall direct. Capital stock.
3. *And be it enacted*, That the above named persons, or a majority of them, may open books and procure subscriptions to the capital stock of the said company, at such time or times, and in such place or places as they, or a majority of them, may think proper; and whenever there shall be one thousand shares of the said stock subscribed, the said corporation, or a majority of them, may give notice for a meeting of the subscribers, to choose nine directors, and such election shall be made at the time and place appointed in the said no- Commissioners to receive subscriptions. Election of directors.

tice, by such subscribers as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and that three of the above named corporators shall be inspectors of such election, and shall certify under their hands the names of the persons duly elected as directors, and deliver over the subscription books to the said directors at the first meeting of the said directors; and the said directors so chosen as aforesaid, shall at their first meeting, or annually, at the annual election of the said company, or as soon as may be, after every such election, choose out of their own number a president, and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year, wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such powers and functions as the by-laws of the said company shall provide.

Vacancies,
how filled.

Failure to
elect not to
dissolve.

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

Powers of di-
rectors.

5. *And be it enacted*, That a majority of the directors of said company shall be competent to transact all business of the said company, and they shall have power to call in the capital stock of said company, by such installments, not to exceed twenty five dollars on each share, at any one time, and at such times as they may direct; *provided*, that such installments shall not be called for at a shorter period than thirty days from each other; and in case of the non-payment of said installments, or any of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper touching the management and regulations of the stock, property, estate and effects of the said company, and shall also have power to appoint a treasurer and a secretary, and so many officers and servants as to them shall seem meet, and to establish and fix such

Proviso.

salaries to them, and also to the president, as to the said board shall appear proper.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point at or near the village of Manchester, in Ocean county, to some suitable point at or near the village of Point Pleasant, in said county, with power to construct branch railroads thereto, to connect with any railroad or roads that may now or hereafter be built in the counties of Ocean or Monmouth; but any such railroads shall not exceed one hundred feet in width, unless more land shall be required for the slopes of cuts and embankments, 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 said company may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times, upon all lands or waters for the purpose of exploring, surveying, leveling and laying out the route or routes of such railroad or roads, and of locating the same; and to locate and erect all necessary works, buildings, conveniences, appurtenances and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such railways, and the location or locations of other works, buildings, conveniences, appurtenances and appendages thereof, shall have been determined upon, and a survey of such route or routes, location or locations, deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, 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 necessary works, lay rails, and to do all other things which may be suitable or necessary for the completion, management or repairs of said railways, subject to such compensation as is hereinafter provided; *provided always*, that the payment, or tender of payment, of all damages for the occupancy of lands through or upon which the said railways, and their conveniences, appurtenances and appendages may be laid out or located, be made before the said company, or any person under their direction or employ, shall enter upon,

Authorized to survey, lay out and construct a railroad.

May enter on lands, &c.

Proviso.

or break ground in the premises, except for the purpose of surveying and laying out said railways, and the conveniences, appurtenances and appendages, and of locating the same, unless the consent of the owner or owners of such lands be first had and obtained.

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

7. *And be it enacted*, That if the owner of the land or lands on which such survey or location for said company shall be made, shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court, who is disinterested in the premises, upon the application of either party, and after giving ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners to assess the price or value of said lands, who shall be sworn or affirmed, faithfully to execute the duties of such appointment; and after like notice to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such decision and award, together with a description of the said land and the quantity taken, by whom owned and how situated and bounded, and described in writing, under their hands and seals, or under the hands and seals of any two of them, to the justice who appointed them, and to be by him returned and filed in the office of the clerk of the county wherein the lands lie, together with all the papers before him relating thereto, there to be kept as a public record, and copies taken, if required, by either party; and if either party shall feel aggrieved by the decision and award of the said commissioners, the party so aggrieved may appeal to the circuit court, at the next term after such decision and award, by proceeding in the form of a petition to the said court, with five days' notice in writing to the opposite party of such appeal, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and if required they shall award a venire in proper form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands, and all damages sustained; and if the said jury be demanded by the said company, and they shall find a greater sum than the said commissioners, then judgment shall be

Proceedings
in case of ap-
peal.

given, with costs, against the said company, and execution issued if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the said sum awarded by the said commissioners, or execution issued therefor, as may be directed by the said court; and upon payment or tender of the sum so found by the said commissioners, or by the jury, with costs, if any, the said company shall be deemed to be seized, and possessed in fee simple, of all such lands and real estate appraised as aforesaid.

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

Proceedings
in case per-
sons are inca-
pacitated.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair, good and sufficient crossings, where any public or other road shall cross the same, so that the passage of carriages, horses and cattle, across the said railways shall not be impeded thereby.

Shall con-
struct and
keep crossings
in repair.

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

May purchase
equipments,
and rates of
fare.

Proviso.

- cents per mile for each passenger carried on said railway in the carriages of others, and three cents per ton per mile for each empty carriage; *provided*, that no charge shall be required to be less than ten cents; and the said railway and its appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages and all other property whatsoever belonging to said company, at any time or times, are hereby vested in the said company, incorporated by this act, and their successors and assigns, during the continuance of this act.
- Proviso. 11. *And be it enacted*, That it shall be lawful for this company to contract for the running of the trains of this company over their own railroad or roads, or to let and lease the same to any other corporation, or individuals to operate; and to connect the said road or roads at their termini with any other railroad or roads that may now or hereafter be built; and that the railroad or roads authorized by this act, shall be, and are hereby declared public highways free for the passage of any railway car or carriage thereon, with passengers and property, subject to the rates hereinbefore mentioned;
- Proviso. *provided*, that the train of cars, of any other corporation, company, or individuals passing over or on said railroad or roads shall be subject to the regulations of this company, as to time and speed of running said trains or cars.
- Dividends. 12. *And be it enacted*, That the president and directors shall, within one year after the said railway shall have been completed, declare and make such dividends as they may think prudent and proper, of the net proceeds thereof, and shall in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company in proportion to the amount of shares held by them, respectively, as they may deem prudent and proper.
- Penalty for injuring works. 13. *And be it enacted*, That if any person shall wilfully impair, destroy, or obstruct the use of the railway constructed under the provisions of this act, by the said company, or any of its necessary works, bridges, carriages, machines or appendages, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by it recovered in any court having competent jurisdiction in an action of debt, with costs, and further shall be liable for all damages.
- May have and hold real estate. 14. *And be it enacted*, That the company may have and hold real estate at the commencement and terminations of

said railway, and at the several stations on the line of said railway, to a sufficient extent to provide accommodations and conveniences for the business of said railway, and may erect and build thereon houses, warehouses, machine shops, and such other buildings and improvements as it may deem expedient for the safety of property, and construction of carriages, and other necessary uses, and take and receive the rents, profits, and emoluments thereof, and shall have the privilege and authority to erect, build, and maintain such bridges over any rivers or streams of water, on the line of its railways, as it may find expedient and necessary for full enjoyment of all the benefits conferred by this act; *provided*, Proviso. that any bridge erected by said company over any navigable stream shall have a suitable and sufficient draw at a convenient place for the passage of vessels, so as not to impede the navigation thereof.

15. *And be it enacted*, That as soon as the said railroad Statement of costs to be made. or any part of it is in operation, the president of the said company shall make, under oath or affirmation, a statement of the amount of the costs of the said railroad, including equipments, appendages, and all expenses in the office of the secretary of state; and annually thereafter, on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the secretary of state, of the cost of the equipment, appendages and expenses of said road; and after the said railroad, or any part of it, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost, equip- State tax. ment and appendages of said road, to be paid annually thereafter, on the first Monday in January of each year, and such other taxes as may be assessed from time to time, by a general law applicable to all railroads over which the legislature shall have power, for that purpose, at the time of the passage of such law or laws; and until the said railroad, or any part thereof, shall be in operation the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property, as now taxed in the township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purposes, and by the same person or persons as other taxes are assessed in said township or townships; *provided*, Proviso. that no other tax or impost shall be levied or assessed upon said company.

State may
take and op-
erate road.

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

Report to be
made and
filed.

Proviso.

When to com-
mence opera-
tions

Limitation.

17. *And be it enacted*, That when any part of the said railways shall be completed, the said company may commence operating the same for the transportation of passengers and property, enjoying all the privileges, and subject to the restrictions created by this act.

18. *And be it enacted*, That the said railway, or some part

thereof, shall be commenced within five years and completed within ten years from the fourth day of July next ensuing.

19. *And be it enacted*, That the said company be, and they are hereby authorized and empowered, if at any time they shall deem it their interest so to do, to lease the said road or roads, or any part thereof to, or consolidating with any other railroad company, by the consent of the stockholders owning or representing a majority of the stock; the lessor company shall be subject to all the restrictions and liabilities, and entitled to all the privileges of this act, so far as the operating of this road is concerned, anything in their charter to the contrary notwithstanding; and it shall be lawful for the said company to make contracts and engagements with any other corporation or individuals, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfillment of said contract.

May lease and consolidate with other companies.

20. *And be it enacted*, That the said corporation shall have power, from time to time, to borrow, such sum or sums of money, as shall be necessary to secure rights of way, make surveys, to construct or repair said railroad or roads, and to furnish the said corporation with the necessary engines, machinery, cars, boats and buildings, for the uses and objects of said corporation and to secure the repayment thereof by bond and mortgage, or otherwise, on the said road or roads, lands, property, privileges, franchises and appurtenances, of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said corporation to plead any statute or statutes of this state against usury, in any court of law or equity in any suit instituted to enforce the payment of any bond or mortgage executed under this section of this act.

Authorized to issue bonds.

Proviso.

21. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors and appeals of this state, the state superintendent of public schools, and the principal of the normal school, whilst traveling for the purpose of discharging the duties of their offices, the members and officers of both houses of the legislature of this state, during the year for which they were elected, shall pass and repass on the railroad or roads of said company, free of charge.

Free passes.

22. *And be it enacted*, That it shall be lawful for any cor-

Other corporations may take and hold stock.

poration to subscribe for, purchase and hold the stock and bonds of the said railway company.

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

Approved March 27, 1872.

CHAPTER CCCCX.

An Act for the relief of David Wilson, of the township of Bridgewater, in the county of Somerset.

Citizenship restored.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David Wilson, of the township of Bridgewater, in the county of Somerset, be, and the said David Wilson is hereby restored to all his rights, liberties, privileges and franchises as a citizen of the state of New Jersey.

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

Approved March 27, 1872.

CHAPTER CCCCXI.

An Act to confirm the title of Susan R. Harrington to lands in Jersey City.

Preambles

WHEREAS, Moses B. Bramhall and Jacob M. Merseles, owners of land in Bergen (now Jersey City), in the county of Hudson, did on the tenth day of November, eighteen hundred and fifty one, file in the clerk's office of the county of Hudson, a map of their property, entitled "Map of pro-

perty belonging to M. B. Bramhall and J. M. Merseles, situate at Bergen, Hudson county, New Jersey," on which said map a strip of land running from Hudson avenue in a northwest direction to lands now owned by the said Susan R. Harrington, was laid out as a street, known as Cedar Bush road, and by an error of the surveyor or unintentional extension of the lines thereof, extended a short distance into the lands now owned by Susan R. Harrington; and whereas, so much of said street as extended into the lands of Susan R. Harrington, aforesaid, was never accepted by the municipal authorities; and whereas said Cedar Bush road was never intended to extend beyond the lines, as shown on a certain map on file in the clerk's office of Hudson county aforesaid, entitled "Plan of twenty-six Building Lots on the line of Jersey City and Bergen Railroad, town of Bergen, Hudson County, New Jersey, owned by D. E. Culver and O. Cleveland, eighteen hundred and sixty-six;" and whereas, since the conveyance of the lands in question to the said Susan R. Harrington by the said Orestes Cleveland and Delos E. Culver, the validity of the title of said Susan R. Harrington to so much of said property into which Cedar Bush road extends as aforesaid has been questioned by reason of the filing of the map first above referred to; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the filing of said map shall not be construed to be a dedication of said strip of land of Susan R. Harrington to the public as a highway or street, but the title of said Susan R. Harrington thereto shall be deemed and taken to be as full and complete as though said map had not been filed. Title to be full and complete.

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

Approved March 27, 1872.

CHAPTER CCCCXII.

A Supplement to an act entitled "An Act to incorporate the Washington Market Company of the city of Paterson," approved March fourteenth, one thousand eight hundred and seventy-one.

- Subscriptions
to stock. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the directors of said company to call in and demand from the subscribers to the capital stock of said company the amount subscribed, and then at such times and in such proportions as they shall deem proper, and if default be made in payment of such subscription as the same shall be called in, for fourteen days after demand thereof, by service of notice upon the subscribers requiring such payment, or by publication thereof made or to be made in one or more of the newspapers of the city of Paterson, the directors may also forfeit the shares so in default, with all previous payments made thereon.
- May adopt by-
laws. 2. *And be it enacted*, That a majority of the directors shall form a quorum for the transaction of the business of said corporation, who shall have power to ordain, establish, and put in execution such by-laws, ordinances and regulations as they shall deem proper for the government, management and disposition of the stock, effects, profits and concerns of said corporation; *provided*, that the same be not contrary to the constitution and laws of this state or of the United States.
- Proviso. 3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by seven directors, who shall elect one of their number president, and that said directors shall be elected annually, as directed by the third section of the act to which this is a supplement, and the said directors shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish such salaries to them, and, also, to the president and other officers as to the said board of directors shall appear proper.
- Managed by
directors. Officers. 4. *And be it enacted*, That the words "one-half of their paid up" in the second section of the act to which this is a
- Repealer.

supplement, and the words "and paid in" in the third section of said act be and the same are hereby repealed.

5. *And be it enacted*, That such parts of said act as are in- ^{Repealer.} consistent with this act, be and the same are hereby repealed, and that this act take effect immediately.

Approved March 27, 1872.

CHAPTER CCCCXIII.

A Further Supplement to an act entitled "An Act to incorporate the Somerville and Easton Railroad Company," passed February twenty-sixth, one thousand eight hundred and forty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Central Railroad Com- ^{May increase capital stock.} pany of New Jersey may increase their capital stock five millions of dollars in addition to the present authorized amount, using the same to take up the scrip for a similar amount issued with the assent of a majority in interest of the stockholders of said company.

2. *And be it enacted*, That it shall be lawful for the said ^{Power to construct branch railroads.} company to construct a branch railroad from any point in the Newark and New York Railroad east of the Passaic river to a connection with the Morris and Essex Railroad in the county of Hudson; and also, to construct a branch railroad connecting with the Newark and New York Railroad on or at any point west of the Brill farm, to a connection with the Morris and Essex Railroad in the county of Essex; and for the location, construction and enjoyment of such branches, all the provisions of the charter of the said company and its supplements shall be applicable; *provided however*, that if ^{Proviso.} either of the said branches shall cross the tracks of the New Jersey Railroad and Transportation Company, such crossings shall not be at grade; *and provided also*, that the said last ^{Proviso.} mentioned branch railroad shall not cross any public street

in the city of Newark on grade without the consent of the common council of said city.

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

Approved March 28, 1872.

CHAPTER CCCCXIV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and common council of the city of Newark, New Jersey, shall be authorized to publish the official advertisements of said city in one daily newspaper in said city, in addition to the four newspapers in which they are now authorized to publish the same, and to charge and collect the expense of the same, in the same manner as the expense of official advertising in said city is now charged and collected.

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

Approved March 28, 1872.

CHAPTER CCCCXVII.

An Act to regulate the construction of sidewalks, and provide for other improvements in the township of Bloomfield.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purposes of this act, ^{Sidewalk districts.} the township of Bloomfield, in the county of Essex, shall be divided into four sidewalk districts, the boundaries of which shall be as hereinafter set forth, that is to say : the first district ^{First district.} beginning in the line dividing the counties of Essex and Passaic, at the point where the same is intersected by the line dividing the townships of Bloomfield and Montclair; thence easterly along the line of Passaic county to the line of Belleville township; thence along the line of Belleville township southerly, to an angle in said line at the Morris canal; thence southerly down the centre of the Morris canal to the centre of the road leading to Franklin; thence westerly along the centre of said Franklin road to Bay lane; thence westerly along the centre of Bay lane to the line of Montclair township; thence northerly along the line of Montclair township to the place of beginning; the second district ^{Second district.} beginning at the point where the centre line of Bay lane crosses the line dividing Montclair from Bloomfield; thence easterly along the centre line of Bay lane to the road leading to Franklin; thence along the centre of the road leading to Franklin easterly, to the Morris canal; thence southerly along the middle of the Morris canal to the line of Belleville township; thence along the line of Belleville township to the centre line of Bloomfield avenue; thence northwesterly along the centre of Bloomfield avenue, to the line of Montclair township; thence northerly along the line of Montclair township to the place of beginning; the third district ^{Third district.} beginning in the line dividing the townships of Belleville and Bloomfield at an angle in said line where the same is met by the Morris canal; thence along the said line of Belleville township an easterly course, and a southerly course to a point where the Morris canal crosses the easterly boundary of Bloomfield township; thence along the middle of said canal

Fourth dis-
trict.

Township
committee
may lay side-
walks on peti-
tion of own-
ers, &c.

Costs to be as-
sessed.

Proviso.

westerly, and northerly to the place of beginning; the fourth district to comprise all the remainder of said township of Bloomfield lying southwesterly of the centre line of the said Bloomfield avenue (formerly the Newark and Pompton turnpike).

2. *And be it enacted*, That whenever a petition, in writing, shall be presented to the township committee of said township of Bloomfield, signed by the owners of three-fifths the number of lineal feet upon one side of any road, street or avenue in said township, or upon so much of one side thereof as lies between two points named in said petition, requesting to have so much of the sidewalk as lies between the points named, and upon that side of the street named in said petition, laid with flags, stone, plank, composition, cinders, or other suitable material, in such manner as to make a firm and dry sidewalk, and setting forth the material to be used, and the width of walk to be made, the township committee may, in case they deem such a sidewalk a public improvement, proceed to lay the same, or cause the same to be laid in accordance with the request of the petition; after having caused a suitable grade to be established, made and worked to, for the bed of said sidewalk, in case such grading shall be needed; when the cost of constructing the sidewalk called for in the petition shall have been ascertained, the township committee shall assess said cost upon the owners of the lands in front of which such sidewalk shall have been laid, upon the same side of the street; *provided*, that in case a sidewalk shall have been already constructed on any part of the ground embraced in the terms of the petition, which, in the judgment of the township committee, shall be as good as that in said petition requested to be laid; they shall not make any assessment against the owner of the lands for the number of feet thus previously laid; the basis of assessment shall in all cases be the number of lineal feet owned by each person in front of whose lands the said sidewalk shall have been laid, upon the same side of the street, and between the points named in the petition; and all landowners between the points named in the petition, and upon that side of the street for which such sidewalk is requested, may be petitioners, whether excepted from the assessment or not; the township committee shall deliver to the township collector a copy of the said assessment when made, and the sums thereby assessed may thereafter be collected in the

manner and by the means provided in "A Supplement to 'An Act to increase the number of the township committee of the township of Bloomfield, in the county of Essex, and to provide for the making of crosswalks, sidewalks, the lighting of streets, and the care of the public grounds in said township,'" approved March first, one thousand eight hundred and seventy, which supplement was approved April fifth, eighteen hundred and seventy-one, and the provisions thereof are hereby made applicable to all assessments to be made under this act; and all grading, and establishing of grades, and working to grade, which shall be done upon the sidewalks, shall be paid for by the township committee, out of any moneys in their hands, raised by tax for said purposes, and collected from and in the sidewalk district in which such grading shall be done; and for the purpose of determining the amount of tax to be raised for said purposes of grading sidewalks; the taxpayers in each of said districts are hereby authorized to meet annually at a time and place in their respective districts, to be designated by the township committee within thirty days after the annual meeting in said township, and the township committee shall cause notice to be given of said district meetings, by advertisements set up in three public places in the district where said meeting is to be held at least five days before the time appointed for said meeting, and the taxpayers being so met shall, by a vote of a majority, determine the amount to be raised by tax in the district for grading sidewalks, and the chairman and secretary of said meeting shall make and sign a certificate of the result of said meeting, and transmit the same to the assessor of taxes of said township, who is hereby required to assess the amount so certified on the taxables and ratables in that district.

3. *And be it enacted*, That the township committee of said township be and they are hereby authorized to sell and dispose of the alms house property, lands, and building in said township and belonging to the same; and a conveyance of said property, signed by the chairman of the township committee and witnessed by the township clerk, pursuant to a resolution of said committee to that end, shall vest a good and sufficient title to said property in the grantee named in said conveyance; and the township committee shall, with the proceeds of such sale, together with such other moneys as may be voted by the inhabitants of said township at their annual

Authorized to
sell almshouse
property.

Proceeds, how
applied.

meeting for that purpose, purchase, build, erect, and provide ample and fit grounds, buildings, and accommodations for the maintenance of the poor of said township.

Inhabitants
may vote to
raise money
by taxation

4. *And be it enacted*, That it shall be lawful for the inhabitants of the said township of Bloomfield, at any annual meeting, to vote such sum or sums of money to be raised by taxation, as a majority may determine, for the purposes of purchasing land and of building an alms house and a house of detention ; and the township committee are hereby authorized to expend any moneys so voted and raised by taxation, for the purposes for which the same may be voted.

Committee
may employ
detectives, &c.

5. *And be it enacted*, That, for the purpose of maintaining the peace and good order of the township, the township committee are authorized and empowered to employ, and compensate out of the contingent fund of the township, constables, or detectives, who shall, under the laws of the state, take such measures as shall tend to prevent crime, and apprehend and punish offenders against the law.

Owners to re-
pair sidewalks

6. *And be it enacted*, That in case any sidewalk in the township of Bloomfield becomes out of repair, it shall be lawful for the township committee to cause written notice to be served upon the owner or occupant of the property in front of which the defective walk shall be, to repair the same ; and in case of failure on the part of such owner or occupant to repair said sidewalk within ten days thereafter, the township committee may cause such repairs to be made ; and the cost thereof to be assessed upon the property, and collected in the manner provided by law for assessing and collecting the cost of building a sidewalk.

Failure to re-
pair.

Repealer.

7. *And be it enacted*, That section five of an act entitled "An Act to increase the number of the township committee of the township of Bloomfield, in the county of Essex, and to provide for the making of crosswalks, sidewalks, the lighting of streets, and the care of the public grounds in said township," approved March first, one thousand eight hundred and seventy, be and the same is hereby repealed, and that all other acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall be deemed to be a public act and shall take effect immediately.

Approved March 29, 1872.

CHAPTER CCCCXVIII.

An Act to better enable the inhabitants of the township of Mansfield, in the county of Burlington, to control the expenditures of their road overseers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of roads in said township of Mansfield, shall not expend more than twelve hundred dollars annually upon the roads of the township without a written order from the township committee, said sum to be equally divided between the road districts. Amount of money to be expended.

2. *And be it enacted*, That it shall not be lawful for any of the road overseers to plow or machine-ditch, or cause to be plowed or machine-ditched, on any of the public roads after the first day of August annually, nor to do any other work on said roads, except in cases of necessity to mend washes or breaks without a written order from the township committee. Work on public roads not to be done unless authorized.

3. *And be it enacted*, That all acts inconsistent with this act are hereby repealed, and this act shall take effect immediately. Repealer.

Approved March 29, 1872.

CHAPTER CCCCXIX.

An Act to authorize the town committee of the township of Chatham, in the county of Morris, to appoint a place for holding elections.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town committee of the township of Chatham, in the county of Morris, be and hereby

Town committee to appoint a place for holding elections.

are authorized and empowered to appoint a place or places for holding all elections which may be held in said township, until after and including the annual election in November next; *provided*, the clerk of said township shall at least eight days prior to and within thirty days next preceding the day of election, put up, or cause to be put up an advertisement in at least five of the most public places within said township, which advertisements shall make known the time, place and purpose of holding such election, and be signed by said clerk.

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

Approved March 29, 1872.

CHAPTER CCCCXX.

A Supplement to an act entitled "An Act to incorporate the Board of Education of the city of Rahway," approved March eighth, eighteen hundred and sixty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all commissioners of public schools of the city of Rahway, excepting the commissioner at large, shall be elected for four years; *provided*, that whenever vacancies occur, the common council of said city shall fill such vacancies by appointments, which shall continue only during the unexpired term.

Term of office of commissioners of public schools.

2. *And be it enacted*, That the ward commissioners of the present board, as soon as conveniently may be after the the passage of this act, shall divide their terms of office by lot into four classes, whereof the term of the first class shall expire on the first Monday in May of the present year; the term of the second class shall expire in one year, of the third class in two years, and of the fourth class in three years thereafter; and at all charter elections in said city next preceding the date of the expiration of the official term as hereby directed of each ward commissioner, and of each

Commissioners to divide into classes.

ward commissioner hereafter elected, there shall be elected in such ward a commissioner for said ward, who shall hold his office for four years.

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

Approved March 29, 1872.

CHAPTER CCCCXXI.

An Act to incorporate the Enterprise Cranberry Company.

1. BE IT ENACTED *by the Senate and General Assembly* ^{Corporators.} of the State of New Jersey, That William Major, Thomas B. Miller, John Bond, James Batten, William H. Elliott and John Good, and all such persons as may be hereafter associated with them, be and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name of "The Enterprise Cranberry Company, of ^{Name and powers.} Monmouth county," for the purpose of buying, selling, holding, cultivating and improving cranberry lands, and of conducting the business of growing and selling the products of the same, and by the above name shall have power to agree for, purchase, occupy, sell and convey so much real and personal estate lying and being in the county of Monmouth, as shall be deemed necessary and expedient by the said company in the conduct of their business, and all other powers incident to a corporation, and shall have power to improve their real estate or any part thereof, for the culture of cranberries, or for other agricultural purposes, and to erect such buildings thereon as shall be required for the use of said corporation, and to lay, keep and maintain such drains and roads, and to overflow and irrigate all such lands lying and being within the bounds of the present tract of said company as said corporation shall deem necessary and expedient for the benefit of said lands, and for the purpose of the business hereinbefore specified.

2. *And be it enacted*, That the capital stock of said com- ^{Capital stock.}

pany shall be five thousand dollars, with liberty to increase the same to thirty thousand dollars, which shall be divided into shares of fifty dollars each, and that subscriptions to the capital stock may be paid in real or personal estate appropriate to such business, at a bona fide valuation to be agreed upon by a majority in interest of the stockholders, and the said corporation may issue stock in payment therefor, and that the subscriptions for stock shall be opened at such places as the directors shall designate, notice of the time and place of which shall be given under the direction of the board of directors.

Election of directors.

3. *And be it enacted*, That the affairs of said corporation shall be managed by five directors, all of whom shall be stockholders, one of whom shall be the president; they shall hold their office for one year, and until others are elected in their stead; said election to take place in April of each year; the first five named in the first section of this act shall be directors of said corporation until an election shall be held for directors; each stockholder shall have one vote at all meetings of stockholders for each share of stock paid up by him and no more.

Dividends.

4. *And be it enacted*, That the directors of said company may make such dividends as the profits, plans and rules of the company will allow.

Stock, how transferable.

5. *And be it enacted*, That the stock of said corporation be deemed personal estate, and shall be transferable as the by laws may prescribe, and that regular books of accounts of the corporation shall be kept, to which every stockholder shall have access at reasonable times, for the purpose of inspection, and that their principal office shall be in Monmouth county.

Statement to be made.

6. *And be it enacted*, That the directors at the annual meeting of the stockholders shall make a report fully setting forth the state and affairs of the company, and any number of the stockholders holding not less than ten per centum of the aggregate amount of stock (if the directors refuse) may call a meeting of the stockholders.

7. *And be it enacted*, That this act take effect immediately.
Approved March 29, 1872.

CHAPTER CCCCXXII.

An Act to incorporate the Standard Printing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John H. Lyon, John Hood, Corporators. J. B. Cleveland, William J. Lyon and William H. De Camp, and such other persons as may hereafter be associated with them, be and they are hereby created a body politic and corporate by the name of "The Standard Printing Company," Name. for the purpose of printing and publishing a newspaper in the city of Jersey City, and doing such other printing and publishing business as they may deem expedient, with authority to purchase and hold such real estate as they may deem necessary for the purposes of the company, and to mortgage, sell or otherwise dispose of the same.

2. *And be it enacted*, That the capital stock of said com- Capital stock. pany shall be thirty thousand dollars, divided into shares of twenty-five dollars each, with liberty to increase the same to any sum not exceeding sixty thousand dollars, which shares shall be deemed personal property, and shall be transferable only on the books of the company, in such manner as the directors by their by-laws or otherwise may direct, each stockholder to have one vote, either in person or by proxy; said stock to be subscribed, called for and paid in at such times, in such installments, and upon such notice as the directors may appoint.

3. *And be it enacted*, That the property and affairs of the Affairs, how managed. said company shall be managed by a board of directors, not less than three nor more than nine, all of whom shall be shareholders in said company, and who shall be chosen at such time and place in the city of Jersey City, and upon such notice as the directors by the by-laws of the company may direct; and that John H. Lyon, John Hood, J. B. Cleve- First directors land, William J. Lyon and William H. De Camp shall be the first directors of said company, who shall, as soon as convenient, after the passage of this act, assemble and organize said company, and shall continue in office until others are elected in their stead.

Powers of
directors.

4. *And be it enacted*, That as soon as ten thousand dollars of the said capital stock shall have been subscribed, the said company shall be authorized to proceed to carry out the objects of this corporation; that the shareholders shall choose out of the board of directors a president, and the directors shall have power to appoint such officers, agents, clerks and other servants as they may deem expedient, and to fix their compensation, they shall have power to adopt such rules and regulations as they may deem necessary and convenient for the management of said company; to fill vacancies in their own board until the next annual election, and until others are chosen in their stead; to declare stock forfeited for non-payment of any installment or installments, and to sell and issue stock in lieu thereof for the benefit of said company.

Annual elec-
tion.

Failure to
elect directors
not to dissolve

5. *And be it enacted*, That the first annual election shall be held on the first Wednesday of June next, or at such other time and at such place as the directors may appoint, and at such hour as shall be fixed by the by-laws; and that if it so happen that an election of directors shall not take place on that day, or on any subsequent day appointed for that purpose, the said corporation shall not be dissolved, but an election shall be held subsequently in any such case, at such time and place as the directors may appoint.

Statement to
be made.

6. *And be it enacted*, That the directors of said company shall make an annual report to the stockholders at their annual meeting, of the condition and affairs of the said company, and no dividends shall be declared except from the actual and net profits of the company.

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

Approved March 29, 1872.

CHAPTER CCCCXXIII.

A Further Supplement to an act entitled "An Act to incorporate a company to form an artificial navigation between the waters of Newark Bay and New York Bay," approved March thirteenth, eighteen hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where land or materials shall be taken by commissioners under provisions of section eight of the act to which this is a supplement, where the said company or owner or owners of the said land or material shall be dissatisfied with the report made by the commissioners named in section eight of the act to which this is a supplement, the party so aggrieved may appeal to the circuit court of the county of Hudson, by petition to the said court, to be filed with the clerk thereof, within ten days after the filing of the report of the commissioners, which report shall be made and filed by said commissioners within ten days after viewing said lands or materials; and notice in writing of such appeal shall be given to the opposite party within ten days after the filing of said petition, which proceeding shall vest in the said circuit court or in any justice thereof, full right and power to direct a proper issue for the trial of said controversy between the said parties, and order a jury to be enpanneled and sworn as in other cases, and a view of the premises and materials to be had, if either of the parties desire it, and the issue to be tried at the next term of the said court, to be holden in said county of Hudson, upon like notice and in the same manner as other issues in said court are tried, and it shall be the duty of the jury to assess the value of said lands and materials and damages sustained; and if they shall find a greater sum than the commissioners have awarded, or the company have offered to the said owner or owners, then judgment thereon with costs shall be entered against said company, and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded or the company offered; then the costs shall

Proceedings in case owners are dissatisfied with report of commissioners, and appeal therefrom.

- be paid by the said applicant or applicants, and either deducted out of the sum found by the said jury, or execution awarded therefor, as the court shall direct; and the sum awarded by the commissioners, or in case of an appeal from the award of the commissioners, then the sum assessed by the jury, and such costs as the court shall direct, shall be paid by the company to the owner or owners of the land in controversy, or into the court of common pleas to the clerk thereof, in the county of Hudson; *provided*, that the party or parties entitled to receive the amount assessed by the commissioners, may upon tender thereof, receive the same without being debarred from the appeal hereby provided for;
- Proviso.** *provided*, that nothing in this act shall affect the rights of the state to lands lying under water.
- May construct section of canal.** 2. *And be it enacted*, That if in construction of the canal authorized by the act to which this is a supplement, and the several supplements thereto, it should be desirable to first construct the section authorized by the supplement approved April sixteenth, eighteen hundred and sixty eight, it shall be lawful to do so and section eight (8) of the original act is hereby made applicable with regard to the taking of lands and materials subject however to all the restrictions, limitations, and conditions of the said original act and supplements; *provided, however*, that the commissioners appointed under said section eight of the original act shall file their report with the clerk of the county of Essex as well as with the clerk of the county of Hudson as therein provided.
- Original act made applicable, &c.**
- Proviso.** 3. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.
- Repealer.**
- Approved March 29, 1872.

CHAPTER CCCCXXIV.

An Act to incorporate the Bricksburg and Freehold Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert Campbell, Riley A. Brick, George P. Smith, Isaac A. Van Hise, A. Jameson, A. M. Bradshaw and E. Dickinson, 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 law, by the name of "The Bricksburg and Freehold Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels, whatsoever, necessary or expedient for the objects of this incorporation.

2. *And be it enacted*, That the amount of the capital stock of said company shall be one hundred thousand dollars, with liberty to increase the same to two hundred and fifty thousand dollars; said capital stock 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.

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 one of the newspapers published in Ocean county and one published in Freehold, Monmouth county, and that at the time of subscribing, ten per centum shall be paid for each share subscribed for, to the commissioners, or some one of them; and as soon as fifty thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice of a meeting of the stockholders to choose seven directors, a majority of whom shall be resident and citizens of this state, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy,

each share of the capital stock entitling the holder thereof to one vote; and the above named persons, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver 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, and at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own members a president; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled, for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them, and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Vacancy, how filled.

Failure to elect directors not to dissolve

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

Failure to pay installments to forfeit shares.

5. *And be it enacted*, That four directors of 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 installments and at such times as they may direct; and in case of the non-payment of said installments, or any one of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws and regulations as to them shall appear needful 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.

May make by-laws.

May appoint officers.

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 in or near the village of Bricksburgh, in Ocean county, thence passing by some convenient route to a convenient point in or near the village of Freehold, in the county of Monmouth; said railway not to exceed one hundred feet in width, except where, from the depth of the embankment or excavations, a greater width is required, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, superintendents, engineers, and others in their employ, to enter at all times upon all lands and water, for the purpose of exploring, surveying, leveling, or laying out the route of such railroad, and of locating the same; and to do and erect all necessary work in buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful of said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in its employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, piers, wharves, ferries, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided*, that the payment or tender of the payment of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such lands be first had and obtained; *provided always*, that it shall be lawful for the said company to make or form a connection with any railroad which may be deemed best and most advantageous by the president and directors of the said Bricksburgh and Freehold Railroad Company.

7. *And be it enacted*, That when the said company, or its agents, cannot agree with the owner or owners of such required land or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular

Authorized to survey, lay out and construct a railroad.

May enter on lands.

Proviso.

Proviso.

Proceedings in case company and owners cannot agree.

description of the land or materials so required for the use of the said company in the construction of the said road shall be given in writing, under the oaths and affirmations of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, resident in the county in which the land or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in controversy, and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said land and materials, and to make a just and equitable estimate or appraisement of the value of the same and assessment of damages as shall be paid by the said company for such lands or materials, and damages aforesaid; which report shall be made in writing, under the hand and seal of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointment and the oaths or affirmations aforesaid, in the clerk's office of the county in which the lands or materials are situate, to remain of record therein, which report, or a copy thereof certified by the clerk of said county, shall, at all times, be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land or materials, or of

the said owner or owners to recover the amount of 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 other, 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 may think equitable and right, which shall be paid by the company.

8. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section, shall be made in writing, and in the form of a petition to said court, and filed with the clerk of said circuit court of the county wherein the land or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party, within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of the said controversy to be formed between the said parties; and to order a jury to be struck, and a view of the premises or materials to be had; and the said issue to be tried at the next term of said court, to be holden in said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials, and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same, or a less sum than the company shall have offered, or the said commissioners awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; but such application shall not prevent the company from taking the said land and materials upon filing the aforesaid report; *provided*, that in

Proceedings
in case of ap-
peal.

Proviso.

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 railway, or of making any erections or improvements whatever, or otherwise appropriate said land to the use of said company, until they shall have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners as to the value of such lands or damages, in case the report of commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case of appeal shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then the payment of the amount assessed, or found as aforesaid, into the circuit court of the county where the said lands lie, shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being barred thereby from his, her, or their appeal from the report of said commissioners; *provided further*, that in case of appeal from the award of the commissioners by either party, the said company, upon depositing the amount in the said circuit court to abide the result of such appeal, may thereupon take actual possession of the lands for the purpose of constructing said railroad, or of otherwise appropriating the same to their use.

Proviso.

Bridges to be constructed and kept in repair.

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

May purchase equipments.

10. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, all machines, engines, wagons, carriages or vehicles, for the transportation of

persons, or any species of property on their railroad, as they may think fit, reasonable, expedient or right.

11. *And be it enacted*, That the said company may purchase, have and hold real estate, at the commencement and termini of their railroad, or at any other point on the line of said railroad, where the directors may think proper to establish depots, and may erect and build thereon houses, warehouses, stables, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property and the construction of carriages and other necessary uses; and take and receive the rents, profits and emoluments thereof; and shall have the privilege and authority to erect, build and maintain, over such rivers, creeks or streams as the road may cross, such piers, bridges and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act; *provided*, the said company, whenever it may become necessary to cross any navigable river or creek with their road, shall construct a bridge or bridges, with suitable and sufficient draws, so as not to obstruct the navigation thereof.

May hold real or personal estate, &c.

Proviso.

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

Dividends.

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 fulfillment of such contract.

May make contracts and engagements.

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

Penalty for injuring works.

15. *And be it enacted*, That when two miles or more of said road shall be completed, the said company may commence running cars for the transportation of passengers and freight, enjoying all the privileges, and subject to the restrictions created by this act.

When to commence running cars.

Annual state-
ment.

State tax to be
paid.

May issue
bonds.

Proviso.

16. *And be it enacted*, That as soon as said railroad, or any part of it, is in operation, the president of the said company shall make, under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages and all expenses, and file the same in the office of the secretary of state, and annually thereafter, on the first Monday in January, of each year, he shall, under oath, make a statement to the secretary of state of the cost of the equipment, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the costs, equipment and appendages of said road, to be paid annually thereafter, on the first Monday of January of each year, and such other taxes as may be assessed, from time to time, by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws; and until the passage of such law, the payment of the one-half of one per centum shall be in lieu of all other taxes; and until said railroad, or any part thereof, shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property, as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purposes, and by the same person or persons as other taxes are assessed in said city or cities, township or townships.

17. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, not to exceed two thirds of the paid up capital stock, from time to time, as shall be necessary to build, construct or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of the said company, and to secure the repayment thereof, by bond and mortgage, or otherwise, on the said road, lands, privileges, franchises and appurtenances of, or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury, in any suit in law or equity, instituted to enforce the payment of any bond or mortgage executed under this section.

18. *And be it enacted*, That if the said railroad shall not

be commenced within five years, and be completed at the expiration of ten years from the fourth day of July next ensuing, that then and in that case this act shall be void. Act, when to be void.

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

Approved March 29, 1872.

CHAPTER CCCCXXV.

An Act to incorporate the Crooks Land Improvement and Building Association of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Crooks, Charles Hem-
ingway, Shem Phillips, George H. Albutt and Robert A. Slater, and all such persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in law, by the name of "The Crooks Land Improvement and Building Association of New Jersey;" and by that name shall be capable in law of purchasing, using, holding, letting, improving, disposing of, and conveying any lands, tenements, hereditaments and appurtenances thereto belonging, goods and chattels, and of performing all other acts necessary or proper for accomplishing the objects and purposes of the corporation hereby created, and may receive and make all deeds, transfers, conveyances, covenants, grants, contracts, agreements and bargains whatsoever, necessary or useful for the purposes aforesaid; and may improve any such lands and real estate of which they may become possessed, by laying out the same in lots, plots, or parcels, by erecting buildings of every kind and description thereon, and by opening, laying out and grading roads, streets and alleys therein, and may otherwise improve and beautify the same. Corporators.

2. *And be it enacted*, That the capital stock of the said corporation shall be one hundred thousand dollars, with the Capital stock.

power to increase the same to five hundred thousand dollars, which shall be divided into shares of one hundred dollars each; and the persons before named, or a majority of them, may open books of subscription for the said capital stock, at such times and places as they may think proper; and as soon as one hundred shares of the said capital stock shall have been subscribed and paid in, it shall be lawful for the said corporation to proceed to carry into effect the objects of said corporation.

Election of directors.

3. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by a board of not less than three, nor more than five directors, a majority of whom shall be residents of this state, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices, respectively, for one year and until others are elected; that the said directors shall be chosen on the first Monday in January of each year, except that the first election for directors may be held on the first Monday in May after the passage of this act, at such time and place as shall be provided for by the by-laws of said corporation, by such of the stockholders as shall attend for that purpose, either in person or by proxy; each share of the capital stock entitling the holder thereof to one vote; and notice of the time and place of such elections shall be published not less than two weeks previous thereto, in at least one newspaper published in the county where such election is to be held, and the persons having the greatest number of votes shall be directors.

Powers of directors.

4. *And be it enacted*, That the said directors, or a majority of them, shall be competent to transact all business of the said corporation, and may appoint such agents, officers and superintendents, and make such compensation and assign such duties to said agents, officers and superintendents, as they shall think fit; and shall have power to call in and demand from the stockholders thereof, respectively, the capital stock of said corporation, by such installments, not exceeding ten dollars on each share at any one time, and at such times as they shall deem proper; and in case of failure by any stockholder to pay his or her installment or installments, as the case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall, if the company shall so direct, incur a forfeiture of his or her share or shares, and all

Failure to pay installments, stock may be forfeited.

previous payments made thereon for the use of the company; and the said directors may make and prescribe such by-laws, rules and regulations as to them shall appear May make by-laws. needful or proper for the management and disposition of the property, stock, effects and concerns of the said corporation; *provided*, that the same are not contrary to the laws or constitution of the United States or of this state; and if at any time it shall happen that any vacancy or vacancies occur from any cause whatever among the directors of said association, such vacancy or vacancies shall be filled by such Proviso. person or persons as the remainder of the directors or a majority of them shall appoint; and until other directors are chosen from the stockholders, the persons named in the first section of this act shall be the first directors, and shall hold their office until the first Monday in May next, or until others are legally chosen. Vacancies, how filled.

5. *And be it enacted*, That it shall be lawful for the said association to invest their capital and accumulating funds May invest capital and funds from time to time in public stocks, bonds and mortgages, notes and other securities; and that the capital stock of the said association shall be deemed personal property, and the shares thereof shall be transferable only on the books of the association in such manner as the directors by their by-laws shall direct.

6. *And be it enacted*, That in case it shall at any time happen that an election of directors shall not be made on the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as the directors of said corporation for the time being shall direct. Failure to hold election not to dissolve

7. *And be it enacted*, That the said corporation may be dissolved by a general meeting of the stockholders, for that purpose especially called; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution the directors for the time being shall be trustees for settling all the affairs of the said corporation, collecting and disposing of its property and assets, paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interest in the stock. How dissolved

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

Approved March 29, 1872.

CHAPTER CCCCXXVI.

An Act for the relief of James H. Butler, Adolphus Wanamaker and Conrad Wanamaker.

Citizenship
restored.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James H. Butler, Adolphus Wanamaker and Conrad Wanamaker, of Bergen county, be and they are hereby restored to all their rights and privileges as citizens of New Jersey.

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

Approved March 29, 1872.

CHAPTER CCCCXXVII.

Supplement to an act entitled "An Act to incorporate the Shamrock Benevolent Society of the City of Newark."

Act renewed
and extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to incorporate the Shamrock Benevolent Society of the City of Newark," approved March first, in the year eighteen hundred and fifty-one, be and the same is hereby renewed and extended to the first day of March, in the year eighteen hundred and ninety-three.

Powers con-
tinued.

2. *And be it enacted*, That all the powers and privileges conferred by the act to which this act is a supplement, and all by-laws adopted under the same, shall be and continue in full force and effect, except such of said by-laws as shall be duly repealed and rescinded.

Officers.

3. *And be it enacted*, That all officers of said society shall continue to hold their respective offices until the term for

which they shall have been elected shall expire, and a successor or successors to such office or offices respectively shall have been duly elected.

4. *And be it enacted*, That this act shall be a public act, ^{Act. how construed.} and that the same be in all courts construed favorably to the beneficial purposes of the act to which this is a supplement, and shall take effect immediately.

Approved March 29, 1872.

CHAPTER CCCCXXVIII.

A Further Supplement to an act entitled "An Act to incorporate the Dime Savings Institution, of Newark, New Jersey," approved March tenth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The Dime Savings Institution," in addition to the power and authority already conferred upon them, may receive, for safe keeping, upon such terms and conditions, and for such consideration as they from time to time determine, specie or bullion, gold or silver plate, treasury notes, bonds, mortgages and coupons, paper money, bills receivable, title deeds, and all personal securities, and property of every kind whatever. ^{Additional powers.}

2. *And be it enacted*, That so much of the sixth section of said act as prohibits compensation for actual services performed for said corporation, is hereby repealed, ^{Repealer.} and all compensation to be allowed shall be first determined upon by the board of managers at their meetings.

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

Approved March 29, 1872.

CHAPTER CCCCXXIX.

An Act to repeal an act entitled "An Act in relation to streets in Union township, in Union county," approved March twenty-ninth, eighteen hundred and seventy-one.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act in relation to streets in Union township, in Union county," approved March twenty-ninth, eighteen hundred and seventy-one, be and the same is hereby repealed.

Repeal not to impair contracts.

2. *And be it enacted*, That this repeal of said act shall not in any way affect or impair any legal contracts which the board of commissioners of public roads of the south-easterly road district of the township of Union in the county of Union, have made, and which may remain unexecuted in whole or in part, at the time of the passage of this act, or any indebtedness contracted by said commissioners for improvements made under said act; but the township committee of the said township of Union, and their successors, shall have power, and they are hereby authorized to compromise and settle with the contractors, if possible, on such reasonable terms as in their judgment they may deem for the best interests of the district, or if a settlement cannot be made, then to carry out and complete all such legal contracts which the said commissioners of public roads have heretofore made, and which remain unexecuted in whole or in part, at the time of the passage of this act; and to pay all just debts contracted by said commissioners for improvements under said act; and in order that the said township committee and their successors may be enabled to discontinue, settle or complete such unexecuted contracts, and pay such indebtedness if any, they are hereby authorized to borrow such sums of money as may be necessary for that purpose, and to provide for the payment of said sums so borrowed, by the issue of the bonds of said township; said bonds to bear interest at the rate of seven per centum per annum, payable half yearly; and the principal of said bonds shall be payable at such times as shall be designated on the face thereof, not exceeding six years, and

May borrow money and issue bonds.

may be sold by the said township committee at public or private sale, at not less than ninety-five per centum of their par value.

3. *And be it enacted*, That where in any case the said commissioners of public roads shall have heretofore completed improvements in said "South-easterly Road District of the township of Union, in the county of Union," or shall, at the time of the passage of this act, have such improvements in progress and uncompleted, and the assessments for the expenses of the same shall not have been made or completed, or where the said township committee shall proceed to carry out and complete unexecuted contracts of said commissioners of public roads, that then and in such cases the same powers and authority shall be conferred on the said township committee and their successors, to cause to be made assessments not already made, and to be completed such as are partially made and not completed, and to be made such as shall be necessary for the payment of the expenses of carrying out and completing such contracts of the said commissioners of public roads as the said township committee are hereinbefore authorized and empowered to carry out and complete, as any persons appointed by said commissioners of public roads heretofore had, by virtue of the act repealed, to make such assessments, or as the said commissioners of public roads by said act heretofore had for the collection of the same, and all interest and expenses attending the collection of such assessments shall be a lien from the date of the approval thereof by the said township committee, or their successors, until paid; and said assessments shall be made in the same manner, and shall have the same force and effect, and be in all respects as valid as if the same had been made under and in accordance with the provisions of the act hereby repealed, and this act had not been passed; and the same powers and authority are hereby conferred upon the said township committee, and their successors, to enforce the said assessments and collection thereof, and of all assessments provided for in this act, and of all legal assessments heretofore made under and by virtue of the act hereby repealed, as was conferred upon the said commissioners of public roads by the act hereby repealed.

Expense of unfinished improvements to be assessed and collected.

Assessments made valid.

4. *And be it enacted*, That all the books, maps, vouchers, contracts, and other papers and documents, of every kind and description, in the possession or under the control of the said

Books, &c., to be delivered over.

commissioners of public roads, shall forthwith be delivered over to and placed in the possession of the town clerk of said township of Union, there to remain, for the use of said township.

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

Approved April 1, 1872.

CHAPTER CCCCXXX.

An Act for the relief of Naomi Watson, of Gloucester county, widow of a soldier of the war of eighteen hundred and twelve.

Pensioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of ninety-six dollars be paid by the treasurer of this state to Naomi Watson, widow of a soldier of the war of eighteen hundred and twelve, upon the passage of this act; and at the rate of ninety-six dollars per annum thereafter be paid to her, quarterly, during her lifetime.

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

Approved April 1, 1872.

CHAPTER CCCCXXI.

An Act to repeal the act entitled "An Act authorizing the removal of the milldam within the limits of the townships of Bridgewater and Piscataway, in the counties of Somerset and Middlesex," approved March twenty-eighth, eighteen hundred and seventy-one.

WHEREAS, it has been represented that the carrying the Preamble.
above mentioned act into effect, in the way and after the manner designated in said act, would work gross injustice to the inhabitants of the district in said act specified, in compelling some of them to pay for the removal of said dam without receiving any corresponding benefit, and in giving no appeal to the inhabitants of said district who may have been assessed under said act from such assessment, however much they may consider themselves to be aggrieved thereby; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act authorizing the removal of the milldam within the limits of the townships of Bridgewater and Piscataway, in the counties of Somerset and Middlesex," approved March twenty-eighth, in the year one thousand eight hundred and seventy-one, be and the same is hereby repealed. Repealer.

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

Approved April 1, 1872.

CHAPTER CCCXXXII.

An Act respecting the lines of wharves, docks, slips and piers on the Passaic river, in the counties of Essex and Hudson.

Preamble.

WHEREAS, The commercial interests of the counties of Essex and Hudson will be promoted by the fixing and establishing of certain definite lines for the construction of wharves, docks, slips and piers along the Passaic river in said counties; therefore,

Commissioners to fix and determine lines for erection of docks, wharves, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Aaron B. Baldwin, Oba Meeker and Edgar Farmer, residents and freeholders of Essex county, and John A. O'Neil, John Boyd, junior, and William H. Hamilton, residents and freeholders of Hudson county, be and they are hereby appointed commissioners, with full power and authority to fix, establish and determine permanent and proper lines for the erection of wharves, docks, slips and piers at and beyond low water mark on both sides of said Passaic river, within the limits of the said counties of Essex and Hudson where the same has not been already fixed by the boards of chosen freeholders of Essex and Hudson counties.

May employ surveyors, &c.

2. *And be it enacted*, That the said commissioners above named shall fix, establish, and determine said lines as soon as practicable after the passage of this act; and to that end they are hereby authorized and empowered to employ such surveyors and such other assistance, and cause such survey to be made as they may deem necessary for the full and complete carrying out of the provisions and requirements of this act.

Map and profile to be made and filed.

3. *And be it enacted*, That when said commissioners have finally fixed and established said lines, or any section thereof, they shall cause two copies of a suitable map and profile of the same to be made, which shall be certified and signed by said commissioners, or a majority of them, and filed, one copy in the office of the county clerk of Essex county, and one copy in the office of the county clerk of Hudson county;

and when said lines, or any section thereof, have been fixed, established and determined, and said maps and profiles, or any of them have been made, certified, signed and filed as aforesaid, the lines as laid down thereon shall be and remain the true and proper established lines for the erection of wharves, docks, slips and piers on said Passaic river, in both or either of said counties.

4. *And be it enacted*, That all the cost expenses and charges incurred in carrying out the provisions and requirements of this act shall be assumed and paid in equal proportions, by the boards of chosen freeholders of the said counties of Essex and Hudson. Costs and expenses, by whom paid.

5. *And be it enacted*, That said commissioners shall each receive, as full compensation therefor, the sum of three dollars for each and every day they shall be necessarily employed in performing the duties required of them by this act, the same to constitute a part of the costs, expenses and charges named in the foregoing section; and said commissioners shall, before they enter upon their said duties, take and subscribe, in duplicate, an oath or affirmation before a master in chancery, or some other person authorized to take oaths and affirmations in this state, faithfully and impartially to execute and perform all the duties required of them under this act, according to the best of their judgment, skill and understanding, one copy of which said oath or affirmation shall be filed in the office of the county clerk of Essex county, and one copy in the office of the county clerk of Hudson county. Compensation
Commissioners to take oath.

6. *And be it enacted*, That the directors of the boards of chosen freeholders of said counties of Essex and Hudson are hereby empowered and authorized to fill any vacancy or vacancies caused by death, resignation or otherwise, which may occur among the said commissioners from their said counties respectively. Vacancies, how filled.

7. *And be it enacted*, That nothing in this act contained shall be construed to authorize any person or persons to erect or cause to be erected any wharf, dock, slip or pier, along said river, without obtaining license therefor as now required or as may hereafter be required by law. No person to erect docks, &c., without license.

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

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

Approved April 1, 1872.

CHAPTER CCCCXXXV.

A Further Supplement to the act entitled "An Act to incorporate Morristown."

Amendment. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A Further Supplement to the act entitled 'An Act to incorporate Morristown,'" approved March sixth, eighteen hundred and seventy-two, be amended by adding to section two, the following: "*provided however*, that no street, alley or highway in said town shall be opened, widened or straightened, unless the ordinance for that purpose shall be passed by a two-third vote of the common council;" and also further amended by striking out section six, and adding the following sections:

Ordinances to be approved by the mayor. 6. *And be it enacted*, That all ordinances hereafter passed by the common council of Morristown shall be approved and signed by the mayor within twenty days of the passage thereof, otherwise the same shall be null and void and of no effect whatever.

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

Approved April 2, 1872.

CHAPTER CCCCXXXVI.

A Further Supplement to the act entitled "An Act to incorporate Washington, in the county of Warren, into a borough or town corporate," approved February twentieth, eighteen hundred and sixty eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of effectually supplying with water the borough of Washington, its vicinity and the inhabitants thereof, it shall and may be lawful for the mayor and common council of said borough, and they are hereby empowered to make contracts with persons and corporations for the supply, use and preservation of water, and to erect, construct and maintain all works necessary and convenient for the purposes of this act and the act to which this act is a supplement, and to lay down pipes and other conduits, and to erect and construct hydrants and fireplugs in the streets, alleys, lanes and other places in the borough of Washington, and in the highways of the township of Washington, in the county of Warren, and to do all things necessary to furnish the said borough of Washington and its vicinity, and the buildings, streets and other places, with water; *provided*, Mayor and council empowered to make contracts for supply of water, and to erect works, &c. that the public travel upon the said highways, streets, lanes and alleys shall at no time be unnecessarily obstructed or impeded in the laying, altering or repairing of pipes, or the erection and construction of fireplugs or hydrants, or other necessary or proper work, and after the completion of any work, the streets, side and crosswalks shall be left in as good condition as the same were before the commencement of any such work, and no private lands shall be in any way injured or defaced without permission from the owner or owners thereof. Proviso.

2. *And be it enacted*, That if it should become necessary, in the opinion of the mayor and common council, to lay pipes through any private lands, or the lands of any corporation in the county of Warren, or if any private lands shall be required for erecting reservoirs or other works thereon, and no agreement can be made with the owner or owners thereof as Proceedings in case owners and council cannot agree.

to the amount of compensation to be paid for the laying said pipes through the said lands, or the price of such lands, as the case may be, by reason of the unwillingness of said owners, or any of them, to accept such compensation or price as the said mayor and common council may deem reasonable, or by reason of the absence or legal disability of said owners, or any of them, it shall be the duty of either of the justices of the supreme court of this state, upon the application to him by said mayor and common council, or in their behalf, and after ten days' previous notice in writing of such application to the persons or corporation interested, if known and in this state, or if unknown or out of the state, after publication thereof for any time not less than twenty days in any newspaper published in the county of Warren, to appoint three disinterested appraisers from the county of Warren, to determine the compensation to be paid for the laying said pipes through said lands, or the price to be paid for said lands, as the case may be; and it shall be the duty of the said appraisers (after having taken an oath or affirmation faithfully and impartially to discharge the trusts herein reposed in them, and after having carefully viewed the premises), within twenty days after their appointment, to deliver to said mayor and common council a written appraisalment, under the hands and seals of them, or a majority of them, of the award they have made, containing a full description of the lands through which the pipes are to be laid, or of the lands required for the erection of reservoirs, or other works, which appraisalment the said mayor and common council shall cause to be recorded in the registry of deeds for the county of Warren; and upon payment or tender by the said mayor and common council, to such owner or owners, as aforesaid, or some one of them, of the sum awarded in such appraisalment, if any, then the said mayor and common council shall have the right to lay said pipes through the lands aforesaid, or the said borough shall be deemed seized in fee simple of the lands required for the erection of the said reservoirs or other works as aforesaid; and in case any owner or owners of such lands shall be a feme covert, under age, non compos mentis, or out of the state, then, and in every such case, it shall be sufficient for said mayor and common council to pay the amount which may have been appraised as aforesaid into the court of chancery of this state, subject to the order of said court, for the use of the party or parties entitled to the same; the costs of all such proceeding

shall be taxed by the said justice of the supreme court, and paid by the said mayor and common council.

3. *And be it enacted*, That in case the said mayor and common council, or the owner or owners of said land shall be dissatisfied with the award of the appraisers mentioned in the preceding section, and shall apply to the justices of the supreme court, at the next term after filing the said award, the court shall have power, in 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 view of the premises to be had, and the said issue to be tried at the next circuit court to be holden in said county of Warren, 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 damages aforesaid sustained, and if they shall find a greater sum than the said appraisers shall have awarded in favor of the said owner or owners, then judgment therefor, with costs, shall be entered against the said borough, 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 mayor and common council shall have offered or the said appraisers awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; but such application shall not prevent the directors from taking or laying pipes through said lands, upon the award of the appraisers, the value or damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owner or owners thereof being under any legal disability, the same being first paid into the court of chancery.

Proceedings in case owners or council shall be dissatisfied with award.

4. *And be it enacted*, That if any person shall wilfully do or cause to be done any act or acts whatever to injure the water, or any engine, machine, reservoir, pipe, fireplug, hydrant, structure or fixture whatsoever, or anything appertaining to the works of the said borough, or whereby the same may be obstructed, stopped or injured, or shall wilfully and maliciously draw off or waste the water from any fireplug or hydrant, every person so offending shall be deemed guilty of a misdemeanor, and on being thereof convicted shall be punished by fine not exceeding five hundred dollars, or imprisonment in the county jail for any time not exceeding six months,

Penalty for injuring works.

- Proviso.** or both; *provided*, that such criminal prosecution shall in no wise impair the right of action for damages by civil suit, and the said borough are hereby authorized to bring an action and recover damages by a civil suit for any such injuries aforesaid by and in the corporate name of the said borough, in any court in this state having cognizance of the same.
- Repealer.** 5. *And be it enacted*, That so much and such parts of acts as are inconsistent with the provisions of this act, be and the same are hereby repealed.
- May borrow money.** 6. *And be it enacted*, That to enable the borough of Washington to provide the necessary supply of water as aforesaid, it shall be lawful for the mayor and common council of said borough to borrow a sum of money not exceeding twenty thousand dollars, to be used by them, or so much thereof as may be necessary to provide the necessary supply of water in the manner directed in the foregoing sections of this act; and the mayor and common council of said borough are hereby authorized to issue bonds of said borough for the payment of money so borrowed, in sums not exceeding three thousand dollars each, to bear interest at the rate of seven per centum per annum, payable at such times and in such installments as the said mayor and common council shall deem advisable, but such time not to be more than twenty years from the date thereof; *provided*, such bonds shall not be sold or transferred by the said mayor and common council at less than the par value thereof.
- May issue bonds.**
- Proviso.** 7. *And be it enacted*, That it shall be lawful for the mayor and common council of said borough to provide for the payment of such bonds and the interest by taxation at the same time and in the same manner that other annual taxes are assessed and collected in said borough, in such sums and installments as the said mayor and common council shall deem proper.
- Payment of bonds.**
- Location of buildings regulated by ordinances.** 8. *And be it enacted*, That it shall be lawful for the mayor and common council of said borough to regulate by ordinance the location of buildings in the public streets and alleys of said borough for the purpose of making, preserving and maintaining a uniformity and directness of line in the buildings erected or to be erected along all public streets and alleys, and to cause all buildings erected or which may be erected out of the line established or now occupied by the buildings in any such streets and alleys to be removed and placed in proper line at the expense of the owner thereof,

when such building has been so erected, out of line as afore-said, after notice to the owner by the authorities of said borough that the same is being so erected out of line.

9. *And be it enacted*, That it shall be lawful for the mayor Common seal. and common council of the borough of Washington to make, adopt, have and use a common seal for said borough, and to change and alter the same at any time.

10. *And be it enacted*, That this act shall take effect on and after the fifteenth day of April, eighteen hundred and seventy-two.

Approved April 2, 1872.

CHAPTER CCCCXXXVII.

An Act to appoint commissioners to superintend the drainage and improvement of certain bog meadows and low lands lying in the township of Lafayette, in the county of Sussex.

WHEREAS, it is represented to the legislature, that there are Preamble. several hundred acres of bog meadow and low lands situate in the northeastern part of the said township of Lafayette, known as the "Lafayette Bog Meadows," now of very little value to the owners thereof for want of proper drainage; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard Vaughan, Joseph V. Commissioners to dig and repair drains and water courses. Vought, George G. Struble, Charles Mackerly and Joseph Van Blarcom, are hereby appointed commissioners for the purpose of contracting with or employing one or more persons to dig, excavate, clear out, widen, deepen, mend and repair all such watercourses, ditches, outlets and drains, now in part constructed and made, and, also, to dig, excavate, clear out, and make all such other additional watercourses, ditches, and drains necessary to effectually drain and carry off the water from the lands hereinbefore and hereinafter described, and including the southerly side of said bog

meadow, and to do all the acts necessary to carry out the objects and purposes of this act.

Description of
drain.

2. *And be it enacted*, That the said drain shall commence at or near the centre of a bridge over a brook, running out of said large bog meadow, in the township of Lafayette, in the county of Sussex, on the land of Morris Sharp, and in the road leading from the residence of Joseph V. Vought to the village of Lafayette, and thence following mainly in a northeasterly direction along a watercourse to the main ditch or watercourse of said bog meadow; and thence continuing in a northeasterly direction along said main ditch or watercourse until it reaches the outlet of the "pond meadow," on land of Alexander H. Roe, and to extend to other ditches, watercourses, and drains emptying into the said main ditch and outlet, to drain the low land and bog meadows on either side of said main ditch and outlet.

May enter on
lands.

3. *And be it enacted*, That the said commissioners, or a majority of them, shall have power and authority to enter upon said lands at any time, and at all times to ascertain the width, depth and grade of such watercourses, outlets and drains already in part made and constructed, and to ascertain the necessary changes and alterations to be made in the width, depth and capacity of the same, and also, to ascertain the proper width, depth and grade of such other watercourses, ditches and drains which, in their judgment, or in the judgment of a majority of the said commissioners, shall be necessary to be made to make the drainage effectual; and the said commissioners, or a majority of them, shall have full power and authority to superintend the alteration and construction of said watercourses, ditches and drains, and to remove and clear all obstructions in the watercourses, ditches, outlets and out drains, in part made and constructed, and to make the same wider and deeper; and to dig, excavate and make all such other watercourses, ditches and drains necessary to be made to effectually drain the said low lands and bog meadow; and to remove the earth and other substances a sufficient distance from the banks of said watercourses, ditches, outlets and drains on the adjoining lands, to prevent the falling or washing in to obstruct said watercourses, ditches, outlets and drains, and to assess the costs and expenses of the same, and the costs and expenses of making surveys and maps of said premises, watercourses, ditches, outlets and drains as herein-after provided, together with the pay allowed said commis-

Costs and ex-
penses to be
assessed on
owners.

sioners for the performance of their duties under this act, upon the owners of the said lands through which said watercourses, ditches, outlets, and drains are in part constructed; and upon the owners of the lands through which other watercourses, ditches, and drains shall hereafter be made, and upon the owners of such other lands lying immediately near said watercourses, ditches, outlets and drains, and which, in the judgment of the commissioners, or a majority of them, are benefited thereby; and in making said assessments, the said commissioners shall take into consideration the costs and expenses of deepening, widening, clearing out and surveying said watercourses, ditches, outlets, and drains in part made and constructed, and the same shall be assessed on each owner of said land through whose land the same are in part made, in proportion to the costs and expenses of the work necessarily done on his, her, or their land for the purposes aforesaid, together with the benefit derived therefrom; and upon the owners of such other lands lying immediately near, which, in the judgment of the commissioners or a majority of them, are benefited thereby, in proportion to the benefit derived; and said commissioners, shall also, in making said assessments take into consideration the costs and expenses of such other or additional watercourses, ditches, and drains dug, excavated and made by them, and the same shall be assessed on each owner of said land through which the same shall be made in proportion to the costs and expenses of the labor and work done on his, her, or their land, and the benefit derived therefrom, and, also, upon the owners of such other lands lying immediately near the same, which, in the judgment of the commissioners or a majority of them are benefited thereby, in proportion to the benefit derived; and the said costs and expenses shall be a lien on the said lands through which the said watercourses, ditches, outlets, and drains are now in part made, and on the lands through which said watercourses, ditches, or drains shall hereafter be made, and on the lands thereby benefited; and if any person or persons shall refuse to pay his, her, or their assessment after the same shall become due and payable, and after notice of the same as hereinafter provided, the said commissioners or a majority of them shall have power and authority, after two weeks' advertisement of the same in a newspaper of said county, and ten days' notice by written or printed handbills posted in five of the most public places in said township, setting forth in

Costs and expenses to remain a lien.

Commissioners may sell lands, &c. for non-payment of assessment

said advertisement the object of said sale, and describing the property to be sold; to sell at public auction any crops, pasture, wood, timber or the land of the person or persons so making default as aforesaid sufficient to pay his, her, or their assessment as aforesaid, with twenty per centum additional thereto, with costs; and on such sale or sales the said commissioners, or a majority of them, shall hereby have power and authority to make, sign, and execute all necessary writings, deeds, or conveyances to the purchaser or purchasers, and which shall vest in the purchaser or purchasers as good title as the person or persons making said default had to the same at the time of making said assessment; and the said commissioners shall each receive for their services one dollar per day for each and every day they are actually engaged in the performance of their duties under this act.

Owners may
do work.

4. *And be it enacted*, That the said commissioners shall have the power and authority to permit the owners of said lands, or such of them as shall desire to do the work necessary to be done on their part of said lands, in making, deepening, widening and clearing out that part of watercourses, ditches, outlets, and drains already constructed, or that shall hereafter be made through his, her, or their lands, and the same shall relieve him, her, or them so doing the same from assessment to the value of such work done; *provided*, the same shall be done within the time required by said commissioners, and in the manner specified by them.

Proviso.

Survey and
map now on
file adopted.

5. *And be it enacted*, That the survey and map of a certain part of said lowland and bog meadow made by George Collver, Hazlet Slater, and Mahlon B. States, on file and of record in the office of the clerk of the county of Sussex, shall be adopted and taken by said commissioners as a survey and map of a part of said premises, with power and authority hereby conferred on said commissioners, or a majority of them, to cause to be made such additional surveys and maps of said lands, watercourses, ditches, outlets and drains, and alterations in the former survey of a part thereof, as they in their judgment shall deem necessary to effectually carry into effect the objects of this act, and the costs and expenses thereof shall be assessed and paid, as hereinbefore provided.

May make ad-
ditional sur-
veys and maps

Commission-
ers to keep
record of pro-
ceedings.

6. *And be it enacted*, That the said commissioners, and their successors, shall, in a book kept for that purpose, keep therein a full and complete record of their proceedings; also, copies of all contracts made by them, and a particular ac-

count of all costs and expenses, moneys received and disbursed, and the valuations and assessments, and copies of any survey and map made by them of said premises, which said book and account shall at all times be open to the inspection and examination of each and every owner of said lands and premises; and said commissioners, as soon as said watercourses, ditches, outlets and drains shall be completed, shall lay before a committee to be chosen by the owners of said lands, or a majority of them, the said book and accounts, and said commissioners shall be liable for all moneys by them received, but not applied for clearing out, making and repairing said watercourses, outlets, ditches and drains, and for the costs and expenses incident to the duties required by this act, and shall pay the balance, if any, pro rata to the persons who paid said assessments.

Liable for all moneys.

7. *And be it enacted*, That if any of the commissioners herein named, or their successors, shall die or remove out of the county, or shall refuse to serve, the other commissioners for the time being, upon written request of any three owners of said land, shall call a meeting of such owners by notices set up in three places in the neighborhood of said owners, expressing therein the object of said meeting, who shall, when met, appoint a person or persons to supply the place or places of such commissioner or commissioners so dying, removing or refusing, and the person or persons so appointed shall have all the power and authority hereto given to the commissioners named in this act.

Vacancies, how filled.

8. *And be it enacted*, That the said commissioners and their successors, before entering on their duties, shall take and subscribe an oath to faithfully and impartially perform their duties under this act, and as soon as said oath shall be taken they shall organize their commission and appoint one of their number, who shall have the power to perform all the duties under this act, except making contracts for drainage, surveys and valuations of property, and assessing the costs and expenses of said work upon the owners of the same and those benefited by said drainage; and the record and report of said commissioners shall be sufficient evidence of the indebtedness in each case respectively, and a defence for all their acts done under and by authority of this act.

Commissioners to take oath.

May appoint one of their number to perform duties.

Record and report to be evidence.

9. *And be it enacted*, That the said work and drainage shall commence on or before the first day of September, eighteen hundred and seventy-two, and shall be completed

Time of commencing work.

Costs and expenses to be assessed.

as soon thereafter as may be with due diligence of the same, and that immediately after the said work, or any part thereof shall have been completed, the costs and expenses of the same shall be assessed on the owners of the land through which the same shall have been constructed, altered, repaired, and made as aforesaid, and upon the owners of the lands benefited thereby, in the manner hereinbefore directed and provided, and which said assessment shall become due and payable upon a notice in writing of the same being served ten days upon or left at the residence of the person or persons so assessed; and that at the expiration of every five years from the first day of September, eighteen hundred and seventy-two, or sooner if necessary, the said commissioners, or a majority of them, or their successors, shall hereby have power and authority to contract with or to employ one or more persons to clear out and remove all earth, dirt, and other obstructions in the said watercourses, ditches, outlets and drains, and to assess and collect the costs and expenses from the then owners of said lands in the same manner as heretofore in this act directed and provided, and the same shall be a lien on the lands benefited thereby.

Commissioners may enter into contract or employ persons to clear out drains.

Penalty for erecting any dam across watercourses.

10. *And be it enacted*, That it shall not be lawful for any person or persons to erect any dam across said watercourses, ditches, outlets and drains, or either or any of them, or in any way place any obstructions across or in the same, or in any of them, so as to obstruct the watercourse in the same, and any person or persons so offending shall forfeit and pay for every such offence the sum of thirty dollars, to be recovered in an action of debt in any court having cognizance of the same, with costs of suits, in the name of any one or more of the said commissioners, or any one or more of their successors in office, to be appropriated by them toward the expenses of said drainage.

Commissioners to call meeting of land owners.

11. *And be it enacted*, That within ten days after the said commissioners shall have made an assessment in accordance with the provisions of this act, it shall be the duty of the said commissioners to call a meeting of the land owners embraced in this act, by notices set up in three of the most public places in the neighborhood of said owners for at least ten days prior to the time of such meeting, designating the time and place of such meeting, for the purpose of electing three commissioners of appeal, and the said owners, at the time and place of such meeting, shall elect by ballot three of their number as

commissioners of appeal, who shall, within thirty days from their election, take an oath well and truly to perform the duties of their office, and appoint a time for revising the said assessment, and give ten days' notice of their meeting, by notices in writing, set up in three of the most public places in the neighborhood of said owners, at which meeting the said commissioners shall hear all parties aggrieved, and revise the assessment made by said commissioners, and shall, within ten days after such revision, return the said assessment to the said commissioners, who shall thereupon proceed to collect the said revised assessment, in accordance with the provisions of this act.

Election of
commission-
ers of appeal.

Notice of
meeting to be
given to hear
parties ag-
grieved and
revise assess-
ments.

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

Passed April 2, 1872.

CHAPTER CCCCXXXVIII.

An Act to incorporate the Bessamer Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel K. Wilson, Charles D. Deshler and Richard McDonald, and such other persons as may hereafter be associated with them, shall be and are hereby declared a body corporate and politic, in fact and in law, by the name of "The Bessamer Company," and by that name may contract for, construct, maintain and operate works of public and private improvement; and for that purpose may purchase, hold, sell, convey, mortgage, lease and otherwise dispose of personal or real estate.

Corporators.

Name.

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with power to increase the same as a majority of the stockholders may from time to time determine, divided in shares of one thousand dollars each, which shares shall be deemed to be personal property, and be transferable in such manner as shall be prescribed from time to time by the by-laws of the company.

Amount of
capital stock.

Directors to
manage af-
fairs.

3. *And be it enacted*, That the property and affairs of said company shall be managed by a board of directors, a majority of them shall be citizens of New Jersey, to be chosen annually, not less than three or more than seven in number; that said board shall organize by appointing one of their number to be president, and a suitable person to be secretary, and may appoint such officers and agents as they may deem necessary, and may fix their duties, powers and compensation, and that the persons named in the first section of this act, or a majority of them, shall, within ninety days after the passage of this act, hold an election at their office, in New Brunswick, for directors of said company, who shall continue in office from the date of said election, and until others are elected in their stead.

May make by-
laws.

4. *And be it enacted*, That the directors from time to time may make such by-laws, rules and regulations as they may deem expedient for the government, management and disposition of the stock, effects, property, lands, profits and concerns of said company, not contrary to the constitution of this state, or the United States.

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

Approved April 2, 1872.

CHAPTER CCCCXXXIX.

An Act to incorporate the Union Club, of the City of Elizabeth, New Jersey.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That James T. Wiley, Anthony W. Dimock, Charles F. Davenport, James S. Myers, William D. Bruen, E. D. Weston, David D. Buchanan, A. H. Schenck, John M. Guiteau, A. M. F. Watson, and such other persons as now are or hereafter shall become members of an association in the city of Elizabeth, New Jersey, called the "Union Club," are hereby created and constituted a body corporate

by the name of "Union Club, of Elizabeth," to be located in the city of Elizabeth, to promote social intercourse, mutual encouragement and intelligence, and in furtherance of these objects to have and maintain a club-house and club stables, carriages, horses and cabs, and such other property and appurtenances as may be requisite or convenient for the enjoyment of the members of said corporation, and the securing of the objects hereinbefore mentioned.

2. *And be it enacted*, That said corporation shall have power to make by-laws, rules and regulations for the admission, suspension and expulsion of its members and their government, the collection of fees and dues and such other moneys as may be requisite to be collected, the number and election of its officers, and to define their duties, and for the safe keeping of its property, and from time to time to modify such constitution, by-laws, rules and regulations; the officers for the time being of the association shall be the officers of the corporation hereby created until an election shall be held pursuant to such constitution, by-laws, rules and regulations.

3. *And be it enacted*, That said corporation may purchase and hold or lease any real or personal estate necessary, proper and convenient for the purposes of its incorporation, of a value not exceeding two hundred thousand dollars, and it may create liens thereon to an amount not exceeding the value thereof.

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

Approved April 2, 1872.

CHAPTER CCCCXL.

A Further Supplement to an act entitled "An Act to incorporate the Manalapan and Freehold Turnpike Company," approved March eighteenth, eighteen hundred and sixty-three.

May borrow money and issue bonds, 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Manalapan and Freehold Turnpike Company shall have power to borrow such sum or sums of money as shall be necessary to discharge the present indebtedness of said company, in whatever form such indebtedness may now be, not exceeding the sum of ten thousand dollars, and to secure the repayment thereof by the execution and negotiation of a bond, secured by a mortgage on the said road, lands, privileges, franchises and appurtenances of and belonging to said company, which mortgage shall constitute a first lien thereon.

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

Approved April 2, 1872.

CHAPTER CCCCXLI.

An Act to incorporate the Absecon and Somers Point Railroad Company.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Israel S. Adams, Job B. Somers, James S. Smith, Joseph E. P. Abbott, John Price, Pardon Ryon, David Lee, Simon Lake and Jesse Adams, and such other persons as may be hereafter associated with them, shall be and they are hereby ordained, constituted and de-

clared to be a body corporate and politic, in fact and in name, by the name of "Absecon and Somers Point Railroad ^{Name.} Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary and expedient for the objects of this corporation.

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

3. *And be it enacted*, That the above named persons, or a ^{Commissioners to open books of subscription.} majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of the said corporation at such time and place as they, or a majority of them, may think proper, giving at least ten days' notice in one of the newspapers published in Atlantic county, and that at the time of subscribing ten per centum shall be paid on each share subscribed to the commissioners, or some of them, and when twenty thousand dollars are subscribed to the capital stock of the said corporation, the persons holding the same shall be, and they hereby are incorporated into a company, and the commissioners shall give like notice for a meeting of the stockholders to choose not less than seven directors, a ^{Election of directors.} majority of whom shall be residents and citizens of this state; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named commissioners, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and moneys paid in to the said directors, deducting a reasonable compensation for their services; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners, or a majority of them.

4. *And be it enacted*, That the directors chosen at such a ^{President.} meeting, and at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their number a president, who shall hold office until after the

- next succeeding election, and until another shall be appointed ;
 and they shall have power to fill any vacancy which at any
 time may exist in the board, by death or otherwise, until the
 next succeeding annual election.
5. *And be it enacted*, That the annual election for directors
 shall be held at such times and places as the board of direc-
 tors shall hereafter direct, of which election public notice as
 above mentioned shall be given, and such election shall be
 made as hereinbefore directed ; and in case it shall happen
 that an election of the board of directors shall not be made
 when it ought to be made, the said corporation shall not, for
 that cause, be deemed to be dissolved, but the said election
 shall be held as soon thereafter as possible, and public notice
 shall be given as before directed ; five directors shall be a
 quorum to transact all business of said corporation, and the
 directors shall be authorized to call in the remaining capital
 stock of said company by such installments and at such times
 as they may direct ; *provided*, that such payment shall not
 exceed twenty dollars on each share per month, and in case of
 the non payment of the said installments, or any one of them,
 they shall have power to forfeit such share or shares upon
 which said default shall arise, to and for the use of said cor-
 poration, and also to make and prescribe such by laws and
 regulations as to them shall appear needful and proper, touch-
 ing the management and regulation of the stock, property,
 estate and effects of said corporation, and also to appoint
 such officers, clerks and servants as to them shall seem meet,
 and to establish and affix such salaries to them, and also to
 the president, as to the said directors shall appear proper.
6. *And be it enacted*, That the president and directors of
 the said corporation be and the same are hereby authorized
 and invested with all the rights and powers necessary and
 expedient to survey, lay out and construct a railroad from
 some suitable point at or near Absecon, in the county of At-
 lantic, to some suitable point at or near Somers Point, in said
 county, the said road not to exceed one hundred feet in width,
 with as many sets of tracks and rails as they may deem ne-
 cessary ; and it shall be lawful for said president and direc-
 tors, their agents, superintendents, engineers and others in
 their employ, to enter at all times upon all lands and waters,
 for the purpose of exploring, surveying, leveling or laying
 out the route of such railroad, and of locating the same, and
 to do and erect all necessary works, buildings and appendages

Vacancies,
how filled.

Annual elec-
tion.

Failure to
elect not to
dissolve.

Proviso.

Authorized to
survey, lay
out and con-
struct a rail-
road.

May enter on
lands, &c.

thereof, doing no unnecessary damage to private or other property; and when the route of said road shall have been determined on, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use and occupy any such lands, and to erect embankments, bridges, piers, and all other work necessary to lay rails, and do all other things that shall be suitable or necessary for the construction, completion and repair of the said road, subject to such compensation as is hereinafter provided; *provided always*, that proviso. the payment, or tender of payment, of all damages for the occupation of land through which said railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road or roads, unless the consent of the owner or owners of such lands be first had and obtained.

7. *And be it enacted*, That when the said company, or Proceedings in case company and owners cannot agree. 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 lands or materials so required for the use of the said company in the construction of the said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or, if unknown or out of the state, to make publication thereof, as he shall direct, for any term not less than six days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, not resident in the county in which the lands or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said lands or ma-

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

Proceedings
in case of ap-
peal.

8. *And be it enacted*, That in case the said company, or the owner or owners of the said land or materials, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court, at the next term after the filing of the said

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

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

10. *And be it enacted*, That the president and directors of said corporation shall have the power to have constructed, or to purchase with the funds of the corporation, and to place on the said railroad all machinery, engines, cars, wagons, carriages or vehicles, for the transportation of persons or property; and they are hereby authorized to demand and receive

May build
bridges, &c.

May purchase
equipments,
and rates of
fare.

- such sums of money for the transportation of persons and property thereon as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than at the rate of four cents per mile for carrying such passenger, but no charge shall be required to be less in the aggregate than ten cents; nor shall the said corporation charge more than six cents per ton per mile for the transportation of property on said road which is usually weighed by the ton; the said railroad, with its appendages, and the lands over which it shall pass, and all the works, improvements and all other property whatsoever, belonging to the corporation are hereby vested in the said corporation and their successors for and during the continuance of their charter.
- Proviso.**
- Dividends.** 11. *And be it enacted*, That the president and directors shall declare and make such dividends of the net profits thereof as they may deem prudent and proper from time to time.
- May have and hold real estate.** 12. *And be it enacted*, That the said company may purchase, have and hold real estate at or near the commencement and termination of said road, or at any other point on the line of said road where the directors may think proper to establish depots, and may erect thereon houses, warehouses, workshops and such other buildings and improvements as they may deem expedient for the safety of their property, and for other necessary uses appertaining to their business, and may receive the rents and emoluments thereof, and may build and maintain over such rivers and streams as the road may cross, such piers and bridges as they may deem expedient; *provided*, that suitable and sufficient draws shall be made over any navigable stream, so as not to obstruct the navigation thereof; *provided*, that nothing in this act shall affect the rights of the state to lands lying under water.
- Proviso.**
- Proviso.**
- May make contracts.** 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, freight, merchandise or passengers, and enforce the fulfillment of such contracts.
- Penalty for injuring works.** 14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of the railroad enjoined under the provisions of this act, or any of their necessary works, wharves, bridges, carriages or machines,

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

15. *And be it enacted*, That as soon as said railroad ^{Statement of costs to be made.} or any part of it is in operation, the president of the said company shall make, under oath or affirmation, a statement of the amount of the costs of the said railroad, including equipments, appendages, and all expenses, and file the same in the office of the secretary of state; and annually thereafter, on the first Monday in January of each year, he shall, under oath, make a statement to the secretary of state, of the cost of the equipment, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the ^{State tax.} costs, equipment and appendages of said road, to be paid annually thereafter, on the first Monday in January of each year, and such other taxes as may be assessed from time to time, by a general law applicable to all railroads over which the legislature shall have power, for that purpose, at the time of the passage of such law or laws; and until the passage of such law, the payment of the one half of one per centum shall be in lieu of all other taxes; and until the said railroad, or any part thereof, shall be in operation the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property, as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purposes, and by the same person or persons as other taxes are assessed in said city or cities, township or townships.

16. *And be it enacted*, That said Absecon and Somers Point Railroad Company shall have power to borrow such ^{Authorized to issue bonds.} sum or sums of money, from time to time, as shall be necessary to build, construct or repair said road, and furnish said corporation with all the necessary engines, cars and machinery for the uses and objects of said company, and to secure the payment thereof by bond and mortgage, or otherwise, on said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum.

17. *And be it enacted*, That the said railroad is hereby

May lease and
consolidate
with other
companies authorized to lease its railroad to (or consolidate with) any other railroad company of this state which is hereby authorized to take such lease, and operate the same for such term or times, and on such terms as the said parties may agree upon.

Bonds may be
endorsed or
guaranteed by
other compa-
nies. 18. *And be it enacted*, That any railroad company is hereby authorized to endorse or guarantee the bonds of the said Absecon and Somers Point Railroad, and in any other way which the parties may agree upon, aid the said company in the construction of its said railroad.

Free passes. 19. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, the judges of the court of errors and appeals, and other state officers, 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 the year for which they were elected, shall pass and repass on the railroad of said company free of charge.

Time for com-
pletion. 20. *And be it enacted*, That if the said railroad shall not be commenced within five years, and completed within ten years from the fourth day of July next ensuing, then and in that case this act shall be void.

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

Approved April 2, 1872.

CHAPTER CCCCXLII.

An Act to incorporate the New Jersey Marble Company.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That Cornelius A. Wortendyke, Martin J. Ryerson, J. Henry Carpenter, Henry Carman, John E. Demarest, Henry W. Merrill and Robert I. Hopper, and their associates, shall be and they are hereby created a body politic and corporate, by the name of "The New Jersey Marble Company," and by that name the said company shall have power to purchase, procure and hold, mortgage,

Name and
powers.

lease, sell and convey such lands in the counties of Morris and Passaic, as may be necessary or proper for effecting the object of this corporation, and to open thereon mines and quarries, and to erect and construct thereon buildings and machinery for quarrying, raising, mining, manufacturing, storing, sawing and selling marble, stone and other mineral and earthy substances; and shall have power to quarry, mine, manufacture, saw, store up, sell and otherwise dispose of marble, stone or other materials, raised, quarried, mined or manufactured, and shall have all such other 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 installment or installments, and upon such notice as the said corporation by their by-laws or otherwise may direct or appoint; and in case of a failure by any stockholder to pay his or her installment or installments, at the time and place mentioned and appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her share or shares, and all payments thereon, to the use of said corporation.

3. *And be it enacted*, That the capital stock of the said corporation shall be deemed and considered personal property, and shall be transferable in such way as the by-laws of said corporation shall 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, at any time or times hereafter, may increase their capital stock to any amount not exceeding five hundred thousand dollars.

4. *And be it enacted*, That the affairs of said corporation shall be managed by a board of not less than three nor more than seven directors, a majority of whom shall be a quorum for the transaction of business; but any less number shall have power to adjourn; and that said Cornelius A. Wortendyke, Martin J. Ryerson, J. Henry Carpenter, Henry Carman, John E. Demarest, Henry W. Merrill and Robert I. Hopper, shall be and are hereby appointed the first board of directors, to serve until the first Monday in May next and others shall be elected in their stead; and the said directors, or a majority of them, as soon as conveniently may be here-

after, shall appoint one of their number to be president of said corporation until the said first Monday in May next, and 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 at their next or any subsequent stated meeting, may fill such vacancy until their next annual meeting for an election of directors, and no person shall be a director except a stockholder.

Vacancy, how filled.

Election of directors. 5. *And be it enacted*, That an annual election of directors shall be held at Paterson, in the county of Passaic, in this state, on the first Monday in May next, and that all subsequent elections of directors shall be held at such time and place in said county, and upon such notice as shall be ordained by the by-laws or otherwise appointed; and the board of directors shall appoint the judge of such elections; but should an election of directors not be had on the first Monday of May next, or at any time appointed for the holding any subsequent election thereof, the said corporation shall not for that cause be deemed dissolved, but such election may be had at such other time and place as the board of directors for the time being shall or may appoint; and in all cases 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 one of their number a president of said corporation, to serve until the then next annual election of directors, and another shall be appointed in his place, that the 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 request and call of the president.

Failure to elect not to dissolve.

Dividends 6. *And be it enacted*, That the dividends of so much of the profits of the corporation as shall appear advisable to the board of directors, shall be made and paid to the stockholders, at such times as the said board shall determine; and at each annual meeting of the stockholders, for the purpose of election of directors, it shall be the duty of the president and directors of the preceding year to exhibit to the stockholders a full and accurate statement of the affairs of the corporation during that period, and they shall produce and exhibit to such meeting the accounts and papers of the

Annual statement.

corporation, if required so to do by any person or persons being stockholders.

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

Approved April 2, 1872.

CHAPTER CCCCXLIII.

An Act to incorporate the Gloucester City Savings Institution.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David S. Brown, George Jani-^{Corporators} ver, Henry N. Paul, James P. Michellon, Benjamin Chew, Henry F. West, William Sexton, Daniel Schofield, Samuel Chew, and their successors, shall be and are hereby constituted a body corporate and politic, by the name of "The Gloucester City Savings Institution," with power to purchase, ^{Name and powers.} take, hold, enjoy and sell, lease or otherwise dispose of any real or personal estate which shall be necessary for the purposes herein mentioned.

2. *And be it enacted*, That the said institution shall be ^{Board of managers, and their powers.} conducted by nine managers, elected by ballot from the number of the above named incorporators, of whom five shall be a quorum to transact business; and the seat of any manager who shall have neglected to attend for four successive meetings may be vacated by the board; the managers shall meet annually, at such time as their by-laws may designate, and choose one of their number president; they shall have power to appoint a secretary, treasurer, and such other officers as to them shall appear necessary for conducting the business of the corporation; which officers, so chosen and appointed, shall continue in office one year, and until others are chosen, unless sooner removed by the board of managers; and all officers so chosen shall be under oath, and shall give such security as the board of managers may require for the faithful performance of the duties of their respective offices; and the managers

Vacancies,
how filled.

shall have power to fill up by ballot any vacancy which may occur in their body or its officers, by a vote of a majority of the managers present, after five days' notice thereof shall have been given to the managers, by publication in the newspaper printed in said Gloucester City, or by notice deposited in the post office, directed to each manager, or left at his residence.

May make by-
laws, &c.

Proviso.

3. *And be it enacted*, That the board of managers shall have power to make, ordain, establish and alter such by-laws and regulations as they shall judge proper for the election of their officers, for prescribing their respective duties, for regulating the times and places of meeting of the officers and managers, and directing the affairs of the corporation; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this state or of the United States of America; and such by-laws and regulations shall be put up conspicuously in the room where the business of said corporation shall be conducted.

May receive
money on de-
posit, and in-
vest the same.

Proviso.

4. *And be it enacted*, That the said corporation may receive as deposits all sums of money which may be offered for the purpose of being invested, in such amounts, and at such times, and on such terms, as the by-laws shall prescribe, which shall be invested accordingly, and shall be repaid to the depositor at such times, and with such interest, and under such regulations as the board of managers shall from time to time prescribe; and the said corporation may accept and execute all such trusts of every description as may be committed to them by any person or persons whatsoever, by will or otherwise, or by the order of any court; and it shall be the duty of the managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a ratable proportion as near as may be of the profits, after deducting therefrom all necessary expenses, and a reasonable surplus or contingent fund; *provided*, that the same rates of interest may be so regulated that the interest allowed to depositors may be less on large sums than that allowed on small sums, and that the managers shall not be required to allow any interest or dividend on account of said surplus fund for money which shall have been withdrawn from deposit.

Officers, &c.,
not allowed to
borrow money

5. *And be it enacted*, That the said corporation shall not issue any notes or bills, nor shall any manager, officer or agent of the said corporation, be allowed, directly or indirectly, to borrow any money from the said corporation; and all

compensation to be allowed to the managers or officers shall be fixed by the board of managers.

6. *And be it enacted*, That the said corporation may invest money in the stocks and bonds created under the laws of the United States, and in stocks and bonds issued by the states of New Jersey, New York and Pennsylvania, and the several counties, cities, towns and townships thereof, and in real estate double in value of the amount loaned above any encumbrance thereon; and may make loans on personal securities to an amount not exceeding twenty per centum of the money to be invested, with pledges of collateral securities at least equal to the amount loaned. May invest money in stocks and bonds, &c.

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

8. *And be it enacted*, That the said corporation may pay to any depositor, being a minor, such sums as may be due to such depositor, notwithstanding that no guardian may have been appointed for such depositor, and the receipt or acquittance of such minor shall be as valid as if executed by a guardian duly appointed; *provided*, that the deposit due such minor shall have been made by such minor in person, and not by any other person for his or her benefit; married women may deposit money in their own names, and receive the interest or dividend thereon, and receive and withdraw the same; and such deposit shall not be subject to the control of the husband, or liable for his debts; nor shall moneys deposited by a single woman be subject, in case of marriage, to the use or control, nor liable for the debts of the future husband. Minors may give acquittance for deposits. Proviso.

9. *And be it enacted*, That a book shall be kept at the office of the corporation in which any depositor shall be at liberty to appoint a person or persons to whom, in any event of his or her death, the money due shall be paid, if not otherwise disposed of by will, and all payments made to the person or persons so appointed, shall be a full discharge to said corporation. Disposition of deposits in case of death.

10. *And be it enacted*, That the corporation shall not be required to receive on deposit a less sum than one dime, nor to allow interest on the fractional part of a dollar, nor for the fractional part of a month. Interest.

11. *And be it enacted*, That all deposits and payments shall

- All deposits to be entered. be regularly entered in the books of the corporation, and every person depositing shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made.
- Annual report 12. *And be it enacted*, That it shall be the duty of the said corporation to make an annual report to the legislature of this state, under oath or affirmation of the treasurer, and a committee appointed for that purpose by the managers, or three or more of their number, of the state of its funds, and such statement shall be published in the city of Gloucester.
- Place of business. 13. *And be it enacted*, That the office or place of business of the said corporation shall be in the city of Gloucester, and the books of the corporation shall be open at all times to the inspection and examination of such person or persons as the legislature may from time to time appoint for that purpose.
- Act, how construed. 14. *And be it enacted*, That this act shall be and is hereby declared to be a public act, and the same shall be construed in all courts favorably and benignly for every beneficial purpose therein intended, and that no misnomer of the said corporation in deed, grant, devise or other instrument of contract or conveyance, shall vitiate or defeat the same; *provided*, the corporation shall be sufficiently described to ascertain the intention of the parties; *and provided also*, that the legislature may at any time hereafter amend or modify this act, and that this act shall take effect immediately, and continue in force until repealed.
- Proviso.
- Proviso.

Approved April 2, 1872.

CHAPTER CCCCXLIV.

An Act to incorporate the State Trust Company, of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Peter Hanck, John G. Burger, ^{Corporators.} George C. Webner, John Korb, Peter Wilhelm, and Otto Grantner, with all others who are or shall hereafter be associated with them, be and they hereby are, with their successors and assigns, made and established a body politic and corporate, by the name of "The State Trust Company," ^{Name and powers.} and by that name shall be capable in law to purchase and hold all kinds of property, real and personal, and the same at pleasure to sell and convey; to sue and be sued, in all courts; to make and carry into effect all such by-laws and regulations as may be deemed expedient for the proper management of the affairs of the corporation, not repugnant to its charter, the laws of this state or of the United States, and generally to do, and cause to be done and executed, all such acts and things as may seem proper and necessary.

2. *And be it enacted*, That the corporation have power to ^{Power to receive deposits.} receive money in trust and on deposit, and to allow and pay interest on said money allowed by law; may take and receive on deposit or in custody for safe keeping, bonds, plate, jewelry, stocks and other property, upon such terms and for such compensation as may be agreed upon by both parties; and said corporation may advance moneys, securities and credits upon any property, real or personal, on such terms as may be established, not exceeding the legal rate of interest of the state of New Jersey; and the funds of said corporation may be invested and reinvested in, and loans made upon bond and mortgage on real estate within this state, and the bonds of this state and the United States, cities, counties, towns and townships of this state.

3. *And be it enacted*, That it shall be lawful for the corporation hereby incorporated to take and hold any real and ^{May hold real estate.} personal estate, in trust or otherwise, as security for or in payment of loans and debts due and to become due to said

company, and to hold, lease and convey the same at pleasure.

Deposits, &c.,
a first lien on
stock in case
of failure.

4. *And be it enacted*, That all the capital stock, property and estate of every description belonging to said company shall be and stand charged with the fulfilment of said trusts, and the payment of said deposits, trust and other funds as the first lien thereon, in case of the failure of said corporation; and said corporation shall at all times have a lien upon all the stock or property of its stockholders invested therein, for all debts due from them to said depositors.

Capital stock.

5. *And be it enacted*, That the capital stock of said company shall not be less than one thousand shares, of one hundred dollars each, with the privilege of increasing the same, by a vote of the directors, to any number not exceeding two thousand shares, which shall be transferable according to such rules as the directors, by their by-laws, may direct; at the time of subscribing for the capital stock of said company there shall be paid in, fifty dollars on each share, and as soon as fifty thousand (\$50,000) dollars is paid in in cash, the said company may commence business, and not before.

Commission-
ers to receive
subscriptions.

6. *And be it enacted*, That the persons named in the first section of this act, or a majority of them, are hereby authorized to make and receive subscriptions to the capital stock, at such places and at such times as they see fit; and within ten days after the capital stock to the amount last aforesaid shall have been subscribed, they shall call a meeting of the stockholders for the purpose of electing nine directors and such officers as the stockholders may deem necessary, each share representing one vote; the principal office of this corporation shall be in the town of Harrison, with the privilege of keeping an office in the city of Newark, Essex county, New Jersey.

Principal of-
fice.

Officers.

7. *And be it enacted*, That the officers necessary for the transaction of business shall receive their compensation through the board of directors, who shall have the disposal and management of all the affairs of said corporation in all cases not herein otherwise provided for.

Annual state-
ment.

8. *And be it enacted*, That the president of said corporation, annually, on the first day of January in each year, or within thirty days thereafter, do make out, under oath, to the comptroller of this state, a statement of the amount of the capital stock, amount paid in, amount of moneys held in trust

or on deposit, and generally all the assets and liabilities of said company.

9. *And be it enacted*, That this act shall take effect immediately, and may be at any time altered or amended by the legislature.

Approved April 2, 1872.

CHAPTER CCCCXLV.

An Act to incorporate the Valley Express Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Hood, Calvin Corle, Corporators. William Sweeney, together with such persons as shall subscribe to the stock hereby authorized, and their successors, be and are hereby constituted a body corporate and politic in law, by the name of the "Valley Express Company," and Name and powers. by that name shall have power to use a common seal, to sue and to be sued, to defend and be defended in all courts of law and equity, for the purpose of carrying on a general forwarding and express business, in the transportation of all kinds of goods, chattels, merchandise, bullion, specie, money and other articles, from and to, and between various posts and places in this state, and beyond the limits thereof, and to do all such things as are incident to a corporation, and necessary for the purposes of this act.

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

3. *And be it enacted*, That for carrying out the purposes May purchase and hold real estate. mentioned in the first section, the said company may from

time to time procure, hold and use such vehicles, crates, cars, horses and such other personal property as may be needed by them for carrying on their business as aforesaid, and may also purchase, hold and convey so much real estate as may be considered necessary for the proper transaction of their business.

Principal of-
fice.

4. *And be it enacted*, That the principal office of the said company shall be located in Jersey City, and the business of said corporation shall be conducted by five directors, one of whom shall be president, and one secretary and treasurer; the said directors shall hold their office one year and until others are elected in their stead; the election for directors

Election of di-
rectors.

shall be held annually, at such time and place as the by-laws of the corporation shall provide, at which each stockholder shall be entitled to one vote, in person or by proxy, for each share of stock held.

Annual state-
ment.

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

Any railroad
company may
take stock.

6. *And be it enacted*, That any railroad company is hereby authorized to subscribe for any part of the capital stock of said corporation, not exceeding, however, the one-quarter of the whole amount authorized.

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

Approved April 2, 1872.

CHAPTER CCCCXLVI.

A Supplement to "An Act to incorporate the Co-operative Company of Elizabeth, New Jersey," approved February twenty-third, eighteen hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the last sentence of section five be amended so that it shall read as follows: "They shall be the highest tribunal for all complaints, and shall control all business management for the interests of the company according to the laws of the state, and report to the company semi-annually." Amendment.

2. *And be it enacted*, That section nine be amended so that it shall read as follows: "That all accounts shall be balanced semi annually, and dividends declared according to the constitution and by laws of the company." Amendment.

3. *And be it enacted*, That section ten be amended so that it shall read as follows: "That the regular stated meetings of this company shall be held on the first days of February and August; *provided*, that in the event of said days being Sunday or holiday, said meeting to be held on the following day, at which meetings the board of control shall make their semi-annual reports; the meeting in February shall be the annual meeting." Amendment. Proviso.

Approved April 2, 1872.

CHAPTER CCCCXLVII.

An Act to incorporate the Elizabeth Omnibus Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John M. Ramsey, A. Vaughan Corporators.

Name.	Dimock, J. Madison Watson, Isaac Davis and Edward S. Atwater, and all other persons who shall become subscribers to the capital stock, according to the mode hereinafter prescribed, and their successors, be and they are hereby created a body politic and corporate, in fact and in law, by the name of "The Elizabeth Omnibus Company," for the purpose of owning omnibusses, carriages and horses, and using the same for the carrying of passengers, and for that purpose may purchase and hold such real and personal estate as may be necessary for carrying on said business.
Capital stock.	2. <i>And be it enacted</i> , That the capital stock of said company shall be ten thousand dollars, with the privilege of increasing the same to twenty-five thousand dollars, divided into shares of one hundred dollars each, which stock shall be transferable according to the by-laws of the said company, and shall be considered personal property; and the said company shall not commence business until ten per centum of its capital stock shall have been subscribed and paid in in cash.
Election of directors.	3. <i>And be it enacted</i> , That the persons above named shall constitute a board of directors, who shall manage the business of the company, all of whom shall be stockholders, one of whom shall be president, and a majority of whom shall reside in this state, and shall hold their office for one year, and until others are elected in their stead; and an election of directors shall be held yearly at such time and place, and upon such notice as the by-laws shall direct; at which election each stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock by him or her respectively owned; and all vacancies in the board of directors may be filled for the unexpired term by appointment to be made by the remaining directors.
Vacancy, how filled.	
Powers of directors.	4. <i>And be it enacted</i> , That said directors shall have power to make the subscriptions to said capital stock payable at such times, in such installments, and under such forfeiture as they may deem expedient.
	5. <i>And be it enacted</i> , That the directors shall have power to make by-laws for the management and government of said corporation, and may appoint such subordinate officers as the business of said corporation may require.
Place of business.	6. <i>And be it enacted</i> , That the office of the company shall be kept in the city of Elizabeth, where its meetings of stockholders shall be held and its business transacted.

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

Approved April 2, 1872.

CHAPTER CCCCXLVIII.

An Act to incorporate the Midland Express Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel A. McGregor, D. B. Beam, P. Doremus, Theo. C. Sutton, W. P. McGregor and J. W. Hewson, together with such persons as shall subscribe to the stock hereby, and their successors, be and are hereby constituted a body corporate and politic in law, by the name of "The Midland Express Company," and by that name shall have power to use a common seal, to sue and be sued, to defend and be defended, in all courts of law and equity, for the purpose of carrying on a general forwarding and express business, in the transportation of all kinds of goods, chattels, merchandise, bullion, specie, money, and other articles, from, to and between various ports and places in this state, and beyond the limits thereof, and to do all such things as are incident to a corporation and necessary for the purposes of this act. Corporators.
Name and powers.

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

3. *And be it enacted*, That for carrying out the purposes mentioned in the first section, the said company may, from time to time, procure, hold, and use such vehicles, horses, May purchase, hold and convey real estate

and such other personal property as may be needed by them for carrying on their business as aforesaid, and may also purchase, hold, and convey so much real estate as may be necessary for the proper transaction of their business, and no more.

Election of directors.

4. *And be it enacted*, That the business of the said corporation shall be conducted by not less than five nor more than seven directors, one of whom shall be president, one secretary, and one the treasurer; the said directors shall hold their office one year, and until others are elected in their stead; the election for directors shall be held annually, at such time and place as the by-laws of the said corporation shall provide, at which each stockholder shall be entitled to one vote, in person or by proxy, for every share of stock he may hold; and the principal office of this company shall be in the city of Paterson, New Jersey, where the meetings of the stockholders and directors shall be held and the books of the company be kept.

Principal office.

Annual statement.

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

Dividends.

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

Approved April 2, 1872.

CHAPTER CCCCXLIX.

An Act to incorporate the Midland Passenger Transportation Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jonah Woodruff, Delos E. Culver and George W. Hopkinson, and all such other per-

Corporators.

sons as may hereafter be associated with them and their successors, are hereby created and erected into a body corporate and politic in deed and in law, by the name, style and title of the "Midland Passenger Transportation Company," and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, and may make and have a common seal; and said corporation is hereby authorized and empowered to make contracts with any railroad corporation or corporations, or any individual or individuals within the United States or elsewhere, for the transportation of passengers and baggage to and from any place along the line of any railroad within the United States, and to consummate and carry into effect such contracts, and generally to do and perform anything and everything pertaining to the business of transportation of passengers and baggage in cars known as sleeping or parlor coaches to and from any place in the United States.

Name and powers.

2. *And be it enacted*, That said corporation is hereby vested with all the powers, privileges and immunities necessary to carry into effect the purposes of this act as herein set forth; the capital stock of said company shall consist of one thousand shares of one hundred dollars each, with the privilege to said company of increasing the number of shares from time to time to a number not exceeding ten thousand shares of one hundred dollars each, in the manner provided in the by-laws to be adopted by the said corporation, which stock shall in all respects be deemed personal property, and shall be transferable in such manner as the laws of said corporation shall provide; the persons hereinbefore named are hereby appointed commissioners, and shall be called "The Board of Commissioners of the Midland Passenger Transportation Company."

Amount of capital stock.

3. *And be it enacted*, That the first meeting of said board of commissioners shall be held at Jersey City, in the county of Hudson, at such time within three months after the passage of this act as the said commissioners shall appoint; said board shall organize, and it shall be their duty to open books, or cause books to be opened at such times and in such places as they shall determine, within six months after the passage of this act, to receive subscriptions to the capital stock of said corporation, and a cash payment of ten per centum on all subscriptions, and to receipt therefor; so soon as the one

Commissioners to open books and receive subscriptions.

thousand shares shall in good faith be subscribed for and ten dollars per share actually paid into the treasury of the company; the said board of commissioners shall appoint a time and place for the first meeting of the subscribers to the stock of said company, and shall give thereof, in at least one newspaper in each city in which subscription books have been opened, at least ten days' notice previous to the day of meeting, and such subscribers as shall attend the meeting so called, either in person or by proxy, then and there shall elect by ballot five directors for said corporation, and in such election each share of the said capital stock shall entitle the owner thereof to one vote; the board of commissioners, or a majority of them, shall act as inspectors of said election, and shall certify under their hands the names of the directors elected at such meeting, and the said commissioners shall then deliver over to said directors all the moneys, properties, subscription books, and other books in their possession, and thereupon the duties of said commissioners shall cease and determine forever, and thereafter the stockholders shall constitute said body politic and corporate.

Election of directors.

Annual meetings, and office

4. *And be it enacted*, That annual meetings of the stockholders of the said corporation for the choice of officers (when they are to be chosen), and for the transaction of business, shall be holden at Jersey City, at such time and upon such notice as may be prescribed in the by-laws; and their office and principal place of business shall be in that city, at which place, also, their books shall be kept.

Officers.

5. *And be it enacted*, That the directors chosen in pursuance of the first section of this act shall, as soon as may be after their election, elect from their own number a president and vice president, and choose a treasurer and secretary, who shall hold their offices at the will and pleasure of the board of directors; the treasurer and secretary shall give such bonds with such security as the said board from time to time may require; the secretary shall, before entering upon his duty, be sworn to the faithful discharge thereof, and said oath shall be made a matter of record upon the books of said corporation; no person shall be a director of said company unless he shall be a stockholder and qualified to vote for directors at the election at which he shall be chosen.

Failure to elect directors not to dissolve

6. *And be it enacted*, That the president and directors shall hold their office for the period indicated in the by-laws of said company, and until others are chosen in their place

and qualified; in case it shall so happen that an election of directors shall not be made on any day appointed by the by-laws of said company, the corporation shall not for that excuse be deemed to be dissolved, but such election shall be holden on any day which shall be appointed by the directors; the directors, of whom three, including the president, shall be a quorum for the transaction of business, shall have full power to make and prescribe such by-laws, rules and regulations as they may deem needful and proper, touching the manner of issuing, disposition and management of the stock, property, estate and effects of the company, the transfer of shares, the duties and conduct of their officers and servants, touching the election and meeting of directors, and all matters whatsoever which may appertain to the concerns of said company; and the said board of directors may have full power to fill any vacancy or vacancies that may occur from any cause or causes, from time to time, in their said board, and also to purchase or contract for the use of such patents for improvements in sleeping or parlor coaches as they may deem advantageous for the interests of the company.

Powers of directors.

Vacancy, how filled.

Approved April 2, 1872.

CHAPTER CCCCL.

An Act to consolidate the Bound Brook and Easton Railroad Company and the Perth Amboy and Bound Brook Railroad Company, supplementary to the charters of said companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Bound Brook and Easton Railroad Company, and Perth Amboy and Bound Brook Railroad Company, whenever two-thirds of the stockholders in interest of each of said companies, shall, in writing express their consent and agreement thereto, to consolidate the said two companies together into one company, to be called the "Easton and Amboy Railroad

May consolidate and become one company.

Name and powers.

Company," and whenever such consent and agreement shall be filed in the office of the secretary of state, signed by said stockholders, and attested by the president and secretaries, and the seals of the said companies respectively, the said consolidated company shall be a body politic and corporate of this state, by the name of the "Easton and Amboy Railroad Company," and by that name shall have perpetual succession and the other usual powers incident to corporations aggregate of this state, and thereupon all and singular, the franchises, privileges, powers and immunities, and all the rights and credits, moneys and effects, and all the property, real, personal and mixed, of the said two first named companies respectively granted by, or acquired under their respective charters and the several supplements thereto, shall vest in and become the property and the right of the said Easton and Amboy Railroad Company, which company shall also be liable for the payment and satisfaction of all lawful debts, claims and demands against the said two first named companies respectively, and subject to all the responsibilities, duties and obligations of their said charters respectively, and of the several supplements thereto, except as modified by this or some other act; *provided, however*, and it is hereby enacted, that after such consolidation shall be effected, said consolidated company shall in all respects act and be governed by the laws now in force respecting the said Bound Brook and Easton Railroad Company, so far as the same may be applicable; and the railroad of the said Perth Amboy and Bound Brook Railroad Company shall be deemed an extension of said Bound Brook and Easton Railroad Company.

Proviso.

Act, how construed.

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

Approved April 2, 1872.

CHAPTER CCCCLI.

An Act to incorporate the Saddle River Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That O. N. Cutler, Nathaniel Orr, Corporators. William J. Pell, John R. Lydecker, N. B. Ku Kuck, John Quackenbush, David A. Pell, their associates and successors, be and they hereby are created and constituted a body politic and corporate, under the name of "Saddle River Railroad Name. Company," and by that name may sue and be sued, plead and be impleaded in any court of this state, to make, have and use a common seal, and to alter the same at pleasure; and said company is hereby vested with all the privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, hereinafter set forth; and the said company is hereby authorized and empowered to Authorized to survey, lay out and construct a railroad. locate, construct, maintain, own and operate a narrow guage, double, treble and quadruple track of railroad from a point on the Hudson river, between King's Point and the Central railroad depot in Hudson county, by the most feasible route, northwesterly, through Bergen county, to the state line, within one mile of the boundary line between the townships of Hohokus and Washington, and to transport, take and convey property and persons upon such railroad by the power of steam or otherwise, as the said company may elect; *provided* Proviso. *however*, that said railroad shall not be located or built within one mile of the line of the New Jersey Midland railroad or of the Ridgefield Park railroad, except for the purpose of crossing said railroads, which crossings shall be over or under said railroads, unless said railroad companies shall consent, in writing, to said crossings at grade; and for the purpose of constructing the said railroad, the company is hereby authorized to lay out their road not exceeding one hundred feet in width through the whole length thereof, and to acquire and own the same, together with all lands necessary for the purposes of depots, stations, cuttings, turnouts or side tracks incident to the construction, operation and maintenance of said road; and it shall be lawful for the said president and di-

- rectors, their agents, superintendents, engineers, and others in their employ, hereinafter provided for, to enter at all times upon all lands and water, for the purpose of exploring, surveying, leveling, or laying out the route of such railroad, and of locating the same; and to do and erect all necessary work in buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in its employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, piers, wharves, ferries, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided*, that the payment or tender of the payment of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such lands be first had and obtained; *provided*, that nothing in this act shall interfere with the rights of the state to lands under water.
- Proviso.
- Proviso.
- May construct and operate a line of telegraph.
- Capital stock.
- Books of subscription.
2. *And be it enacted*, That said company shall have the right to construct, own and operate a line or lines of telegraph throughout the length of said road.
3. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, which may be increased to an amount sufficient to construct and equip said railroad, as provided for in the first section of this act; such stock to be deemed personal property, and transferred in a manner as the by-laws of such company may direct.
4. *And be it enacted*, That the persons named in the first section of this act, or a majority of them, may open books of subscription to the stock of this company, at such times and places, within and without this state, as they may deem proper.
5. *And be it enacted*, That the management of the affairs

of this company shall be vested in a board of seven directors, who shall be stockholders in said company, and who shall be chosen by the stockholders of said company in a manner hereafter provided; and shall serve for one year or until their successors are duly elected and qualified to act; said board shall choose out of their number a president, and another as vice president; a majority of said board, the president or vice president being present, shall constitute a quorum for the transaction of business; and said board shall also choose a secretary or other officers as they may deem necessary.

Managed by
directors.

6. *And be it enacted*, That when the sum of one hundred thousand dollars or more has been subscribed to the capital stock of said company, and ten per centum of the said amount actually paid up, the parties in charge of said books of subscription shall call a meeting of the stockholders of said company, in such manner and at such time and place as they may appoint for the purpose of choosing a board of directors of said company; and in all meetings of the stockholders of said company, each share shall entitle the holder thereof to one vote, which may be given by the holder in person or by proxy; and the annual meetings of the stockholders of said company, for the choice of directors thereafter, shall be holden at such times and places, and upon such notice as the company in their by-laws may provide.

Election of di-
rectors.

7. *And be it enacted*, That in case it shall so happen that an election for directors shall not be held on the day appointed by the by-laws of said company, such election may be held on any other day which may be appointed by the directors of the said company, upon proper notice to the stockholders, and said board shall have power to fill any vacancy occasioned by death, resignation or otherwise.

Failure to
elect directors
not to dissolve

8. *And be it enacted*, That the said president and directors, or a majority of them, may appoint all such officers, engineers, agents or servants whatsoever, as they may deem necessary to carry on the business of said company, and may dismiss them at pleasure, and a majority of them may regulate the compensation of all such officers, engineers, agents and servants; the directors shall have power to pass all by-laws which they may deem necessary and proper for exercising the powers vested in this company and for carrying into effect the objects of this act.

May appoint
officers.

May make by-
laws.

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

Proceedings
in case com-
pany and own-
ers cannot
agree.

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

Report to be
made and
filed.

lands or materials, and the appointment and the oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein, which report, or a copy thereof certified by the clerk of said county, shall, at all times, be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said lands or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer; and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the supreme court shall on application of either party, and on reasonable notice to the other, 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 may think equitable and right, which shall be paid by the company.

10. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section, shall be made in writing, and in the form of a petition to said court, and filed with the clerk of said circuit court of the county wherein the land or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party, within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of the said controversy to be formed between the said parties; and to order a jury to be struck, and a view of the premises or materials to be had; and the said issue to be tried at the next term of said court, to be holden in said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials, and damages sustained, and if they shall find a greater sum than the said commissioners 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

Proceedings
in case of ap-
peal.

Proviso.

shall find the same or a less sum than the company shall have offered, or the said commissioners awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; but such application shall not prevent the company from taking the said land and materials 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 railway, or of making any erections or improvements whatever, or otherwise appropriate said land to the use of said company, until they shall have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners as to the value of such lands or damages, in case the report of commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal found by the jury, and in case of appeal shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then the payment of the amount assessed, or found as aforesaid, into the circuit court of the county where the said lands lie, shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being barred thereby from his, her, or their appeal from the report of said commissioners; *provided further*, that in case of appeal from the award of the commissioners by either party, the said company, upon depositing the amount in the said circuit court to abide the result of such appeal, may thereupon take actual possession of the lands for the purpose of constructing said railroad, or of otherwise appropriating the same to their use.

Proviso.

Failure to pay
installments
to forfeit
shares.

11. *And be it enacted*, That the said president and directors shall have the power to require the stockholders of said company to pay such installments on their respective shares of stock in said company, and at such times as they may deem best for the interest of said company; and upon the failure or refusal of any stockholders to pay the installment, on his or their stock, in pursuance of any call made by the president and directors, as aforesaid, said president and di-

rectors may, upon giving thirty days' notice, proceed to sell at public sale, the share or shares of stock owned by said defaulting stockholder, to the highest bidder, for cash; and if, on the sale of the said stock, less than the amount due upon such installment or installments be realized, said stockholder shall be liable to pay the deficiency, and may be sued therefor as for any other debt.

12. *And be it enacted*, That said company shall have the right to construct bridges across navigable streams, and to cross or intersect any established rail or other road; *provided*, that the navigation of such stream or streams shall not be stopped, nor the passage of such rail or other road be impeded thereby; and said company may cause any road or way to be changed or altered in such manner, that the road of this company may be made over the best site of ground for that purpose; said company to put such road or way in as good condition as at the time of altering or changing the same.

13. *And be it enacted*, That after the construction of said railroad, the company may collect fare for the transportation of passengers, not to exceed five cents per mile from each passenger, and toll or freight for the transportation of merchandise or other commodities upon the same, not to exceed eight cents per ton per mile.

14. *And be it enacted*, That the said company, by its board of directors, shall have the power to borrow money to aid in the construction and maintenance of the said road, and to secure the same by bond and mortgage, with interest not exceeding seven per centum per annum, upon all or any of the property, real or personal of said company.

15. *And be it enacted*, That as soon as the said railroad, with its appendages, shall be finished so as to be used, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said road, including all expenses, in the office of the secretary of state, and annually thereafter, on the first Monday in January, of each year, he shall, under oath or affirmation, make a statement to the secretary of state of the cost, equipments, appendages and expenses of said road; after the said railroad shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost of equipments and appendages of said road, to be paid annually, on the first Monday of January in each year, and such other taxes as may be assessed, from time to time,

by a general law applicable to all railroads over which the legislature shall have power for that purpose at the time of the passage of such law or laws; and until the said railroad shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property, as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person or persons as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

Proviso.

Free passes.

16. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors and appeals of this state, the members and officers of both houses of the legislature of this state, during the year for which they were elected, shall pass and repass on the railroad of said company, in the cars, free of charge.

May hold real estate, &c.

17. *And be it enacted*, That the said company may purchase, have and hold real estate at the termini of their railroad, and at any intermediate depots upon the line of the same, and may erect and build thereon such houses, warehouses, machine shops and other buildings and improvements as they may deem expedient for the safety of property, and the construction and repairing of cars, carriages, steam engines, and for other necessary uses.

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

Approved April 2, 1872.

CHAPTER CCCCLII.

An Act to incorporate the Sea Island Railroad and Improvement Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas Beesley, Richard

Leaming, Thomas Townsend, W. B. Miller, Benjamin F. Lee, Colonel John Clark, P. J. Roche, Henry Huddleson, Wm. P. H. Covert, Fredrick Fairthorne, William Bagley, David Naar, M. K. Couzons, R. P. Getty, John R. McGovern, F. W. Hughes, Alexander F. Porter, F. McAdams, H. W. Kanaga, Dr. J. F. Leaming, N. S. Corson, John Lee, Benjamin Bullock, Jas. M. Johnston, Chas. Mc. Fadden, Richard Malone, Andrew M. Sallade, Arthur Thacher, Joseph Patterson, L. M. Rice, Charles B. Baeder, M. Hall Stanton, Robert E. Lester, Henry B. Ashmead, Samuel Hopkins, and such other persons as may hereafter be associated with them shall be and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Sea Island Railroad and Improvement Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels, whatsoever necessary or expedient for the objects of this corporation.

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

3. *And be it enacted*, That Thos. Beesley, W. B. Miller, Benjamin F. Lee, John Clark, Patrick J. Roche, Richard Malone, Alexander F. Porter, Francis W. Hughes, Francis McAdams and Arthur Thacher, shall be the first directors of said company and are hereby empowered 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 ten days' notice of the same, in one or more of the newspapers, published in the county of Cape May, and that at the time of subscribing ten per centum shall be paid on each share subscribed for, and when five thousand shares are subscribed, said directors are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some point on the Cape May and Millville railroad to Sea Island, or what is known as Seven Mile Beach, in Cape May county, and across and along said island as they may deem necessary, said road not to exceed one hundred feet in width with as many sets of tracks First directors Commissioners to receive subscriptions. Authorized to construct railroad.

May enter on
lands.

Proviso.

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

and rails as may be required ; and it shall be lawful for the said directors, their agents, superintendents, engineers and others in their employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, leveling or laying out the route of said railroad, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof doing no unnecessary injury to private or other property ; and when the route and location of said road shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for said company by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, use, occupy and excavate any such lands, and to erect embankments, bridges, and other necessary works thereon, and to lay rails and to do all other things which may be suitable and necessary for the construction, completion or repair of said road, subject to such compensation and upon such terms as are hereinafter provided for ; *provided*, that nothing in this act shall interfere with the rights of the state to lands under water.

4. *And be it enacted*, That if 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 if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands or materials so required for the use of the said company in the construction of said road, shall be given in writing, under oath or affirmation of some engineer or proper agent of said company, and also the name or names, occupant or occupants, if there be any, and of the owner or owners, if known, and their residence if known, to one of the justices of the supreme court of this state, who shall cause the said corporation to give notice thereof to the persons interested, if known and in this state, or if unknown or out of the state, to make publication thereof as he shall direct for any time not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter mentioned, at which time upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county in which the lands or materials in controversy lie,

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

5. *And be it enacted*, That in case the said corporation, or owner or owners of the said lands or materials shall be dissatisfied with the report of the commissioners named in the preceding section, the parties so aggrieved may appeal to the circuit court of the said county of Cape May, at the first or second term after the filing of the said report, by a pro-

Proceedings
in case of ap-
peal.

ceeding in the form of a petition to said court, which proceeding shall vest in said court full right and power, upon good cause shown, to direct a proper issue for the trial of the controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next term of said court to be holden in said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the jury to assess the value of the said lands or materials and damages sustained, and if they shall find a greater sum than the commissioners have awarded in favor of said owner or owners, then judgment thereon with costs shall be entered against said company, and execution awarded therefor, but if the said jury shall be applied for by the owner or owners, and shall find the same or a less sum than the company shall have offered or the commissioners awarded, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the jury or execution awarded therefor as the said court shall direct; but such application shall not prevent the said company from taking the said lands or materials upon filing the aforesaid report, the value and damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owner or owners thereof being under any legal disability.

May purchase
equipments.

6. *And be it enacted*, That the directors of the said corporation shall have the power to have constructed, or to purchase with the funds of the corporation, and to place on the said railroad all machines, engines, cars, wagons, carriages or vehicles for the transportation of persons and property thereon, as they from time to time shall think reasonable and proper, and are authorized to let, rent, lease or mortgage said road and appurtenances, and all such lands and real estate as they may have and hold, from time to time, in whole or parcel, and to improve said lands by laying out streets, grading, paving, curbing, guttering or flagging, or by constructing sewers or drains, or by erecting or causing to be erected thereon buildings of every name, kind and description, and for all proper and legitimate uses and purposes, or by laying off said lands and real estate in lots, and to use the same for agricultural purposes, planting oysters, or fishing privileges, or in any way that the said corporation may deem necessary and advisable, and to purchase, make up and

May lease
road and all
lands.

manufacture, sell and dispose of all materials pertaining to the objects of the corporation; and the said company are authorized to issue their bonds, bearing interest not exceeding seven per centum per annum, and to sell and dispose of the same at market value; to secure the payment of such bonds the said company shall have power to convey or pledge by way of mortgage, trust, or otherwise, such portion of the property of said company as said directors may deem necessary for the purpose.

7. *And be it enacted*, That the directors of said corporation shall choose out of their own number a president, and such other officers as they may deem necessary; and in case of the death, resignation, or removal of the president, or of any of the directors, such vacancy or vacancies may be filled for the remainder of the year in which they happen, by the said board of directors, or a majority of them.

8. *And be it enacted*, That annual elections for directors shall be held at such times and places as the said board of directors shall hereafter direct, of which elections public notice shall be given according to law, and in case it shall happen that an election of directors shall not be made on the day when 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 as soon thereafter as possible, and the directors for the time being shall continue to hold their offices until others have been chosen in their places; five directors shall constitute a quorum to transact all business of said corporation, and the directors shall be authorized to call in the remaining capital stock of said company, by such installments, and at such times as they may direct; and in case of the non-payment of the said installments, or any of them, they shall have power to forfeit such share or shares upon which such default shall arise; and the said directors shall also have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation.

9. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they shall deem proper and prudent, from time to time, out of the net profits of said corporation, and pay the same to the stockholders of the said company, or their legal repre-

sentatives, in proportion to the number of shares held by them respectively.

May purchase
and hold real
estate, &c.

10. *And be it enacted*, That the said company may purchase, have and hold real estate at its junction with the Cape May and Millville Railroad Company, may erect and build thereon houses, warehouses, workshops, and such other buildings and improvements as they may deem expedient for the safety of their property, and for other necessary uses appertaining to their business; and may receive the rents and emoluments thereof, and may build and maintain over such rivers and streams as the said railroad may cross, such piers, bridges and other facilities as they may deem expedient and necessary for the full enjoyment of all the benefits conferred by this act.

May make
contracts and
engagements.

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

Penalty for
injuring
works.

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

Statement to
be made.

13. *And be it enacted*, That as soon as said railroad, with its appendages, shall be finished so as to be used, the president of the said company shall make, under oath or affirmation, a statement of the amount of the cost of the said road, including equipments, appendages and all expenses, and file the same in the office of the secretary of state, and annually thereafter, on the first Monday in January of each year, he shall, under oath, make a statement to the secretary of state of the cost of the equipments, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the costs, equipment and appendages of said road, to be paid annually thereafter, on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law applicable to all railroads

State tax.

over which the legislature shall have power for that purpose at the time of the passage of such law or laws; and until the passage of such law the payment of one-half of one per centum shall be in lieu of all other taxes; and until said railroad, or any part thereof, shall be in operation, said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property, as now taxed in the city or cities, township or townships, wherein it lies, at the same time and rate, and in the same manner, for the same purpose, and by the same person or persons, as other taxes are assessed in said city or cities, township or townships.

14. *And be it enacted*, That it shall and may be lawful for any corporation to subscribe for, purchase and hold the stock and bonds of the said company. Other corporations may take and hold stock.

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

Approved April 2, 1872.

CHAPTER CCCCLIII.

An Act to incorporate the Hudson County Fair Ground Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That Francis P. Gautier, William H. Bumsted, Joseph W. Gilmore, Edmund D. B. Wakeman and Thomas E. Bray, their associates and successors, be and they are hereby created a body politic and corporate, in fact and in law, by the name, style and title of "Hudson County Fair Ground Association," and by that name shall sue and be sued, and shall generally possess the powers and privileges of a corporation. Corporators. Name.

2. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, divided into shares of four hundred dollars each, and paid in by the stockholders in such time, manner and installments as the directors of said corporation may direct, and such shares shall be deemed per- Capital stock.

sonal property, and shall be transferable, but only on the books of said corporation, in such manner as the said association may prescribe; and the said corporation may hereafter increase their capital stock, if they choose, not to exceed one hundred thousand dollars.

Commission-
ers to receive
subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be, and they are hereby appointed commissioners to open books and receive subscriptions to the capital stock of said association at such times and places, and in such manner and amount as they, or a majority of them, shall think proper, giving public notice for at least two weeks in not less than two newspapers printed and circulated in the county of Hudson; and as soon as one hundred shares are subscribed, the said commissioners, or a majority of them, are hereby authorized to hold their first meeting as directors of said association, at such time and place as they may agree upon, and to choose and elect a board of directors of not less than five in number, and such other officers and committees as they may deem necessary, which said directors and officers shall hold their offices for one year, and until others are elected in their places.

Powers of
directors.

4. *And be it enacted*, That the board of directors of said association shall have the right, at their first or any subsequent meeting, to establish such by-laws, rules and regulations for the government of the association as they may deem expedient, which by-laws, rules and regulations shall not be inconsistent with the constitution of this state, or the provisions of this act.

Object.

5. *And be it enacted*, That the object of said association shall be to provide, keep and maintain in the county of Hudson, in this state, grounds and other real and personal estate, suitable for healthy and driving exercises and purposes, and for agricultural, floral, mechanical and other like exhibitions and innocent amusements, and shall have authority and power to adopt a corporate seal, and to receive by donation or devise, to acquire, purchase or lease, and use, hold, possess and enjoy such real estate not exceeding in all forty acres, and such personal estate as they shall deem necessary for the purpose of said association, and the same, or any part of such real or personal property or estate, to sell, mortgage, lease or otherwise dispose of at pleasure, and also to make, build and construct on the real estate so held by them, such buildings, road, tracks, walks for visitors, and other improvements as they

May sell or
lease lands.

may deem proper and necessary for the better carrying into effect the objects and purposes contemplated by the provisions of this act.

6. *And be it enacted*, That so much of the profits of said association as shall be deemed expedient by the directors, shall from time to time be divided among the stockholders, but no dividends shall be declared which will impair the capital of the association. Dividends.

7. *And be it enacted*, That for the purpose of carrying into effect the objects and purposes of the said association, it shall be lawful for said association to hold upon their grounds, from time to time, and as often as they shall deem proper, fairs and exhibitions for the development of speed, other desired qualities, and to encourage competition, may offer and pay such premiums for stock exhibited, and for superiority in the objects sought for in the manner usually exercised by the state and county agricultural societies for the improvement of the breed of horses, as the said directors, or a majority of them, may agree upon, and to ask, demand and receive for the said association's use such reasonable fees for admission of exhibitors and visitors to the said grounds and exhibitions as the said directors shall deem proper, and shall also have the power to let, rent out or lease unto any agricultural or other society, any or all of the grounds and improvements belonging to the said association. May hold fairs, exhibitions, &c. Fees.

8. *And be it enacted*, That for the purpose of maintaining order and preserving the peace and decorum upon and about all the exhibition or meeting grounds of said association, the said directors, or a majority of them, shall have police jurisdiction within one quarter of a mile of the boundaries of any of their said exhibitions or meeting grounds; and it shall be their duty, and they shall have the power to suppress the sale of ardent spirits and other intoxicating beverages by parties not regularly licensed by the public authorities of any city or town, and to prohibit every species of gambling, breach of the peace or laws of the state, within said limits; and it shall also be lawful for the said directors, or a majority of them, to appoint from time to time, one or more fit, proper and discreet person or persons, who shall take and subscribe an oath or affirmation before one of the justices of the peace of said county, which oath or affirmation shall be filed in the office of the clerk of said county where said exhibition or meeting is to be held, and shall be of like form and effect as May have police jurisdiction. May appoint policemen.

Police may arrest persons without warrant.

Corporators and commissioners not prohibited from being directors.

is now required by law for constables to take and subscribe, and the date of said filing shall be endorsed by said clerk, and who shall be paid the usual fee for filing papers of that description, and which person or persons so appointed and sworn shall possess the same powers and authority on the premises of the said association and on the lands and premises adjacent thereto within the limits above named, which constables now possess in criminal cases in this state; and they shall have power and authority without process to arrest all persons who shall be there found violating any of the laws of this state, or who shall conduct themselves in a disorderly or immoral manner, or disturb or wrongfully interfere with the meetings or exhibitions, or visitors thereto, or rules or regulations of said association; and the said parties so arrested shall be taken as soon as conveniently may be, before some justice of the peace of said county, there to be dealt with according to law.

9. *And be it enacted*, That the incorporators named in this act, or the commissioners referred to, shall not be incapacitated or prohibited from being elected directors of the said corporation at any time.

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

Approved April 2, 1872.

CHAPTER CCCCLIV.

An Act to incorporate the Bergen County Building and Land Association, of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William L. Montague, Richard K. Cooke, Elisha W. Andrews, Tappan Hoadley, Eben Winton, George S. Coe, Edmond S. Munroe, Andrew D. Bogert, Hardy M. Banks, Washington R. Vermilye, Nathan T. Johnson, J. Ward Lydecker, M. E. Springer, Daniel W. Leeds, Henry W. Banks, Conrad N. Jordan, William P. Coe, and

whomsoever may be now or hereafter associated with them, their successors and assigns, according to the regulations and by-laws to be adopted by them in accordance with the provisions of this act, shall be and are hereby created a body politic and corporate, by the name and style of "The Bergen County Building and Land Association, of New Jersey," and as such, shall be capable in law to purchase, hold and dispose of property, both real and personal, to borrow money and create loans for the purpose of advancing upon buildings and lands and other property, and for the purpose of enabling persons of limited means to purchase a homestead for their families: the said corporation shall have power to make, have and use a common seal, and the same to change, alter, add to, or renew at pleasure; to sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity; to make all deeds, transfers, contracts, conveyances and grants whatsoever, and to exercise all and singular the powers incident to bodies politic and corporate.

Name and powers.

2. *And be it enacted*, That there shall be a meeting of the said association at such place, and on such a day after the passage of this act, as the persons above named, or a majority of them, shall appoint (and on such day and at such place annually thereafter as the by-laws may appoint), for the purpose of choosing from among the voting members fifteen directors to manage the affairs of the said association for one year thereafter, and until a new election shall take place and their successors are duly qualified; and the incorporators above named in section first, or a majority of them, shall appoint the judges of the first election, and all subsequent elections shall be conducted, and the judges appointed in accordance with the by-laws.

Election of directors.

3. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to elect a president and vice president, and shall have power to fill all vacancies that may occur in these offices and in their own body, to appoint all other officers, agents and servants deemed by them necessary to conduct and execute the business of said association, to invest the funds of the association as they shall deem most advantageous to its interests, and generally to do and perform any other act or acts touching the welfare of the association.

Powers of directors.

4. *And be it enacted*, That the stock of the said association shall not exceed one thousand shares of unredeemed stock,

Installments, how paid.

at the par value of five hundred dollars each, payable in installments of one dollar per share per week; and the association shall have power to enforce the payment of all installments and other dues from its members or shareholders, by such fines and forfeitures as the directors may, from time to time, provide in the by laws.

Who entitled
to vote.

5. *And be it enacted*, That every member shall have one vote for every share of unredeemed stock which he may hold, at any meeting of stockholders or election for directors; and no one shall be eligible for president, vice president, or director, who is not the bona fide owner in his own right of one or more shares of unredeemed stock; and upon his ceasing to hold in his own right unredeemed stock, it shall be the duty of the board of directors to declare his or their office or offices vacant, and to supply the vacancy.

Persons be-
coming mem-
bers required
to pay claims
and assess-
ments.

6. *And be it enacted*, That any person or persons applying for membership or for stock in said association, after the end of one month from the date of organization, may be required to pay, on subscribing, such claims or assessments as may, from time to time, be fixed or assessed by the board of directors, in order to place such new members or stockholders on an equal footing with the original subscribers and members holding unredeemed shares at the time of such application for new membership.

Association
may redeem
stock, &c.

7. *And be it enacted*, That it shall and may be lawful for the said association, at any time in advance of the period or periods at which the several installments on the shares of stock of any member shall become due and entirely paid up, according to the provisions of the fourth section of this act, to redeem the same, and to advance to such member, for such premium as may be agreed on, the par value of five hundred dollars per share thereof for any number of shares held by him, or to loan the said sum for a period of years, deducting the interest thereon in advance, and all assessments, fines and penalties thereon incurred according to the by-laws, on such security as may be approved by the said association.

Redeemed
stock to be
cancelled.

8. *And be it enacted*, That all shares of stock redeemed by, hypothecated to, purchased, or advanced on by the association, in accordance with the preceding section, shall be considered as redeemed shares, and shall be cancelled; and it shall be lawful for the association to issue an equal number of new shares in their stead, so that the number of unredeemed shares authorized by this act may always equal, and

May issue
new shares.

not exceed one thousand unredeemed shares perpetually; and the member or members of the association whose share or shares of stock shall be so redeemed, shall cease to be stockholders, and shall not be entitled to vote at any meeting of the association, nor shall they be deemed eligible for any of its offices; *provided however*, that any stockholder who may redeem his stock to the association, shall thereupon have the privilege to subscribe for as many shares of new stock, at the price fixed by the board of directors, as he shall have redeemed at that time; and, upon so doing, he shall not be deemed to have forfeited any of his rights in consequence of his first redemption of shares.

9. *And be it enacted*, That it shall be the duty of the board of directors, at least ten days prior to the expiration of each succeeding half year, reckoning from the date of its organization under this act, to appoint from the list of shareholders three competent persons to investigate the affairs of the association, and report thereon at each semi-annual meeting, said report to be recorded by the secretary in a book to be styled "committee reports," said books to be free for inspection, at all times, to the stockholders; within ten days thereafter, the board shall declare such dividend of profits as shall have been earned during the preceding six months upon the unredeemed shares, the dividends on fully paid up shares to be paid in cash, and on shares not paid up in full to be passed pro rata to the credit of the holder thereof, on the books of the association; *provided*, that always at the expiration of a current year the newly elected board of directors only shall have the power to declare the dividend; but the board of directors may, in their discretion, adjourn the declaration of a dividend for a period not greater than fifteen days from the time specified above in this section.

10. *And be it enacted*, That nothing in this act shall be taken or construed as authorizing the said association to issue any note, token, scrip, device or other evidence of debt to be employed or circulated as money or currency.

11. *And be it enacted*, That if the property offered by any member or shareholder as security for a loan be of a nature that may be impaired in value, or destroyed by fire, the borrower must have the same insured in a fire insurance company satisfactory to this association, assigning the same to it, with the consent and written approval of the underwriters, paying the premium himself always and punctually, and re-

Proviso.

Affairs to be investigated, and report to be made.

Dividends.

Proviso.

Not to issue notes, &c.

Borrower to have property insured, &c.

newing the policy at each date of expiration during the pendency of his loan ; and it shall be lawful for him by special agreement to that effect, to pay all expenses connected with said loan.

Association
may loan
money to
members, &c

12. *And be it enacted*, That nothing in section seventh of this act shall be construed or interpreted to preclude the association from granting to shareholders or members loans of money for terms of years on real estate, satisfactorily mortgaged to the said association, said mortgage to be in all cases the first lien on the said real estate, independent of, and disconnected from, their relation to the association as shareholders, the annual interest and charges to be, in all cases, deducted from the sum loaned at the time the money is advanced ; that is to say, one year's interest and charges are to be deducted at the time the money is paid to the borrower, and the annual interest and charges thereafter to be paid by him in advance to this association, in all cases, in a single payment.

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

Approved April 2, 1872.

CHAPTER CCCCLV.

An Act to create a new township in the county of Somerset, to be called the township of North Plainfield.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Warren, in the county of Somerset, lying within the boundaries and descriptions following, to wit : beginning at a point in the centre of Green Brook, near Sebring's grist mill, and corner of Warren and Bridgewater townships ; from thence along the Bridgewater line and Warren, to the centre of the public road leading from Bound Brook to Washington Valley ; from thence, a straight line in a northeasterly course, to a point in the line of Union county, on the farm of

Thomas Rogers, and is the corner of New Providence township; from thence along the line of New Providence and Warren townships, to a point in the line of Westfield township; thence along that line and the line of Plainfield township, to the line of Piscataway township, in the county of Middlesex; thence along the line of said Piscataway township to the aforesaid point in the centre of Green Brook, and place of beginning, be and the same is hereby set off from the said township of Warren, and created into a new township to be called and known by the name of "The Township of North Plainfield."

Name of new township.

2. *And be it enacted*, That the inhabitants of the township of North Plainfield 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 North Plainfield," and shall be entitled to all rights and 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 Somerset are or may be entitled or subject to by existing laws of this state, and to the provisions of any special law in relation to the said township of Warren, so far as the same are or can be applicable to said township of North Plainfield, when set off as aforesaid, excepting that the township committee of said township of North Plainfield shall consist of five members, freeholders and residents within the said township, who shall be elected at each annual town meeting in said township, and who shall not receive any compensation whatsoever, either directly or indirectly, for their services.

Corporate title.

3. *And be it enacted*, That the inhabitants of the township of North Plainfield shall hold their first town meeting at the Warren engine house, in said township, on the second Monday in April, eighteen hundred and seventy-two, and thence forward at such place in the said township as the town meeting may appoint, at each prior annual town meeting.

Time and place of holding first town meeting.

4. *And be it enacted*, That the town committee of the townships of North Plainfield and Warren respectively, shall meet at such time as they, or a majority of each of them, shall agree upon, not later than the fifth day of July next, and on said fifth day of July next, at ten o'clock in the forenoon of that day, if not sooner agreed upon, at the place herein before mentioned, in the township of North Plainfield, and then and there proceed in writing, signed by a majority

Town committee to allot and divide moneys, &c.

of the members present, to allot and divide between the townships, all properties and moneys, in hand or due, belonging to said township of Warren, and all debts owing by said township of Warren, in proportion to the taxable properties and ratables with the township of North Plainfield, or appraised by the commissioners hereinafter mentioned; and the inhabitants of the township of North Plainfield, shall be liable to pay the proportion of the debts of the township of Warren, so assigned and allotted to them, and it shall be the duty of the town committee of the township of North Plainfield, if necessary, to issue a bond or bonds, with interest, payable semi-annually, to the township committee of the township of Warren, for their proportion of the debt as allotted to them by the commissioners hereinafter mentioned, and if any of the persons comprising either of the township committees, should neglect or refuse to meet as aforesaid, those assembled may proceed to make such division, and the decision of a majority of those present shall be final and conclusive.

Committee to
assess and
collect tax for
payments.

5. *And be it enacted*, That it shall be the duty of the township committee of the township of North Plainfield, if necessary, and they are hereby required to cause to be assessed upon the real estate and personal property of said township of North Plainfield, and collect therefrom such sum or sums annually as may be sufficient to meet the payments falling due, as provided by the foregoing sections.

Commission-
ers to appraise
taxables in
townships.

6. *And be it enacted*, That John H. Anderson, of Bernards township, Culver Barkalow, of Bridgewater township, and Abram S. Williamson, of Bridgewater township, are hereby appointed commissioners to appraise the taxable properties and ratables of the said township of Warren and North Plainfield, which appraisement shall be made prior to the fifth day of July next, and upon that day, if not sooner done; and shall be the basis for the apportionment of the properties, money and debts of the township of Warren and North Plainfield as aforesaid, and the proper expenses of the appraisement shall be allowed by said town committee in their said respective joint meetings; one-half of said expenses shall be paid by each of said townships.

Act not to af-
fect right to
surplus reve-
nue.

7. *And be it enacted*, That nothing in this act shall be so construed as to impair or in anywise affect the right of the said township of North Plainfield of, in or to any portion of the surplus revenue of the United States government to which the said township may now, or any time hereafter be

entitled in the distribution of the surplus revenue or of its income.

8. *And be it enacted*, That the township of North Plainfield shall form a part of the first assembly district of the county of Somerset. Assembly district.

9. *And be it enacted*, That nothing in this act shall be so construed as to interfere with the officers now elected in that part of the township set off and called North Plainfield, 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. Officers not affected.

10. *And be it enacted*, That the inhabitants of the township of North Plainfield shall hold their first township meeting at the time and place hereinbefore set forth, and annually thereafter on the second Monday in April; and at the first township election, James Verdon, Lewis B. Boice and William W. Drake shall be judges of election, and any of them may act in the absence of the others, and such judges, or the one or ones acting, shall appoint a clerk. First town meeting. Election officers.

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

Approved April 2, 1872.

CHAPTER CCCCLVI.

An Act to establish a board of education in the town of Hackettstown, in the county of Warren and state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the town of Hackettstown shall, on the first Tuesday of May, in the year one thousand eight hundred and seventy-two, elect six persons who, together with the mayor of said town, shall compose a board of education for said town, and who shall have exclusive care and charge of the schools and school property in said town, and shall have power to employ and dismiss Board of education and powers.

teachers and all other employees in and about said schools, to adopt a schedule of study for the school or schools in said town, to furnish proper text books and stationery at the expense of said town, free to each scholar, under such rules as they may prescribe, to organize a graded school up to a full business education or preparation to enter college, and to sell and convey, purchase, repair or build any school property by the voice of a majority of said board.

Members to
divide into
classes.

2. *And be it enacted*, That the persons elected such members of the board of education of the town of Hackettstown on the first Tuesday of May, eighteen hundred and seventy-two, shall at their first meeting determine, by lot or otherwise, the terms during which they shall hold their offices, and these shall be as follows: two of them shall remain in office one year, two of them two years, and two of them three years; and the inhabitants of said town of Hackettstown shall on the first Tuesday of May, annually thereafter, elect two persons to be members of said board of education, who shall hold their office for three years from and after such election.

Election, and
term of.

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

Approved April 2, 1872.

CHAPTER CCCCLVII.

An Act to incorporate the borough of Chambersburg, in the township of Hamilton, in the county of Mercer.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Hamilton, in the county of Mercer, contained within the following limits, that is to say: beginning at a point in the middle of the Delaware and Raritan canal where the same intersects the Assanpink creek; thence along the middle of said creek and the boundary line of the city of Trenton, to a point which would meet Chambers street, if the same were extended to said creek; thence southerly along said extension

of the line of Chambers street and along the westerly side of Chambers street and Dayton avenue, to the Pond Run road; thence along said road southwesterly to the division line of lands of the Hamilton Land Association, and lands of the estate of Robert H. Wright; thence along said line southerly to and across the Crosswicks and Trenton turnpike and other lands to the north side of Lalor street; thence along the north side of Lalor street to the middle of the Delaware and Raritan canal; thence northerly along the middle of said canal to the place of beginning shall be, and hereby is erected into a borough or town corporate, to be called the "Borough of Chambersburg," and the inhabitants within the said bounds shall be and are hereby incorporated by the name of "The Borough of Chambersburg," and by ^{Corporate name.} that name they and their successors forever shall and may have perpetual succession, and shall be persons capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all manner of actions, complaints and causes whatsoever, and to have a common seal, and alter the same at pleasure, and may by their corporate name purchase, have, hold and convey all estate, real or personal, for the public use of said corporation.

2. *And be it enacted*, That the said corporation, in addition ^{Rights and privileges.} to the rights, privileges and immunities conferred, and be subject to all the duties, restrictions and liabilities imposed by the laws of this state upon the inhabitants of the several townships thereof so far as the same are consistent with the provisions of this act.

3. *And be it enacted*, That for the ordering and governing ^{Election of borough officers.} of the said borough of Chambersburg, and the inhabitants thereof, there shall annually be held in said borough, on the second Monday in April, an election by ballot, between the hours designated by law for holding the annual state election, at such place as the common council shall appoint; at which election there shall be elected in and for said borough one mayor, ten councilmen, one clerk, one assessor, one collector, one judge of the elections, three commissioners of appeal in cases of taxation, who shall respectively hold their offices for one year, and until their successors shall be chosen and qualified into office; *provided*, that in the election ^{Proviso.} of inspectors of election, no ballot shall contain the name of

more than one person to be voted for as an inspector of election, and in the election of councilmen no ballot shall contain the names of more than six persons to be voted for as councilmen, and in case any ballot shall contain the name of more than one person for inspector of election, or more than six persons for councilmen voted for said offices, such names shall be rejected.

Who entitled
to vote.

Elections,
how conduct-
ed.

Proviso.

Vacancies,
how filled.

4. *And be it enacted*, That every person who would be entitled by the laws of this state to vote for township officers in the township of Hamilton, if held on the day of such borough election, and who is at the time an actual resident of said borough, shall be entitled to vote at such election for all or any of the officers then to be chosen, and the election shall be conducted by the judge, inspectors and clerk in the same manner and under the same regulations, in all things, as prescribed by law for the election of township officers in said township of Hamilton, except otherwise herein directed; and immediately upon closing the polls at such election, the officers thereof shall count the votes and declare the result and make a certificate thereof, and the person or persons having the highest number of votes, in accordance with the provisions of this act, for any office for which they shall have been voted for, respectively, shall be duly elected to said offices; *provided*, that no person shall be eligible to any office at any such election unless he shall then be an elector, and shall have been a resident in said borough for one year immediately preceding such election, and where any officer of said borough shall cease to reside therein, his office shall thereby become vacant.

5. *And be it enacted*, That whenever any vacancy shall occur in any elected or appointed office, or refusal to take the oath of office within seven days after such person shall have been notified of such election or appointment, or upon failure to give bonds for the performance of his duties when required, or by reason of death, resignation, removal from the borough, or by any other cause, the same may be filled for the unexpired term by the common council, and the persons so appointed shall be subject to the same responsibilities and entitled to the same privileges, and perform the same duties, as though elected or appointed at the regular time; in case of a vacancy in the office of mayor the chairman pro tempore of council shall act as mayor and possess all the rights and

powers of the mayor during the vacancy in the office of mayor.

6. *And be it enacted*, That every person elected in pursu-
 ance of this act, or of any law or ordinance of the common council shall, before entering upon the duties of his office, take and subscribe an oath or affirmation before the mayor or clerk to faithfully perform the duties of his office, and the collector shall give bond in such sum and with such sureties as the common council may require, and whenever they deem it proper they may require him to give additional security.

Persons elect-
ed to take
oath.

Collector to
give bond.

7. *And be it enacted*, That the mayor and councilmen shall constitute and be called the common council of said borough, and shall meet at such times and places as they may, from time to time, appoint; the said mayor shall preside at all meetings of the said council and have one vote upon every question therein; in his absence the council may appoint one of their own number president pro tempore, and it shall be the duty of the mayor, or in his absence the clerk to call special meetings upon the written request of a majority of the members, by giving notice thereof to the other members; that a majority of said common council shall be necessary for a quorum, but a smaller number may adjourn from time to time; that the clerk of said borough shall be clerk of said common council, and shall keep minutes of its proceedings, and perform such duties as said council may prescribe, and deliver to his successor all books and papers belonging to said borough, and the first meeting of the council shall be held on the first Monday after each annual election.

Common
council.

8. *And be it enacted*, That the common council may appoint for said borough a surveyor, a street commissioner, a sealer of weights and measures, policemen, and such other subordinate officers for the better governing of said borough and carrying out the powers conferred upon the common council by this act; and they shall allow and direct such compensation for the services of all officers elected or appointed as may be just and reasonable; *provided*, that the common council shall not receive any compensation for services as members of said common council.

Council may
appoint off-
cers, &c.

Proviso.

9. *And be it enacted*, That the mayor of said borough shall have all the powers and authorities of a justice of the peace of the state of New Jersey in all criminal matters and complaints arising in said borough, and together with any justice

Mayor to have
powers of Jus-
tice of the
peace.

of the peace of said township, shall be authorized 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 to hear, try and determine, and he shall be the keeper of the borough seal.

Powers and
duties of off-
cers

10. *And be it enacted*, That the assessor, collector, clerk, commissioners of appeals in cases of taxation, constables or policemen elected or appointed by said borough shall have the same powers and perform the same duties as like officers of any township of this state, so far as the same shall be consistent with the provisions of this act, and shall also possess the powers and be subject to the obligations conferred by the ordinances, rules and regulations of the common council.

Surveyor of
streets, du-

11. *And be it enacted*, That the surveyor and the street commissioner of said borough shall have the same power, perform the same duties, and receive the like fees within said borough as members of the township committee of the townships of this state, under "An Act to regulate fences," passed January twenty-third, seventeen hundred and ninety-nine, and the supplements thereto.

Common
council to pass
ordinances.

12. *And be it enacted*, That it shall and may be lawful for the common council of said borough, with the concurrence of a majority of all the members thereof, to pass, alter or repeal all ordinances, rules, by-laws and regulations for the following purposes: to manage, regulate and control the finances and real and personal property of the borough; to prevent vice, drunkenness and immorality; to preserve the public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages; to restrain and suppress disorderly and gaming houses and houses of ill fame, all instruments and devices for gaming, and to prohibit all gaming and fraudulent devices; to ascertain and establish the boundaries of all streets, avenues, highways, lanes and alleys in said borough, and prevent and remove all encroachments upon said streets, avenues, highways, lanes and alleys; to regulate, clean and keep, or direct to be kept in repair the streets, highways, avenues, lanes, alleys, turnpikes and bridges in said borough, and to prevent and remove obstructions and encumbrances in and upon all streets, highways, sidewalks, crosswalks, bridges, sewers, drains, aqueducts and watercourses in any manner whatever; to prescribe the manner in which corporations or persons shall exercise any privilege granted to them in the use of any street, avenue, turn-

pike, highway or alley in said borough, or in digging up any street, avenue, turnpike, highway or alley for the purpose of laying down pipes or any purpose whatever, and to prohibit and prevent any such use or work at such times and seasons of the year as they may designate; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, turnpikes, avenues, parks and grounds of the borough, and to authorize or prohibit the removal or destruction of such shade trees, and to enforce the removal of snow, ice or dirt from the sidewalks and gutters by the owners or occupants of the premises fronting thereon: to widen, level, grade, flag or reflag, curb or recurb, gutter, pave or repave, or gravel or plank the sidewalks in any street, highway, turnpike or section or sections thereof; to prescribe the manner in which any such work shall be performed, and the mode in which the expense thereof shall be ascertained; to direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in said borough which shall be deemed dangerous or unwholesome or necessary to carry out any improvement authorized by this act; to prescribe the manner in which the said work shall be performed, and the mode in which the expense shall be ascertained, and to cause the same to be assessed upon such lots, pieces or parcels of ground, whether improved or unimproved, and to determine the time and manner in which such assessment shall be collected; to prevent or regulate the erection or construction of any stoop, step, platform, bay window, cellar door, area, descent into a cellar or basement, or any post or erection, or any projection or otherwise in, over or upon any street or avenue or turnpike or sidewalks thereof, and to cause the same to be removed, if improperly erected, at the expense of the owner or occupant of the premises; to prevent and punish horse racings and immoderate driving in any street, avenue or turnpike, and to authorize the stopping and detaining of any person guilty thereof, and to regulate the speed and running of locomotive engines and railroad cars through said borough, and to designate the crossings at which any railroad company shall be required to station flagmen or signals to warn travelers of the approach of locomotive engines or railroad cars; to regulate or prohibit the construction of horse railroads, and the running without the consent, and under such conditions as may by council be prescribed; to prohibit the driving of any drove or droves of cattle through the

To regulate
the planting
of shade
trees, &c.

To prevent or
regulate the
erection of
stoops, &c.

To regulate
the running of
cars, &c.

To restrain
and punish
drunkards, &c

To license
auctioneers,
peddlers, &c.

streets on Sunday, and to regulate the same at other times ; to provide lamps and gas fixtures, and light the streets and public places of said borough ; to make and regulate wells, pumps, aqueducts and cisterns in the public streets, or otherwise to supply said borough with water for the use of its inhabitants ; to establish and regulate pounds, and to restrain the running at large of horses, cattle, swine, sheep, goats, geese and other poultry, and to authorize the impounding and sale of the same for the penalty incurred and the costs of keeping, impounding and sale ; to locate, regulate and remove slaughter houses, to establish and regulate public markets, license and regulate butchers, designate the places and manner of selling meats, fish, fruits and vegetables, and to prohibit persons from selling such articles without license, and to prescribe the places of exposing for sale wood, hay, straw, and other articles from wagons or other vehicles ; to prohibit any practice tending to frighten animals, or to annoy persons passing in the streets or on the sidewalks ; to restrain and punish drunkards, vagrants, mendicants and street beggars ; to establish a board of health, define its powers and duties, and provide for the protection and maintenance of the health of the borough ; to abate or remove nuisances of every kind, and to require the owner or occupant of any grocery, cellar, tallow chandler's shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer, drain, or other offensive or unwholesome house or place, lot or enclosure, to cleanse, remove, or abate the same ; or, in a summary manner, to cause the same to be done at the expense of the owner or occupant thereof ; to regulate the burial of the dead, direct the keeping and return of bills of mortality, and to establish such regulations for conveying the dead through the streets, as health, quiet and good order may require ; to license auctioneers, common criers, hawkers, peddlers, junk-shop keepers, sweeps and scavengers, and to fix the rates of compensation to be allowed them, and to prohibit unlicensed persons from acting in such capacities ; to regulate or prohibit swimming or bathing in the waters of or bounding the borough ; to regulate weights and measures in conformity with the standard established by law, and to require every dealer in merchandise or other property, which is sold by measure or weight, to cause their weights and measures to be sealed by the borough sealer, and to be subject to his inspection ; to establish, regulate and control a day and night

police, and the manner of their appointment and removal, ^{To regulate a day and night police.} their duties and their compensation; to establish, regulate and control a fire department, and the manner of the appointment and removal of the officers and members, their duties and compensation; and to provide fire engines and other apparatus and engine houses and other places for keeping and preserving the same, and to provide water for the extinguishing of fires; to regulate and control the manner of building dwelling houses and other buildings, to regulate the construction of chimneys, and to compel the sweeping thereof; to prevent the setting up or constructing of furnaces, stoves, boilers, ovens or other things, in such a manner as to be dangerous, and to prohibit the deposit of ashes in unsafe places; to authorize any borough officer to enter upon and inspect any place for ascertaining whether the same is in a safe condition, and if not, to direct or cause the same to be made so; to regulate or prohibit the carrying on of manufactures dangerous in causing or promoting fires, or the manufacture, sale or use of fireworks and firearms in said borough; to regulate or prohibit the keeping and conveying of gunpowder, camphene, spirit gas, petroleum and other dangerous materials, and the use of candles and lights in barns, ^{To regulate or prohibit the keeping of gunpowder, &c.} stables and other buildings; to require all such further acts to be done, and to regulate and prohibit the doing of all such further or other acts as they may deem proper, to prevent the occurrence and provide for the extinguishment of fires; to adopt all legal measures to collect the taxes to be levied for the purposes of said borough; *provided*, that it shall not be ^{Proviso.} lawful for the common council to raise by taxation in any one year an amount of money that shall cause a greater rate of taxation than one and a half per centum of the valuation of the real and personal estate of the citizens.

13. *And be it enacted*, That the common council shall have ^{May establish ordinances.} power to make and establish such other ordinances, rules and regulations, not contrary to the laws of this state or of the United States, as they may deem necessary to carry into effect the powers and duties imposed by this act, and the same to alter, amend, modify and repeal.

14. *And be it enacted*, That in all cases where, by the ^{Penalties may be prescribed.} provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment in

the county jail, not exceeding ten days, or by fine, not exceeding fifty dollars.

Record of ordinances to be kept and published.

15. *And be it enacted*, That all ordinances and regulations passed by said common council shall be copied by the clerk of the borough, in a book provided for said purpose, and shall be signed by the mayor, or chairman pro tempore, and clerk; and no ordinance shall go into effect until the same shall have been posted in ten of the most public places in said borough, by printed handbills, or published three times in one or more of the daily newspapers published in the city of Trenton; and where the same shall have been published by handbills, the clerk shall make a note in the book of ordinances of the time of posting the same; and the said book of ordinances and regulations shall be taken and received as evidence of the due passage by the common council of the ordinances and regulations recorded therein; and the publication, as herein prescribed, shall in all cases be presumed to have been made, until the contrary be proved.

Public hall may be built.

16. *And be it enacted*, That the common council shall have power to build and maintain a city hall, and such other buildings as may be necessary for the accommodation of the city officers and the day and night police, and station houses for the locking up of offenders until they can have a hearing.

May borrow money and issue bonds.

17. *And be it enacted*, That the common council shall have power to borrow money, from time to time, for effectuating the purposes of this act, and to secure the payment thereof by bond or other instrument, under the common seal of said borough, and the signature of the mayor and clerk, and to provide for the payment of the interest and principal thereof; *provided*, that all such loans shall be authorized by an ordinance of the common council, which ordinance shall be irrevocable until such debt be paid, and said bonds shall not be sold at less than their par value; *and provided further*, that the total of said bonds outstanding and unpaid at any one time shall not exceed the sum of twenty-five thousand dollars.

Proviso.

Proviso.

Collector to make statement.

18. *And be it enacted*, That the collector of said borough shall keep an account of all receipts and expenditures, as the council shall direct, and shall at least two weeks previous to the annual borough election, make out and file with the clerk a detailed statement thereof, including the sums realized from bonds, and the amount outstanding for principal and interest

of said bonds; and the said clerk shall place the same before the common council at a meeting to be immediately called by the mayor for the purpose of examining said accounts, and if found correct, shall cause the same to be published in handbill form, or in one of the daily newspapers published in the city of Trenton for five days previous to said annual election.

19. *And be it enacted*, That whenever any bonds shall be authorized to be issued by the common council, it shall be the duty of the mayor and clerk to number the same, and each to keep a separate account of said bonds, with the numbers, dates, amounts, when redeemable, and the interest when payable, with the title of the ordinance authorizing the same, and the name of the person to whom issued, and they shall take a receipt for the same from the collector when delivered to him, which receipt shall be entered at large upon the book of minutes of the council. Record of bonds to be kept.

20. *And be it enacted*, That the common council shall have power to raise by tax, in each year, such sum or sums of money as they shall deem expedient, for the following purposes: for lighting the streets of the borough; for regulating, cleaning and keeping in repair the streets, highways, sewers, drains, and the construction of crosswalks; for improving and protecting any public grounds and buildings; for the support of the police and fire departments, and supplying the borough with water for the extinguishment of fires and other purposes; for the payment of interest upon bonds issued and such part of the principal as may be due and payable; for the contingent expenses of the borough, and for all other objects and purposes authorized by this act, and to be assessed and collected within such times as the common council shall by ordinance direct. Council to raise money by taxation.

21. *And be it enacted*, That the commissioners of appeal in cases of taxation, shall meet at such time and place as the common council shall by resolution appoint, of which time and place the usual notice shall be given by the collector; they shall have power to hear all complaints of unjust taxation as like officers are authorized by law to do. Commissioners of appeal.

22. *And be it enacted*, That in case of the nonpayment of taxes at the time appointed by ordinance, the collector shall make out a list of the delinquents, and the sums due from them respectively, and deliver the same to the mayor or acting mayor, under the oath required by law, and the said List of delinquent tax payers.

mayor, or acting mayor, shall issue his warrant commanding said collector to cause to collect the said several sums of money, with interest and all lawful fees and costs, as prescribed by the laws of this state.

Taxes to remain a lien.

23. *And be it enacted*, That all taxes which may be assessed by authority of said borough upon any lands, tenements and real estate in said borough, shall be and remain a lien thereon for the amount of such tax, with interest thereon and all costs and fees, for the space of two years from the date of the tax warrant, and the same may be collected in the manner prescribed by "An Act to make taxes a lien on real estate, and to authorize sales for the payment of the same," approved March seventeenth, eighteen hundred and fifty-four.

Ordinances.

24. *And be it enacted*, That it shall be lawful for the common council, whenever in their opinion the public good requires it, by ordinance;

To lay out and open streets, roads and alleys.

I. To lay out, accept and open any street, road, highway or alley within said borough; to order and cause any street, road, highway or alley already laid out or which may hereafter be laid out, to be vacated, straightened, altered or widened, and to take and appropriate any lands and real estate for such purpose upon making compensation to the owner or owners thereof; and they may at their discretion, by ordinance, accept such lands as may be dedicated by the owner or owners thereof as public streets or avenues, and thereupon shall be bound to keep up, repair and maintain the same to the same extent as streets laid out by legal proceedings; *provided*, that no street or avenue shall be accepted until the same shall have been by the owner or owners so dedicating, formed and properly worked to the grade established or to be established by the surveyor of the borough, and to the satisfaction of said surveyor and the street commissioner, a certificate whereof shall be published with said ordinance;

Proviso.

To construct sewers and drains.

II. To order and cause sewers or drains to be constructed in or across any of the streets, highways, avenues, turnpikes, lanes, alleys or any other part of said borough, and to cause all the expense of making such sewers and drains to be ascertained by the surveyor and street commissioner (who shall superintend such work), and assessed upon the several lots drained by said sewers and drains in proportion to the square feet therein; *provided*, that when the depth of any

Proviso.

of said lots shall exceed two hundred feet, the said excess shall not be taken into account in computing the area thereof; *and provided further*, where it may be necessary to construct ^{Proviso.} a sewer along any turnpike road within said borough, a proportional amount of the expense to the area of the adjacent lots on said turnpike road, shall be assessed to the corporation owning said road;

III. To order and cause any street or section of a street, ^{To grade, &c., streets upon petition of owners.} upon the petition of a majority of the owners of lots fronting thereon, to be graded, gravelled, paved, flagged or otherwise improved and regulated in such manner as they may deem advisable, at the expense of the owners of lands and real estate fronting or bordering on the line of said street or section of a street.

25. *And be it enacted*, That the common council shall cause notice to be given three times in one or more of the daily newspapers published in the city of Trenton, of the proposition for making any improvement or doing any work under the preceding section, or of causing the sidewalks of any street or section thereof to be paved, curbed and guttered before any ordinance for those purposes shall be adopted; and such notice shall request persons objecting thereto to present the same at a meeting of council, the time of which shall be named in said notice. ^{Notices for improvements to be published.}

26. *And be it enacted*, That whenever council shall determine by ordinance to lay out, open, or to alter, straighten or widen any street, road, avenue, highway or alley, they may purchase the lands and real estate necessary therefor, at a sum they think proper and just, and assess the amount of such purchase money, with all other expenses therefor, upon the lots benefited by said improvement; in case they cannot agree with the owner or owners of such lands and real estate for the same, or when by reason of the legal incapacity or absence of the owner or owners no such agreement can be made, it shall be lawful for one of the judges of the court of common pleas of the county of Mercer, upon application made, to appoint under his hand and seal three judicious and impartial freeholders of said county, commissioners to estimate and appraise the damages which any such owner or owners will sustain by the laying out, opening or widening of such street, having due regard to the injury or benefit of the owner or owners by making such improvement; and the said commissioners shall assess the amount of said damages upon ^{May purchase lands to lay out streets.} ^{Costs and expenses to be assessed on lots benefited.} ^{Proceedings in case owners or council cannot agree.}

Commission-
ers to take
oath.

Commission-
ers to make
report.

the lots, as in their opinion, will be benefited thereby, giving a short description thereof, with the name or names of the owners and the amount assessed upon each lot, which assessment shall be embraced in the report of said commissioners to be made; in making said appointment the said judge shall designate the time, not exceeding ten days thereafter, and the place, five days' notice whereof shall be given by the borough clerk in one or more daily newspapers published in the city of Trenton, where said commissioners shall meet, and having taken an oath or affirmation faithfully and impartially to perform their duties, proceed to view said lands and real estate, and make a true estimate and assessment as aforesaid; they may swear witnesses and listen to parties interested, and adjourn from time to time, and within twenty days after their first meeting shall report their proceedings, with the estimate and assessment, to the borough clerk, who shall present the same to the common council at their first meeting thereafter; which report, or a copy thereof, certified by the borough clerk, shall be plenary evidence of the power of the common council to enter upon, take and use said land or other real estate, with the appurtenances, the collector of said borough first tendering to the owner or owners thereof, if resident in this state, the amount so awarded them; but if any such owner is not a resident of this state, or upon reasonable inquiry cannot be found therein, or is a lunatic or idiot, or under age, or otherwise incapacitated to accept the same, or will not accept the same and give a receipt therefor when tendered, then the treasurer shall make and file an affidavit of such fact with the borough clerk, and the common council shall cause the amount to be invested on good security for the use of the person to whom it may be due, and shall be paid to such person on demand, with the interest collected on the same; and the common council may allow and add to the amounts of such assessments such compensation to the judge and clerk and commissioners as they may think reasonable and just.

Notice of as-
sessment to be
given.

27. *And be it enacted*, That the common council shall, within two weeks after the presentation of said report, cause a notice of the proportion of said assessment and costs to be served upon every person, his or her legal representatives or guardian against whom the same is made, and whose residence is in the county of Mercer aforesaid, and direct a like notice to be inserted in one or more of the daily newspapers

published in the city of Trenton for one week, and unless within three weeks from the presentation of said report, two-thirds of said persons, their legal representatives or guardians, shall file with the borough clerk their refusal, in writing, to agree to such assessment and costs, then the same shall be binding and conclusive on all parties, and shall from thence until paid, be due from said several persons, with interest, to said city, and be a lien on the several lots against which the same is assessed, for the satisfaction of any judgment to be obtained therefor, and the said "The Borough of Chambersburg," may sue for and recover of each person so assessed, his or their proportion of said assessment, with interest and costs, by an action of debt, in any court of competent jurisdiction, and if any of said persons reside out of this state, a writ of attachment may be resorted to as in other cases of non resident debtors, and the said proceedings of said common council, judge and commissioners shall be conclusive evidence against the defendants; but if within said three weeks, two-thirds of said persons, their guardians, or legal representatives, shall file their refusal, then no further proceedings shall be had to enforce the collection of such assessment; the common council may at any time within four weeks after the presentation of said report determine to abandon such proposed improvement, and upon so determining their right to take said lands, and the right of the owners thereof to recover the valuation thereof, shall cease and determine.

Assessments
to remain a
lien.

Actions of
debt may be
brought.

Council may
abandon pro-
posed im-
provement.

28. *And be it enacted*, That it shall be the duty of the common council, as soon as convenient, to establish the grades of all the streets and alleys which now are, or may hereafter be opened in said borough, and to cause the surveyor to record the same in a book, to be provided for that purpose, and also a profile or draft of the same to be filed, and whenever the owners of property shall have paved, curbed and guttered their sidewalks according to the grade so established, the same shall not be altered, unless such alteration be made at the public expense.

Council to es-
tablish grades.

29. *And be it enacted*, That if the owner or owners of any lot, alley or passage-way in front whereof the sidewalks or gutters shall, by any ordinance of the common council, be directed to be leveled, graded, curbed, paved, repaved, flagged or graveled, shall neglect to comply with such ordinance for the space of one month from the time of its passage, it shall

Failure of
owner to
grade, &c.,
council may
order the same
done.

Expense to
remain a lien.

Actions of
debt to en-
force payment

Lots to be
sold at public
sale for non-
payment of
expenses.

be lawful for the common council to cause the same to be done under the direction and superintendence of the street commissioner, and the expenses thereof certified and sworn to by such commissioner and filed with the clerk of said borough, shall be and remain a lien upon said lot until the same shall have been paid and satisfied, and shall have priority over any recognizance, mortgage, judgment, debt, obligation or responsibility which the said lot may become liable to from and after the passage of this act; and to enforce the payment of the said expenses the common council may, at their option, either bring an action of debt, in the name of "The Borough of Chambersburg," in the township of Hamilton, in the county of Mercer, in any court of competent jurisdiction, against the owner or owners of such lot or lots for so much money paid, laid out and expended by them for the use of such owner or owners, and declare generally, and give the special matter in evidence and recover said expenses, with costs and interest, from the time of filing the said certificate with the borough clerk, and if any such owner or owners reside out of the state, an attachment may be issued as in other cases of non-resident debtors; or, having first advertised in two of the daily newspapers published in the city of Trenton, at least twice in each week, giving notice of the time and place of sale, with a short description of the lot and the name of the street on which it fronts, and specifying the amount of money so laid out and expended on the same, may at such time and place, sell at public sale, the said lot for the lowest term of years at which any person will agree to take the same, not exceeding fifty years, and pay said expenses, with interest thereon, from the filing of the certificate aforesaid, and such other expenses as may be incurred by said advertisement and sale; and thereupon the mayor of said borough shall execute and deliver under his hand and seal of said borough, a declaration of said sale to the purchaser thereof; and such purchaser, his executors, administrators or assigns, by virtue thereof and of this act, shall lawfully hold and enjoy the same for his and their proper use, until said term be fully completed and ended; and shall be at liberty to remove all the buildings or materials which he or they shall erect thereon; but he or they shall leave said premises at the expiration of the term, in as good order and condition as they were at the beginning thereof, natural wear thereof and damages by the elements excepted, and shall pay all taxes and assessments which shall

be legally assessed thereon during said term; and if the owner or any incumbrancer of said lot shall, within six months after such sale, pay to the said purchaser, his executors, administrators or assigns, the amount of money so paid by him to the said borough, with the amount paid for any fences erected thereon, with all taxes and assessments paid thereon by such purchaser or assigns, and interest at the rate of ten per centum per annum upon the amount of such payments so made by said purchaser or his assigns, then the said owner or incumbrancer shall be entitled to re enter and repossess the said lot in the same manner, to all intents, as if such sale had not been made.

30. *And be it enacted*, That whenever the common council order and direct any street or section of any street to be graveled, paved, flagged or otherwise improved as authorized by and under subdivision three of section twenty-four of this act, the said work shall be done under the superintendence of the street commissioner, who shall assess the expense thereof upon the lots fronting or bordering on such street or section thereof, in such proportions as shall seem just to said commissioner, and the said expense sworn or affirmed to by said commissioner, and filed with the borough clerk, shall fix and determine the amount thereof; and the assessment of the proportion of the expense to which each lot is liable, made, certified and sworn or affirmed to be just by said commissioner, and filed as aforesaid, shall fix the proportion of the whole expense for which each lot shall be liable, and the amount so assessed against each lot shall be and remain thereon until the same shall have been paid; and it shall be the duty of the common council to enforce the payment thereof in the same manner as is provided in the preceding section for enforcing the payment of expenses for paving sidewalks.

Gravelling,
paving and
flagging to be
done under
street com-
missioner.

Commission-
ers to assess
expense on
lots fronting
on streets.

31. *And be it enacted*, That from and after the passage of this act the powers and duties of the overseers of the roads or highways of the township of Hamilton, or other officers of said township over the streets, highways, roads, alleys, turnpikes within the limits of the said borough of Chambersburg shall cease, and no moneys shall be raised in said township for roads, streets or highways in said borough, nor shall any tax be assessed and collected in said borough for making and keeping in repair roads or highways in that part of said township outside of said borough limits.

Powers and
duties of over-
seers of high-
ways to cease.

Actions, &c.,
how conduct-
ed.

32. *And be it enacted*, That unless, when otherwise directed, all actions or proceedings before the mayor or acting mayor, under the provisions of this act, shall, as nearly as may be, be regulated by the provisions, and conducted in the manner prescribed by "An Act constituting courts for the trial of small causes," and the several supplements thereto, and the court, by such mayor, 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.

Mayor to issue
warrants and
try offenders

33. *And be it enacted*, That the mayor shall be empowered on oath or affirmation made according to law, and filed in his office, that any person or persons has or have been guilty of violating any of the ordinances of said borough, to issue process either in the nature of a warrant or a summons against such person or persons, which, when in the nature of a warrant shall be returnable forthwith, and when in the nature of a summons, shall be returnable in not less than five nor more than fifteen days; that such process shall state what ordinance the defendant has violated, the time when, and in what manner the same has been violated; and that on return of such process, or at the time to which the mayor shall have adjourned the same, the said mayor shall proceed to hear testimony, and to determine and give judgment in the matter without filing of any pleadings; and that the mayor shall, if the defendant or defendants be adjudged before him to be guilty of such violation, forthwith issue execution against the goods and chattels and person of the defendant or defendants for the amount of fine imposed, with cost, or shall commit said defendant or defendants to the county jail, if judgment of imprisonment shall have been pronounced and given by said justice for such violation.

Keeper of
county jail to
receive per-
sons commit-
ted.

34. *And be it enacted*, That it shall be the duty of the keeper of the jail of the county of Mercer to receive and safely keep every person who shall have been committed by the mayor or acting mayor of said borough to said county jail under the authority of the last preceding section, and of any ordinance of said borough.

No person
deemed in-
competent as
juror, &c.

35. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact to which the said "The Borough of Chambersburg" is a party or is interested, no person shall be deemed to be incompetent as a judge, witness or juror by reason of his being an inhabitant or freeholder of said borough; and that if any person shall be sued

or impleaded by reason of any thing done by virtue of this act, it shall be lawful to plead the general issue, and give this act and special matter in evidence at the trial.

36. *And be it enacted*, That no member of the common council shall be appointed to or be competent to hold any office the salary of which is paid from the borough treasury, or become security for any contract under said borough.

37. *And be it enacted*, That the first election under this act shall be held at the house of Isaac Rouner, in said borough, on the second Monday in April, eighteen hundred and seventy-two, between the hours prescribed by law for holding state elections; that William B. Garrison shall be the judge, and A. G. Staats and George Henry the inspectors, and John Johnson, clerk of such election, and if possible, give one week's notice thereof, and they shall certify the result and the said clerk shall post the same, and give notice of their election to the persons chosen thereat, as is in this act prescribed for the annual elections.

Time and
place of hold-
ing first elec-
tion.

Election offi-
cers.

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

Approved April 2, 1872.

CHAPTER CCCCLVIII.

An Act to create the Delaware Horse and Mule Insurance Company of Hunterdon county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob Thatcher, Jonathan Higgins, William S. Morse, Joseph G. Bowne, Ely Kitchen, Daniel R. Sharp, Charles S. Johnson, Joseph Williamson, Cyrus Risler, Isaac S. Cramer, Gideon Moore, Isaiah Moore, William R. Bearner and others, their successors and assigns, shall be and are hereby ordained, constituted, and declared a body corporate in fact and in name, by the name of the "Delaware Horse and Mule Mutual Insurance Company," and by that name shall have perpetual succession during the

Corporators.

Name and
powers.

New Jersey State Library

continuance of this act; and shall be capable of suing and being sued, pleading and be impleaded, answering and being answered unto, defending and being defended, in all the courts and places whatsoever; 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 Delaware Horse and Mule Mutual Insurance Company," shall be in law capable of purchasing, holding and conveying, any estate real or personal for the use of said corporation; *provided*, that the said real estate which it may be lawful for the said company to hold, be only such as is necessary for the corporation in the transaction of business thereof, or such as shall be taken in security for or in payment of debts.

Proviso.

All persons insured to become members.

2. *And be it enacted*, That all persons who shall insure in said company shall be considered as members of the said corporation, and the property of said corporation shall be conducted and managed by not less than five nor more than nine directors, a secretary and treasurer, all of whom shall be citizens within the boundaries of said association, which shall be a circle with a radius of six miles, having Sergeantsville as a centre, and shall not hold a like office or agency in any other live stock insurance company, to be chosen by ballot by and from among the members, to hold their office for the term of one year, except in such case as may be hereinafter mentioned, and until others are chosen.

Election of directors.

3. *And be it enacted*, That the first election for directors and other officers of the association shall be held on the second Saturday of April, one thousand eight hundred and seventy-two, at the village of Sergeantsville, and the first Saturday of January of each and every succeeding year; public notice of which shall be given by the secretary in at least ten conspicuous places within the limits of said company at least two weeks previous to holding such election; and if any of the directors shall die, or neglect or refuse to act in the said office to which they may be elected, for the space of three months, then the remaining directors shall have full power to fill such vacancy or vacancies until the time of the next annual election; and in case it shall happen there should be no election on the time herein mentioned, the said corporation for that cause shall not be dissolved, but it shall be lawful on any other day to hold an election for directors; *provided, always*, that the said election shall have been duly

Failure to elect not to dissolve.

Proviso.

advertised as before named, and held between the hours of ten o'clock A. M., and six o'clock P. M.

4. *And be it enacted*, That it shall and may be lawful for the said corporation to make all and every insurance appertaining to or connected with the lives of horses and mules belonging to citizens within the boundary aforesaid, except droves of horses or mules, or horses belonging to horse cars or liveries, and horses used for hauling logs and wood continuously, subject to such rules, regulations and by-laws as may be adopted at any regular or special meeting called for that purpose; *provided*, that no stallion shall be insured for more than five hundred dollars, and no mare or gelding for more than three hundred dollars, and no span of mules for more than four hundred dollars. May insure horses, mules, &c.

5. *And be it enacted*, That, William H. Larue, Cornelius Q. Higgins, Robert H. Moore, Thomas Dalrymple, Jonathan M. Dilts, John C. Sine, Jeremiah H. Trout, James J. Fisher, Nathaniel Shepherd, be and they are hereby appointed directors, and Gideon Moore secretary, and Cornelius Q. Higgins treasurer, to have and to hold their respective offices until the second Saturday of April next, or until others are chosen in accordance with the provisions of this act; and further, that the said directors hereinbefore mentioned shall, as soon as convenient after the passage of this act, and the directors chosen agreeably to the provisions of this act shall, as soon as convenient after their election, proceed to choose out of the said board one person to be president, whose duty it shall be to preside at all meetings, until the annual election thereafter; and in case of death, resignation, or inability to serve, such vacancy may be filled for the remainder of said 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 as this act or the by-laws of said association may provide; *provided*, that the said president of the said company shall hold his office at the pleasure of the board of directors, and subject to removal by them. First directors
Officers.
President.
Vacancies, how filled.
Proviso.

6. *And be it enacted*, That all policies of insurance made by the said corporation, in pursuance of this act, shall be made upon such terms and conditions, and for such times, as shall be from time to time ordained and prescribed by the by-laws, rules and regulations of the said corporation; *pro-* Policies of insurance.

- Providso. *vided*, that no policy of insurance be issued for more than five years, and that no transfer of any policy of insurance of the said company shall be valid for more than twenty days after such transfer, unless it be entered upon the books of the said corporation, and certified to by the secretary, and in no case shall any policy be transferred out of the bounds of said company.
- Officers to give bond and take oath. 7. *And be it enacted*, That the directors shall take bond of the treasurer, and such agents and assistants as may be appointed by the corporation, for such sums as they shall think proper, for the faithful performance of their duty, and that each director, surveyor, treasurer, secretary, agent or assistant shall, before he enters upon the duties of his office, take the following oath or affirmation (as the case may be): "I do swear (or affirm) that I will honestly and faithfully execute the duties of ——— of this association, agreeable to the provisions of this act and the trust imposed in me, to the best of my skill, knowledge and judgment;" which oath or affirmation the president or secretary is hereby authorized to administer.
- Oath. 8. *And be it enacted*, That it shall be the duty of the secretary to give notice of all meetings of the corporation, attend the same, and keep a faithful record of their proceedings, fill up all policies of insurance, countersign the same, and seal the same with the seal of the corporation, and perform such other duties as the association may from time to time by their by-laws direct.
- Duties of the secretary. 9. *And be it enacted*, That in case of loss by death of any animal insured in said company, the owner thereof shall notify, within twenty-four hours after the death of said animal, three members of the said association living nearest to the owner of said animal, whose duty it shall be to examine without unnecessary delay, into the cause of the death of said animal, and if satisfied, to the best of their judgment and belief, that the owner of said animal took good care of and exercised a reasonable degree of precaution to prevent the death of said animal, shall then proceed to report the facts to the nearest director, whose duty it shall be to transmit the same to the secretary of the company within ten days from the time of receiving such report.
- Owner to notify company of death of any animal. 10. *And be it enacted*, That in case of any animal insured in this company becoming so disabled through sickness or accident, that the owner thereof may consider the same worth-
- In case any animal becomes disabled, &c.

less or incurable, he or she may make application to the president, who shall appoint three members living nearest the owner of said animal to view the same, and it shall be the duty of said persons, without unnecessary delay, to examine and inquire into the condition of said animal; and if, after having taken into consideration the best of all the evidence at their command, they are fully satisfied in their opinion that the said animal has become worthless and incurable, they shall direct the owner to kill the same, and proceed as is provided for in case of death.

11. *And be it enacted*, That the president or secretary shall have power to call a special meeting of the board when he shall deem the interest of the said association demand the same, and the board shall cause a statement of their doings to be made at the annual meeting; any twenty members calling for a special meeting of the board or of the association, the president shall convene said board or association within thirty days, and a majority of the whole number of directors, when met agreeable to public notice, shall constitute a quorum to transact business, and the same shall be entered upon the books of the association, which books shall be open at suitable times for the inspection of the directors and members. Statement to be made.

12. *And be it enacted*, That if the chartered privileges hereby granted 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. Proviso.

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

Approved April 2, 1872.

CHAPTER CCCCLIX.

A Supplement to an act entitled "An Act to incorporate the Ocean Grove Camp Meeting Association of the Methodist Episcopal Church," approved March third, eighteen hundred and seventy.

Buildings and improvements subject to taxation. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all buildings and improvements that are now or may hereafter be erected on lands of the "Ocean Grove Camp Meeting Association of the Methodist Episcopal Church," shall be subject to taxation and assessment in the township wherein the same are located, and not elsewhere, at the same time and in the same manner as other taxes are assessed and collected in the county of Monmouth, except as hereinafter provided.

Failure to pay taxes buildings to be sold by collector. Sale to be advertised. 2. *And be it enacted*, That if said taxes are not paid within sixty days after the same become due, it shall be the duty of the township collector to make return of said taxes to a justice of the peace of said county, who is hereby authorized and required to issue a warrant to said collector, commanding him to make distress and sale of said buildings and improvements and other vendible property of the owner or owners thereof, as will be sufficient to pay said taxes with costs, and it shall be the duty of said collector to advertise said sales in one newspaper published in Monmouth county nearest to said association, once a week for four successive weeks prior to said sale.

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

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

Approved April 3, 1872.

CHAPTER CCCCLX.

A Further Supplement to the act entitled "An act to incorporate the Elizabeth City Horse Railroad Company," approved April second, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of section fourteen of the act entitled "An Act to incorporate the Elizabeth City Horse Railroad Company," approved April second, eighteen hundred and sixty nine, and so much of section one of the act approved March seventeenth, eighteen hundred and seventy, being a supplement to the said act approved April second, eighteen hundred and sixty-nine, as require the said company to pave their track or tracks between the rails and on the outer side thereof, and to pay to the city of Elizabeth, whenever the said company shall occupy with their tracks or turnouts any street within said city, which, before the time of said occupation, had been paved, such amount of the cost and expense of such pavement as may have been expended in paving between the rails of said tracks and turnouts, and three feet on the outer side of said rails, be and the same are repealed. Repealer.

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

Approved April 3, 1872.

CHAPTER CCCCLXI.

A Further Supplement to the act entitled "An Act to incorporate John Doughty and his associates, proprietors of the Morris Aqueduct," passed November sixteenth, seventeen hundred and ninety-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the appointment of commissioners to ascertain and assess damages on the application of said corporation provided for by an act entitled "A Further Supplement to the act entitled 'An Act to incorporate John Doughty and his associates, proprietors of the Morris Aqueduct,' passed the sixteenth day of November, seventeen hundred and ninety-nine," which supplement was approved February seventeenth, eighteen hundred and sixty-two, may be made by either one of the judges of the court of common pleas of the county of Morris, or one of the justices of the supreme court of this state, and in any proceedings for condemnation under said supplement, no publication in a newspaper shall be required in cases where notice shall be served upon the owner or owners in person, and the appeal from the award of said commissioners shall be taken to the circuit court of said county, instead of the court of common pleas, as provided for in said supplement; and said court shall have power to order a struck jury, or a jury of view, or both, to try any such appeal; and also to order any jury which may be empannelled and sworn to try any such appeal to view the premises in question during said trial, and the right of said corporation to appeal from and dispute the correctness of any award, shall not be waived or taken away by their paying or tendering the amount of the award and taking possession of the land, or exercising the rights covered by such award; and the right of any owner of any such lands or rights in like manner to appeal, shall not be waived or lost by the acceptance of the amount so awarded when tendered, and upon the final determination of any such appeal the said court shall render such judgment in favor of the one party and against the other, as the right and justice

Proceedings in case of appointment of commissioners to ascertain and assess damages.

Right of corporation to appeal not to be waived.

of the case shall require, and shall award to the party substantially succeeding in said appeal, his, her or their costs of said appeal against the opposite party, and shall have power to enforce the judgment so rendered by execution as other judgments are enforced, and also by summary proceedings and attachment for non-payment thereof.

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

Approved April 3, 1872.

CHAPTER CCCCLXII.

A Supplement to an act entitled "An Act to incorporate the Paterson and Haledon Horse Railroad Company," approved April third, one thousand eight hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time designated for the completion of said road by the thirteenth section of the act to which this act is a supplement be and the same hereby is extended to the fourth day of July, anno domini one thousand eight hundred and seventy-four. Time for completion of road extended.

2. *And be it enacted*, That the track provided for in the seventh section of the act to which this is a supplement, may be of the same width as the track of the Paterson and Little Falls Horse Railroad Company, and that it shall be lawful for the Paterson and Haledon Horse Railroad Company to unite their track with the track of the Paterson and Little Falls Horse Railroad Company's road at any point on Ham- Width of track
May unite and extend track.
burgh avenue, in the city of Paterson; and also that it shall be lawful for the said the Paterson and Haledon Horse Railroad Company to extend their track northerly from the old Pompton road to any point in the township of Manchester.

3. *And be it enacted*, That in place of Elisha Bloomer, Incorporators and commis-
Edwin T. Prall and Myron H. Chapin named as incorpora- sioners.

tors and commissioners with others mentioned in the act to which this is a supplement, David B. Beam, Harmon Hockenberry and Andrew A. Snyder are hereby designated as incorporators and commissioners as aforesaid.

May borrow
money and
issue bonds

May mort-
gage works.

In case of de-
fault of pay-
ment of
money person
claiming may
acquire title.

4. *And be it enacted*, That it shall be lawful for the said company from time to time to borrow such sums of money as may be necessary to construct and complete the works of said company, with the appendages thereto, authorized by the act to which this is a supplement, and to issue their bonds at such rates of interest as may be stipulated, and to sell the same on the best procurable terms without invalidation thereof by virtue of any statute against usury; and for securing the payment of the same, full power and authority is hereby granted to the said company to pledge or hypothecate by way of mortgage, trust or otherwise the whole or any part of the works of said company now or hereafter to be owned by said company, together with all the privileges, appendages and appurtenances of said company, and also all the franchises and chartered rights of said company; and such pledge, hypothecation, trust and bond and mortgage shall be valid in law for securing the payment of any sum or sums of money borrowed with the interest thereon accruing which the same may be given to secure, and in case default shall be made in the payment of any moneys so borrowed and secured the person or persons, body politic or corporate their legal representatives, successors or assigns claiming under such pledge, hypothecation, bond, mortgage or trust may by due process of law acquire the title to have, hold, use, occupy, and enjoy the said chartered rights, railroad tracks and all the property of said company and the franchises aforesaid, and take and receive the tolls, rents, issues and profits and advantage thereof, during the whole residue of the term for which the said company is chartered and incorporated, in as full and ample a manner as the stockholders of said company could or might have had, used and enjoyed the same, subject nevertheless to all the restrictions, limitations and conditions contained in the act incorporating said company; and any deed by which any pledge, hypothecation, mortgage or trust shall be created by virtue of this act shall be entered on record in the office of the clerk of the county of Passaic, the same first having been acknowledged or proved according to law.

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

Approved April 3, 1872.

CHAPTER CCCCLXIII.

A Further Supplement to an act entitled "An Act to incorporate the Newark and South Orange Horse Car Railroad Company," approved April sixth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time for the completion and putting in operation of the Newark and South Orange Horse Car Railroad, now in course of construction, be, and hereby is extended to the fourth day of July, one thousand eight hundred and seventy-three. Act extended.

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

Approved April 3, 1872.

CHAPTER CCCCLXIV.

An Act entitled "An Act to incorporate the Passaic County Savings Bank."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Franklin C. Beckwith, DeGrasse B. Fowler, Jacob T. Blauvelt, John Dunlap, Garret A. Hobart, Benjamin Buckley, Edwin R. Mason, James Jackson, John Shaw, Thomas D. Hoxsey, Watts Cook, Peter Dore-

Name.	mus, William G. Watson, Charles O'Neil and Christian Braun, and such other persons as are, or may be hereafter associated with them, and their successors, shall be and are hereby constituted a body corporate and politic, by the name of "Passaic County Savings Bank," to be located in the city of Paterson.
Amount of capital stock.	2. <i>And be it enacted</i> , That for the better security of depositors, there shall be a capital stock of one hundred and fifty thousand dollars, divided into fifteen hundred shares of one hundred dollars each, and the persons herein first named, or a majority of them, are hereby appointed commissioners to receive subscriptions to said capital stock, at such place in the city of Paterson, as they may appoint, giving at least ten days' notice in any newspaper published in said city, and when the whole of said stock shall have been subscribed, and at least ten per centum of the same paid to the said corporation in cash, the said commissioners, or a majority of them, shall call a meeting of the said stockholders, by publication for at least five days in a newspaper published in said city of Paterson, for the purpose of electing a board of directors, as in the next succeeding section provided, whose duty it shall be to manage and conduct the affairs of the said corporation, and who shall hold their office until the second Monday in April, in the year eighteen hundred and seventy-three.
Election of directors	3. <i>And be it enacted</i> , That the affairs of said corporation shall be conducted by not less than fifteen directors, who shall be elected on the second Monday in April in each year, except the year eighteen hundred and seventy-two, when the election shall be held as stated in the preceding section; every stockholder shall be entitled to one vote for each share of stock held, and the directors so elected shall hold their places for one year, and until their successors are elected, and any vacancies caused by death, resignation or otherwise may be filled by the directors at any regular meeting; and shall own in his own right at least ten shares of the capital stock of the corporation, which shall be deemed personal property and transferable in such manner as the by-laws of said corporation may prescribe, and each stockholder shall be individually responsible, equally and ratably, and not one for another for all debts and engagements of the corporation to the full amount of his whole stock therein at the par value thereof.
Directors to manage affairs.	4. <i>And be it enacted</i> , That after the election of the board
Vacancies, how filled.	

of directors as authorized in section two, and upon the organization thereof, the said directors shall proceed to elect by ballot one of their number to be president, and also two vice-presidents, and may elect or appoint in any other manner such other officers, agents and clerks, and fix or pay such compensations, and assign such duties to such officers, agents and clerks as they the said directors shall deem necessary for the proper and successful management of the said corporation, and all the officers and directors of said corporation shall be sworn to do their duties fairly and honestly, and such of their officers as shall have the control, custody or management of the moneys or property of the corporation shall be required to give bonds with such securities as the board of directors shall prescribe.

5. *And be it enacted*, That the board of directors shall, from time to time, have power to make, ordain and establish such by-laws and regulations as they may judge proper for prescribing the duties, of their respective offices, and for regulating the times and places of meeting of the officers and directors, and for the transacting, managing and directing the affairs of the corporation; *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this state or of the United States; and it shall be lawful for the said directors to call and demand from the stockholders of said corporation respectively, such installments, and at such times, and in such proportions as they shall deem proper, not exceeding ten dollars on each share at any one time, notice of which shall be published for at least ten days in a newspaper published in the city of Paterson, or shall be given in writing to each stockholder, for a like space of time, before such installments are required to be paid in, and in case of the refusal or failure of any stockholder to pay his or her installments at the time and place appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her shares, and all previous payments thereon, for the use of said corporation, but shall not be by such forfeiture released from his or her personal liability on his or her first subscription, in case of loss or deficiency.

6. *And be it enacted*, That the said corporation may receive on deposit all sums of money that may be offered therefor, in such amounts, and at such times, and upon such terms as the by-laws shall prescribe, which money shall be invested in the manner hereinafter directed, and be repaid to

Officers and
compensation

May make
rules and reg-
ulations.

Proviso.

May receive
money on de-
posit and in-
vest the same.

the depositors or their legal representatives, at such times, and with such interest, and under such regulations as the board of directors may from time to time order; and the said corporation may accept and execute all such trusts of every kind as may be committed to them by any person or persons whosoever, by will or otherwise, or be transferred to them by order of any court.

Investment of deposits.

7. *And be it enacted*, That the said corporation may invest the money left with them on deposit, in such of the public stocks or bonds as are created and issued by the United States, or by the several states of the union, or by the several counties and cities in this state, under the laws thereof, and upon bond and mortgage, unincumbered real estate, worth at least double the amount invested; *provided* however, said corporation may make temporary loans upon personal securities or obligations, with pledges of collateral securities worth at least twenty per centum more than the amount loaned; but the amount thus loaned on personal security, shall not at any time exceed twenty per centum of the whole amount of the assets and securities of the said corporation.

Proviso.

Regulating interest.

8. *And be it enacted*, That it shall be the duty of the board of directors to regulate the rate of interest allowed to depositors, so that they shall receive a just proportion of the profits upon the business of the said corporation after deducting therefrom all necessary expenses, and a reasonable surplus or contingent fund; *provided*, that the said rate of interest may, at the discretion of the directors, be so regulated, as that the interest allowed any depositor having more than five hundred dollars on deposit, shall be at least one per centum less than the rate allowed to other depositors; whose deposits shall not amount to the said sum; *and provided, also*, that said corporation shall not be required to allow interest upon any deposit under the amount of five dollars, nor upon the fractional part of five dollars, nor upon the fractional parts of a month; and that no interest or dividends on account of any surplus or contingent fund shall be allowed for moneys which have been withdrawn from deposit.

Proviso.

Proviso.

Minors may give acquittance for deposits.

9. *And be it enacted*, That it shall be lawful for the said corporation at their discretion, to pay to any depositor being a minor, such sum not exceeding five hundred dollars as may be due such depositor, in case where no guardian shall have been appointed in his or her behalf; and that the receipt or

acquittance of such minor shall be as valid as though the same were executed by his or her guardian duly appointed; *provided*, such deposit shall have been made personally by such minor, and not by any other person for his benefit. Proviso.

10. *And be it enacted*, That in case said corporation shall receive any deposit or deposits from any married woman, or from any single woman, who may afterwards marry, it shall be lawful for the said corporation to hold the same together with the interest or dividends which may accrue thereon, as the sole and separate property of such woman, as though she were single, not subject to the control nor liable for the debts of her husband; and to repay the same and interest and dividends, or any part thereof, upon her check, order or receipt, or demand, without the concurrence of her husband; and such payment shall exonerate and discharge the said corporation from any further liability by reason thereof. Deposits by females not to be controlled by husband.

11. *And be it enacted*, That the said corporation may purchase and hold, in fee simple or otherwise, any real estate or personal property required for its use, or which it may buy upon sales for the foreclosure of mortgages, or for the satisfaction of judgments to which the said corporation is a party, or in which it is interested; and the said corporation may sell, lease or otherwise dispose of the said real estate or personal property or any part thereof, at their will and pleasure; *provided*, that no purchase or sale of real estate shall be made without the consent of a majority of all the directors. May hold real or personal estate, &c. Proviso.

12. *And be it enacted*, That it shall be the duty of the said corporation to make an annual report of its affairs and the state of its funds to the secretary of state of the state of New Jersey, which report shall be verified by the oaths or affirmations of the president, secretary or treasurer of said corporation. Annual report

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

14. *And be it enacted*, That the directors shall be at liberty at any time to refuse deposits, and on giving one month's notice, to return such as have been made, with interest thereon to date of payment. Directors may refuse deposits

15. *And be it enacted*, That all deposits and payments shall be regularly entered in the books of the corporation, and Deposits to be entered.

every person depositing money shall be furnished with a duplicate of his or her account, in which every deposit or payment shall be regularly entered as soon as made.

Capital stock
not to be with-
drawn.

16. *And be it enacted*, That the board of directors shall not at any time withdraw, or permit to be withdrawn, any portion of the capital paid in during the existence of the corporation; and if from any cause losses shall happen, no dividends shall ever be made until the same shall be made good, so that the capital stock shall always remain unimpaired.

Place of busi-
ness.

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

Failure to
elect directors
not to dissolve

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

Act, how
construed.

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

Proviso.

Proviso.

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

Approved April 3, 1872.

CHAPTER CCCCLXV.

An Act to confirm the will of Mary C. Le Fevre, deceased,
late of Morris county, New Jersey.

WHEREAS, Mary C. Le Fevre, feme covert, in her lifetime Preamble.
made and executed her last will and testament, conveying
real estate, dated March sixteenth, one thousand eight
hundred and sixty-one; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of*
the State of New Jersey, That the will of the said Mary C. Will declared
Le Fevre, deceased, late of Morris county, New Jersey, shall valid.
be taken to be as valid and effectual in law as if the same
had been made and executed since the passage of the "Act
concerning married women," passed March twelfth, one
thousand eight hundred and sixty-four, allowing married
women to make wills, and that this act shall be deemed and
taken to be a public act.

2. *And be it enacted*, That this act shall take effect imme-
diately.

Approved April 3, 1872.

CHAPTER CCCCLXVI.

Supplement to "An Act to incorporate the Citizens' Sav-
ings Bank of Passaic," approved April fifth, eighteen hun-
dred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of*
the State of New Jersey, That for the better security of de- Capital stock.
positors, there shall be a capital stock of fifty thousand dollars,
divided into shares of one hundred dollars each, and the per-
sons named in this act are hereby appointed commissioners

Election of
managers.

to receive subscriptions to said capital stock, at such place in the village of Passaic as they may appoint, giving at least ten days notice in the newspapers published in said village, and as soon as the whole of said stock is subscribed and ten per centum of the same paid in to said corporators, they shall organize as managers of said savings institution, and elect by ballot one of their number, duly qualified to be president, and the board of managers thus organized shall elect all other officers as may to them appear necessary for conducting the business of the corporation, which officers, so chosen and appointed shall be under oath and give security for the faithful performance of the duties of their respective offices.

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

Approved April 3, 1872.

CHAPTER CCCCLXVII.

An Act to incorporate the Newark Printing Company.

<p>Corporators.</p> <p>Name and powers.</p> <p>Amount of capital stock.</p> <p>Commissioners to open books and receive subscriptions.</p>	<p>1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i>, That Theodore Runyon, Samuel Klotz, David Anderson, Joseph G. Hill, and Gustavus N. Abeel, and their associates and successors, shall be, and they are hereby incorporated and made a body politic, by the name and style of "The Newark Printing Company," for the purpose of carrying on the business of printing and publishing books, newspapers, and all other kinds of printed matter ; the capital stock of said company shall be ten thousand dollars, with the privilege to raise the same to twenty thousand dollars ; the affairs of said company shall be managed by not less than five directors, who shall be stockholders ; that so soon as five thousand dollars of stock shall be subscribed for and paid in, in cash or its equivalent, the said company may commence business ; that the above named corporators shall be commissioners to open books of subscription, and when five thousand dollars is subscribed, may call a meeting</p>
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of the stockholders, who may elect directors for the ensuing year; that the election for directors shall be held annually, on such day as the by-laws may fix.

2. *And be it enacted*, That the said corporation shall enjoy the same privileges, and be subject to the same restrictions^{General powers} contained in "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six.

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

Approved April 3, 1872.

CHAPTER CCCCLXVIII.

An Act to incorporate the Young Men's Christian Association, of the City of Bayonne.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George H. Kennedy, L. S. Marsh, T. Theo. Burke, Henry C. Selvage, William Morris Imbrie, Henry Meigs, junior, William D. Myers, R. V. R. Schuyler, Abraham J. Van Buskirk, Charles D. Wadsworth, A. C. Humphreys, Alfred S. Thalcomson, George H. Gale and T. J. Kennedy, and their associates and successors, are hereby constituted a body corporate, by the name of "The Young Men's Christian Association, of the City of Bayonne."^{Corporators.}

2. *And be it enacted*, That the objects of this incorporation shall be the improvement of the spiritual, mental, social and physical condition of young and other persons, by the support and maintenance of systems of lectures, sermons and other services, libraries, reading rooms and social meetings, and by such other means, not inconsistent with the object of the association, as the board of directors may devise.^{Object.}

3. *And be it enacted*, That the business, affairs and estate of said corporation shall be managed and conducted by a board of directors, to consist of the officers of the association and at least one person from each evangelical denomination^{Board of directors to manage affairs.}

represented in the association, each of whom shall be a member in good standing of some evangelical church; the officers and board of directors of "The Young Men's Christian Association of the City of Bayonne," as hereinbefore named in section one of this act, elected prior to January first, eighteen hundred and seventy-two, shall constitute the first board of directors to manage and conduct the affairs and estate of the Young Men's Christian Association created by this act, and shall hold their offices until others are elected to fill their places, as provided by the constitution of the association hereby incorporated.

May make by-laws, &c.

4. *And be it enacted*, That the said corporation may adopt such a constitution and by-laws, and the board of directors such by-laws and rules for the regulation of its business, the management of its affairs, the choice, powers and duties of its officers and agents as are not inconsistent with its character and the laws of this state.

May purchase, hold and convey real estate

5. *And be it enacted*, That the body corporate created by this act shall be capable of taking by purchase, gift, devise or bequest, and holding and conveying real or personal estate, moneys or other articles for the uses of said corporation, not exceeding in value ten thousand dollars; and so long as the said real estate, or the income of the same, shall be used exclusively for the purposes of this association; and said real estate shall be vested in and managed by the officers and board of directors of the association.

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

Approved April 3, 1872.

CHAPTER CCCCLXIX.

An Act to incorporate the Pompton Horse Car Railway Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Cornelius A. Wortendike, F. Corporators.

S. Littlejohn, Delos E. Culver, Hezekiah H. Watkins, Isaac Demarest, and such other persons as may be hereafter associated with them, be and they are hereby ordained, constituted and declared a body politic and corporate in fact and in law, by the name of "The Pompton Horse Car Railway Company," ^{Name.} and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the objects of this corporation.

2. *And be it enacted*, That the capital stock of said company shall be twenty thousand dollars, with the privilege of increasing it to fifty 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. ^{Amount of Capital stock.}

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said company, at such time or times and place or places as they or a majority of them may think proper; and as soon as the sum of ten thousand dollars of the capital stock is subscribed for, such commissioners, or a majority of them, shall call a meeting of the stockholders to choose five directors; and such election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said commissioners, or any three of them, shall be inspectors of said first election of directors of said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription book and money paid in, after deducting all expenses previously incurred and a reasonable compensation for their services, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual election of said corporation, shall as soon as may be after 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 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 ^{Commissioners to open books of subscription.} ^{Election of directors.} ^{Vacancies, how filled.}

appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Failure to
elect directors
not to dissolve

4. *And be it enacted*, That the directors of the said corporation shall be five, and in case it shall happen that an election of directors should not be made during the day when pursuant to the by-laws of the said company it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time on giving at least twenty days' notice in one or more newspapers published in the county aforesaid, and the directors for the time being shall continue to hold their office until others shall have been chosen in their place.

Failure to pay
subscriptions
to work for
feiture.

Proviso.

5. *And be it enacted*, That a majority of the directors of said company shall be competent to transact all business of said corporation, and shall have power to call in the stock of said company by such installments, and at such times as they may direct, by giving twenty days' previous notice in two newspapers published in the county of Passaic; *provided*, that no installment shall exceed ten dollars on each share, and that no two installments shall be required to be paid within thirty days of each other; and in case of the non-payment of said installments, or any of them, they shall have power to forfeit the share or shares upon which said default shall arise, to the said corporation; and the said directors shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear useful and proper, touching the management and regulation of the stock, property, estate, effects and business of the said corporation, and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and to fix such salaries to them and to the president as to the said directors shall deem proper.

Authorized to
survey, lay
out and con-
struct a rail-
road.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point at or near the "Norton House," in the township of Wayne, in said county of Passaic, to some convenient point on the New Jersey Midland railway, in the township of Pompton, and with branch roads to connect with any other railroad or railroads in the county of Passaic and in the county of Morris, at or near Beavertown, and to locate and construct

said railroad not exceeding one hundred feet in width ; and it shall be lawful for the said president and directors, their agents, engineers, and others in their employ, to enter at all times upon lands for the purpose of exploring, leveling, surveying and laying out the route of such railroad, and locating the same ; and to make and erect all necessary works, buildings and the appendages thereof, doing no unnecessary injury to private property ; and when the route and location of said railroad shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen and others in their employ, to enter upon, take possession of, hold, use, occupy and excavate any such lands, and erect embankments, bridges, and all other necessary works thereon, and to lay rails, and to do all other things which may be suitable and necessary for the completion or repairs of said railroad, and to carry into full effect the objects of this act, subject to such compensation and upon such terms as are hereinafter provided.

7. *And be it enacted*, That if the said company or its agent or agents cannot agree with the owner or owners of such required land for the use or purchase thereof, or by the reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land so required for the use of said company in the construction of said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of said company, and also the name of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the county in which such lands may be, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of the state, to make publication thereof as he shall direct, for any time not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents of this state, commissioners to examine and appraise the said lands and assess the damages,

May enter on
lands, &c.

Proceedings
in case com-
pany and own-
ers cannot
agree.

upon such notice, not less than ten days, to be given to the persons interested, or otherwise, as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly qualified to administer the same, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands, the said commissioners at the same time taking into consideration all the benefits to be derived from or in consequence of said railroad, as the case may be, to the said owner or owners, and to make a just and equitable appraisal of the value of the same and an assessment of damages to be paid by the said company; which report shall be made in writing, under the hands of said commissioners, or any two of them, and be filed within twenty days thereafter, together with the aforesaid description of the lands and the appointments and oaths or affirmations aforesaid, in the clerk's office of the county in which such lands may be, to remain of record therein; which report, or in case of an appeal, the verdict of a jury and the judgment of the court, and a copy thereof, certified by the clerk of said county (the damages and costs assessed and adjudged being first paid as hereinafter mentioned), shall at all times be considered as plenary evidence of the right of said company to have, hold, use, possess, occupy and enjoy the said lands; and either of the judges of the said court shall, on application of either party, on reasonable notice to the other, tax and allow such costs, fees, and expenses to the judges of the said court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

Proceedings
in case of ap-
peal.

8. *And be it enacted*, That in case the said company or owner or owners of the said lands shall be dissatisfied with the report made by the said commissioners named in the preceding section of this act, the party so aggrieved may appeal to the circuit court of the county in which such lands may be at the first term after filing the said report, by proceeding in the form of petition to the said court, which proceedings shall vest in said circuit court full right and power to direct a proper issue for the trial of the said controversy between

the said parties, and order a jury to be empanelled and sworn, as in other cases, and a view of the premises to be had, if either of the parties desire it, and the issue to be tried at the next term of said court to be holden in said county, upon like notice and in the same manner as other issues in the same court are tried ; and it shall be the duty of the jury to assess the value of the said land and the damages sustained, and if they find a greater sum than the commissioners have awarded or the company may have offered to the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded thereon ; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded or the company offered, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court may direct ; but such application shall not prevent the company from taking the said land, upon filing the said report ; *pro-* Provido.
vided, that in no case whatever shall said company enter upon or take possession of the lands of any person or persons for the purpose of actually constructing said railroad, or of making any erections or improvements whatever, or otherwise appropriating said lands to the use of the company, until they have paid the party or parties entitled to receive the same the amount found by the said commissioners as the value of the said lands or damages ; but in case the party or parties entitled to receive the amount assessed by the commissioners shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state, or under any legal disability, then payment of the amount assessed or found as aforesaid, into the circuit court of the county of Passaic or the county of Morris, where the lands may be, shall be deemed valid and legal payment ; and further, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being debarred thereby from an appeal from the report of the commissioners ; and it shall be lawful for said company, and they are hereby authorized, with their road, to cross the line of any other railroad ; *provided*, that the grade Provido.
of the road hereby authorized, at the point or points of crossing such other railroad, shall correspond with the grade of the railroad so to be crossed or otherwise, at such point or

points, shall be constructed a viaduct of such height as not to interfere with the passage of the trains upon such other railroad.

May purchase equipments, and rates of fare.

Proviso.

Proviso.

Dividends.

May have and hold real estate.

9. *And be it enacted*, That the president and directors of said company shall have the power to have constructed, or to purchase with the funds of the company, and place and use on such railroad, cars, wagons, carriages or vehicles for the transportation of persons or any species of property ; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper ; *provided*, that they shall not charge more than ten cents per mile for each passenger, and fifteen cents per ton per mile for the transportation of every species of heavy merchandise and goods as usually weighed by the ton, in the carriages of the company, and for dry goods and packages such reasonable rates as shall be fixed by the board of directors, or six cents per ton per mile for every ton, and four cents per mile for every passenger carried on said railroad in the carriages of others, and four cents per mile for every empty carriage not the property of the company ; and that the road authorized by this act shall be and is declared a public highway, and free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act ; *provided always*, that the carriages so used thereon shall be of the same description in the formation of wheels, and the length of axles as those used by the company, and shall be regulated as to the time of starting and running and rates of traveling by the company, in the same manner as the carriages of the company are ; and that said railroad and its appendages and the land over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in the said company and their successors, for and during the continuance of this charter.

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

11. *And be it enacted*, That the said company may purchase, have hold and occupy such real estate at or near the commencement and termination of said road, and at such

points along the line of said road as may be necessary for the convenient transaction of business, not exceeding five acres in each place; and may erect and build thereon depots, houses, warehouses, stables, and such other buildings and improvements as they may deem expedient for the safety of their property and the necessary uses appertaining to their business, and shall have the privilege and authority to erect, build and maintain over such streams, canals or water courses as the road may cross, such piers, bridges and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act.

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

13. *And be it enacted*, That when so much of said road is completed as to make it a public convenience, the said company may commence running cars for the transportation of passengers and freight, and enjoying all the privileges and subject to the restrictions created by this act. When to commence running cars.

14. *And be it enacted*, That as soon as the said railroad, or any part thereof, is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount, appendages, and all expenses, in the office of the secretary of state, and annually thereafter on the first Monday in January of each year, he shall, under oath or affirmation, make a statement to the secretary of state, of the cost of equipments, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the costs, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes as may be assessed from time to time by a general law, applicable to all railroads over which the legislature shall have power for that purpose, at the time of the passage of such law or laws; and until the said railroad, or any part thereof, shall be in operation, the said corporation shall be regularly assessed, and pay tax for the value of its real estate, including improvements thereon, and personal property Statement of costs to be made. State tax.

as now taxed in the township wherein it lies, at the same time and rate, and in the same manner, for the purposes, and by the same person or persons, as the other taxes assessed in said township; *provided*, that no other tax or impost shall be levied or assessed upon said company.

Proviso.

Free passes.

15. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors and appeals of this state, the state superintendent of public schools, and the principal of the normal school, whilst traveling for the purposes of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, shall pass and repass on the railroad of said company free of charge during the year or years for which they are elected.

Authorized to issue bonds.

16. *And be it enacted*, That the said corporation shall have power to borrow, after fifty per centum of the capital subscribed shall have been paid, or secured to be paid, such sum or sums of money, from time to time, as shall be necessary to build, construct, or repair such road, and furnish the said company with all necessary rails, buildings, cars, vehicles, and animals, for the use and object of said corporation, and to secure the payment thereof by bond and mortgage, or otherwise, on the said road, land, franchises and appurtenances of or belonging to the said corporation, at a rate of interest not exceeding seven per centum per annum.

May lease or consolidate with any other company.

17. *And be it enacted*, That it shall be lawful for the said corporation, at any time during the continuance of its charter, to lease its road or to consolidate with any other company, and after such lease or consolidation, such company may use and operate said road according to the provisions and restrictions contained in the charter of such company, or the said corporation may make contracts and engagements with any other company or corporations, or with individuals, for operating said railroad, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts, and also to demand and receive for the transportation of all passengers and freight by them carried and transported over the road of any other company, the same rates of tolls and fare as the said company are entitled to demand and receive by virtue of this act, for transportation and passage over their own road.

18. *And be it enacted*, That if the said railroad is not com-

pleted within five years from the fourth day of July next, Time for completion. then and in that case, this act shall be void.

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

Approved April 3, 1872.

CHAPTER CCCCLXX.

A Supplement to "An Act to incorporate the Hoboken Land and Improvement Company," passed February twenty-first, eighteen hundred and thirty-eight.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the said company be and it is hereby authorized to survey, lay out, construct, maintain and operate a railroad not exceeding one hundred feet in width, from some point on their present road, known as the Weehawken Branch Railroad, at or near its intersection with Ferry street, near the foot of the hill, to some point on the company's lands, in the township of West Hoboken, and with the like power to place and run engines and cars thereon, and to demand and take fare, and charge for transportation of passengers, goods, packages, chattels and merchandise on said road, as is given in section one of a supplement to said original act of incorporation, approved March thirteenth, eighteen hundred and fifty-one. Authorized to survey, lay out and construct a railroad.

2. *And be it enacted*, That after said company shall determine the location and route of said railroad, it shall file a map thereof in the office of the secretary of state. Map to be filed

3. *And be it enacted*, That if said road shall cross the lands of any other person or corporation, and the said company cannot agree with the owner or owners thereof for the use or purchase of such portion of the same as shall be required for the use of said road, as shown on said map, or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, such land so required shall and may be taken by said company for the use Proceedings in case company and owners cannot agree.

of said road, upon taking such proceedings in reference thereto, as is prescribed in like cases, in sections five and six of a supplement to the original act of incorporation, approved March eighth, eighteen hundred and sixty; or as is prescribed in section two of a supplement to said original act, approved March thirteenth, eighteen hundred and fifty-one; and for the purpose of carrying into effect the objects of this act, the said company shall be and it is hereby invested with all the rights, powers, authority and privileges given by the said original act of incorporation and the several supplements thereto.

Power to extend railroad

4. *And be it enacted*, That after the completion of the said railroad mentioned in section one of this act, the said company may extend said railroad to a point in the town of Union, or in the township of North Bergen, not farther north than the Hoboken cemetery, and for the purpose of making such extension, said company shall have and exercise all the powers enumerated in sections one, two and three of this act.

May make tunnels.

5. *And be it enacted*, That in constructing said railroad or any extension thereof, the company may make a tunnel wherever they may deem it preferable to an open cut, and that all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved April 3, 1872.

CHAPTER CCCCLXXI.

An Act to incorporate the Belleville Gas Light Company.

Corporators

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Jackson, James H. Van Rensselaer, William H. Webster, Hugh Holmes, S. V. C. Van Rensselaer, John W. Dow, John Eastwood, Cornelius Van Houten, Gasherie De Witt, Robert Osborn, John Spear, Charles H. K. Smith, Thomas Sealey and Joseph A.

Dunbar, and all and every person or persons who may become stockholders in the capital stock hereinafter mentioned, their successors and assigns, are hereby constituted and made a body politic and corporate, in fact and in law, by the name of "The Belleville Gas Light Company," and by the said name said corporation shall have power to sue and be sued, plead and to be impleaded, contract and be contracted with, and to make, manufacture and sell illuminating gas, to be made from coal or other material, for the purpose of lighting roads, streets, buildings, manufactories and public grounds, within the limits of the township of Belleville, in the county of Essex, and that under and by the aforesaid corporate name and style the said corporation shall have perpetual succession, and shall have power and authority to enter into, and to execute any and all contracts, agreements, undertakings and covenants for the furtherance of the objects for which said corporation was created, with power and right to enforce the same, in all proper ways and manners, under the laws of this state; and shall be capable of purchasing, taking and holding any estate, real or personal, and necessary to give effect to the specified purpose of this corporation, for the accommodation of their business and concerns, or which it may be necessary to acquire and hold for the purpose of securing debts, which may become due to it in the regular business of said corporation; and also to purchase and hold any and all patents and patent rights necessary for the purpose of carrying out the object and intent for which such corporation is created.

2. *And be it enacted*, That the said corporation shall be and is hereby empowered and authorized to enter upon and make any and all necessary and proper excavations for the laying down of gas pipes and conductors, and to erect all necessary posts, burners, lights and reflectors in any and all of the roads, streets, highways and public grounds, in the said township of Belleville, and to do all things necessary and proper to be done for the purpose of lighting the same, and the dwellings, and stores and other buildings, in said township; *provided*, that the public travel shall not at any time be unreasonably and unnecessarily obstructed or impeded thereby; and the said corporation shall put and leave such streets, roads, highways and public grounds in as good, perfect and permanent condition as the same were in before the laying of said pipes and erection of said posts.

Name and
powers.

May enter on
lands and
erect posts.

Proviso.

- Capital stock. 3. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, with the privilege of increasing the same to any sum not exceeding two hundred thousand dollars, divided into shares of fifty dollars each, which shall be deemed personal property and transferable on the books of the said corporation, as the said company shall by their by-laws direct.
- Commissioners to receive subscriptions. 4. *And be it enacted*, That James H. Van Rensselaer, John Eastwood, Cornelius Van Houten, John Spear and Charles H. K. Smith, or a majority of them, may open books to receive subscriptions to the capital stock of said corporation, at such time or times, and at such place or places, in the said township of Belleville, as they, or a majority of them, may think proper, by giving notice of the same in a public paper published in the city of Newark, at least two weeks previous to the time appointed; and whenever five thousand dollars of the capital stock shall have been subscribed, and shall be paid or secured to be paid, it shall and may be lawful for the said corporation to commence business; and the above named persons, or a majority of them, may then give notice of a meeting of the stockholders to choose five directors, who shall be stockholders in their own right and name, and all of whom shall be residents of this state; and such election shall be made, at the time and place appointed, by such of the stockholders as shall attend for that purpose either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote, and the above named persons, or a majority of them, shall be inspectors of the first election of directors for said corporation, and shall certify under their hands the names of the persons elected, and thereupon deliver the subscription books to the said directors; said directors shall hold their office for one year, and until others are elected in their stead, and shall fix the time and place of holding the annual meetings for the election of directors, notice of which shall be given in a public paper published in the city of Newark, at least one week before said election, and the directors chosen at any such meeting, shall as soon as may be thereafter, choose out of their own number a president, and in case of the death or resignation of the president, or of any director, such vacancy or vacancies may be filled for the remainder of the year, by a majority vote of said board, and in case of the absence of the president, the said board or a majority of them, may appoint a president pro tempore,
- Election of directors.
- Vacancy, how filled.

who shall have such powers and functions as the by-laws of said corporation shall provide.

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

6. *And be it enacted*, That a majority of the directors of said corporation shall be competent to transact all business, and shall have power to call in the capital stock of said company in such installments, and at such times as they may direct, not exceeding ten per centum at any one time, and not less than thirty days after the previous installment, and in case of non-payment of any such installments, or any one of them, to forfeit the share or shares upon which such default shall arise; and also, to make and provide such by-laws, rules and regulations, as to them shall appear needful, touching the management of the stock, property, estate and effects of said corporation; and further, shall have power to elect or appoint as many officers, superintendents, agents, clerks and servants, as to them shall seem meet; and to establish and fix their salaries, and that of the president, and have full power and authority from time to time, to open the books for further subscriptions, until the whole capital stock is taken. Failure to pay subscriptions to work for forfeiture.

7. *And be it enacted*, That if any person or persons shall wilfully injure any conduit, pipes, gasometer, or other things appertaining to the works of the company, or obstruct the same, the person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine, not exceeding two hundred dollars, or imprisonment, not to exceed one year, or both; *provided*, no such criminal prosecution shall impair the right of the company for damages by a civil suit. Penalty for injuring works

8. *And be it enacted*, That the said corporation are hereby authorized and empowered to enter into contract with any other company to furnish said corporation with gas for the purposes before mentioned on such terms as may mutually be agreed on. May make contracts.

9. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary or expedient, and to mortgage their property and franchises, or otherwise to secure the pay- May borrow money.

ment thereof, and to execute all necessary securities therefor, with interest thereon not exceeding seven per centum per annum, and to sell and dispose of any bonds, obligations or assurances which they may issue, to secure the payment of the money so borrowed as aforesaid, at any rate of price they may be able to obtain for the same, without said obligations being in any way invalidated thereby.

Books of account to be kept

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

Limitation.

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

Approved April 3, 1872.

CHAPTER CCCCLXXII.

A Further Supplement to the act entitled "An Act to create from parts of the town of Orange and the townships of Caldwell and Livingston, in the county of Essex, a new township to be called the township of Fairmount," approved March eleventh, anno domini eighteen hundred and sixty-two.

Township committee may borrow money and issue bonds

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of improving the streets, public roads and highways of the township by macadamizing, grading and paving the same or otherwise, under the direction and control of the township committee, and also for the purpose of improving the sidewalks in said township, under the like direction and control, by curbing the same or otherwise, the township committee are hereby authorized to borrow any sum or sums of money not exceeding in the aggregate the sum of seventy-five thousand dollars, and to secure the repayment of the same, with interest at the rate of

seven per centum per annum, at such time or times, and in such manner, as to said township committee may seem proper, by the bonds of the township, to be signed by the chairman of the township committee and township clerk, and to be sealed with the common seal, and it shall be the duty of said township committee to determine on or before the first Monday in June in each year what sum will be necessary to be raised in that year for the purpose of paying said interest, and any of said bonds that may become due in said year, ^{Or Payment of bonds.} or of creating or making payments into a sinking fund for the payment and extinguishment of said bonds at maturity; which sum when so determined shall be assessed and collected in the same manner, but without any additional compensation, as any other road taxes are or shall be; *provided*, that in no ^{Proviso.} case shall the principal of said bonds, or any part thereof, so issued by the township committee, become due and payable before the first day of June, in the year of our Lord one thousand nine hundred and two.

2. *And be it enacted*, That the township committee shall, ^{Improvement of streets, &c.} from time to time, determine in what manner any street, road or highway, or any part or parts thereof, shall be so improved, and shall by ordinance, order and direct the same to be done.

3. *And be it enacted*, That it shall and may be lawful for ^{Committee to sell bonds.} the township committee, aforesaid, from time to time, to sell and dispose of their coupon bonds issued, or to be issued by them, by virtue of the first section of this act, at such market rates as can be obtained for the same, not less than ninety-five per centum of the par value of the same.

4. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.
Approved April 3, 1872.

CHAPTER CCCCLXXIII.

A Further Supplement to the act entitled "An Act constituting a public road board for the laying out, constructing, appropriating, improving and maintaining public carriage roads in the county of Essex," approved March thirty-first, one thousand eight hundred and sixty-nine.

- Board may lay out and construct avenues, &c.
1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for "The Essex Public Road Board" to lay out and construct the avenues named in and authorized by the act supplemental to the act to which this is a further supplement, which said supplemental act was approved March twenty eighth, eighteen hundred and seventy-one, or any or either of them, in sections of so much of said avenues, or any of them, as the said board may determine upon; and any of said sections may, in the discretion of the said board, be first surveyed, laid out, constructed, appropriated and improved; and the damages for the land and property taken therefor may be appraised, and the benefits assessed and collected as provided by law in respect to the whole of said avenues, before the residue or remaining part or parts of any or either of them shall be so surveyed, laid out, constructed, appropriated or improved; *provided*, that it shall not be lawful for said board to lay out or construct any or either of the avenues in said supplement authorized or any part or parts thereof within the limits of the town of Orange, or township of South Orange, nor to assess any property in said town or township, for laying out, constructing, appropriating improving or maintaining thereof.
- Proviso.
- Repealer.
2. *And be it enacted*, That all acts and parts of acts so far as they conflict with the provisions of this act, be and the same are hereby repealed, and that this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved April 3, 1872.

CHAPTER CCCCLXXIV.

A Further Supplement to the act entitled "An Act to revise and amend the charter of the town of Orange," approved March third, anno domini eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the county of Essex, which is now included within the limits of the town of Orange, shall henceforth be called and be known by the name of "The City of Orange;" and that all the inhabitants of said state, residing within said limits, shall henceforward be known under and by the corporate name of "The City of Orange," and, by that name, shall succeed to and have all the rights, franchises, powers and privileges conferred upon them in and by the said act, and shall become and be absolutely vested with, possess and enjoy all the lands, tenements, property, rights, causes of action, and every kind of estate whatsoever, both in law and in equity, and in remainder, and in possession, which were vested in and belonged to the said town of Orange; and that all contracts or other agreements, and all bonds or obligations for the payment of money, shall relate to and bind the said city in the same manner as though it had been originally a party thereto; and that all actions or proceedings of any kind had or taken, in any court or other place whatsoever, in behalf of or against the said town of Orange, shall succeed to and be continued by or against the said city; and that all ordinances heretofore passed by the common council of the said town, shall hereafter be deemed and taken, in all places whatsoever, to have been passed by the common council of said city.

2. *And be it enacted*, That it shall be lawful for the board of health of said city, in cases of emergency, and where it shall be stated in writing, by two practicing physicians of the city, to be necessary for the preservation of the public health, to order and cause any place or places of business, or of public or private resort, or any dwelling or other building, or any part or parts thereof, in which there shall be any per-

son or persons sick or infected with small-pox or other contagious or pestilential disease, to be partially or entirely closed, shut up, vacated, cleansed or purified, in such manner as to said board of health may, from time to time, seem expedient; and to carry and remove, or cause to be carried and removed, any sick or infected person or persons to a pest house, to be provided by the common council for that purpose, and to detain such person or persons in said pest house until all danger of contagion or infection shall, in the opinion of the health physician of the city, have ceased; and the said board shall also have power to cleanse, purify or destroy any clothing, furniture, or other personal property, which, in the opinion of said health physicians, is likely to spread such disease, making compensation therefor to the owner or owners thereof, when the value shall be ascertained and determined by said board, in such manner as to them shall seem proper.

Penalty for resisting or obstructing execution of the orders of board of health.

3. *And be it enacted*, That any person or persons who shall resist, hinder or obstruct in any way, the execution of any order or direction of the board of health, or its authorized agent, under and by virtue of the provisions of the next preceding section, or shall refuse or neglect to obey any such order or direction, shall be deemed and held to be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the common jail of said county, for any term not exceeding thirty days, or by a fine, not exceeding fifty dollars, or by both, at the discretion of the court.

Certain ordinances repealed.

4. *And be it enacted*, That a certain ordinance of the common council of the said town of Orange, entitled "An ordinance to lay out and open Wallace street from Park street to Day street," which was passed and approved on the second day of August, anno domini eighteen hundred and sixty-nine; and all resolutions, assessments, reports, maps, and other documents and proceedings of every kind whatsoever, had or made in pursuance of said ordinance, or in any way relating thereto, shall be and the same are hereby repealed, vacated and set aside, and declared to be null and void, as fully to all intents and purposes as though the same had never been passed, had or made; and that it shall be lawful for the common council of the said city to pass, alter and repeal any new ordinance or ordinances, resolution or resolutions in relation to the laying out and opening of said street, by that or any other name, and for the said common council,

Council may pass, alter and repeal ordinances.

and for the board of assessment of said city to make, alter, adopt and confirm any new assessment or assessments, report or reports, map or maps, in relation thereto, in the same manner and with the same effect, in every particular, as though the first mentioned ordinance had never been passed.

5. *And be it enacted*, That the rate of interest on taxes and assessments for improvements hereafter to be made and levied, shall be one centum per month, from and after the time when the same shall become due and payable, and that the exemption from any general tax for regulating, cleaning and keeping in repair the streets, highways, side and cross-walks, and public grounds of said city, mentioned in the fourth section of the certain supplement to said act, which was approved on the twenty-seventh day of March, anno domini, eighteen hundred and seventy-one, shall be and the same is hereby extended to the owner or owners of any and all lands and real estate on the line of any street, or part of any street, which shall be hereafter macadamized to any width not less than twenty feet, under and in pursuance of an ordinance of the common council, where such owner or owners shall have duly paid his, her or their respective assessment or assessments for such macadamizing, with all interest, fees and costs thereon; and that it shall be lawful for said common council to pass, alter and repeal any and all such ordinance or ordinances as they shall think proper to prohibit, prevent or restrain the erection or use of any stable or stables, building or buildings, of any kind whatsoever, for the accommodation of cattle, horses, swine or other animals, upon any lands and premises within forty feet of any dwelling or of the line or lines of any street or streets in said city.

6. *And be it enacted*, That the said common council shall have power to borrow, from time to time, any further sum or sums of money, not exceeding in the aggregate the sum of ten thousand dollars, to be used in the permanent improvement of the streets and highways of said city, and to secure the repayment of the same, together with legal interest thereon, in such manner and upon such terms as to the said common council may seem proper, by the issuing of bonds, to be signed by the mayor and countersigned by the clerk, and to be sealed with the common seal of said city.

7. *And be it enacted*, That the clerk of said city of Orange shall publish all proposed ordinances and notices of meetings of boards of assessment one week in both of the newspapers published.

now published in said city; that the collector of said city shall advertise all assessments at least two weeks in said newspapers; the clerk, collector and other officials of said city shall publish all official notices in both of said newspapers; and that the aforesaid notices shall have the same force and effect and be equally as binding as the notices now required to be published in one of the papers of said city.

Repealer.

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

Approved April 3, 1872.

CHAPTER CCCCLXXV.

An Act to enable the trustees of Tinton Falls School District, Number Seventy-eight, in the township of Shrewsbury, in the county of Monmouth, to purchase land and erect a school house thereon, and to raise money to pay for the same.

Trustees authorized to purchase and hold land and erect school house.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the trustees of "Tinton Falls School District, Number Seventy-eight," described in the title to this act, be and they are hereby authorized to purchase and to hold in their corporate name, a suitable lot of land, and to erect thereon a building for the public school in said district, with the necessary fences, out-houses and conveniences, and to provide said school with proper furniture, apparatus and fixtures; and to pay the costs and expenses thereof, the said trustees are hereby authorized to borrow such sum or sums of money as may be necessary, not exceed three thousand dollars in the whole.

May issue bonds.

2. *And be it enacted*, That for the purpose of securing the repayment of said loan, the said trustees may issue coupon bonds in their corporate name, to the lenders of said moneys,

of such denominations as the said trustees shall deem proper, but not exceeding five hundred dollars each, and which shall bear interest at the rate of seven per centum per annum, payable yearly; and the sum of five hundred dollars of the principal of said bonds shall be made payable in each and every year after the date of issue thereof; and the said bonds may be sold or disposed of by said trustees, at not less than their par value, and the proceeds from the sale or disposal thereof shall be immediately paid over to the township collector to be by him accounted for and paid over as other public school moneys are now or may hereafter be accounted for and paid over.

Proceeds, to
whom paid.

3. *And be it enacted*, That to provide for the said yearly payment of five hundred dollars of principal of said bonds, and all interest accruing upon the same, the trustees of the said school district shall, on or before the twentieth day of May, in each and every year hereafter, certify under their hands to the assessor of taxes for the township of Shrewsbury, the amount which will be necessary to pay the interest money due on the bonds issued under this act, as also the amount of the principal due during the ensuing year; which sum the said assessor is hereby authorized and required, when making his yearly assessment of taxes, to assess as a special tax upon the personal property of the inhabitants of said district, and upon the real estate situate within said district, in the same manner as other township taxes are or shall be assessed; which special tax shall be, by the officer now or hereafter provided by law for the collection of the taxes for said township, collected at the same time, and in the same manner as other township taxes are or shall be collected; and shall be by him accounted for and paid over in the same manner as other public school moneys are now or may hereafter be accounted for and paid over.

Yearly pay-
ment of bonds
how assessed
and collected.

4. *And be it enacted*, That for performing the duties required in this act, the assessor and collector shall be entitled to receive ten cents, and no more, for each person assessed under the provisions of this act, and the assessor is hereby authorized and required to levy and assess the same upon the taxable real and personal property of said district.

Compensation
of assessor and
collector.

5. *And be it enacted*, That this act shall not take effect until ratified by two-thirds of the legal voters of said district, who may vote at a meeting to be specially called by the district clerk of said district, who shall give due notice of the

Act not to
take effect un-
til ratified by
legal voters.

time and place of holding the same in said district, at least ten days prior thereto, by public notice posted in five of the most public places in said district, stating the object of the same.

Approved April 3, 1872.

CHAPTER CCCCLXXVI.

An Act to provide for a free bridge across the Passaic river,
at North Belleville.

Preamble.

WHEREAS, by an act of the legislature of the state of New Jersey, entitled "An Act to incorporate the North Belleville Bridge Company," approved March second, anno domini one thousand eight hundred and forty-eight, said bridge company were authorized to build a bridge over the Passaic river, at or near Brower's store, above the village of Belleville, in the county of Essex, and at or near Brown's ship-yard, in the county of Hudson (now Bergen); and whereas, said bridge company have built said bridge; and whereas, in consequence of the increasing population of those parts of the counties of Essex and Bergen adjacent to said bridge, it is desirable to have free communication between said counties, and to extinguish, by purchase, the right of said bridge company to build and maintain a toll bridge over the Passaic river; therefore, to enable the said objects to be carried out and accomplished,

Commissioners authorized to contract for purchase of bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That three chosen freeholders of the county of Essex, and three chosen freeholders of the county of Bergen, or a majority of them, be hereby appointed commissioners, with full power and authority, by contract with said company, to purchase and acquire, for the public use of the counties of Essex and Bergen, the toll bridge now erected across the Passaic river, at North Belleville, for the lowest price for which the same can be obtained.

2. *And be it enacted*, That in case no agreement for such

purchase can be made with said corporation, the said commissioners shall thereupon proceed to estimate and determine the fair and just value of said bridge, having first given at least thirty days notice in writing, of the time and place when and where the said commissioners will meet to hear any representations on behalf of the said corporation, or of the boards of chosen freeholders of said counties in relation to the matter, which notice shall be served upon the president of said corporation, and also upon the directors of the respective boards of chosen freeholders of said counties of Essex and Bergen; and shall also be published in two newspapers, one published in the county of Essex, and one in the county of Bergen, for the space of three weeks successively prior to said meeting, at least once in every week; and said meeting shall be adjourned from time to time, at the discretion of said commissioners; and so soon as they shall have determined upon the said valuation they shall prepare and sign two certificates thereof, and file the same, one in the office of the clerk of the county of Essex, and one in the office of the clerk of the county of Bergen; and immediately upon the payment to the said "The North Belleville Bridge Company," of the amount of the said valuation, or in case they will not receive the same, upon the deposit of the same in such trust company or savings institution as any justice of the supreme court shall direct, the title to and right of possession of the said bridge shall become vested in the respective boards of chosen freeholders of the said counties, for public use, in the same manner as if the same had been erected by said boards in pursuance of law; and it shall thereafter be lawful for said boards of chosen freeholders to erect and maintain a bridge over the said river at the place where the present bridge is located.

3. *And be it enacted*, That in case the said corporation or the boards of chosen freeholders of the counties of Essex and Bergen, or either of them, shall conceive themselves aggrieved by the action of said commissioners, they may appeal therefrom to the supreme court of this state at any time within sixty days after the filing of the said certificates as aforesaid, and the said court shall order a jury to assess the value of the said bridge, the trial whereof shall be conducted as in other cases of trial by jury, and the final judgment of said court shall be conclusive as to the said valuation, and the amount already paid or deposited as said valuation,

Commissioners to proceed to estimate value of bridge in case of non-agreement.

Title vested.

Proceedings in case of appeal.

- Proviso. shall be increased or diminished accordingly; *provided*, that in case of appeal by said boards, or either of them, and also by said corporation, but one issue shall be framed and one jury ordered for the trial thereof, and that the place of the trial of such appeal shall be fixed by said court.
- Expenses to be paid by Essex and Bergen counties. 4. *And be it enacted*, That the amount agreed upon or finally awarded as aforesaid for the purchase of said bridge, with the expenses incident thereto, shall be paid equally by the respective boards of chosen freeholders of the said counties of Essex and Bergen to said commissioners to be applied by them to the purposes provided for in this act.
- Commissioners to take oath. 5. *And be it enacted*, That before entering upon the duties hereinbefore specified, the said commissioners shall take and subscribe an oath before some person having authority to administer the same, that they will faithfully and impartially perform the duties required of them by this act; and the said
- Compensation commissioners shall be entitled to receive five dollars per day for the time necessarily employed by them in the duties imposed by this act.
6. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.
- Approved April 3, 1872.

CHAPTER CCCCLXXVII.

An Act to provide for a free bridge over the river Passaic at Belleville, in the county of Essex.

- Preamble. WHEREAS, in consequence of the increasing population of that part of the counties of Hudson and Bergen lying on the east bank of the river Passaic, and the increasing travel over said river to and from the township of Belleville and the city of New York, it is desirable to have free communication by bridges between the township of Belleville and the east bank of said river opposite thereto, and to extinguish by purchase all exclusive privileges in building and maintaining a toll bridge over said river enjoyed by "The

Belleville Bridge and Turnpike Road Association;" therefore, to enable the same objects to be carried out and accomplished,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the respective boards of freeholders of the counties of Hudson, Bergen and Essex shall at their regular meeting held in the month of April next ensuing the passage of this act, and if such regular monthly meeting of such board is not held, then at a special meeting of such board to be called during said month for that purpose, appoint a special committee of three of the members of the boards of Hudson and Bergen counties respectively, and six of the board of Essex county, as commissioners, with full power and authority, by contract with "The Belleville Bridge and Turnpike Association," to purchase and acquire for the public use of the counties of Hudson, Bergen and Essex, the toll bridge now erected across the Passaic river opposite the Mansion House, in the township of Belleville, together with the franchise enjoyed by the said association, to establish and maintain said bridge, for the lowest price for which the same can be obtained; and in case the said committee so appointed by the said board of freeholders of said counties of Hudson, Bergen and Essex cannot agree with said association to purchase and acquire said bridge and franchise within one month after said committee shall have been appointed, then the said association shall make application to one of the justices of the supreme court of the state of New Jersey, giving at least ten days' notice of the time and place, when and where, such application will be made to the director of said boards of chosen freeholders respectively, for the appointment by such justice of three disinterested freeholders, one from each of said counties, as commissioners to estimate and determine the fair and just value of said bridge and franchise; and the said commissioners, having first been duly sworn before said justice or a supreme court commissioner, faithfully and impartially to estimate and determine the fair and just value of said bridge and franchise, shall thereupon proceed to make such estimate and determine the fair and just value of the said bridge and franchise, having first given at least twenty days' notice in writing of the time and place when and where the said commissioners will meet, to hear any representations on behalf of the boards of freeholders of said counties, and of said association, in relation to the matter, which notice

Boards of freeholders to appoint commissioners.

Power to contract for purchase of bridge.

Proceedings in case of non-agreement.

shall be served upon the directors of the respective boards of chosen freeholders of the said counties of Hudson, Bergen and Essex, and also upon the president of said association, and also published in two daily newspapers, one published in the city of Newark, and one in the city of Jersey City, for the space of ten days prior to said meeting; and said meeting may be adjourned from time to time, at the discretion of said commissioners, but not beyond the period of three months from the time of their appointment; and as soon as said commissioners shall have determined upon the said valuation, they shall prepare and sign three certificates thereof, and file the same, one in the office of the clerk of Hudson, one in the office of the clerk of Bergen, and one in the office of the clerk of Essex; and immediately upon the payment to the said "The Belleville Bridge and Turnpike Road Association" of the amount of the said valuation, or in case they will not receive the same, upon the deposit of the same in such trust company or savings institution as any justice of the supreme court shall direct, the title to and right of possession of the said bridge shall become vested in the respective boards of chosen freeholders of the said counties for public use in the same manner as if the same had been erected by said boards in pursuance of law; and it shall thereafter be lawful to erect and maintain a bridge over the said river between the said counties in such mode as may be provided by law.

2. *And be it enacted*, That in case the said association or the board of chosen freeholders of the counties of Hudson, Bergen and Essex, or either of them shall conceive themselves aggrieved by the action of said commissioners, they may appeal therefrom to the supreme court of the state, at any time within sixty days after the filing of the said certificates as aforesaid; and the said court shall order a jury to assess the value of the said bridge and franchise, the trial whereof shall be conducted as in other cases of trust by jury, and the final judgment of said court shall be conclusive as to the said valuation, and the amount already paid or deposited as such valuation shall be increased or diminished accordingly; *provided*, that in case of appeal by said boards, or either of them, and also by said association, but one issue shall be framed and one jury ordered for the trial thereof, and that the place of the trial of such appeal, whether made

Three certificates to be made and filed

Title vested.

Proceedings in case of appeal.

Proviso.

by the said boards of freeholders or by the said association, shall be in the county of Essex.

3. *And be it enacted*, That the amount agreed upon or finally awarded as aforesaid for the purchase of said bridge and franchise, with the expenses incident thereto, shall be paid by the respective boards of chosen freeholders of the said counties of Hudson, Bergen and Essex, in proportion of one half by the county of Essex and one quarter by each of said other counties; and the said boards of chosen freeholders are respectively hereby authorized, empowered and required, if it be necessary so to do, to borrow from time to time in the names of said respective boards, by the issue of bonds, to be signed by their respective directors and countersigned by the respective collectors of said counties, and payable at any time not exceeding ten years, and bearing interest at the rate of seven per centum per annum, all such sums of money as may be required to pay the valuation and expenses aforesaid, which sums of money shall be paid over to said commissioners to be applied by them to the purposes provided for in this act; and the moneys necessary for the redemption of the said bonds, with the interest to accrue thereon, shall be raised by county taxes from time to time, in the same manner as other taxes are raised in said counties.

Expenses to
be paid by Es-
sex, Hudson
and Bergen
counties.

May issue
bonds.

4. *And be it enacted*, That the said commissioners shall be entitled to receive five dollars per day for the time necessarily employed by them in the duties imposed by this act.

Compensation

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

Approved April 3, 1872.

CHAPTER CCCCLXXVIII.

An Act to enable the Trustees of School District, Number Thirty-four, in the township of Manalapan, in the county of Monmouth, to raise money to pay for the erection of a school house.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of School District, Number Thirty-four, in the township of Manalapan, in the county of Monmouth, be and they are hereby authorized to borrow any sum not exceeding eight hundred dollars in the whole, and to issue bonds in the corporate name of the said trustees for the payment of the moneys so borrowed, with interest as hereinafter provided.
2. *And be it enacted*, That the bonds to be issued as aforesaid shall not exceed in the aggregate the sum of eight hundred dollars of principal, and shall be of such denomination as the said trustees shall deem proper, and shall bear interest at the rate of seven per centum per annum, payable yearly or half-yearly, as the said trustees shall determine, and the said sum, not exceeding four hundred dollars of the principal of said bonds, shall be made payable in each and every year after the date of issue thereof; and the said bonds may be sold and disposed of by the said trustees at not less than their par value; and the said bonds shall be registered in a book kept by said trustees for that purpose, and shall be assignable in law.
3. *And be it enacted*, That to provide for the payment of the principal of said bonds, and of all interest accruing on the same, it shall be the duty of the said trustees of said School District Number Thirty-four to apportion the amount of money necessary to be raised for that purpose, which apportionment shall be made on or before the twentieth day of May, in each and every year, and they shall certify to the assessors of the taxes of the township of Manalapan, in the county of Monmouth, on or before the first day of June in each and every year, the amount which will be necessary to pay the principal and interest which will become due on said

May borrow
money and is-
sue bonds.

Amount of
bonds to be
issued.

Principal,
when payable.

Trustees to
apportion
amount.

bonds during the ensuing year; which sum of money, so as aforesaid certified, the said assessor is hereby authorized and required to assess as a special tax upon the personal property of the inhabitants of said school district, and upon the real estate situate within said school district, in the same manner as township taxes shall be assessed; which special tax shall be collected upon a duplicate thereof delivered to the collector of said township of Manalapan by said assessor at the same time and in the same manner as township taxes shall be collected, and shall be accounted for and paid over by the said township collector to the trustees of said school district on or before the first day of March next after the same shall be collected; and the moneys so raised, assessed, collected and paid over to said trustees, shall be by them applied to the purposes authorized by this act, until all the bonds to be issued by virtue of this act shall have been fully paid.

Assessment
and collection
of special tax.

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

Approved April 3, 1872.

CHAPTER CCCCLXXIX.

A Supplement to an act entitled "An Act to alter and amend the charter of the city of Bordentown, in the county of Burlington."

WHEREAS, it is deemed essential in order to promote the growth and prosperity of the city of Bordentown, that every proper encouragement should be given and held out to capitalists and others to establish manufactories within the corporate limits thereof; and whereas, a majority of the taxable inhabitants of said city believe that this desirable purpose can be effected by giving to the common council thereof power and authority to release from municipal taxation all manufacturing establishments hereafter to be established in said city; therefore,

Preamble.

Power of
council to re-
lease all man-
ufactories
from municip-
al taxation
for a term of
years.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this supplement, it shall and may be lawful for the common council of said city, and they shall have full power and authority to release from all municipal taxation all manufactories of every kind and description hereafter to be established therein, where the actual capital invested therein exceeds the sum of ten thousand dollars, for a term of years not exceeding ten years, to be determined and fixed by said common council; and that from and after the passage and recording of said release and exemption as aforesaid, it shall not be lawful during the continuance of said term to assess, collect or exact the payment of any taxes whatever for municipal purposes from any such manufactories thus established, or from any capital employed therein.

Release or ex-
emption to be
recorded.

2. *And be it enacted*, That in each and every case where the common council of said city shall make such release or exemption, they shall cause the same to be, within ten days thereafter, recorded by the recorder of said city, and the same shall, during said term of exemption, be considered, taken and construed by all courts as a full and legal exemption from all such municipal taxation.

How con-
strued.

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

Approved April 3, 1872.

CHAPTER CCCCLXXX

An Act to authorize the building of a bridge over the Passaic river.

Boards of
freeholders
may build and
construct
bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the boards of chosen freeholders of the counties Passaic and Bergen, to build and construct, or cause, or permit to be built and constructed, a bridge across the Passaic river from the point of intersection of the center line of Brook avenue

with said river, in the village of Passaic, in the county of Passaic, over to a point on the easterly shore of said river, in the county of Bergen, so as to intersect Riverside avenue at a point near Mankato avenue, in the township of Union, in said county of Bergen, and to place in said bridge a draw for the passage of vessels navigating the said river, of such width, and in such position in said bridge as is required by the act entitled "An Act regulating the draws of the bridges now erected, or to be erected over the Passaic river," passed February twenty-fourth, eighteen hundred and forty-three.

2. *And be it enacted*, That it shall be the duty of the directors of the said respective boards of chosen freeholders upon the application in writing subscribed by three freeholders of the county of Passaic, and by three freeholders of the county of Bergen, specifying the business, object and purpose of calling the said boards together, forthwith to convene a special meeting of the said boards to be held at the village of Passaic, upon the same notice as is required by the tenth section of the act entitled "An Act to incorporate the chosen freeholders in the respective counties of the state," revision, approved April sixteenth, eighteen hundred and forty-six; and the said boards when so convened shall meet and organize in joint convention, in reference to the construction of said bridge, and the kind of bridge to be constructed, shall be valid and binding, upon the said boards of chosen freeholders of the said counties respectively; the expense of building such bridge shall be equally borne by the said counties of Passaic and Bergen.

Special meeting of boards of freeholders.

Expenses for building bridge by whom paid.

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

Approved April 3, 1872.

CHAPTER CCCCLXXXI.

Supplement to the act entitled "An Act to reorganize the local government of Jersey City," passed March thirty-first, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of public works shall have power to appoint an officer to be styled "Registrar of the Water Works," who shall hold his office for one year, commencing April first, at a salary not exceeding three thousand dollars per annum, who shall perform the duties heretofore required to be performed by the city collector and the city comptroller, in reference to water rents, interest and penalties thereon, "Jersey City Water Scrip," and interest thereon, and all receipts and expenditures in relation to the "Jersey City Water Works;" his office shall be in such place as the board of public works may assign, where he shall be in attendance during such hours as the said board may require.

2. *And be it enacted*, That the city treasurer shall deposit in a designated city depository, all moneys paid to him by the said registrar, on account of the Jersey City water works, and shall keep the same separate and distinct from the general funds of the city and shall disburse the same only in payment of claims against the Jersey City water works and in the manner prescribed in section one hundred and thirty-four of the act to which this is a supplement, the registrar performing the duties of the comptroller with respect to water accounts.

3. *And be it enacted*, That the said registrar shall give such bond for the faithful performance of his duties, as the board of finance and taxation may require.

4. *And be it enacted*, That all acts or parts of acts conflicting with this act, be and are hereby repealed, and that this act shall take effect immediately.

Approved April 3, 1872.

Registrar,
term of, com-
pensation and
duties.

Treasurer to
deposit all
moneys in a
city deposi-
tory.

Registrar and
clerk to give
bonds.

Repealer.

CHAPTER CCCCLXXXII.

A Further Supplement to "An Act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter and until otherwise provided for by law, the salary of the mayor of the city of Hoboken shall be one thousand dollars per annum; that the salary of the recorder of the said city shall be fifteen hundred dollars per annum, and that each of the councilmen of the said city shall hereafter receive a compensation of four hundred dollars per annum, all of said salaries to be payable in equal quarterly payments. Salaries of mayor, recorder and councilmen.

2. *And be it enacted*, That hereafter and until otherwise provided for by law, the term of office of collector of revenue of the city of Hoboken shall be three years from the first day of May, eighteen hundred and seventy-two, and that the said collector be and he is hereby empowered to appoint an assistant at a salary not exceeding fifteen hundred dollars per annum, and that the council shall have power to appropriate the necessary sum to pay said salary from the contingent fund of said city of Hoboken; and the collector of revenue shall be responsible to the said mayor and council for the proper discharge of the duties of his assistant, and shall be liable to be sued on his bond for any neglect of the duties or for any defalcations in the collection of the revenue of said city. Term of office of collector of revenue. May appoint assistant.

3. *And be it enacted*, That the mayor and council of said city shall have the power to raise the sum of two thousand dollars in addition to the amount specified in the "Supplement to the 'Act to incorporate the city of Hoboken,' " which supplement was approved April sixth, eighteen hundred and seventy-one, and said money shall be expended for the purposes therein expressed. Mayor and council may raise money.

4. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of the foregoing act, be and the same are hereby repealed. Repealer.

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

Approved April 3, 1872.

CHAPTER CCCCLXXXIII.

An Act to enable the Trustees of School District Number Eighty-four, of the county of Warren, situate in the township of Pahaquarry, to purchase land and erect a school house thereon, and to empower them to raise money to pay for the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of School District Number Eighty-four, of the county of Warren, situate in the township of Pahaquarry, in the county of Warren and state of New Jersey, described in the title of this act, be and are hereby authorized and empowered to purchase and hold in their corporate name a suitable lot of land, and to erect thereon a building for the public school of the said district, together with the necessary fences, outhouses and conveniences, and to provide the said school with proper furniture, fixtures and apparatus; and to pay the costs and expenses thereof, the said trustees are hereby authorized and empowered to borrow such sum or sums of money, not exceeding five hundred dollars in the whole, as may be necessary to pay for the same, and to secure the payment of the amount so borrowed by a bond, executed under the seal of the said corporation, and signed by the district clerk, and to secure the payment of the said bond by a mortgage upon the said lot of land and the appurtenances thereto, payable the one-half with interest, in one year, and the other half with interest, in two years from the date of the said bond and mortgage; *provided*, that the said trustees shall be first authorized to borrow said sum of money by the vote of a majority of the legal voters of the said district present at any meeting called for that purpose by the said trustees, upon five days' notice of such meet-

Trustees empowered to purchase a lot and erect a school house.

May borrow money and secure same by bond and mortgage.

Proviso.

ing, said notice to be put up in three public places in the district, and to specify the object of the meeting.

2. *And be it enacted*, That it shall be the duty of the trustees of the said school district to make out and deliver to the assessor of the said township of Pahaquarry, in which the said district is situate, on or before the twentieth day of May, eighteen hundred and seventy-two, a statement of the one-half of the said sum to be raised and paid, viz: a sum not exceeding two hundred and fifty dollars in amount, with the interest due and to accrue thereon from the first day of April, eighteen hundred and seventy-two, to the first day of April, eighteen hundred and seventy-three, which said sum the said assessor shall assess on the inhabitants of the said school district and their estates, and the taxable property therein, in the same manner as township taxes are assessed; and the said money shall be assessed, levied and collected at the time and in the same manner that other township moneys are assessed, levied and collected; and it shall be the duty of the collector of the said township of Pahaquarry, in which the said district is situate, to pay over to the district clerk of the said school district, on the order of the said trustees thereof, the said sum of money to be used for the purpose of paying the said one-half sum aforesaid; and it shall be the duty of the trustees of the said school district to make out and deliver to the assessor of the said township of Pahaquarry, on or before the twentieth day of May, eighteen hundred and seventy-three, a statement of the remaining half of the said sum of money, viz. the sum of two hundred and fifty dollars, with all the interest due and to accrue thereon from the first day of April, eighteen hundred and seventy-two, to the first day of April, eighteen hundred and seventy-four, which the said assessors shall assess in the same manner as is herein above provided for the assessment of the first half of the total amount by this act provided for, to the use of the said school district; and the said last named half of the said sum, with interest as last aforesaid, shall be assessed, levied, collected and paid over in the same manner as the said first half of the said total amount is herein directed to be assessed, levied, collected and paid over; and the said money so collected shall be used to pay and discharge the remaining indebtedness due from the said school district for the purposes set forth in the first section of this act.

Trustees to
make out
statement to
assessor.

Assessment
and collection
of tax, and to
whom paid.

3. *And be it enacted*, That in all elections to be held in

Inhabitants to
determine
how much
money to be
raised.

the said district for the purpose of raising money to keep up and maintain a school in the said district, and for school purposes and expenses generally, it shall be lawful for the inhabitants of the said district to determine, by a majority vote of the legal voters present at any meeting called for that purpose, how much money shall be raised for the purposes in this section mentioned; and the sum so ordered to be raised by a majority of the voters present, shall be as legal and binding upon the inhabitants of the said district as if it had been ordered to be raised by two-thirds vote of the voters present at any such meeting; and all sums of money ordered to be raised at any such meeting shall be assessed, levied, collected and paid over in the same manner as is provided for in the general school law of the state, and the several supplements thereto.

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

Approved April 3, 1872.

CHAPTER CCCCLXXXIV.

An Act to authorize the mayor and council of the city of Hoboken to borrow money for the payment of existing debts and liabilities, and to issue bonds for the same.

Authorized to
issue bonds

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and council of the city of Hoboken to issue coupon bonds under the corporate seal of said city, and the signature of the said mayor for an amount of money not exceeding three hundred thousand dollars, in such sums and payable at such time or times, not exceeding thirty years, as they may deem expedient, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually; and to pledge the property and credit of said city for the payment of the same, which said bonds it shall be lawful for the said mayor and council, their successors or assigns, to sell and assign,

and for any vendee or assignee to purchase and hold; *pro-* Provido.
vided, that said bonds shall not be sold by said mayor and
 council for less than ninety-seven and a half per centum of
 the par value thereof; and that the mayor and council shall
 give at least twenty days notice by advertisement in at least
 three newspapers, to be designated by the council of the time
 and place at which sealed proposals for the purchase of such
 bonds will be received; and that said bonds shall be sold to
 the highest bidder or bidders.

2. *And be it enacted*, That each of said bonds issued under Bonds to show
 and by virtue of this act, shall show upon the face thereof what fund or
 what particular fund or indebtedness the money raised or indebtedness
 borrowed thereon is to be applied to. applied to.

3. *And be it enacted*, That it shall be the duty of the said Proceeds, how
 mayor and council to apply the net proceeds of the said bonds applied.
 to the payment of such indebtedness as now exists, and can
 not be lawfully paid by the proceeds of any bonds now au-
 thorized by law.

4. *And be it enacted*, That the said mayor and council Payment and
 shall have power, by ordinances, to provide by taxation for interest of
 the payment of said bonds and the interest thereon, as the bonds to be
 same shall become due. provided for
by taxation.

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

Approved April 3, 1872.

CHAPTER CCCCLXXXVII.

An Act to incorporate Saint Peter's College, in Jersey City,
 New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of*
the State of New Jersey, That John Bapst, Joseph Shea, Corporators.
 Henry Hudon, Victor Beaudevin and John McQuaid, mem-
 bers of the society of Jesus, and their successors in office, as
 hereinafter provided for, being a society of religious men,
 living in community, and devoted to religious and charitable

Name and powers.	works and the education of youth, be and they are hereby constituted a body politic and corporate, by the name, style and title of "Saint Peter's College, Jersey City, New Jersey," and by that name to have perpetual succession, the right to sue and be sued, to contract and be contracted with, to make and use a common seal and to alter and renew the same at pleasure, and to acquire, have, hold, possess, use and enjoy by purchase, gift, grant, devise or bequest any real estate or personal property, for the uses and purposes of their incorporation, and to let, lease, sell, grant, alien and convey or otherwise dispose of any of said real estate or personal property, as to them may appear most advantageous for promoting the purposes of their incorporation, and to possess, enjoy and exercise all the rights, powers and privileges of corporations conferred by law or by the statutes of this state; <i>provided</i> , that no person shall be or remain a corporator except regular members of said religious society, living in community and governed by the laws thereof.
Proviso.	
Object.	2. <i>And be it enacted</i> , That the essential objects of said corporation shall be the establishment, maintenance and support, within the state of New Jersey, of parochial and grammar schools, and a college for the education of youth, and of churches for divine worship and the conducting of services therein; and the said corporation shall have power to organize a faculty in said college, who may appoint professors and provide instruction in the arts, sciences, law, literature and medicine, and who shall have the power to confer proper degrees in the same upon graduates of said college, and also to confer honorary degrees in the same upon any other person they may deem entitled to receive them, and to exercise all the powers, functions and prerogatives of a university.
First board of trustees.	3. <i>And be it enacted</i> , That the persons hereinbefore named shall be and act as the first board of trustees of the said corporation, and shall continue to act as such during their natural lives, or until resignation or removal, as hereinafter provided; and that they shall have full power to adopt and enforce by-laws, rules and regulations, not inconsistent with the laws of this state or of the United States, or with the constitution of their own order, as they may deem advisable for the government of the property, business and affairs of said corporation, in order fully to execute and carry into
May adopt by laws.	

effect the purposes of this act; that they shall have power to remove any one of their number by a vote of the majority of the board, and to appoint his successor, and to fill any vacancy in their number arising from any cause whatever, but failure so to elect or appoint trustees shall not work a forfeiture of this charter or the dissolution of the corporation hereby created, or of the privileges hereby granted; a majority of the whole board shall constitute a quorum for the transaction of business; they and their successors duly appointed as hereinbefore provided, shall have full power over and control of all the property, real and personal, of this corporation, which is hereby vested in them, and full power of disposal of the same, and the property, real and personal, of this corporation shall be exempt from taxation, not to exceed fifty thousand dollars in valuation.

4. *And be it enacted*, That no misnomer of the said corporation or their successors shall defeat or annul any gift, grant, devise or bequest to or for the said corporation; *provided*, that the intent of the party or parties making such gift, grant, devise or bequest shall appear on the face of the deed, will, grant or other writing, whereby any estate or interest was intended to pass to or for the said corporation.

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

Approved April 3, 1872.

CHAPTER CCCCXCII.

An Act for the relief of the owners of the Morris Academy.

WHEREAS, the building known as the Morris Academy, and the lot of land whereon the same stands, situate on the northeast side of South street, adjoining the residence of Mrs. Blachley, in the borough of Morristown, in the county of Morris, is the property of a great number of owners, who hold the same as tenants in common as representatives of the original shareholders thereof, many of which owners

are now unknown, or if known, cannot now be found, by means whereof such of the owners as are known are deprived of, or embarrassed in, the enjoyment of their rights of ownership therein; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any suit or proceedings which may at any time be brought or instituted by any person being or claiming to be the owner, legal or equitable, of any share or interest of or in the said lot of land, in the court of chancery of this state, for the partition of the same, it shall be lawful for the said court to assume and exercise jurisdiction of such suit or proceeding, and of said lot of land and of the owners thereof, and to proceed therein to the partition or sale of said lot of land as the circumstances of the case may require, and according to the practice of said court, without having all the owners of said lot of land first ascertained and brought before the court by the regular process of subpoena or publication; and any decree for the partition or sale of said lot of land, which may be made by said court, in any such suit or proceeding, shall have the same force and effect, in all respects, against all and every the owners, whether legal or equitable, of said lot of land, as if such owners had been first ascertained and brought before said court by due process of law, according to the practice of said court; and any conveyance made to the purchaser or purchasers of said lot of land, under the order of said court, in said suit or proceeding, shall vest in the purchaser a good and perfect estate in fee simple in said premises, free and clear of and from all claims and demands of every other person or persons owning or claiming to own any right, title, share or interest, whether legal or equitable therein.

Court of chancery to have jurisdiction of any suit for partition of land.

Decree for partition or sale to have force and effect.

Conveyances to vest title.

Court may order publication notifying persons claiming to be owners, &c.

2. *And be it enacted*, That it shall and may be lawful for said court, in every such suit or proceeding, to order publication to be made, in such manner and form, and for such a length of time, as the court shall think proper, notifying all persons claiming to be the owners of or interested in said lot of land, or any share thereof generally, and without naming such owners or claimants, or any of them, within a certain time by said court to be fixed, to appear to such suit or proceeding, and to answer the bill of complaint therein, and to stand to and abide such decree as the court may make therein, and such publication shall take the place of and have

the same force and effect as the ordinary process of said court, and it shall not be necessary to issue any subpoena to answer therein, or to make any other order of publication therein, except as hereafter provided.

3. *And be it enacted*, That at the expiration of the time limited by the said order of publication hereinbefore mentioned, and upon due proof of the publication of the notice therein provided for, in accordance with the terms thereof, it shall be lawful for said court to proceed in said suit as in other cases, and to hear and determine the same according to the practice of said court, and to ascertain, as nearly as practicable, who are the owners of said lot of land, and the share or shares of each owner therein; and if in the course of said suit it shall appear to the court that the owner or owners of any share or shares, of or in said lot of land, cannot be ascertained or determined, or the whereabouts of any owner or owners of any share or shares be unknown, it shall be lawful for said court to distribute the proceeds of the sale of said lot, if a sale thereof shall be ordered, among the owners from time to time, so far as the same may be ascertained and appear to claim the same, and to order publication to be made, in such manner and for such a length of time as the court shall think proper, notifying all persons claiming any ownership, title, share or interest in said lot of land, to appear and prefer their said claim, and prove the same, within such time and in such manner as the court shall direct; and it shall be lawful for the court to order and direct that such proceeds be divided among such persons as shall be found by the court to be the owners of said lot of land, and shall appear to claim the same under the order of the court, in proportion to the amount of their several interests so ascertained, and upon such terms as the court shall impose and direct.

Court may proceed to hear and determine suit, &c.

Distribution of proceeds of sale, how made.

Court to order division among claimants.

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

Approved April 3, 1872.

CHAPTER CCCCXCIII.

A Further Supplement to an act entitled "An act to incorporate the town of Harrison," approved March twenty-fifth, one thousand eight hundred and sixty-nine.

Amendment: 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-four of the act to which this is a further supplement, be amended by striking out the words, "some of the owners," inserting in the place thereof, the following words, "the owners of a majority of the lineal frontage."

Repealer. 2. *And be it enacted*, That the provisions of any act inconsistent with this act are hereby repealed.

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

Approved April 3, 1872.

CHAPTER CCCCXCV.

An Act to provide and maintain a Home for the Friendless in the city of Newark.

Preamble. WHEREAS, a number of persons, inhabitants of the city of Newark and its vicinity in this state, have formed an association or society, assuming the name of "The Association to provide and maintain a Home for the Friendless," the object of which is to save children and other erring persons from a life of vice and sin, to educate and train them up to lives of usefulness and industry, and to secure for them proper homes and employment; and whereas, it is apprehended that the objects of the said association will be promoted by an act of incorporation,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas B. Peddie, James L. Hayes, William M. Pierson, David C. Dodd, jun., Mrs. Mary H. Crane, Mrs. Ann Degroot, William Price, Elias Francis, Benjamin F. Atha, Mrs. Osee M. Fitzgerald, Mrs. Catharine Boylan, Marcus L. Ward, Lewis Heller, Cyrus Edwards, Elkanah Drake, Mrs. Eliza S. Skinkle, Mrs. Eliza A. Sanders, J. M. Ward and their associates are hereby constituted a body corporate and politic, in fact and law, by the name of "The Association to provide and maintain a Home for the Friendless," in the city of Newark, and by that name they and their successors shall have perpetual succession, power to sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places, 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 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.

Corporators.

Name and powers.

Proviso.

2. *And be it enacted*, That the property, estate and concerns of the said corporation shall be conducted by a board of eighteen trustees, to be elected by a plurality of ballots of such persons as by the constitution and by-laws of said association, are or shall become members thereof and present at such election; which election shall be held on the first Monday in March of each and every year after the present year; *provided however*, that the persons whose names are herein above mentioned shall constitute the board of trustees of said corporation until the first Monday of March, in the year one thousand eight hundred and seventy-three; and shall be arranged into classes of six persons each; the first six persons herein named to compose the first class, the second six the second class, and the third six the third class; the members of the first class shall go out of office on the first Monday of March, one thousand eight hundred and seventy-three; those of the second class, on the first Monday of March, one thousand eight hundred and seventy-four; those of the third

Board of trustees.

Proviso.

class, on the first Monday of March, one thousand eight hundred and seventy-five; on the first Monday of March, one thousand eight hundred and seventy-three, and on each and every year thereafter, there shall be elected six trustees, to succeed those whose term of office shall expire, who shall hold their office for three years, or until others shall be elected in their stead; which elections 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 board 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; *and further provided*, that if an annual election shall not take place on the stated day for that purpose, the said corporation shall not thereby be dissolved, but the members of said board shall continue in office until a new election, which shall be had at such time and place, and after such notice as the said board shall prescribe.

Proviso.

Election of
board of lady
managers.

3. *And be it enacted*, That for the purpose of assisting said board of trustees, and in order the more effectually to attain the objects of said corporation, there may be elected, at the first or at any subsequent election of trustees in manner aforesaid, in such manner as said board shall prescribe, a board of lady managers, consisting of thirty or more persons, who shall hold office for the time, and in the manner directed or to be directed by the constitution and by-laws of said association.

Trustees to re-
ceive all child-
ren commit-
ted as va-
grants, &c.

4. *And be it enacted*, That said board of trustees shall have power, in their discretion, to receive and take into their home to be established by them all such children as shall be taken up or committed as vagrants or convicted of criminal offences, within the limits of the city of Newark, as may in the judgment of the court of oyer and terminer and general jail delivery, the court of general quarter sessions in and for the county of Essex, or of any special or other police justice or justices of the city of Newark be proper objects; and the said board of trustees shall have power to place the said children committed to their care during the minority of such children, at such employments, and to cause them to be instructed in such branches of useful knowledge as shall be suitable to their years and capacities; they shall have power, in their discretion, to bind out the said children, with their consent, as apprentices or servants, during their minority, to

Children to be
instructed.

such persons and at such places, to learn such proper trades and employments, as in their judgment will be most for the reformation and amendment, and the future benefit and advantage of such children; and amongst the common covenants in the indentures made and agreed upon between the parties, shall be inserted a clause, that the person, persons or firm, to whom any child or children shall be bound as aforesaid, shall cause such child or children to be taught to read and write.

May bind out to trades.

5. *And be it enacted*, That if any child shall be found in said city of Newark in a state of want and suffering, or being abandoned or improperly exposed or neglected by its parent, parents, or such other person as may have it in charge, or soliciting charity from door to door, or in any street, highway or public place in said city, such child shall be deemed a vagrant for the purposes of this act only, and the special police justice or justices aforesaid, on competent proof thereof, complaint having been made to him or them by a lawfully authorized agent of said board of trustees, shall commit such child to said board, whose powers and duties over and in respect of said child, shall be the same as in the cases hereinbefore specified.

Police Justices may commit children to custody of trustees.

6. *And be it enacted*, That said board of trustees shall have power to receive and take as aforesaid all such children as may be voluntarily entrusted to them, in writing, by their parents or guardians, and such other destitute, friendless and erring females as may apply to them, and be deemed by said trustees proper objects for relief.

Trustees may receive and take destitute females, &c.

7. *And be it enacted*, That said board of trustees shall have power, whenever any child entrusted or committed to their charge shall be found to have become so degraded and debased as to be an improper object for their care and management, to return such child to the parent, guardian or other person entrusting it to them in manner aforesaid, or to the committing court or justice, which court or justice shall have the same power to sentence or otherwise dispose of said child, as they would have possessed under any law of this state or ordinance of the city of Newark aforesaid, before the committing of said child to said board of trustees.

Trustees may return child to parents or guardians.

8. *And be it enacted*, That said board of trustees may from time to time make by-laws, ordinances and regulations relative to the management and disposition of the property, estate and concerns of said corporation, and the management, gov-

May make by-laws.

ernment, instruction, discipline, employment and disposition of said children while under their care, not contrary to law, as they may deem proper, and may choose and appoint such officers, agents and servants as they may deem necessary to transact the business of said corporation, and may designate their duties.

Act, how construed.

9. *And be it enacted*, That this act shall be and is hereby declared a public act, and that the same shall be construed in all courts and places benignly and favorably for every humane and laudable purpose therein contained.

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

Approved April 4, 1872.

CHAPTER DII.

A Supplement to an act entitled "A supplement to an act entitled 'A supplement to an act to establish a new township in the county of Union, called the township of Linden,' approved March seventeenth, one thousand eight hundred and seventy," approved April fifth, eighteen hundred and seventy-one.

Board may lay out and locate any street or highway.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The Linden Road Board" created by and under the provisions of the act to which this is a supplement shall have power, and they are hereby authorized to lay out and locate any street or highway in said township, under the provisions of the tenth section of the act to which this is a supplement, without assessing the damages and benefits accruing as specified in the eleventh section of said act, and file a map of the same in the clerks office of the county of Union, within ten days after the resolution of said board to lay out and locate any such street; and the said board, for the time being, at any time after, may assess the damages and benefits which will accrue from the opening of such road in accordance with the provisions of the eleventh

Assessment of damages and benefits.

section of said act; *provided*, that no damages shall be allowed Proviso. to any person or persons for or on account of any damage to, or removal of any building or buildings which shall be by such person or persons erected within the lines of any such street, after the map of the same has been filed in the office of the clerk of Union county, in accordance with the provisions of this act.

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

Approved April 4, 1872.

CHAPTER DIII.

A Supplement to the act entitled "An Act to create a road district in Lebanon and Bethlehem townships, in the county of Hunterdon," approved April sixth, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the privileges of the act to which this is a supplement be, and the same is hereby extended to the said road from Foss' brook to the Musconnetcong creek, at Bowlby's Mill, and all roads or streets in the villages of Junction and New Hampton. Privileges extended.

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

Approved April 4, 1872.

CHAPTER DIV.

A Further Supplement to the act entitled "An Act to incorporate the city of Salem," approved February twenty-fifth, anno domini eighteen hundred and fifty-eight.

Amount of money to be raised by tax not to exceed a certain sum. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and common council of the city of Salem, shall not at any time in any one year hereafter, borrow money on the faith and in the name of said city, on bond, note, or other security, the receipts whereof together with the sums which have been ordered by them to be raised by tax for defraying the necessary expenses of said city, in the same year shall in the whole exceed the sum of forty-five cents on every hundred dollars of taxable property of all kinds in said city.

Amendments proposed to charter to be advertised and posted. 2. *And be it enacted*, That no amendment shall hereafter be made to the act entitled "An Act to incorporate the city of Salem," approved February twenty-fifth, anno domini eighteen hundred and fifty-eight, and the various supplements thereto, unless the nature, object and substance of said proposed amendment shall be made public for at least six weeks prior to the meeting of the legislature of this state, by advertisements to be posted in ten or more of the most public places in said city where advertisements are usually posted, and also published for the same space of time in both of the public newspapers published in said city of Salem.

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

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

Approved April 4, 1872.

CHAPTER DV.

A Further Supplement to an act entitled "An Act to authorize the board of chosen freeholders of Hudson county, to establish a jail and county work-house at the county farm in said county."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall be the duty of the committee on the penitentiary, of the board of chosen freeholders of the county of Hudson, to assign to the warden of the said penitentiary, or some other officer thereof, the keeping of a correct, impartial daily record of the conduct of each prisoner and of his labor, whether satisfactory or otherwise; and it shall be the duty of the said warden to see that the said record is regularly made and preserved under his care.

Record of conduct and labor of prisoners to be kept.

2. *And be it enacted*, That whenever the said committee or a majority of the members thereof, shall be satisfied that the said record is properly kept, they shall in their discretion direct the warden, for every month of faithful performance of assigned labor by any convict in the penitentiary, to remit to him two days of the term for which he has been sentenced, and for every month of continuous orderly deportment two days; *provided nevertheless*, that in any month in which a convict shall have merited and received punishment no such remission of sentence shall be made; and in case of any flagrant misconduct by any prisoner, it shall be lawful for the said committee, or a majority thereof to declare a forfeiture of the time previously remitted to him, either in whole or in part, as to them shall seem just.

Committee may remit number of days, &c.

Proviso,

3. *And be it enacted*, That if any person who has partaken of the clemency of this act shall be again convicted and sentenced either to the jail or the county farm called the county penitentiary or to the state prison, he shall, in addition to his said sentence, be required to serve out the number of days remitted to him or her on the previous term.

Persons convicted to serve out time remitted previous term.

4. *And be it enacted*, That all sentences of imprisonment in the said penitentiary, made by any court in the county of

Sentences of imprisonment how construed

Hudson for any term, shall be construed to be made under and subject to the provisions of this act.

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

Approved April 4, 1872.

CHAPTER DVI.

An Act to extend the provisions of an act entitled "An Act to prevent horses, cattle, sheep and swine from running at large in the township of Clinton, in the county of Essex," and in certain other townships therein named.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "An Act to prevent horses, cattle, sheep, and swine from running at large in the township of Clinton, in the county of Essex," and in certain other townships therein named, approved March fourth, one thousand eight hundred and fifty-eight, be and the same are hereby extended to the township of Washington, in the county of Morris.

Approved April 4, 1872.

CHAPTER DVII.

A Further Supplement to an act entitled "An Act to incorporate the city of Bridgeton."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person, persons or corporation, who may establish a manufacturing business within

the corporate limits of the city of Bridgeton, after the approval of this act, and who shall have filed an affidavit in the mayor's office of said city, that they have established a manufacturing business within the corporate limits of said city, and that they have invested in said manufacturing business at least ten thousand dollars, and desire to enjoy the advantages of this act, then and in that case, all such capital so invested in said manufacturing business shall be exempt from all city taxes for the term of ten years from the date of filing said affidavit.

Capital invested in manufacturing business exempt from all city taxes for a term of years.

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

Approved April 4, 1872.

CHAPTER DVIII.

Supplement to an act entitled "An Act to facilitate judicial proceedings in the county of Middlesex," approved February twenty-fourth, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sixth section of the act to which this act is a supplement, be and the same is hereby amended so as to read, "and said presiding judge shall thereupon call a court of special quarter sessions, to be composed of himself and one or more other judge or judges of the said county."

Amendment.

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

Approved April 4, 1872.

CHAPTER DIX.

An Act to amend an act entitled "A further supplement to an act entitled 'An Act to create from part of the town of Orange in the county of Essex, a new township to be called the township of East Orange,'" approved March fourth, eighteen hundred and sixty-three, which supplement was approved March first, eighteen hundred and seventy-two.

Repealer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "and the several sums so from year to year assessed, are hereby made a lien upon the property against which they may be assessed from the time of such assessment, and shall be collectable at the same time, in the same manner, and by the same means, as the ordinary taxes of the township," as they occur together near the end of the sixth section of the supplementary act recited in the title to this act, be and the same are hereby stricken out and repealed; and the following words, that is to say, "the said assessment shall have the same force and effect, and be collected at the same time and in the same manner as the other taxes collectable by law within said township for county and township purposes, but until the actual levy of such assessment, neither the liability to assessment in this section created, nor the apportionment nor record thereof, shall be held or construed to create a subsisting encumbrance upon the title to the lands embraced in said apportionment," shall be inserted in and shall become part of said section, in lieu of the words so stricken out and repealed.

Apportionment may be reduced or modified. 2. *And be it enacted*, That at the meeting provided for in the sixth section of said supplemental act, at which parties interested in said apportionment may be heard, it shall be lawful for any such person interested in such apportionment to show cause why the amount apportioned upon his or her lands shall not be reduced or modified; and it shall be the duty of the township committee to reduce or modify the same in case they shall deem it just so to do.

Repealer. 3. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act, or of said supplementary

act as hereby amended, be and the same are hereby repealed, and that the amendments hereby made in and to said supplementary act shall be construed with said act and as making part thereof, and this act shall take effect immediately.

Approved April 4, 1872.

CHAPTER DX.

An Act relative to Railroads in the county of Passaic.

WHEREAS, by the provisions in the acts incorporating certain railroad companies, to lay out and construct railroads in Passaic county, the time for commencing, or completing said roads has expired without said roads being commenced or completed, and the said acts have thereby become forfeited and void; and whereas, it is for the benefit of said county that said railroads should be constructed, therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said acts be and they are hereby revived, and the time for the commencement of said roads is hereby extended to the first day of January, eighteen hundred and seventy-three, and for the completion thereof, until the first day of January, eighteen hundred and seventy-five.

2. *And be it enacted*, That the Ringwood Valley Railroad Company may, if they shall choose to accept the provisions of this act, lay out and construct their said railroad from the Ringwood mines in Passaic county, to some point on the Montclair Railway, distant not more than five miles from said mines, instead of to the Morris canal.

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

Approved April 4, 1872.

CHAPTER DXI.

An Act to amend the charter of the city of Plainfield.

Corporate name.	1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That all the inhabitants residing in the territorial limits of the present city of Plainfield, in the county of Union, be and are hereby ordained, constituted, and declared to be one body politic and corporate, in fact and in name, by the name and style of "Inhabitants of the City of Plainfield."
City officers.	2. <i>And be it enacted</i> , That hereafter there shall be chosen, in said city from among the citizens thereof, one mayor, one city judge, eleven members of the common council, one assessor, one collector, one treasurer, two chosen freeholders, two constables, two justices of the peace, one clerk for each election district, three judges of election for each election district, and three commissioners of appeals; the annual
Annual election.	election in and for said city shall be held on the first Tuesday of December of each and every year, and at such place or places as the common council shall direct or appoint, of which time and place or places, the clerk of said city shall cause public notice to be given by advertisement, to be set up in at least five public places in said city, and published in two newspapers, if so many there be printed therein, at least ten
Time and place of holding first election.	days previous to the date of such election; at the first election of officers, after the passage of this act, which shall be held on the first Tuesday of May next, there shall be elected in said city by the legal voters thereof, from among the citizens of the same, all of the officers of the city government, excepting the mayor, enumerated in this section, and the term of office of each and all of the officers then elected shall expire at noon of the first Monday of January, eighteen hundred and seventy-three, and at the annual election to be held on the first Tuesday of December of each and every year, there shall be elected all of the officers of the city government excepting the mayor, enumerated in this

section, and the officers chosen at such elections shall enter upon and hold office from noon of the first Monday of January following their election, until noon of the first Monday of January of the next succeeding year; at the annual election to be held on the first Tuesday of December, eighteen hundred and seventy-two, there shall be chosen one mayor, to hold office from the first Tuesday of May, eighteen hundred and seventy-three, until noon of the first Monday of January, eighteen hundred and seventy-five, and after the year eighteen hundred and seventy-two, the mayor shall be elected biennially, and shall serve for two years.

3. *And be it enacted*, That the poll of each election shall be opened at seven o'clock in the forenoon, and closed at seven o'clock in the afternoon, and the three judges of election in each election district, shall be the officers of said election; and in case of the absence, death, disability or refusal to serve of any of said officers of election, on the day of election, the lawful voters present shall elect, viva voce, a person or persons to supply such vacancy or vacancies; that the name of each voter at such election shall be written on the poll list by the clerk, and after the poll shall be closed the said judges of election shall immediately 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 the terms specified in this act.

4. *And be it enacted*, That the mayor shall be the chief executive officer of the city, and shall see that the laws of the state and the ordinances of the city are faithfully observed therein; he may recommend the common council to pass such measures as he may deem necessary or expedient for the welfare of the city; he shall maintain peace and good order therein, and in case of a riot or tumultuous assembly, may take command of the police force of the city to suppress it; in case of persons violating or being suspected by him of violating any criminal laws of this state, or penal ordinance of the city, he shall possess the same power and authority which justices of the peace possess in criminal cases; he shall

Election of
mayor and
term of office.

Elections,
how held and
by whom.

Duties and
powers of the
mayor.

sign all licenses directed to be issued by the common council, and all bonds, obligations or other evidence of indebtedness issued by the city.

Appointment
of officers by
common
council.

Proviso.

5. *And be it enacted*, That the common council shall have power to appoint, from time to time, a city clerk, a street commissioner, an overseer of the poor and such other subordinate officers as they shall think necessary for the governing of said city; *provided*, that no appointment of officers herein named shall be valid unless made by a vote of a majority of all the members of said common council; every person who shall be appointed to any office under the provisions of this act, shall be a resident and elector of said city, and may continue in office until removed therefrom by a vote of a majority of all the members of the common council, or until another person is appointed to succeed him.

Who entitled
to vote.

6. *And be it enacted*, That all persons residing in said city, entitled to vote by the constitution of this state at elections by the people, shall be entitled to vote at all elections under this act, and the said citizens so entitled to vote, shall be capable of holding any office created by this act of incorporation, with the exception that no person shall be elected or serve as mayor or common councilman unless he shall have resided in said city at least one year immediately preceding said election.

Duties and
powers of
common coun-
cil.

Proviso.

7. *And be it enacted*, That the persons elected for members of the common council, or a majority of them, shall have the power from time to time and at all times hereafter, to hold a common council within said city, at such time and place as may be appointed by the ordinances and resolutions of the said common council; to meet upon their own adjournments, and to call special meetings by request of any three members of said council in writing, addressed to the clerk of said council, or by order of the president of said council, and that the whole legislative power of the corporation of said city shall be exclusively vested in the said common council; *provided*, that no ordinance or by-law shall be at any time enacted or passed, altered or repealed, except by a concurrence of at least six members of said common council, and unless the same shall have been introduced before the said common council at a previous meeting.

8. *And be it enacted*, That the mayor of said city shall, before he enters upon the duties of his office, take and sub-

scribe before a judge of the court of common pleas of the county of Union, or any officer authorized to administer the same, an oath or affirmation that he will faithfully and justly perform all the duties of said office to the best of his ability; and that the city judge, members of the common council, clerk, assessor, collector, treasurer, street commissioner, judges of election, commissioners of appeal, and all other officers appointed or elected by virtue of this act, shall, before they enter upon their respective duties, take and subscribe before the said mayor, who is hereby authorized to administer the same, the like oaths or affirmations; and it shall be the duty of the said clerk to file and preserve the said oaths and affirmations in his office; and all such oaths or affirmations shall be taken within five days after the day of election or appointment.

Officers to take and subscribe oath.

9. *And be it enacted*, That in the absence of the mayor, the city judge of said city shall administer such oaths and affirmations of office as the mayor is authorized by this act to administer; and during such absence the other official duties of the mayor shall be discharged by the president of the common council.

City judge to administer oath in absence of the mayor.

10. *And be it enacted*, That in case of a vacancy happening in any office created and made elective by this act, by death, resignation, removal, or otherwise, except in officers of election, on the day of election it shall be filled by the said common council within thirty days thereafter, and the said appointment shall continue until the next annual election, and no longer.

Vacancies, how filled.

11. *And be it enacted*, That the treasurer and collector of said city, before they enter upon their respective offices, shall each execute a bond to the inhabitants of the city of Plainfield, conditioned for the true and faithful performance of all the duties of their said offices in such sums and with such freehold security as the common council shall approve and direct.

Treasurer and collector to give bonds.

12. *And be it enacted*, That the clerk, judges of election, assessor, collector, and commissioners of appeal, shall respectively possess the power and perform the duties of like officers in any township of this state, so far as shall be consistent with the provisions of this act; and in addition thereto, the city clerk shall attend all meetings of the common council of said city, keep accurate minutes of their proceedings,

Duties and powers of officers.

City clerk.

and insert the same in a book to be provided for that purpose, and in like manner record all ordinances passed by the common council, and shall do and perform all such other duties as the said common council may from time to time prescribe, and the power and duties of the treasurer and street commissioner, if not otherwise provided for in this act, shall be those enjoined by the ordinances of the said common council.

Treasurer.

13. *And be it enacted*, That it shall be the duty of the treasurer of said city to receive and pay out all moneys belonging to the said city, under the direction and by authority of the said common council; to make out annually, on the second Tuesday in December, or oftener, should the said common council so require, and publish in two newspapers printed in said city, if so many there be, a detailed and true statement of all moneys received into the treasury, and of all moneys disbursed therefrom, from the commencement of his official year to the date aforesaid.

Ordinances.

14. *And be it enacted*, That it shall and may be lawful for the common council of said city to pass such ordinances or by-laws as to them shall seem meet and necessary for regulating, leveling, grading, paving, graveling, cleansing and keeping in repair the streets, roads, highways, alleys and cross walks in said city; *provided*, that the expense of paving any street, road, highway or alley with stone or wood shall be equitably assessed upon and paid by the owners of property fronting thereon; for preventing or removing all obstructions, encroachments, encumbrances and nuisances, or any of them, from the streets, roads, highways, sidewalks, alleys, enclosures and lots in said city; for ascertaining and establishing the grades and boundaries of all streets, alleys and sidewalks in said city; for causing the territory embraced within the boundaries of said city to be accurately surveyed and mapped for roads, streets and avenues; and for establishing lamp and police districts within said city, and provide for assessing within each respective district, the cost of lighting, and maintaining police patrol, either or both, within such districts; for curbing, grading, paving, flagging, graveling, cementing or planking sidewalks in said city; for preventing or removing all obstructions, impediments, encumbrances or nuisances on any street or street-crossing, caused by any railroad company or its agents; for preventing persons from riding, driving, or passing over or upon the sidewalks, except when necessary to cross the same, with horses,

Paving
streets, &c.

Proviso.

To prevent
obstructions.

wagons, carts, or carriages of any description ; for lighting the streets and alleys in said city ; for preventing or regulating the running at large of horses, cattle, goats, geese, dogs and swine ; for preventing the immoderate riding or driving through or in any street or alley of said city ; for keeping sidewalks and gutters free from snow, ice and other impediments ; to enact health laws, and establish a board of health ; to provide Health laws. for the relief of the poor and for the establishment and maintenance of an almshouse or workhouse, and a city hospital, and to direct and order what persons shall be placed therein and for what length of time ; for preventing or suppressing any riots, routs, disturbances, breaches of the peace, or disorderly assemblages, in any street, alley, house or place in said city ; for sinking and regulating pumps, wells and cisterns, in the streets or enclosures of said city for the extinguishing of fires ; for regulating fire-engine, hose and truck companies ; for the prevention and suppression of fires ; for regulating the keeping of gunpowder and other combustible or dangerous materials ; for cleansing of chimneys and regulating the same ; for appointing policemen, regular or special watchmen, and other subordinate officers, and prescribing their powers, duties and compensation ; for regulating weights and measures ; for establishing and regulating one or more public pounds ; for Establish and regulate public pounds. restraining vagrants, mendicants and street beggars ; for erecting, repairing and regulating a city hall and city jail ; for assessing and collecting taxes ; for regulating and conducting city elections ; for preserving peace and good order ; for preventing or suppressing all gaming and disorderly houses ; for regulating or preventing the carrying on of any trade, business or manufacture likely to promote or cause fires, or otherwise to endanger the health or well-being of the inhabitants of said city ; to regulate and control the manner of erecting dwelling houses and other buildings, and to prohibit within certain limits, to be from time to time by it prescribed, the building or erection of any dwelling house, store, stable or other building of wood or other combustible materials ; to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things in such manner as to be dangerous ; for the sewerage or drainage of said city ; for laying down iron, lead, glass, wood or other pipes, for the conveyance of water or gas in the streets, highways, alleys and sidewalks of said city, and for regulating the same ; for the pro-

Regulate and
protect shade
trees.

ection and regulation of shade trees; for the suppression and punishment of vice and immorality; for licensing taverns and saloons; and the said common council shall or may enact or pass such and so many other ordinances or by-laws for the peace, good government, order, well-being and convenience of the said city as they may deem necessary, proper and expedient, not repugnant to this act, or to the constitution of this state, or of the United States.

Duties and
powers of off-
icers.

15. *And be it enacted*, That the justices of the peace, chosen freeholders, commissioners of appeal, inspectors of elections, assessor, collector, constables, pound-keepers and the overseer of the poor shall perform such duties as by the laws of this state now appertain to and devolve upon such officers in the townships of this state, subject to the provisions of this act or any ordinance or ordinances passed by virtue thereof; and the collector of revenue shall pay over all moneys received by him for the city, as soon as collected, to the treasurer of said city, who shall pay over to the treasurer of the state, or to the collector of Union county, the full quota of taxes required by law to be raised in said city for state and county purposes, so far as the same may have been collected.

Collector of
revenue.

Title of ordi-
nances.

16. *And be it enacted*, That the ordinances of the common council of said city shall begin in the following manner, to wit: "The Inhabitants of the City of Plainfield, by their Common Council, do enact as follows."

Amount of
money for city
purposes, how
raised.

17. *And be it enacted*, That it shall and may be lawful for the common council of said city to order and cause to be assessed and raised by tax, any one year, such sum or sums of money as may be necessary for the support of the city poor, and such further sum, not exceeding ten thousand dollars, as they shall deem expedient, for the current expenses of said city, and for all other objects and purposes authorized by this act, which amount shall be 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 taxes, which taxes, when collected, shall be paid into the hands of the treasurer of said city, and be subject to the order of the said common council.

May prescribe
penalties for
violation of
ordinances.

18. *And be it enacted*, That the common council may prescribe, by ordinance, fines and penalties for the violation of any of its ordinances; *provided, however*, that the amount of fine shall in no case exceed the sum of one hundred dollars,

Proviso.

or the term of imprisonment twenty days, preserving the right of trial by jury, if demanded by the defendant, in all cases where the punishment prescribed may be imprisonment, or the amount of the fine exceeds the sum of twenty dollars; all suits for the enforcement or violation of ordinances shall be brought before the city judge, or in the event of his absence or inability to act, from sickness or otherwise, then the said suit shall be brought before the mayor; and the proceedings before the mayor shall be conducted in the same manner as before the city judge, and the said mayor, for the purposes of such trials, shall possess all the powers vested in the city judge; the judgments rendered by the city judge, or the mayor when acting in the absence of the said judge, may be executed by any policeman of said city, and in the manner prescribed by the warrant, writ, execution or other process issuing out of the said court, and the said policeman to whom such process shall be delivered, shall execute the same and make return thereof as set forth in such process, and the city judge or the mayor shall have power to commit to the jail of the county of Union, and the jailor of said county shall receive and safely keep all persons who may be committed to the jail of said county by the city judge or mayor, for the term expressed in the warrant of commitment, and all the expenses of keeping such persons shall be borne and paid by the said county of Union; the process and proceedings requisite for the proper and efficient execution of the provisions of this section shall be those specified in an act entitled "An Act constituting courts for the trial of small causes," as far as the same may be applicable, and said act for such purposes, shall constitute and form a part of this act.

City judge, his powers,

19. *And be it enacted*, That the city judge shall have all powers in criminal matters that justices of the peace in and for the several counties of this state now have, and shall have like powers as are given to the mayor, to cause to be arrested, and committed without process, any person guilty, or that he may have reason to believe guilty of any crime, or misdemeanor, or breach of the peace, and to try all causes or complaints arising from the violation of any ordinance of said city.

City judge to be an attorney at law.

20. *And be it enacted*, That the city judge to be elected as provided for by this act, shall be at the time of his election,

City judge,
powers of

a practicing attorney at law, and shall receive as compensation for the performance of his official duties, the sum of three hundred dollars per annum.

Proviso.

Proviso.

21. *And be it enacted*, That the city judge shall have jurisdiction, and is hereby empowered on oath or affirmation made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of said 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 not less than three, nor more than six days; that such process shall state what ordinance the defendant or defendants named therein, has or have violated, and in what manner the same has been violated, and then on the return of such process, or at the time to which the city judge shall have adjourned the same, the said city judge shall proceed to hear the testimony, and to determine, and give judgment in the matter, without the filing of any pleadings; and the city judge shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels, and against the body of the defendant or defendants; *provided*, that in all cases when the fine or penalty shall exceed twenty dollars, or when the punishment may be imprisonment, there may be a trial by jury, to be conducted as in cases now triable by jury, in courts for the trial of small causes, and also an appeal, as in cases where appeal may now be had from judgment in courts, for the trial of small causes; *provided further*, that no fine shall be imposed, exceeding fifty dollars for such offence, and no term of imprisonment shall exceed sixty days for each offence; *and also provided*, that all cases and matters pending in the city judge's court, at the expiration of his term, or resignation, or death, or inability to serve, shall be continued before his successor, who shall have jurisdiction of the same, as if such city judge were personally present; all books and records of said court shall be the property of the city, and as such shall be preserved and transferred by the city judge to his successor.

Policemen au-
thorized to
serve process.

22. *And be it enacted*, That the officers empowered to serve processes issued by the city judge shall be, besides the constables elected or appointed within said city, the policemen of said city, and said processes shall be returned in

the same manner, so far as circumstances may permit, as warrants for the arrest of persons, issued out of the courts for the trial of small causes are returned, and that the defendant or defendants named therein shall, if the city judge sees fit to adjourn the hearing of the charge made, and so orders, enter into recognizance as near as may be, in the manner directed in the courts for the trial of small causes, in the amount of penalty named in the process, or any proceedings to be brought for the recovery of the same, with such surety as may be approved by the city judge, unto the mayor and common council of the city of Plainfield, for his or their appearance on the day to which said hearing may be adjourned, and in default of such appearance, the said recognizance may be prosecuted and collected in the same manner as the same might have been if the said recognizance had been taken in a proceeding in courts for the trial of small causes.

23. *And be it enacted*, That in all cases in which persons shall bring certiorari to remove the order, proceedings or judgment given or made by the said city judge, it shall be lawful for the said city judge to charge and receive before delivery of the return thereto at the rate of ten cents per folio for the same. Fees for return of writs of certiorari.

24. *And be it enacted*, That no justice of the supreme court shall grant or allow any certiorari to remove any order, proceeding, or judgment to be had or made by the city judge of said city, unless the party applying for such certiorari shall enter into bond with the mayor and common council of the city of Plainfield in the sum of one hundred and fifty dollars, with one or more good surety or sureties, conditioned that such applicants shall prosecute such certiorari in the supreme court, shall pay the penalty recovered before the said city judge, with interest and costs, if the judgment be affirmed, and shall in all things stand by and abide the judgment of the supreme court respecting the order, proceeding or judgment given or made by said city judge, which said bond shall be tendered to said justice granting such certiorari, to be by him filed with the clerk of the supreme court, for the benefit of said mayor and common council, and on failure thereof no certiorari shall be allowed. Writs of certiorari, how granted.

25. *And be it enacted*, That if any proceedings of the said city judge shall, on removal by certiorari, be affirmed by the supreme court, the plaintiff in certiorari shall pay to Costs, by whom paid.

the defendant all costs on such suit in the supreme court, but if such proceedings be reversed, then the plaintiff in certiorari shall not be entitled to pay any costs; the provisions of this section and of the last preceding section shall extend to the circuit court of the county of Union.

Notice of the
amount of the
money to be
raised.

Election to be
held.

26. *And be it enacted*, That whenever hereafter a greater sum of money than the said sum of ten thousand dollars shall, in the opinion of the said common council, be necessary to be raised in any one year for the uses of said city, then in such case the said common council are hereby authorized to give notice to the inhabitants of said city, by advertisements published in two newspapers printed in the said city, if so many there be, at least fifteen entire days before the day of holding any election hereinafter mentioned, and by printed handbills put up in five of the most public places of said city for a like period, that an election will be held at the time and place therein mentioned, the said time and place to be designated by the said common council, to vote such a sum of money to be raised by tax in the said city as the said common council may think necessary to be raised for the uses of the said city, and which sum of money shall be stated in the said notice, at which said election only such persons shall be entitled to vote as may be entitled to vote at any regular annual election of said city, the voting to be by ballot, written or printed, or partly written and partly printed, for or against the sum of money proposed by the said common council in and by their said notice, which said ballot shall contain the word "money," or the words "no money;" the time of opening and closing the poll at such election, and the mode and manner of conducting the same, shall be as is prescribed by this act for annual elections, and every sum of money so voted by any resolution of the said common council to be raised by tax in the said city, and approved of by a majority of the whole number of lawful ballots cast in any such election, shall be assessed, collected and regulated according to the thirty-fifth section of this act, excepting so far as relates to the time of assessing and collecting said taxes, which time shall be fixed by the common council.

Council not to
borrow money

27. *And be it enacted*, That it shall not be lawful for the said common council to borrow money on the credit and in the name of said city, except when necessary to anticipate the collection of taxes, and then for an amount never to exceed in the aggregate the sum of five thousand dollars, or for a period

later than sixty days after the taxes for the current year are finally due ; and every such temporary loan or loans shall be fully paid and redeemed out of the taxes so collected.

28. *And be it enacted*, That the duly elected members of the common council of said city shall assemble in the council chamber on the Thursday evening following the annual city election, at the hour of eight o'clock, for the purpose of having the official oath or affirmation administered to them respectively by the mayor or city judge ; and should the said common council not then organize, it shall be the duty of the city clerk to call the members elected together for that purpose, within ten days after the date of their election.

Meeting of
common
council.

Mayor to ap-
prove ordi-
nances.

29. *And be it enacted*, That every ordinance and supplement to an ordinance passed by the common council of said city shall, before it takes effect and becomes a law, be at once presented to the mayor by the city clerk, with a certification by said clerk, as to the date of such presentation ; and if the said mayor approve of it, he shall sign it, if not, he shall return it, with his objections and file it and them with the said clerk, within ten days after he received it ; and the said common council shall, at its first meeting thereafter, or at the first subsequent meeting, enter the said objections at length upon its journal, and proceed to reconsider such returned ordinance or supplement, and if a majority of all the members of said council agree to pass the same, it shall take effect and become a law ; but in every such case, the votes shall be taken by ayes and noes, and entered upon the journal ; and if such ordinance or supplement shall not be returned within ten days as aforesaid, it shall take effect and become a law in like manner as if the mayor had signed it ; and each and every ordinance or supplement so passed, as aforesaid, shall be attested by the city clerk and published in two newspapers printed in said city, if so many there be, ten days before such ordinance or supplement shall go into effect ; and similar ten days' public notice shall be sufficient for the intended adoption by the said common council of any ordinance, supplement or regulation.

30. *And be it enacted*, That the common council of said city, or a majority thereof, shall have the exclusive right and power to regulate or prohibit the sale of spirituous and fermented liquors within said city as they deem most conducive to the public good ; no person or persons shall in any manner sell or dispose of spirituous or fermented liquors unless licensed

Council may
regulate sale
of liquors and
grant licenses.

so to do by the common council; the amount of assessment to be paid by the applicant for a license shall be fixed by the said common council, or a majority thereof, at or before the time of granting such license, and all moneys which may be derived from granting such licenses shall be paid to the treasurer for the use of said city.

Licenses,
circuses,
shows, &c.

31. *And be it enacted*, That the common council of said city shall have the sole and exclusive power of licensing all circusses, or other shows and exhibitions whatsoever, proposed to be performed or exhibited within the limits of said city, on such terms and subject to such restrictions as the said common council may prescribe, which said power of licensing the said common council may, by ordinance, delegate to the mayor or city judge of said city; and all moneys which may be derived from granting such licenses shall be paid to the treasurer for the use of said city.

Fees and com-
pensation of
officers, how
granted.

32. *And be it enacted*, That the common council of said city shall have power, by ordinance or resolution, to grant or allow such fees or compensation to the several officers of said city as to the said council shall seem necessary and proper; *provided*, that the mayor shall not receive for the performance of his official duties a sum not exceeding three hundred dollars per annum; and that the members of the common council shall not receive, directly or indirectly, any compensation for the performance of their official duties.

Proviso.

Meetings to be
public.

33. *And be it enacted*, That the place of meeting of the said common council shall be open for the admission of all peaceable and orderly persons who shall be desirous of being present while the said council shall be in session on public business, and the said common council shall have full power to enforce the preservation of order.

Assessment
and collection
of taxes.

34. *And be it enacted*, That the assessor shall, with strict impartiality, assess taxes upon all persons and property within the said city, and the collector shall collect the same at such time and in such manner as the assessors and collectors of townships are or may be required by law to assess and collect in townships; *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 heretofore were taxed for township purposes; and in case of the non-payment of taxes, the said collector shall return, on the first day of December annually, the names of all delinquents, with the sums due from them, respectively, and to such city

Proviso.

magistrate as the said common council shall by ordinance or resolution direct; and the said magistrate shall thereupon issue his warrant or warrants to the city policemen, or any of them, or such other person as the said common council shall for that purpose nominate and appoint, 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 in townships; *provided further*, that the said collector Proviso. shall not be entitled to charge fees on account of any name mentioned in said warrant or warrants, unless the tax due from said delinquent be actually collected, and that all real estate, lying within the limits of the city shall be liable to be assessed and taxed for city purposes.

35. *And be it enacted*, That the commissioners of appeal Commissioners of appeal. in cases of taxation shall meet annually on the third Tuesday of October, and at such other times as the common council may designate in the event an extra tax is ordered to be raised, as provided for in section twenty-seven, to hear and determine all complaints of unjust taxation; they shall sit from two o'clock P. M., until five o'clock P. M., or longer if found necessary, to dispose of all cases submitted to them for consideration, and shall give public notice of the time and place of such intended meeting in two newspapers printed in said city, if so many there be, at least ten days previous to such assembling.

36. *And be it enacted*, That the policemen of said city Policemen may make arrests without warrant. shall have the power to arrest and take into custody, without warrant, any offenders against the by-laws and ordinances of said city, and to confine said offender or offenders in a place provided by the said common council, until a hearing can be had before the mayor or the city judge of said city; *provided*, Proviso. that such hearing shall be held within twenty-four hours after the arrest of said offender or offenders, unless such arrest is made after two o'clock P. M., on Saturday, in which case the hearing shall be had before twelve o'clock M., on the following Monday.

37. *And be it enacted*, That all actions to be brought under Actions, name of. and by virtue of this act, may be brought and prosecuted in the name of "The Treasurer of the City of Plainfield," without specifying the individual name of the treasurer of said city for the time being, and the book of records of the ordinances and by-laws of the common council shall be taken and received as evidence of the due passage, by said common

council, of all ordinances and by-laws recorded therein, and the publication, by the authority of the said common council, of their ordinances and by-laws in a volume or pamphlet, shall in like manner be taken and received as evidence of the due passage thereof, and the publication of the said ordinances and by-laws in the public newspapers shall be presumed to have been made until the contrary be proved.

No person incompetent to act as juror, &c.

38. *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 Inhabitants of the City of Plainfield" 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 of said city; and that if any person shall be sued or impleaded by reason of anything done by virtue of this act, it shall be lawful for such person to plead the general issue, and to give this act and the special matter in evidence at the trial.

Council may pass ordinances to lay out, open, widen or vacate any street.

39. *And be it enacted*, That it shall be lawful for the said common council, by ordinance, to lay out or open any street, road or highway, in any part of the said city, and to cause any street, road, highway or alley already laid out in any part of said city, to be vacated, opened, altered or widened whensoever and so often as they shall judge the public good requires the same to be done; and the said common council shall give a written or printed notice to the owner or owners of any lands or real estate, with the appurtenances, necessary to be taken for either of said purposes, or to his, her or their legal representatives, of their intention to take such land or other real estate and appurtenances, and appropriate it for such street, road, highway or alley, and shall treat with such person or persons for the same; and if any such person or persons shall refuse to treat for any such land or other real estate, with the appurtenances, or the said common council cannot agree with such person or persons for the same, then it shall be lawful for the said common council to appoint three judicious and disinterested citizens of said city, as commissioners, to make an estimate and assessment of the damages that any such owner or owners will sustain by opening, laying out, altering or widening any such street, road, highway or alley, and in estimating and assessing such damages the said commissioners shall have due regard as well to the value of the land and other real estate, with the appurtenances, as to the injury or benefit of

the owner or owners thereof, by laying out, altering or widening any such street, road, highway or alley; and after making their award of damages, they shall deduct from the same the amount of the estimated benefits, if any, to the owner or owners, or occupiers; and if in any case the commissioners shall estimate the said benefits to be greater than the said damages, they shall so declare it in their report; *provided*, that no street, road, highway or alley in said city shall be laid out, opened or extended against the written remonstrance of those persons owning a majority in interest of the frontage land lying on that portion of the street, road, highway or alley proposed to be laid out or opened; *and provided further*, that no street, road, highway or alley that is now or may hereafter be opened shall be altered or widened against the written remonstrance of those persons owning one-half of the frontage land lying on the street, road, highway or alley proposed to be widened or altered, said remonstrance to be presented and filed with the city clerk within twenty days after he shall have published in the city newspapers the intention of the said common council to pass ordinances authorizing such improvements to be made, and the filing of such remonstrance with the city clerk shall be deemed and taken as sufficient evidence of such remonstrance having been made.

40. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall be sworn or affirmed before the mayor, or any person authorized by law to administer oaths, to make the assessment and estimate submitted to them, fairly and impartially, according to the best of their skill and judgment, and the said common council may remove such commissioners and appoint others for any cause that, to said common council, may seem just.

41. *And be it enacted*, That the said common council shall appoint a time and place, within the said city, for the said commissioners to meet, notice whereof shall be given by advertising the same in two newspapers printed in the city of Plainfield, if so many there be, two weeks before the time of meeting, which notice shall specify the street, road, highway or alley proposed to be laid out, altered or widened, the alterations proposed to be made, and the lands or real estate, with the appurtenances, intended to be taken for such purposes, and the said commissioners, or a majority of them,

when met, shall have power to swear and examine witnesses, and shall view the premises if necessary, and make just and true estimates and assessments, and report their proceedings to the common council, sufficiently in detail to enable the common council to determine the principle upon which such estimates and assessments were made; such report shall be filed with the city clerk, and be open to the inspection of the public for ten days, previous to its presentation to the common council, and notice of such filing shall be published in each of the city newspapers ten days previous to such presentation; parties interested may file with the city clerk written objections to said report, stating the nature and extent of their interest and the grounds of their objections to it; all such objections shall be filed within ten days after the first publication of the notice of the filing of the report; the said commissioners shall have full power to reconsider and change their report if objected to, or if they refuse so to do, either in whole or in part, they shall deliver such objections with their report to the common council, and the common council may ratify the action and report of the commissioners, or alter said report, in respect to the matter specified in the objections, or the said common council may recommit the report to the commissioners for further consideration in respect to such matters, or any other matter connected therewith; and in the event of a recommitment, the said commissioners shall, as far as may be necessary, comply with all the requirements of this section; when the common council shall have taken final action upon said report, it shall be binding and conclusive upon the owner or owners of any such lands or real estate, with the appurtenances, subject only to the appeal hereafter given; and upon payment of the damages so awarded, or upon a tender and a refusal thereof, it shall be lawful for the common council to cause the same land or real estate, with the appurtenances, to be converted and used for the purposes aforesaid; *provided, however*, that any person or persons, conceiving himself, herself or themselves aggrieved by the proceedings of said common council, may appeal therefrom to the circuit court of the county of Union, within sixty days from the time of making the final order of the common council, and the said 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; *provided*, that any person intending

Shall make report to common council.

Council may ratify report.

Report binding on owners when ratified.

Proviso.

Proviso.

to appeal as aforesaid, shall notify the city clerk of such intended appeal, within ten days after the ratification by the common council of the report from which such appeal is intended.

42. *And be it enacted*, That in case of non-payment within sixty days after the estimates and assessments shall have been ratified by the common council of any damages estimated and assessed as aforesaid, with interest from the date of the assessment; and in case of no appeal to the said circuit court as aforesaid, the person or persons entitled thereto may sue for and recover the same from the said city, in an action of debt, with costs, in any court having cognizance thereof, and the said proceedings of the said commissioners and common council, or the award of the said jury, as the case may be, shall be conclusive evidence against the defendants.

Proceedings in case of non-payment of estimates and assessments.

43. *And be it enacted*, That in order to provide for the payment of the damages assessed as aforesaid for the laying out and opening of any street, road or highway in the said city, or for the altering or widening of any street, road, highway or alley already laid out in the said city, and of all other necessary expenses incident to such laying out, altering or widening, the said common council shall ascertain the whole amount of such damages and expenses, and shall cause to be made a just and equitable assessment thereof among the owners and occupants of all the lands, tenements and real estate benefited thereby, in proportion as nearly as may be to the advantages each shall be deemed to acquire, and the common council shall appoint three judicious and disinterested citizens of said city to make every such assessment, who, before they enter upon the execution of their trusts, shall be sworn or affirmed before any person residing in said city authorized by law to administer oaths, to make said assessment fairly, according to the best of their skill and judgment; and a report in writing of such assessment, signed by a majority of such persons, being returned to the common council and ratified by them, shall be binding and conclusive upon the owners and occupants of such lands, tenements and real estate to be assessed respectively; and such owners or occupants shall also respectively, on demand, pay to such persons as shall be authorized by the said common council to receive the same, the sums at which such lands, tenements and real estate shall be assessed, to be applied to the payment of the damages and expenses of laying out,

Damages for laying out, widening or opening streets, how assessed.

altering or widening the said street, road, highway or alley as aforesaid; and on default of such payment, or any part thereof, it shall be lawful for the mayor of said city, by direction of the common council, to issue a warrant under the common seal, to levy the same by distress and sale of the goods and chattels of such owner and occupant refusing or neglecting to pay the same, rendering the overplus, if any, after deducting the charges of such distress and sale, to such owner or occupant, or his or her legal representatives; *provided, always*, that nothing in this section contained shall affect any agreement between landlord and tenant respecting the payment of any such charges, but they shall be answerable to each other in the same manner as if this supplement had not passed; and further, if any such assessment, or any part thereof, shall be paid by any person, when by agreement or by law the same ought to have been borne or paid by some other person, then it shall be lawful for the person paying the same to sue for and recover the same, with interest and costs of suit, before any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same; and the assessment aforesaid and proof of payment shall be conclusive evidence in said suit; and in all cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed the person who ought in law to bear and pay every such assessment; all the provisions of section forty-two relating to the form of the report and filing of the same with the city clerk, and giving notice thereof, and the subsequent proceedings thereon, as far as the same may be applicable, shall be regarded as appertaining to this section.

Assessments
not paid to be
advertised.

44. *And be it enacted*, That in case any assessment made as aforesaid shall not have been complied with, by the payment of the sums thereby assessed, it shall be lawful for the common council to cause the same to be advertised in one or more public newspapers printed in said city, for at least one month, requiring the owner or occupant of such lands, tenements and real estate respectively, to pay the sums at which the same shall have been assessed, to the treasurer of said city; and in default of such payment, such lands, tenements and real estate will be sold at public auction, to satisfy such assessment, and the interest, costs, charges and expenses thereof; and if, notwithstanding such notice, the said owners or occupants shall refuse or neglect to pay such assessment,

Lands to be
sold at public
auction for
non payment
of assessments

and the expenses of such advertisement, then it shall and may be lawful for the said common council to cause to be collected the amounts of said assessment, for the benefits so made as aforesaid upon any lands or real estate, with the interest, costs, charges and expenses, by a sale of said lands and real estate as hereinafter provided; and to cause public notice thereof to be given for the space of four weeks, by setting up advertisements of such sale in five public places in said city, and publishing the same in one or more public newspapers printed and published in said city, for the term above mentioned, being the four weeks next preceding such sale, which notices shall be signed by the city clerk, and shall contain a brief description of the premises to be sold, and for what purpose, and the amount of said assessment against the same, with the costs, charges and expenses, and the day, hour and place of such sale; and it shall be lawful to sell said land and premises at public auction, for the shortest term, not exceeding one hundred years, for which any person or persons will agree to take the same and pay such assessment, interests, costs, charges and expenses, and to cause to be executed under the common seal of said city a certificate of said sale, and deliver the same to the purchaser or purchasers thereof, within ten days after such sale; *provided*, that it shall not be lawful to sell the same until six months after the completion and return of said assessment, nor until the owner or owners of said real estate be personally notified to pay said assessment, if non-resident, and their place or residence may be found with reasonable diligence.

Notice to be given.

Proviso.

45. *And be it enacted*, That the owner, mortgagee, occupant, or any person or persons having a legal or equitable interest in any lands or real estate sold for assessments as aforesaid, may redeem the same at any time within two years from the time of such sale, by paying to the city treasurer for the use of the purchaser, his heirs or assigns, the said purchase money, together with any other assessment properly chargeable thereon, and which the purchaser may have paid, with the interest on said purchase money at the rate of twelve per centum per annum from the time of such sale, or from the time of such payments; and the certificate of said treasurer, stating the payment and showing what property such payment is intended to redeem, shall be evidence of such redemption, which sum of money so paid, the said treasurer shall cause to be refunded to the purchaser, his heirs and assigns.

Owner, mortgagee, &c. may redeem.

Declaration of
sale to be exe-
cuted to pur-
chasers.

46. *And be it enacted*, That if any lands or real estate so sold shall not be redeemed as by this act provided, the common council shall execute to the purchaser, his legal representative, or assigns, a declaration of sale under their common seal, signed by the mayor, attested by the city clerk, containing a description of the premises, the fact of assessment, advertisement and sale, the date of the sale and the period for which the premises were sold, which declaration shall be recorded in the office of the city clerk, and until the same shall have been recorded, such lands and real estate may be redeemed as hereinbefore provided, notwithstanding the period of two years may have expired from the time of said sale; and such declaration of sale shall be presumptive evidence that such sale and proceedings were regularly made according to the provisions of this act, and such purchaser or purchasers, and his and their legal representatives, shall by virtue thereof lawfully hold and enjoy such lands and real estate, with the rents, issues, and profits thereof, for his and their own proper use against the owner or owners thereof, and all persons claiming under him or them, until the term shall be completed and ended for which the purchaser or purchasers may have agreed to take the same; and at the expiration of said term shall peaceably and quietly yield up such lands and real estate to the lawful owner or owners thereof, and shall be liable for any injury or waste by him or them done or committed therein, in the same manner as a tenant for a term of years; *provided*, that whenever satisfactory evidence shall be produced to the common council that any lands so sold belong to an idiot, lunatic, or infant, for whose estate no guardian shall have been appointed, the said common council shall direct the mayor and city clerk to postpone the execution of a declaration of sale of such lands until at least four months after they shall have evidence that such disability has been removed, or guardian or trustee to their estate appointed, and until the expiration of said four months, such guardian or trustee or person whose disability has been removed may redeem such lands as hereinbefore provided.

City clerk to
record certifi-
cates, &c.

47. *And be it enacted*, That it shall be the duty of the city clerk to record in proper books kept for that purpose all certificates of sale and assignment, thereof, to give certificates of search in relation thereto, to any person applying for the same, and to cancel such certificates of sale and assignments thereof, so recorded, when the land and real estate for which

they were given shall be redeemed on certificate of the city treasurer of such redemption, and to file such certificate in his office; it shall be the duty of the city treasurer to make out two receipts for all property redeemed, one for the person redeeming, and one to be filed in the office of the city clerk.

48. *And be it enacted*, That the amount of any assessment shall be and remain a lien on the lot or lots assessed from the time of the completion and return of such assessment in manner aforesaid, until the same shall be paid and satisfied, and that it shall be lawful for the said common council, instead of the remedies hereinabove provided, if they shall see fit, in case of a refusal or neglect to pay any assessment made as aforesaid, to sue for and recover the amount of such assessment from the person or persons, who, under the provisions of this supplement ought to pay for the same, or his, her or their legal representatives, with interest and costs of suit, in any court of this state having cognizance thereof, in an action on the case for so much money by them paid, laid out and expended for such person or persons, his, her or their legal representatives; and the said assessment shall be conclusive for the plaintiff in every such action.

49. *And be it enacted*, That no street, road, highway or alley, hereafter to be laid out or opened in said city shall be recognized, considered or treated as a public street or highway, road or alley, unless the same be laid out and opened under the direction of the said common council in manner aforesaid.

50. *And be it enacted*, That in case any owner or owners of any land or real estate necessary to be taken for the laying out, opening, altering or widening any street, road, highway or alley in the said city shall be non compos mentis, or out of the state, or cannot be found on reasonable inquiry, and no agent or legal representative of such owner can, on like inquiry, be found in this state, then it shall be lawful for the common council of said city to proceed to the appointment of the commissioners mentioned and provided for in the fortieth section of this act, after publishing in a newspaper printed in said city, for the space of two weeks at least, once in each week, a notice of the intention of said common council to take such land or real estate and appropriate it for such street, road, highway or alley.

51. *And be it enacted*, That in case the common council and the owner of any such land or real estate shall agree

City treasurer.

Assessments
to remain a
lien on lands.

Streets to be
laid out under
direction of
council.

Proceedings
in taking of
lands where
owners are in-
capacitated.

Damages
wh n owners
and council
agree.

upon the sum to be paid therefor, such sum shall constitute a part of the whole amount of damages and expenses to be assessed under and in pursuance of the provisions named in section forty-four of this act.

Lands of persons incapacitated to be advertised and sold, &c.

52. *And be it enacted*, That in case the owner or owners of any lands, tenements or real estate mentioned in the forty-fourth section of this act, be under age, non compos mentis, out of the state, or cannot be ascertained on reasonable inquiry made under the directions of the common council, and the assessment made on such lands, tenements or real estate in pursuance of the provisions of said forty-fourth section, remain unpaid for the space of thirty days after the same shall be made, it shall be lawful for the common council, without demand from such owner or owners, to proceed to the advertisement first mentioned in the forty-fifth section of this act, and the sale provided for in said section in the manner in said section pointed out.

Ending point of streets, when not a public highway, no valid objection.

53. *And be it enacted*, That it shall be no valid objection against laying out or opening any highway, street or road in said city, that the ending point of the same is not in a public highway; *provided*, the same be laid out or opened in conformity with the provisions of this supplement.

Council may, by ordinance, pave, macadamize, curb, grade, &c., streets.

54. *And be it enacted*, That it shall and may be lawful for the common council of said city to make and establish ordinances and regulations for the paving or macadamizing of any street or section of a street, and for the curbing, grading, paving, flagging, graveling, cementing or planking of any sidewalks in any street or section of a street in said city, by the owners or occupants of lands, tenements or real estate fronting on or adjoining such street or section of a street, and to appoint one or more discreet and skillful person or persons to superintend the said work and prescribe the manner in which the same shall be performed, and to enforce such ordinances and regulations by enacting penalties for non-compliance therewith; *provided*, that before any such ordinance or regulation shall be adopted by the said common council, notice of such intended action shall be published by the city clerk in two newspapers printed in said city, if so many there be, for the period of at least fourteen days.

Proviso.

Failure of owners to pave, &c., council may order the same done at expense of owners.

55. *And be it enacted*, That if the owner or owners of any lands, tenements, or real estate, in front whereof the street shall, by such ordinance or regulation, be directed to be paved or macadamized, or the sidewalk curbed, graded, paved,

flagged, graveled, cemented, or planked, shall neglect to comply with such ordinance or regulation, it shall be lawful for the said common council to cause such improvement to be made at the expense of the city on account of the owners of such real estate, and the amount paid by the city for such work shall be a lien on such real estate from the time of its completion, and shall bear interest at the rate of twelve per centum per annum from the date of payment by the city; such amount paid or agreed to be paid for such work shall be regarded as an assessment, and the said common council shall cause an advertisement to be inserted in two newspapers printed in said city, if so many there be, for three weeks at least, stating the amount of such assessment, and requiring the owner or owners of such lands, tenements or real estate, to pay the same to the treasurer of said city, appointing a day and place when and where such lands, tenements or real estate will be sold at public auction, if default shall be made in such payment, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum assessed as aforesaid; and if, notwithstanding such notice and demand, the owner or owners of such lands, tenements, or real estate, shall neglect to pay such assessment, with cost and charges thereof, and of the said advertisement or advertisements, it shall be lawful for the said common council to cause such lands, tenements, or real estate to be sold at public auction for a term at the time, for the purposes, and in the manner expressed in said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of said city; and such purchaser, his or her executors, administrators, or assigns, shall by virtue thereof, and of this act, from and after the expiration of the term hereinafter named for redemption, lawfully hold and enjoy the same for his, her, and their own proper use, against the owner or owners and all claiming under him, her, or them, until his, her, or their term therein shall be fully completed and ended, and be at liberty to remove all the buildings and materials which he, she, or they shall erect or place thereon; but he, she, or they shall leave such lands, tenements, or real estate, at the expiration of the term, in sufficient fence, and the sidewalk in front thereof in the order required by such ordinance or regulation; *provided*, that if, after defraying the actual expense of paving or macadamizing the street, or of curbing, grading, paving, flagging,

Advertisements of assessments to be published.

In default of payment, lands to be sold.

Declaration of sale.

Proviso.

Proviso.

gravelling, cementing, or planking the sidewalk in front of any lands, tenements, or real estate so sold as aforesaid, in the manner directed by such ordinance or regulation, and deducting all reasonable charges attending the sale, a surplus of the purchase money shall remain in the hands of the treasurer of said city, the same shall forthwith be paid to the owner or owners of such lands, tenements, or real estate, or his, her, or their legal representatives; *and provided further*, that the lands, tenements, or real estate so sold may be redeemed by the owner, mortgagee, occupant or person interested therein, or by any other person for and in behalf of the owner, mortgagee or claimant of such lands, tenements, or real estate, at any time within two years after the sale for assessments, by paying to the treasurer of said city, for the use of the said purchaser, the purchase money, together with any other sum paid for taxes or assessments which the said purchaser may have paid, chargeable on such lands, tenements, or real estate, and which he is hereby authorized to do, with interest thereon at the rate of fifteen per centum per annum in addition thereto; and the certificate of the treasurer of said city stating the payment, showing what lands, tenements, or real estate such payment is intended to redeem, shall be evidence of such redemption.

Assessment to remain a lien.

56. *And be it enacted*, That the amount of the assessment or estimate to be made as aforesaid on any lands, tenements or real estate in said city, shall be and remain a lien thereon from the time of the completion and return of such assessment or estimate in manner aforesaid until paid or otherwise satisfied; and that it shall be lawful for the common council of said city, instead of the remedy hereinabove stated, if they shall see fit, in case the owner or occupant of any lands, tenements or real estate within the city shall neglect to comply with such ordinance or regulation in respect to the street or the sidewalk in front thereof, to sue for and recover, in the name of the treasurer of said city, the amount of such assessment or estimate and costs thereof from the owner or owners of such lands, tenements, or real estate, or his, her or their legal representatives, with interest and costs, before the mayor or the city judge of said city, or in any court having cognizance thereof, in an action on the case for so much money by them paid, laid out and expended, to and for the use of such owner or owners, or his, her or their legal representatives; and in every such action the said assessment or

estimate, with the proof of the amount paid, shall be conclusive evidence for the plaintiff.

57. *And be it enacted*, That if the tenant or tenants of any lands, tenements or real estate within said city, shall cause the street in front thereof to be paved or macadamized, or the sidewalk to be curbed, graded, paved, flagged, graveled, cemented or planked in obedience to such ordinance or regulation, at his, her or their own expense, it shall be lawful for him, her or them to deduct the same out of the rent or recover the same from the landlord or owner or owners, or his, her, or their legal representatives, with interest and costs, in an action on the case, before the mayor or the city judge of said city, or in any court having cognizance thereof, for so much money by him, her or them paid, laid out and expended to and for his, her or their use; *provided*, that nothing in this act shall affect any contract or agreement made or to be made between landlord and tenant respecting such charges or expenses.

Tenants may recover assessments of landlord.

58. *And be it enacted*, That it shall and may be lawful for the common council of said city to cause stone walks to be laid across any street at the general expense of said city.

Stone walks across streets.

59. *And be it enacted*, That it shall and may be lawful for the common council of said city to specifically define by ordinance the manner in which all assessments shall be levied and collected, and to make such regulations as may be necessary to carry into effect the true intent and meaning of this act; that any assessment made by virtue of the provisions of this act, or of the act and supplement thereto, to which this is a supplement, shall bear interest at the rate of twelve per centum per annum, from the day the same is ratified by the city council, and not before, and shall continue and remain a lien upon the lands and real estate so assessed until the said assessment, with the interest and expense accruing thereon, shall be paid or the amount thereof discharged by the sale of the said lands or real estate by the city.

Ordinances to define the levying and collection of assessments.

60. *And be it enacted*, That all expenses for improvements in paving or macadamizing any street or portion of a street shall be assessed upon and paid by the lands and real estate fronting on such street or portion of a street; all expenses for grading, curbing, flagging, planking or cementing sidewalks shall be paid by the owners of the real estate in front of which such sidewalks are thus improved; all expense for the construction of sewers or under-drains, shall be assessed

Expenses for improvements to be assessed and paid by lands fronting on streets.

upon all the lands and real estate lying within the district drained by such sewer or under-drains in proportion to the benefit received; all expenses for improvements in opening, altering, widening and grading streets, and for grading sidewalks, where such grading is included in a contract for grading the street adjoining such sidewalk, shall be assessed upon and paid by the lands and real estate benefited by the same in proportion to the benefit received.

Council may establish ordinances for assessment of cost of grading and paving street intersections.

61. *And be it enacted*, That the common council of said city may make and establish ordinances providing for the assessment of the cost of grading and paving any street intersections, upon the owners of lands and real estate, to the centre of the block each way from the intersection thus improved.

Expense of paving, widening, altering streets, &c., used by railroad companies, how assessed.

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

Improvements may be ordered by resolution.

63. *And be it enacted*, That whenever any ordinance shall be passed by the common council for making any improvements or performing any work in relation to the opening, altering or widening of any street, the construction of any sewer or drain, the widening, leveling, grading, curbing, guttering, paving, flagging, graveling, or planking any street or sidewalk, all further action which may be necessary to carry out and complete such improvement or work, and all orders

relating thereto, may be done by resolution and not by ordinance.

64. *And be it enacted*, That no street, road, highway or alley, or any portion thereof within said city shall be paved or macadamized by any process or with any material, whether patented or not, against the written remonstrance of a majority of all the frontage ownership of land lying on said street, or portion of a street, road, highway or alley proposed to be thus improved, and that whenever the common council of said city shall determine to cause any street, or section of any street, road, highway or alley to be paved or macadamized, then a majority in interest as specified in this section, may agree with the contractor or contractors for doing the work as to the price to be paid for the proposed improvement, and such stipulated amount as agreed upon shall be the price paid for the work when completed; *provided*, No street, &c., to be paved where majority of frontage ownership of lands remonstrate. *however*, the agreement as to the price to be paid between the property owners and the contractor or contractors shall be made within the time fixed in the ordinance adopted by the common council providing for the contemplated improvement, and if for any reason the property owners fail to agree with the contractor or contractors, within the time specified in the ordinance as aforesaid, then it shall be lawful for the common council to make the contract with the contractor or contractors and order the work done. Proviso.

65. *And be it enacted*, That whenever the common council of said city shall determine to cause any street improvement to be made which shall contemplate the use of any patented process or materials, and the owners of one-half of the property in running feet along the line of the intended improvement shall remonstrate, in writing, against the use of any specified patent, in making such improvement, or petition for the use of any specified patent, the said common council shall cause the said work to be done in accordance with the request of such proportions of owners. Majority of owners may petition for improvement.

66. *And be it enacted*, That this act shall be taken and deemed to be a public act, and may at any time be amended, altered or repealed by the legislature of this state; *provided*, May be altered and repealed. *that all amendments or alterations relating to the raising of money by loan or taxation, shall, before taking effect, be submitted to the electors of said city, and be approved by a majority thereof, voting by ballot, at an election held in con-* Proviso.

formity with the requirements of this act relating to annual elections.

Repealer.

67. *And be it enacted*, That all laws and parts of laws inconsistent with the provisions of this act, be and the same are hereby repealed ; but this repeal shall not affect any proceeding had or commenced under the same when this act takes effect, nor any rights or dues which the city of Plainfield or any person or persons were entitled to by virtue thereof.

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

Approved April 4, 1872.

CHAPTER DXII.

An Act to provide for a free bridge across the Raritan river at the city of New Brunswick.

Preamble.

WHEREAS, in consequence of the increasing population of that part of Middlesex county lying on the east bank of the Raritan river, known as East New Brunswick, it is desirable to have free communication by bridge between the city of New Brunswick and the east bank of said river, opposite thereto, and to extinguish by purchase all exclusive privileges in building and maintaining toll bridges over said river, enjoyed by the proprietors of the bridge over the Raritan river, at New Brunswick aforesaid ; therefore, to enable the same objects to be carried out and accomplished,

Commissioners and power to purchase bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Bishop, Azariah D. Newell, Henry L. Janeway, Abraham V. Schenck and Henry Weston, Peter S. Duryea, Alfred L. Dennis, J. Russell Howell, Isaac W. Scudder and Ezekiel M. Patterson, as commissioners, or a majority of them, be hereby appointed commissioners with full power and authority, by contract with the proprietors of the bridge over the Raritan river, to purchase and acquire for the public use of the county of Middle-

sex the toll bridge now erected across the Raritan river at the foot of Albany street, in the city of New Brunswick, together with the exclusive franchise enjoyed by the said proprietors to establish and maintain the bridge across the said Raritan river, for the lowest price for which the same can be obtained, to the end that no obstruction may hereafter exist to the erection of such free bridges as may at any time be built across the said Raritan river at the said city of New Brunswick, in pursuance of law.

2. *And be it enacted*, That in case no agreement for such purchase can be made with the said corporation, the said commissioners shall thereupon proceed to estimate and determine the fair and just value of the said bridge and franchise, having first given at least twenty days' notice in writing of the time and place, when and where, the said commissioners will meet to hear any representations on behalf of the said corporation or of the board of freeholders of the said county of Middlesex, in relation to the matter, which notice shall be served upon the president of said corporation, and also upon the director of the board of chosen freeholders of the said county of Middlesex, and shall also be published in the daily newspapers of the city of New Brunswick for the space of ten days prior to said meeting; and the said meeting may be adjourned from time to time, at the discretion of the said commissioners; and so soon as they shall have determined upon the said valuation, they shall prepare and sign a certificate thereof, and file the same in the office of the clerk of the county of Middlesex; and immediately upon the payment to the proprietors of the bridge over the Raritan river, at the foot of Albany street, in the said city of New Brunswick, of the amount of the said valuation, or, in case they will not receive the same, upon the deposit of the same in such trust company or savings institution as any justice of the supreme court shall direct, the title to and right of possession of the said bridge shall become vested in the board of chosen freeholders of the said county, for public use, in the same manner as if the same had been erected by the said board in pursuance of law, and it shall thereafter be lawful to erect and maintain bridges over the said Raritan river, in the said county of Middlesex, in such mode as may be provided by law, as freely as if no exclusive privilege had been granted to said corporation concerning the same.

Commissioners to estimate and determine the value of bridge when no agreement can be made.

Title and possession of bridge vested in board of freeholders.

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

Proceedings
in case of ap-
peal.

board of chosen freeholders of the county of Middlesex, shall conceive themselves aggrieved by the action of said commissioners, they may appeal therefrom to the supreme court of this state, at any time within sixty days after the filing of the said certificate, as aforesaid, and the said court shall order a jury, which jury shall by the order of said court be selected from any other county than the county of Middlesex; and said court shall have the power to designate that said jury can be a jury of view and that they shall be selected and summoned in like manner as struck juries are now selected and summoned, which jury shall assess the value of the said bridge and franchise, the trial whereof shall be conducted as in other cases of trial by jury, and the final judgment of said court shall be conclusive as to the said valuation, and the amount already paid or deposited as said valuation shall be increased or diminished accordingly: *provided*, that in case of appeal by said board, and also by said corporation, but one issue shall be framed and one jury ordered for the trial thereof, and that the place of the trial of such appeal, whether taken by the said board of chosen freeholders or by the said corporation, shall be in the county of Middlesex.

Proviso.

Award and ex-
penses to be
paid by board
of freeholders

4. *And be it enacted*, That the amount agreed upon or finally awarded, as aforesaid, for the purchase of said bridge and franchise, with the expenses incident thereto, shall be paid by the board of chosen freeholders of the county of Middlesex, and the said board of chosen freeholders is hereby authorized, empowered, and required to borrow, from time to time, in the name of said board, by the issue of bonds, to be signed by the director, and countersigned by the collector of said county, and payable at any time not exceeding ten years, and bearing interest at seven per centum per annum, all such sums of money as may be necessary to pay the valuation and expenses aforesaid; which sums of money shall be paid over to said commissioners, to be applied by them to the purposes provided for in this act, and the moneys necessary for the redemption of the said bonds, with the interest to accrue thereon, shall be raised by county taxes, from time to time, in the same manner as other taxes are raised in said county.

May borrow
money and
issue bonds.

Commission-
ers to take
oath.

5. *And be it enacted*, That before entering upon the duties hereinbefore specified, the said commissioners shall take and subscribe an oath, before some person having authority to administer the same, that they will faithfully and impartially perform the duties required of them by this act; and the said

commissioners shall be entitled to receive five dollars per day Compensation for the time necessarily employed by them in the duties imposed by this act.

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

Approved April 4, 1872.

CHAPTER DXIII.

A Supplement to the act entitled "An Act relating to the assessment and revision of taxes in the city of Newark," approved March fifteenth, one thousand eight hundred and sixty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the warrants issued for arrears of taxes against or upon personal estate in the city of Newark, directed to the receiver of taxes as collector of arrears, shall be valid until the first day of November after their date, and the said receiver as collector of arrears shall make his final return and statement to the common council, at their first meeting in the month of December following in each Warrants issued declared valid. and every year, and that the sixteenth and seventeenth sections of the act entitled "A Further Supplement to the act entitled 'An Act concerning taxes,' " approved April eleventh, one thousand eight hundred and sixty-six, are hereby declared Final return when to be made. to be in full force and effect, so far as relates to the city of Newark. Act extended

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

Approved April 4, 1872.

CHAPTER DXIV.

An Act to authorize the Trustees of Preakness School District, Number Fifteen, in Passaic county, to borrow money and issue bonds to purchase land and build a school house thereon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of Preakness School District, Number Fifteen, in the township of Wayne, in the county of Passaic and state of New Jersey, be and they are hereby authorized to borrow any sum or sums of money, not greater than twenty-five hundred dollars in all, that they may find necessary for the purpose of purchasing a lot and erecting a school house thereon and furnishing the same, with the privilege of using the material of the old house within said school district.
2. *And be it enacted*, That for the purpose of securing the repayment of said loan, the said trustees may issue bonds in their corporate name to the lenders of said moneys in amounts not less than fifty dollars each, payable at such times and in such amounts as the board of trustees shall direct, with lawful interest, payable annually, which bonds shall be registered in a book kept by said trustees for that purpose, and shall be assignable in law, and shall be a first lien against said school house when it shall be erected.
3. *And be it enacted*, That it shall be the duty of the legal voters of said school district, at their annual district meetings hereafter, to assess such a special tax upon the inhabitants of said school district and their estates, in addition to all other taxes raised at such meetings and required by law, as will be sufficient to pay the annual interest accruing on said bonds, and also to provide for their ultimate redemption when due, which taxes shall be collected by the officer now or hereafter provided by law for the collection of other township taxes, and shall be separately accounted for by him and appropriated, first, so far as required, to the payment of said interest annually as it falls due, through orders drawn on him by the clerk of the said trustees, as

Trustees may
borrow money
and erect a
school house.

May issue
bonds.

Legal voters
may assess a
special tax.

Tax, by whom
collected and
how used.

now provided by law with regard to other school funds; and, secondly, to be applied to the redemption of said bonds as the same shall become due.

4. *And be it enacted*, That the funds raised by the said bonds shall be paid over directly into the hands of the collector of Wayne township, and shall be appropriated by him solely to the purposes expressed in the first section of this act, upon orders drawn upon him by said trustees through their clerk. Collector to receive proceeds of sale of bonds.

5. *And be it enacted*, That before any lender upon said bonds shall pay any money over to said collector, he, the said collector, shall have first entered into bond with the inhabitants of said school district, with two securities, to be approved by the said trustees, for the faithful appropriation of all moneys that may come into his hands by virtue of this act, which bond shall be filed with the clerk of Wayne township, and recorded in the records of his office. Collector to give bond.

6. *And be it enacted*, That so much of the present school law of this state as conflicts with this act, so far as it applies to the said Preakness School District, Number Fifteen, in the township of Wayne and county of Passaic, be and the same is hereby repealed. Repealer.

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

Approved April 4, 1872.

CHAPTER DXV.

An Act to confirm the acknowledgment and proof of deeds and other instruments of writing taken by Henry Gaede.

WHEREAS, Henry Gaede had been duly appointed a commissioner of deeds for the city of Jersey City, in the county of Hudson; and whereas, said Henry Gaede was duly elected a member of the present house of assembly of this state, and it appearing that he acted as commissioner of deeds after his term of office as such member of assembly had Preamble

commenced, and doubts having arisen as to the validity of his official acts as such commissioner :

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 of writing, taken and certified by the said Henry Gaede, as commissioner after his term of office as a member of assembly commenced, be and the same are hereby confirmed, valid and effectual, in like manner as though the same had been taken and certified by him before his said election to the house of assembly.

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

Approved April 4, 1872.

CHAPTER DXVI.

An Act concerning roads in the township of West Milford, Passaic county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of the several road districts in the township of West Milford, in the county of Passaic, shall elect overseers in their respective districts, on the Saturday immediately preceding the annual town meeting, at two o'clock in the afternoon.

2. *And be it enacted*, That the overseers of each road district in said township shall give ten days notice of the time and place of holding said election, by notice set up in three of the most public places in said road district.

3. *And be it enacted*, That when assembled at the time and place of meeting, the legal voters of each road district shall choose a chairman from among their number, whose duty it shall be to preside at said elections, and decide all questions of order and cases of dispute, and certify the results to the town clerk, on or before the day of the next annual town meeting in each year.

4. *And be it enacted*, That if the overseers of any road

district in said township shall neglect or refuse to perform ^{Overseers,} the duties imposed upon him by this act, he shall forfeit and ^{penalty for} pay the sum of five dollars for every such neglect or refusal. ^{neglect of duty}

5. *And be it enacted*, That if the chairman of any election, ^{Chairman,} held under the provisions of this act, shall neglect or refuse to ^{penalty for} perform the duties imposed upon him by this act, he shall forfeit and pay the sum of five dollars for every such refusal or neglect. ^{neglect of duty}

6. *And be it enacted*, That all forfeitures and penalties ^{Forfeitures,} arising under this act, shall be recoverable in any action of ^{how recovered} debt, at the suit of taxable inhabitants of the same road dis- ^{and appropri-} trict to which the defendant in said action belongs; and when ^{ated.} recovered, said forfeiture and penalties shall be appropriated to the repairing of the roads of said district.

7. *And be it enacted*, That if any road district in said ^{Vacancies,} township neglect or refuse to elect an overseer for said district ^{how filled.} at the time specified in the first section of this act, or if the overseer of any road district in said township shall remove, or die, resign, or become unable to discharge the duties of an overseer, then it shall be the duty of the township committee of said township to appoint an overseer for said district from among the taxable inhabitants thereof, and the person so appointed shall hold his office until a successor shall be appointed or elected.

8. *And be it enacted*, That all acts and parts of acts, incon- ^{Repealer.} sistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 4, 1872.

CHAPTER DXVII.

A. Further Supplement to "An Act concerning roads," approved April sixteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter, whenever application shall be made to the inferior court of common pleas of

Surveyor of
highways may
lay out or al-
ter any road
when applica-
tion is made
to court of
common pleas

Surveyors to
make assess-
ment of dam-
ages.

Repealer.

the county of Essex for the laying out or alteration of any public road in the township of East Orange, in said county, pursuant to the method prescribed in the act to which this is a supplement, and of the several supplements thereto, now in force in the said township, and proceedings shall be had thereon, pursuant to said act and supplements, it shall be lawful for the surveyors of the highways to lay out or alter the road so applied for to be laid out or altered, notwithstanding the fact that a dwelling house or other building may be wholly or in part within the lines of such road; and in such case it shall be the duty of the surveyors, in making the assessment of the damages the owners of any lands or real estate which may be taken will sustain, to take into account and allow for the fair, actual value of any such house or building at the time of making such assessment; and the assessment so made up shall be by said surveyors provided for, to be paid in the same manner as is now provided in said act and the supplements thereto, with reference to the damages heretofore allowed by law.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Approved April 4, 1872.

CHAPTER DXVIII.

An Act to consolidate and amend the act and supplements thereto incorporating the Anchor Life Insurance Company.

Preamble.

WHEREAS, by an act approved February thirteenth, eighteen hundred and sixty six, certain persons were incorporated under the name and title of "The United States Casualty Company," with power to insure against death and injury to individuals by accidents or casualties, and by a supplement approved April seventh, eighteen hundred and sixty-eight, the name of the said corporation was changed to "The United States Mutual Life and Casualty Insurance

Company," and empowered to make insurances based upon the lives of persons, and to transact all business appertaining to or connected with life risks, and the name was again changed by a further supplement to "The Anchor Life Insurance Company," and the said company ceased to issue policies of insurance against accidents or casualties, having reinsured in other companies all their outstanding risks of that kind, and has ever since been conducted as a life insurance company merely; and whereas, by the said supplements to the original act, and the several changes of the corporate name, much misunderstanding and inconvenience has arisen with the persons transacting business with the company, it has become desirable to consolidate the said act and supplements thereto in one act to incorporate the said Anchor Life Insurance Company; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry M. Alexander, Benjamin S. Walcott, James M. Halsted, Ludlow Patton, Francis Robinson, A. W. Greenleaf, Nicholas Murray, George L. Dunlop, Edmund C. Fisher, William J. Hughes, E. Boudinot Colt, Ashbel Green, Robert L. Kennedy, William M. Everts, James R. Taylor, Truman Dunham and others, their associates, successors and assigns, shall be, and hereby are ordained, constituted and declared to be a body politic and corporate, in fact and in law, by the name of "The Anchor Life Insurance Company," and by that name they and their successors 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 shall be, in law, capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation.

2. *And be it enacted*, That the property and concerns of the said corporation shall be conducted and managed by a board of directors of not less than fifteen persons, each of whom shall be the owner of at least ten shares of the capital stock of the said corporation; that the 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 the board of

directors may previously designate, public notice of which shall be given in one or more newspapers, at least seven days previous to the time of holding said election; and if any of the directors so elected shall die, refuse to serve, neglect to act, or resign their said office, then the remaining directors shall have power to fill such vacancy or vacancies until the next annual election; and in case it should happen that an election for directors shall not be held on the day when, pursuant to this act, it ought to be held, the said corporation shall not for that cause be dissolved, but it shall and may be lawful to hold an election for directors pursuant to law; and that in all elections for directors every shareholder shall be entitled, in person or by proxy, to one vote for each and every share of the capital stock then standing in his name on the books of the company, and the number of directors, more than fifteen, to be voted for, shall be fixed by the by-laws, and the directors may add to their number persons to serve as directors until the next annual election.

Failure to
elect not to
dissolve.

First directors

3. *And be it enacted*, That the said Henry M. Alexander, William J. Hughes, James M. Halsted, Ashbel Green, Francis Robinson, William M. Everts, Nicholas Murray, Truman Dunham, Edmund C. Fisher, E. Boudinot Colt, Robert L. Kennedy, James R. Taylor, Benjamin S. Walcott, Ludlow Patton, A. W. Greenleaf, George L. Dunlop shall be the board of directors for the first year, unless others shall be appointed in their place, as provided for in this act.

President.

4. *And be it enacted*, That the directors shall hold their meetings at such time and place as they shall appoint; that, at the first meeting of the directors, held after the organization of this company, and that at their first meeting after every succeeding election, the directors shall choose from among themselves a president, and if they deem it necessary, one or more vice-presidents, who shall continue in office until the next annual meeting, and until others shall be appointed in their places.

May make in-
surances, &c.

5. *And be it enacted*, That it shall be lawful for the said corporation to make insurances, based upon the lives of persons, on such terms and conditions as shall from time to time be determined upon by the board of directors of said corporation, and to make contracts upon any and all conditions appertaining to, or connected with life risks, of whatever nature or kind.

6. *And be it enacted*, That it shall be lawful for any mar-

ried woman in her own name, or in the name of any third person as trustee, to cause to be insured the life of her husband, for any given time, or for the term of his natural life; and in case of her surviving her husband, the sum or net amount of insurance shall be payable to her for her sole use and benefit, free from any claims of either or any of the creditors or representatives of her husband; and, in case of the death of the wife before the decease of her husband, the amount of the insurance may be made payable after death to her child or children, for his, her or their benefits, or their guardian or guardians, if under age.

Married woman may insure life of husband.

7. *And be it enacted*, That the capital stock of the company shall be one hundred and fifty thousand dollars, divided into shares of one hundred dollars each, which shall be personal property, and shall be transferable only on the books of the company, in conformity with its by-laws; and the said company may, by a vote of two-thirds in interest of the stockholders, increase their capital stock to a sum not exceeding five hundred thousand dollars.

Amount of capital stock.

8. *And be it enacted*, That the capital stock and funds of said corporation may be invested and re-invested in any loans made upon bonds and mortgages on real estate worth at least fifty per centum more than the amount loaned, and the bonds or stocks of this state and of the United States, and upon such other security as the board of directors may see proper; and the said corporation may receive money on trust or deposit, and may loan out the same; *provided*, said loans are secured by the pledge of collateral security, to be approved by the board of directors, worth at least twenty per centum more than the amount loaned, and may receive legal interest for any loan made by them, together with such commission or compensation as may be agreed upon, in writing, between the parties.

Capital stock, how invested.

Proviso.

9. *And be it enacted*, That the sum of one hundred thousand dollars of the capital stock of the company shall be invested in securities of the United States or of the state of New Jersey, or in bonds and mortgages, to be approved by the treasurer of this state, and shall be deposited with such treasurer as a guarantee to the parties who may be insured in said company; the interest upon said investments to be collected and paid by the said treasurer to the said company.

Certain sum of capital stock to be invested and deposited with state treasurer

10. *And be it enacted*, That the board of directors may

Powers of directors.

make and declare the dividends authorized by this act, and may make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper for the management of the stock, property, estate and effects of the said corporation, also for the establishment of agencies, and for all such matters as appertain to the business thereof; and shall have power to appoint, and at their pleasure remove an actuary, one or more secretaries, and such other additional officers, clerks and servants, either from their own number or otherwise, for carrying on the business of the said corporation, as they may select, with such allowance and compensation as shall appear to them just and proper; and shall and may regulate the premiums to be paid for insurance, and the mode and manner of paying the same; *provided*, that such by-laws, rules and regulations shall not be repugnant to the constitution or laws of the United States or of this state.

Proviso.

Dividends, profits to be distributed to policy holders.

11. *And be it enacted*, That a semi-annual interest dividend, not to exceed three and one half per centum may be declared and paid to the stockholders on the capital stock of the corporation, and that ten per centum of the profits of the business of the company may be declared and paid to the stockholders, and all the remainder of the profits shall be distributed among the policy holders, in such manner and at such times as the board of directors shall designate; but a dividend of profits shall be made to policyholders at least once in every five years, and the benefits of the same shall be received only by such persons as shall hold policies which are in force at the time the dividend is made; and the dividends, so made and declared, may be applied in an equitable manner to the reduction of premiums payable to the company during the period which shall elapse between the time in which it is declared and the recurrence of the next succeeding dividend required by this section.

Directors may purchase policies and other obligations.

12. *And be it enacted*, That the board of directors may, for the benefit of the company, purchase all policies of insurance and other obligations issued by the company, and may also extinguish by purchase all claims and demands of policyholders, for profits declared or accumulating.

Distribution of profits, how may be made.

13. *And be it enacted*, That in case a majority in interest of the stockholders of said company shall so elect, said company may fix the amount of its dividends to stockholders, at a rate not exceeding seven per centum upon the whole amount

of its capital stock, and the residue of the profits of the business of the company may be distributed among the policyholders of said company, in such manner and at such times as the board of directors may designate.

14. *And be it enacted*, That the said company on depositing with the state treasurer an amount sufficient to reinsure any of its policies, according to the American experience table, with four and one-half per centum interest, shall receive from him a certificate to the effect that such sums are held by him to secure said policies; the proper deposits shall be determined by a competent actuary, approved by the treasurer, and the treasurer shall receive a fee of one dollar for the first certificate regarding any policy, and a further fee of twenty-five cents for each subsequent one regarding the same policy; which fees, and all the actuarial and other expenses required for the carrying out of this section, shall be borne by said company; on the return of the last certificate of any policy, with evidence that such policy is no longer in force, the treasurer shall release the corresponding deposit on application of the company.

State treasurer to deliver certificate of deposit.

Fees.

15. *And be it enacted*, That the said company shall be subject to all contracts, liabilities and engagements entered into by authority of the said act and supplements referred to in the preamble to this act; and all provisions of said act and supplements not in conformity with this act are hereby repealed, so far as inconsistent with this act and no further.

Company liable for all contracts.

16. *And be it enacted*, That this act shall take effect immediately, and the said corporation shall possess the powers, and be subject to the restrictions, limitations and conditions specified in an act entitled "An Act concerning corporations," approved February twentieth, eighteen hundred and forty-six, and the several supplements thereto.

General powers.

Approved April 4, 1872.

CHAPTER DXIX.

An Act to incorporate the Camden Savings Fund and Trust Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas McKeen, John F. Starr, John Hood, John R. Graham, Samuel H. Grey, George B. Carse, Stevenson Leslie, Rudolphus Bingham, Patrick Byrne, William J. Sewell, Henry Fredericks, Charles P. Stratton and Thomas A. Wilson, and their successors be, and they are hereby constituted a body corporate and politic, by the name of "The Camden Savings Fund and Trust Company," and by that name shall be capable of purchasing, holding, leasing, selling, transferring or conveying real and personal property of every description, necessary or proper for the objects of the corporation hereby created, to make and use a common seal, to alter and change the same at pleasure, to sue and be sued, defend and be defended in all courts of law and equity.
2. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of fifty dollars each, which shall be deemed personal property, transferable upon the books of said corporation only; *provided*, that said corporation shall not organize or commence business until twenty-five thousand dollars shall have been subscribed and paid in, in cash.
3. *And be it enacted*, That the affairs of said corporation shall be managed and conducted by a board of thirteen directors, who shall be stockholders in said company, and shall be elected by the stockholders thereof annually; *provided*, that the persons named in the first section of this act shall be directors of said company until others are elected in their stead.
4. *And be it enacted*, That the persons named in the first section of this act be and they are hereby appointed commissioners to open books for subscription to the capital stock of said company, at such time and place as they or a majority of them shall deem proper, giving at least twenty days'

notice of the time and place for receiving subscriptions in two of the newspapers printed and published at Camden, in this state.

5. *And be it enacted*, That the directors of said corporation, or a majority of them, when met together for that purpose, shall have power to appoint a president, secretary, treasurer, solicitor, and such other officers as shall appear to them necessary for conducting the business of said corporation, which officers so appointed shall continue in office for one year, and until others are appointed in their stead; and all officers of said corporation before entering upon the duties of their respective offices, shall take or subscribe an oath or affirmation in writing before any person authorized to administer the same, faithfully and honestly to perform all the duties of their offices respectively, and shall, if required so to do by the directors of said corporation, enter into bonds to said corporation in such sum or sums, and with such sureties as said board of directors may from time to time require, conditioned for the faithful performance of the duties of their offices respectively. Powers of directors.

6. *And be it enacted*, That the directors of said corporation shall from time to time have power to make, ordain and establish such by-laws, rules and regulations, as they may deem proper, for the election of officers, for prescribing their duties, for regulating the time and place of meeting of the directors of said corporation, and for the general management and direction of the affairs of said corporation; *provided*, May make by-laws, &c. that such by-laws, rules and regulations shall not be repugnant to the constitution and laws of this state or of the United States; and such by-laws, rules and regulations, shall be printed and put up in some public and conspicuous place in the room where the business of such corporation shall be transacted. Proviso.

7. *And be it enacted*, That said corporation may receive on deposit all sums of money not less in amount than ten cents, which may be offered for the purpose of being invested at such times and upon such terms as the by-laws, rules and regulations of said association shall prescribe, which sums of money so received shall be invested by said corporation, and repaid to the depositors thereof at such times and with such interest as the board of directors may from time to time prescribe; *provided*, May receive money on deposit and invest the same. that said corporation shall not be required to allow interest on any deposit until it amounts to Proviso.

Proviso.

the sum of one dollar, nor to allow interest on fractional parts of one dollar, nor to allow interest for the fractional parts of one month; *and provided further*, that it shall be the duty of the directors of said corporation to regulate the amount of interest to be paid to the depositors so that they shall receive a ratable proportion as near as may be of the profits, after deducting therefrom all necessary expenses, and a reasonable surplus or contingent fund, but no interest or dividend on account of said surplus fund shall be allowed for money which shall have been withdrawn from deposit.

No officer to receive pay.

Not to issue notes or bills.

8. *And be it enacted*, That no emolument whatever shall directly or indirectly be received by the president or any of the directors of said corporation for their services, nor shall said corporation issue any notes or bills, nor shall any director, officer or agent of said corporation be allowed directly or indirectly to borrow or otherwise obtain any money from said corporation, or to use any of the funds of said corporation, except to pay necessary expenses in conducting the business of said corporation; nor shall said corporation take or hold any bonds, mortgages or other securities for the payment of money, or any promissory notes or negotiable paper made, drawn, or endorsed by, or existing against any director, officer or agent of said corporation; and no director or officer of said corporation shall have any interest in, or derive any profit from any of the deposits made with said corporation, except such as may be due for deposits made by such director or officer as a trustee for the benefit of others.

Minors may give acquittance for deposits

9. *And be it enacted*, That it shall be lawful for said corporation to pay any depositor, being a minor, such sum as may be due to such depositor, not exceeding five hundred dollars, in all cases where no guardian shall have been appointed for such depositor, and the receipt of such minor shall be as valid and effectual in law as if the same had been given by a guardian of such minor duly appointed; *provided*, such deposit shall have been made by such minor.

Deposits by females not to be controlled by husband.

10. *And be it enacted*, That it shall be lawful for married women to make deposits with said corporation in their own names, and to take any interest or dividend thereon, and to receive and withdraw such deposits, or any part thereof, at pleasure, subject to the by-laws, rules and regulations of said corporation; and such deposits shall not be subject to the control of the husband of the person making them, nor shall they be liable for his debts; nor shall moneys deposited by

single women with said corporation be subject, in case of marriage, to the use or control, or liable for the debts of their future husbands.

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

12. *And be it enacted*, That a book shall be kept at the office or place of business of said corporation in which any depositor or depositors shall be at liberty to designate and appoint in writing, under his or her hand, a person or persons to whom, in the event of his or her death, the money standing to his or her credit upon the books of said corporation shall be paid; and if such money be not otherwise disposed of by the last will and testament of the person or persons so making such appointment, the same shall be paid by said corporation, after the death of such person or persons so making such appointment, to the person or persons so appointed, and all payments so made and receipted for by such person or persons so appointed, shall be a full acquittance and discharge of said corporation from any liability therefor. Depositors may appoint person to receive moneys.

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

14. *And be it enacted*, That said corporation shall have power to accept and execute all such trusts of every description as may be committed to it by any person or persons whatever, by will or otherwise, or by the order of any court, and to accept and receive for the execution thereof, such commissions as may be allowed to it by the person or persons, or by the court committing to it the execution of such trust; to receive into its custody and care upon storage, deposit or otherwise, any goods, chattels, choses in action, or personal property of any description for safe keeping, and to collect and pay over to the owner or owners thereof any interest, dividends or profits, arising therefrom, upon such terms and conditions as the directors of said corporation may prescribe. May accept and execute trusts.

15. *And be it enacted*, That said corporation shall invest no money in any public stocks other than such as are created under the laws of the United States nor in any state bonds Investment of deposits.

except bonds of the states of New Jersey, New York, Pennsylvania and Massachusetts, or in the bonds of the several counties of the state of New Jersey, or of the incorporated cities of the state of New Jersey, or of the city of Philadelphia, in the state of Pennsylvania, nor on bonds and mortgages, except upon unincumbered real estate within this state, worth at least double the amount of the sum invested.

Place of business.

16. *And be it enacted*, That the office or place of business of said corporation shall be in the city of Camden, and the books of said corporation shall be open at all times to the inspection and examination of such person or persons as the legislature may from time to time appoint for that purpose.

Act, how construed.

17. *And be it enacted*, That this act shall be deemed to be a public act, and shall be liberally construed for the purpose of carrying into effect the objects of this act, and that no misnomer of the corporation, hereby created, in any deed, grant, devise, bequest or other instrument of contract or conveyance, made to or for the benefit of said corporation, shall vitiate or defeat the same, and that this act shall take effect immediately.

Approved April 4, 1872.

CHAPTER DXX.

An Act to incorporate the Young Men's Christian Association of the State of New Jersey.

Authorized to meet to elect trustees.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That every Young Men's Christian Association entitled to protection in their usages and customs by the constitution and laws of this state, are hereby authorized to assemble in their usual place of public meeting, at any time by them agreed upon, giving at least ten days' notice of the time and purpose of assembling, by advertisement set up in open view, at or near such place of meeting, and when so assembled may, in accordance with the consti-

tution, usages and customs of the said Young Men's Christian Association, elect any number not exceeding seven of the said association to be trustees of the same, which said trustees and their successors in office are hereby constituted a body politic and corporate in law, by whatever name they shall assume, agreeable to the provisions of this act.

May assume name and become a body corporate.

2. *And be it enacted*, That whereas, it is represented that according to the constitution, usages and customs of the Young Men's Christian Association, the officers, together with executive committee, or board of managers, or board of directors thereof, as the case may be, for the time being, have the management of the affairs of the said association, and that some of the said associations cannot avail themselves of the preceding section of this act, because it prescribes a mode of electing trustees repugnant to the constitution, usages and customs of said associations; and whereas, the legislature is willing to grant relief in the premises, it is therefore enacted, that the officers, together with the executive committee, or board of managers, or board of directors, or upon whomsoever the management of the affairs of the said associations for the time being devolves, shall be trustees of the same, and a body politic and corporate in law, by such name as said trustees shall assume, agreeable to the provisions of this act.

Trustees declared to be a body corporate.

3. *And be it enacted*, That the said trustees, as provided for, both in sections first and second, when they take upon themselves a name, shall certify such name under their hands and seals, and transmit such certificate to the clerk of the court of common pleas of the county, whose duty it shall be to instantly record the same, for which he shall be entitled to receive one dollar; and thereupon the said trustees shall be known and distinguished in law by the name of the incorporation so taken, certified and recorded.

Certificate of name to be filed and recorded.

4. *And be it enacted*, That the said trustees of any such association, shall by such name, be able and capable to acquire, purchase, receive, have and hold any lands, tenements, hereditaments, legacies, donations, moneys, goods and chattels in trust, for the use of said associations, to any amount, in value not exceeding ten thousand dollars, to be exempt from all state, county, municipal or township taxes; and the same or any part thereof to sell, grant, assign, demise, alien or dispose of, to sue or be sued, implead or be impleaded, in any court of law or equity.

May purchase, hold and convey lands, &c.

Associations
may renounce
their acts of
incorporation

5. *And be it enacted*, That whereas, some of the associations which have been heretofore incorporated by charter or otherwise, may see cause to renounce or forego such instrument or act of incorporation, and avail themselves of this law, it is therefore enacted that it shall be lawful for any such association, by whatsoever name incorporated, to renounce or forego such charter or act of incorporation and name, by writing under their hand and seal, and recording as aforesaid, upon condition that the officers and executive committee, or board of managers, or board of directors, as the case may require of such association, shall incorporate themselves pursuant to the directions of this act; and that upon such incorporation and recording of the said writing, their former incorporation and body politic shall cease and be dissolved, and all the estate, real and personal held by virtue of the same, shall pass to and be vested in the body politic and corporate formed agreeable to this act, who shall be deemed to be legal successors in office to the former body politic and corporate, and liable to their debts.

First trustees.

6. *And be it enacted*, That the said trustees shall be the first trustees, and shall continue in office until others shall be duly elected according to the provisions of this act.

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

Approved April 4, 1872.

CHAPTER DXXI.

An Act to incorporate the Hudson County Catholic Protectory.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Right Reverend James Roosevelt Bayley, D. D., Bishop of the Roman Catholic Diocese of Newark, Reverend L. D. Senez, Reverend A. Caurin, John Halliard and Bryan Smith, be and they are hereby constituted a body politic and corporate, in fact and

in name, by the name of "The Hudson County Catholic Protectors," and by that name shall have perpetual succession, and may sue and be sued, implead and be impleaded, and may make and have a corporate seal, and the same break and alter at their pleasure; and as such corporation shall have power 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 or otherwise dispose of for the purposes of said corporation.

Name and powers.

2. *And be it enacted*, That the entire management of the affairs and concerns of the said corporation, and the corporate powers hereby granted, shall be and hereby are vested in a board of five trustees, a majority of whom shall always be citizens and inhabitants of this state, and a majority of the trustees shall constitute the necessary quorum for the transaction of all business matters connected with said corporation; the persons named in the first section to be the first trustees; the Roman Catholic Bishop of Newark, for the time being, to be also a trustee ex-officio, and the president of the board of trustees.

Board of trustees.

3. *And be it enacted*, That the trustees shall hold their first meeting at the call of the trustee first named, and shall have power, from time to time, to make and prescribe such by-laws and regulations as to them shall seem needful and proper for the management and direction of the said corporation, and to repeal, alter and amend the same at pleasure; *provided*, such by-laws and regulations shall not be repugnant to this act, or the constitution and laws of this state or of the United States; to fill up vacancies in the board of trustees; to prescribe the number and description of the duties and powers of the officers, the manner of their appointment and the term of their office.

May make by-laws

Proviso.

4. *And be it enacted*, That the object of said corporation shall be the support and instruction of orphan, destitute, homeless and abandoned children, to be selected by said corporation under such regulations as the said trustees shall ordain, and to provide a suitable asylum for such children, to be located in the county of Hudson; and for the purpose of better educating such children, they shall be trained to habits of industry, and have the benefit of moral and religious in-

Object.

Proviso. struction; *provided*, that it shall be lawful for the said trustees to receive from the overseers of the poor of the several cities and townships of Hudson county, by and with the consent of the proper authorities of such cities or townships, or from other persons having power in the premises.

Property exempt from tax. 5. *And be it enacted*, That the property and effects of the said corporation, held and used for the purposes contemplated by this act, shall be exempt from the imposition of any tax or assessment; *provided, however*, that the number of acres of land to be exempted shall not exceed twenty acres, and the amount of personal property to be so exempted shall not exceed ten thousand dollars.

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

Approved April 4, 1872.

CHAPTER DXXII.

An Act to incorporate the Shafto Cranberry Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin C. White, T. G. Chattle, John Buckingham, J. E. Lanning, George D. Allaire, and all such persons as may be hereafter associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate in fact and in law, by the name of "The Shafto Cranberry Company," for the purposes of buying, holding, cultivating and improving lands in the county of Monmouth, and for raising cranberries and other fruit, and other produce of said lands, and carrying on the business connected therewith, and erecting such buildings and holding such personal property as may be necessary therefor, and that they and their successors by the same name, may sell, grant, alien, mortgage and dispose of said lands, tenements and hereditaments, cranberries, produce, fruits, goods and chattels, or any part thereof.

2. *And be it enacted*, That the capital stock of said com-

pany shall be ten thousand dollars, with privilege of increasing the same as a majority of the directors may direct, not to exceed fifty thousand dollars, which shall be divided into shares of one hundred dollars each, and that subscriptions to the capital stock may be paid in real and personal estate, in valuation to be agreed upon by a majority of the directors, and the said corporation may issue stock in payment therefor, and the subscriptions for stock shall be opened in the village of Eatontown, Monmouth county, at such time as the directors may designate under their directions, or that of such persons as a majority of them shall select.

Amount of
capital stock.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five directors, one of whom shall be president, and a majority of whom shall have all the powers of the board, and they shall hold their office for one year, and until others are elected in their stead, and shall have power to make such by-laws for the regulation and government of the affairs of said corporation, as they shall deem advisable, and shall hold their meetings at such times and places in the county of Monmouth as the by-laws may provide; and that until an election of directors shall be held, the persons named in the first section of this act shall be directors.

Affairs to be
managed by
directors.

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

Stock, how
transferable.

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

Approved April 4, 1872.

CHAPTER DXXIII.

An Act for the relief of the Union Universalist Society of the city of Newark.

WHEREAS, the Universalist Society of the city of Newark was formed on the first day of January, in the year of our

Preamble.

Lord one thousand eight hundred and sixty-two, under the general law concerning religious societies ; and whereas, the certificate of said organization, which should have been filed on that day in the office of the clerk of Essex county, was, by some accident, lost or mislaid, and not filed therein according to law ; and whereas, the board of trustees of said society, in ignorance of the fact that the said certificate of incorporation was not filed according to law, have performed the usual acts and duties pertaining to their office as such board of trustees ; now, therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the official acts of said board of trustees, done in pursuance of their said office since said first day of January, in the year of our Lord one thousand eight hundred and sixty-two, which are not in conflict with the constitution or laws of this state or the United States, be and the same are hereby declared and made lawful in the same manner and to the same effect as though said certificate of incorporation had been duly made and filed on the first day of January, in the year of our Lord one thousand eight hundred and sixty-two, in the manner prescribed by law.

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

Approved April 4, 1872.

CHAPTER DXXIV.

An Act appointing Commissioners in Buttonwood School District, Number Fifty-eight, in the townships of Stoe Creek and Hopewell, in the county of Cumberland, and in the township of Upper Alloways Creek, in the county of Salem, for the purpose of purchasing ground, and erecting a School House thereon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George B. Davis, Charles B. Bowen and Joshua Seagreaves, residents of Buttonwood

School District, Number Fifty-eight, are hereby appointed, constituted and declared to be a board of commissioners for the purposes and with the powers hereinafter defined and granted.

2. *And be it enacted*, That said commissioners, or a majority of them, are hereby empowered to borrow and expend a sum not exceeding two thousand dollars, for the sole and exclusive purpose of purchasing a suitable plot of land within the limits of Buttonwood School District, Number Fifty-eight, of said townships of Stoe Creek, Hopewell and Upper Alloways Creek, and for erecting thereon a public school building, with the necessary outbuildings; and in order to provide for the repayment of the said sum of two thousand dollars, the said commissioners, or a majority of them, are empowered to direct the assessors of the said townships of Stoe Creek, Hopewell and Upper Alloways Creek, in each of the three years, including the present year and the two years next succeeding, to assess upon the taxable property of the said Buttonwood School District, Number Fifty-eight, a sum equal to one-third of the amount borrowed, with the accrued lawful interest; and the collectors of the aforesaid townships shall pay the money collected on such assessments on the order of the said commissioners, or a majority of them.

May borrow money and erect a school building.

Assessor to assess tax, &c.

3. *And be it enacted*, That the said board of commissioners shall assemble on the second Monday in April next, at two o'clock in the afternoon, and at such times thereafter as they shall deem necessary to carry out the provisions of this act; and at their first meeting they shall organize the board by electing a president and secretary, and a majority of the commissioners shall constitute a quorum for the transaction of business.

Meetings of commissioners.

4. *And be it enacted*, That the powers of the said commissioners shall cease on the second Monday of April, one thousand eight hundred and seventy five.

When powers to cease.

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

Passed April 4, 1872.

CHAPTER DXXV.

A Further Supplement to the entitled "An Act to create from parts of the town of Orange, and the townships of Caldwell and Livingston, in the county of Essex, a new township to be called the township of Fairmount," approved March eleventh, anno domini, one thousand eight hundred and sixty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That all that portion of the township of West Orange, in the county of Essex, beginning on the ridge of the first mountain at the boundary line dividing the township of West Orange from the township of Montclair; thence running in a southerly direction along said ridge of the first mountain to the southerly side of the Walker road; thence running in an easterly direction along the southerly side of said Walker road to the westerly line of Valley street; thence running in a southerly direction along the westerly side of said Valley street to the southerly side of Tremont avenue; thence running along the southerly line of said Tremont avenue, in an easterly direction, to the boundary line dividing the township of West Orange from the town of Orange; thence running northerly along the said boundary line dividing the said township of West Orange from the town of Orange, to the dividing line between the township of West Orange with the township of Montclair; thence running in a westerly direction along said line dividing the township of West Orange from the township of Montclair, to the ridge of the first mountain, in the township of West Orange, and point of beginning, shall be divided into one or more police districts by the township committee, as they shall deem proper; it shall be the duty of the township committee to provide a suitable lockup for temporary detention of offenders, and the expenses and cost of maintaining said lockup and of the marshal, policemen and other officers and agents as so hereinafter provided for in the sixth section of this act, shall be assessed upon the lands and real estate and taxable property within the limits above described.

Boundaries.

Township committee may divide into police districts, &c.

2. *And be it enacted*, That the governor of this state shall from time to time appoint some fit and discreet person to be the police justice of the said township, who shall hold his office for the like term, and be commissioned in the like manner, and be entitled to the like fees for like services as justices of the peace in and for the several counties of this state, and who shall be amenable in like manner to the senate and general assembly of this state; but that said police justice shall not by virtue of his office be authorized to hear and try any civil actions except such as may be brought to recover a penalty under an ordinance of the township, in which case he may act as a justice of the peace in his civil capacity, and that the township committee may pay him such compensation in addition to the said fees as they shall think proper.

Governor to
appoint and
commission
police justice.

3. *And be it enacted*, That the said police justice shall be entitled to use and exercise the like power, authority and jurisdiction in all criminal matters and complaints arising in said township 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.

Power of po-
lice justice.

4. *And be it enacted*, That unless herein otherwise directed, all actions or proceedings before the said police justice shall, or nearly as may, be regulated by the provisions of, and conducted in the manner prescribed by the act entitled "An act constituting courts for the trial of small causes," and the several supplements thereto; and that the court so held by said police justice shall be a court of record, and be vested for the purposes mentioned in this act, with all such power as is usual in courts of record in this state, including the power to award and issue writs of subpoena ad testificandum into any county of the state; *provided*, that no trial by jury shall be had, nor any appeal to the court of common pleas be allowed except in those cases where the penalty sued for shall exceed the sum of twenty dollars.

Actions, &c.,
before police
justice, how
conducted and
regulated.

Proviso.

5. *And be it enacted*, That any penalty or penalties which may be ordained by the township committee for the violation of any ordinance may be enforced or collected, together with all costs of suit and execution, in an action of debt, to be brought before the police justice in his said court, in the name of "The Inhabitants of the Township of West Orange," (and in the case of a fine) for the use of said town; and that in such action, the first process may be either a warrant or a summons, but that a warrant shall not be issued unless upon

Penalties for
violation of or-
dinances, how
and by whom
collected.

oath or affirmation, made and filed before said police justice, and establishing to his satisfaction by one or more particulars mentioned therein, that such warrant is necessary to secure the due enforcement of the ordinance against the person or persons complained of; that in such action it shall be lawful to declare generally in debt, and to give the special matter in evidence; and to amend the state of demand in all particulars, and that on the return of process, or at the time to which the said police justice shall have adjourned the trial of the cause, he shall proceed to hear the testimony, and to determine the matter complained of, and to give judgment therein: and that if such judgment shall be given against the defendant or defendants, the said justice shall forthwith issue execution thereupon, either against the goods and chattels, or against the person of the defendant or defendants for the amount of the fine imposed and the costs of suit and execution, or by warrant of commitment, directed to the keeper of the common jail of said county of Essex, and commanding him to receive and safely keep the said defendant or defendants, for the term of his, her or their imprisonment; and that it shall be the duty of such keeper to whom such warrant shall be delivered, to receive and keep such defendant or defendants as so directed and commanded, until the time of such imprisonment shall have expired; *provided*, that in case a warrant shall be issued, it may in the discretion of the police justice be made returnable forthwith, so as to receive a summary hearing and determination of the matter complained of.

Proviso.

Township committee may appoint marshal and policemen.

6. *And be it enacted*, That the township committee shall, at their discretion, and from time to time, appoint and remove a town marshal and as many policemen and other officers and agents as they shall think necessary for the governing of the township, and the carrying into effect of the powers and duties imposed upon them by this act; and that every person so appointed shall be a resident and legal voter of the said township, and shall continue in his office until the same shall be declared vacant, or until another person shall be appointed to succeed him therein, and shall enter upon the duties thereof; and that they shall be entitled to such compensation for their services as may be from time to time fixed and determined by the township committee.

Powers of marshal and policemen.

7. *And be it enacted*, That the marshal and policemen to be appointed by the township committee shall, in addition to

the authority conferred upon them by the ordinances of the township committee, possess and have all the powers of constables within the township limits, for the purpose of preserving the peace and enforcing the ordinances of the town; and that they are hereby severally empowered to make arrests, either with or without warrant, for the violation of any such ordinance, and to detain the offender or offenders in the township lock-up or in the common jail of the county of Essex, or elsewhere, until he, she or they can be conveniently taken before the police justice, who is hereby authorized to hear and determine the complaint summarily.

8. *And be it enacted*, That no justice of the supreme court shall grant or allow any certiorari to remove any order, judgment or other proceeding to be had or made by the said police justice, by virtue hereof, unless the party applying for such certiorari shall enter into bond to "The Inhabitants of the Township of West Orange," in the sum of one hundred and fifty dollars, with one or more good and sufficient surety or sureties, conditioned that such applicant shall prosecute the said certiorari, and shall pay the penalty recovered before the said police justice, with interest and costs, if the judgment be affirmed, and shall in all things stand by and abide the judgment of the higher courts in the matter; which said bond shall be tendered to the justice granting said certiorari, to be by him filed with the clerk of the said court for the benefit of the said "The Inhabitants of the Township equally of West Orange," and that it shall be lawful for the said police justice to charge and receive, before delivering his return to the said writ of certiorari, the sum of ten cents per folio for said return, the same to be paid by the person delivering to him the said writ; and the township committee of said township of West Orange shall divide the public printing and advertising of said township between the Orange Chronicle and the Orange Journal, printed in the town of Orange; and all acts inconsistent with the provisions of this section of this act, be and the same are hereby repealed.

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

Passed April 4, 1872.

Parties applying for writ of certiorari to enter into bond.

Fees of justice for making return.

Public printing.

Repealer.

CHAPTER DXXVI.

A Further Supplement to an act entitled "An Act to revise and amend the charter of the city of Elizabeth," approved March the fourth, one thousand eight hundred and sixty-three, and the several supplements thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be a department of the city government of the city of Elizabeth, to be called the department of finance, which shall have control of all the financial concerns of the said city, and shall manage the same in the manner required by the charter of the city and the various acts amending the same, by the laws of this state, and by the ordinances and resolutions of the city council, not inconsistent with this act; all accounts rendered to or kept by all officers of the city government shall be subject to the inspection of said department, and the comptroller shall have power to make or cause to be made copies or transcripts of all said accounts.

2. *And be it enacted*, That the chief officer of said department shall be called the comptroller of the city of Elizabeth, who shall be a resident elector of and freeholder in said city, and shall be appointed by the mayor elected for said city, and not by an acting mayor, by and with the advice and consent of the city council; and the said comptroller shall hold his office for the term of three years, from the first day of January next preceding his appointment, and until his successor is duly appointed and qualified; and he shall, before entering upon the duties of his office, take the oath required by the act to which this is a supplement, and execute to the city of Elizabeth a bond or duplicate in the sum of fifty thousand dollars, conditioned for the faithful performance of the duties of his office, with at least two sufficient sureties, who shall be residents of and freeholders in said city, and who shall together justify in double the amount of the bond, which bond shall be approved by the mayor of the city, one to be filed with the said mayor and the other in the office of the city clerk.

3. *And be it enacted*, That the comptroller shall perform all the duties concerning the collection of the assessments for public improvements, and the sale of lands and real estate for the same, where default of payment has been or may be hereafter made, and also concerning the collection of all other claims due the city; but he shall not receive the money for such assessments or other claims due the city, which money shall in all cases be paid to the city treasurer in the manner hereinafter provided; the said comptroller shall keep, in proper books to be provided for that purpose and kept in his office, separate accounts with and for each assessment, object or matter for or on account of which money is or shall become due and payable to the city, and when payments are made to the city treasurer, as hereinafter provided, he shall credit the respective accounts with the amounts so paid; he shall, at the end of each month, publish once in two newspapers of the city of Elizabeth, a statement of the total amount of money paid to the city treasurer, and on what accounts the same has been paid; he shall make out, on the first Monday in each month, a list of the assessments for public improvements falling due in the current and succeeding month, with the names of the parties owing the same, and shall report the same to the first meeting of the city council in said month, and cause the said report to be published as aforesaid.

Duties of the
comptroller.

4. *And be it enacted*, That the comptroller shall draw and countersign all warrants on the city treasurer for all moneys to be drawn from the treasury, which shall have been previously ordered, according to law, and present the same, with the vouchers, to the mayor to be signed by him, which warrants shall contain a distinct reference to the appropriation or fund under or upon which and the purpose for which it is drawn; but no such warrant shall be drawn unless the sum specified therein is embraced in an appropriation or fund previously made or authorized and provided by the city council, and no warrant shall be drawn for or on account of any appropriation or object unless the sum specified therein is in the city treasury, and has been collected or paid into the treasury specifically for that purpose; and no money which shall have been collected, or in any manner realized for or on account of any street improvement, shall be drawn from or paid out of the city treasury for any other purpose.

To draw and
countersign
all warrants.

5. *And be it enacted*, That the comptroller shall audit all accounts and claims in which the city of Elizabeth is con-

To audit all
accounts and
claims.

Make report
to council.

Statement of
contracts not
performed or
completed.

Statement of
receipts and
expenditures.

Comptroller
to sell all
bonds, &c.

cerned, either as debtor or creditor, before the same shall be presented to or acted upon by the city council, and shall transmit the same to the city council, with his approval or disapproval endorsed thereon, at the next meeting of the council thereafter, and if disapproved, he shall send to the city council his reasons therefor in writing; he shall keep full and accurate accounts of all matters appertaining to the said department of finance, and submit to the city council for their examination, once a month, a full and detailed statement of the accounts of the said department, and shall publish the same once in two newspapers of the said city; he shall compare the quarterly and other accounts of the city treasurer with the vouchers relating to the same and with the books of his department, and report those accounts, with such information in respect thereto as may be proper, to the city council at its next regular meeting; he shall report forthwith to the city council every case in which an appropriation is exhausted, the object of which is not completed, and accompanying such report with a statement of the moneys which have been drawn on such appropriation, the particular purpose for which they were drawn, and the cause of the deficiency, and an estimate of the amount that will be necessary to complete the object of the appropriation; he shall report to the city council, within thirty days after their organization, in each year, a statement of all contracts made by the city of Elizabeth, or directed or authorized by the city council, and not performed or completed, or upon which any money remains unpaid, with the amount of money so remaining unpaid on each; he shall submit on or before the tenth day of March in each year, to the mayor, who shall transmit, with his approval or disapproval, to the city council on or before the first day of April in each year, a detailed estimate of the receipts and expenditures for the year, commencing on the first day of January preceding, in order that the annual appropriations may then be made, and also an estimate of the probable amount of tax that may be required for the year commencing on the first day of January preceding.

6. *And be it enacted*, That the comptroller, under the direction of the commissioners of the sinking fund of said city, shall sell and dispose of all bonds of said city which shall hereafter be sold or disposed of for any purpose, and in all cases, before selling or disposing of any of said bonds, the comptroller shall advertise for ten days before the opening of

the bids, in two newspapers of the said city and two newspapers in the city of New York and elsewhere, if he deems proper, for sealed proposals for the purchase of the same, which proposals shall be opened by the comptroller in the presence of the said commissioners, or a majority of them, and previous notice, in writing, of the time and place of opening said proposals shall be given to all of said commissioners, in such manner as they shall provide, and in all cases said bonds shall be sold for the highest price that can be obtained for the same; and said commissioners shall have power to reject all bids if, in their judgment, it is for the interest of said city.

7. *And be it enacted*, That the comptroller may, from time to time, with the approval of the city council, borrow on the credit of the corporation, in anticipation of its taxes, such sum or sums, not exceeding in the whole the amount of such taxes, as may be necessary to meet expenditures under appropriations made for the current year; every such loan shall be secured by certificates of indebtedness of the city of Elizabeth, payable in not exceeding one year, in such sums as the comptroller may deem proper; *provided*, all bonds and certificates of indebtedness of said city, hereafter issued, shall be countersigned by the comptroller and signed by the mayor and sealed with the corporate seal. May borrow money with the approval of council.

8. *And be it enacted*, That the comptroller shall receive a salary of four thousand dollars per annum, payable quarterly, as full compensation, except as hereinafter provided, for all services required to be performed by him by or under this act, which salary shall be provided for in the annual appropriations by the city council; and until an annual appropriation for that purpose shall be made, after the passage of this act, said salary shall be paid out of the contingent fund of said city, and said salary shall be paid by the city treasurer when due; he shall devote his whole time to the duties of his office, and shall not hold any other public office whatever in said city or elsewhere; he may, with the concurrence of the commissioners of the sinking fund, employ such clerical help as shall be necessary to enable him to properly perform the duties of his office, whose compensation shall be determined by the said commissioners, and shall be provided for and paid in the same manner, as is herein provided in respect to the salary of the comptroller; the city council shall provide the comptroller with suitable offices in Compensation of comptroller.

May employ clerical help.

the city hall, and with proper desks, books, safes, fuel and other articles necessary to the performance of his duties, to be paid for in the manner herein provided in respect to his salary.

Vacancy, how filled.

9. *And be it enacted*, That if the comptroller shall become disqualified from performing the duties of his office, or shall remove his office from said city, or resign his office, the mayor, and not the acting mayor, by and with the advice and consent of the city council, shall appoint a suitable person to perform the duties during the residue of the official term, and who, before entering upon the duties of said office, shall qualify and give the same security as is required to be given by the comptroller; the comptroller may be removed for cause, on written charges to be served upon him, requiring him to appear before the city council, and answer the same, and he shall be heard before the council in person or by attorney, and testimony shall be given in relation to or in rebuttal of the charges, on the same general principles as in a court of law; the mayor shall preside on such trial; a three-fourths vote of all the members of the city council shall be required to effect his removal; the mayor shall not have the right to vote on such trial except in case of a tie.

Removal, how made.

Comptroller to perform duties of receiver of public revenue.

10. *And be it enacted*, That the comptroller shall keep the tax books of the city of Elizabeth in his office, and do and perform all things concerning the collection of taxes that the present receiver of public revenue is required by law and the ordinances of the city to perform, and be liable to all the penalties which the present receiver of the public revenue is liable to before the passage of this act, except that the comptroller shall not receive the money due for taxes, which money shall, in all cases, be paid to the city treasurer, in the same manner as other moneys are required by this act to be paid; *provided however*, that this section of this act shall not go into effect until the term of office of the present receiver of public revenue expires, to wit: on the first day of April, eighteen hundred and seventy-three, on which day the said office of receiver of public revenue shall be and is hereby abolished, and the said receiver of public revenue shall thereupon deliver to the comptroller all the books and papers appertaining to his office.

Proviso.

Tax payer to have a detailed statement of his indebtedness.

11. *And be it enacted*, That whenever assessments are hereafter paid, and whenever taxes are paid after the first day of April, eighteen hundred and seventy-three, the mode

shall be as follows, to wit: the comptroller shall give to the property owner or tax payer, on demand, a detailed statement of the indebtedness of such party to the city, whether for taxes or assessments, reference being had in such statement to the particular lot or lots of land, on what street or avenue the same is located, by certain ward, block and line numbers, to correspond with the same line, block and ward numbers designating such lot or lots on the books and maps in said comptroller's office, wherever the same can be so done, which statement shall be in duplicate, if requested by the property owner or tax payer, and thereupon the property owner or tax payer shall pay the amount found to be due to the treasurer of the city of Elizabeth, who shall give his receipt therefor on said statement, in duplicate, if requested, and on the presentation to the comptroller of the receipts of the city treasurer for such payments, the comptroller shall forthwith credit the parties so paying on the tax books, or assessment books, or assessment bonds, as the case may be, and shall also countersign the treasurer's receipt, and he shall, at the same time, charge the treasurer with the amount so paid; and all other moneys payable into the treasury shall be paid in after this form; and in case the comptroller shall advertise for sale lands which have become forfeited for the non-payment of assessments, or for the nonpayment of taxes, after the duties of the receiver of public revenue have been devolved upon him, under the provisions of the tenth section of this act, it shall be the duty of the city treasurer to attend all such sales and receive the money bid and paid for the property there sold, which sums shall also be charged by the comptroller to the city treasurer, and reported in his regular monthly report to the city council.

Moneys paid
into the trea-
sury.

12. *And be it enacted*, That the treasurer of the city of Elizabeth, from and after the first day of January, eighteen hundred and seventy-three, shall keep his office in the city hall, in a room to be set apart to him for that purpose, to be furnished with proper desks, books, safes and other articles necessary to the performance of his duties, the expense of which shall be provided for in the annual appropriations by the city council, and he shall receive and receipt for and safely keep all moneys payable into the city treasury, and he shall also receive and receipt for all moneys set apart for the sinking fund, setting out distinctly, in each receipt, on what account the payment is made; and it shall be his duty

Duties and
powers of the
treasurer.

to enter daily to the credit of the sinking fund commissioners, all moneys received during the day that properly belong to the sinking fund, and deposit the same in such bank or banks within the said city as the commissioners of the sinking fund shall designate; and the said city treasurer shall employ such clerical help as he shall require, by and with the approval of the commissioners of the sinking fund, who shall fix the compensation therefor, to be provided and paid in the same manner as is provided and paid in respect to the salary of the comptroller.

May employ
help, &c.

Treasurer not
to pay money
except on
warrant.

13. *And be it enacted*, That the city treasurer shall pay no money out of the city treasury, except for state and county taxes, unless on a warrant drawn and countersigned by the comptroller and signed by the mayor, and containing a distinct reference to the particular appropriation or fund and object under or upon and for which it is drawn; he shall keep, in proper books to be provided for that purpose and kept in his office, separate accounts with and for each object or matter for or on account of which money shall be paid into the city treasury; he shall pay no warrant, unless sufficient money to pay the same is in the city treasury, to the credit of the particular appropriation or fund or object referred to in said warrant; he shall report to the city council, at its first meeting in each and every month, the general balance remaining in the city treasury and the balances remaining to the credit of each appropriation; he shall make his annual report to the city council at its first meeting in January of each year.

Appointment
of commis-
sioners of
sinking fund.

Term of office.

14. *And be it enacted*, That the mayor and comptroller for the time being, and three resident freeholders of the said city, holding no office under the city government, who shall be appointed by the mayor, and not by an acting mayor of said city, by and with the advice and consent of the city council, shall constitute and be denominated "The Commissioners of the Sinking Fund of the City of Elizabeth and the Department of Finance;" and the said three commissioners so first appointed shall hold their office for one, two and three years, respectively, to be designated by the mayor in making their nomination, or until their successors are appointed and qualified; and at the expiration of the term of office for which each of said three commissioners shall be appointed, successors shall thereafter be appointed in the same manner, to hold office for three years or until their

successors shall be appointed and qualified; any three or more of the said commissioners, of whom the comptroller shall be one, shall be and are hereby authorized to discharge the trusts and duties vested in said commissioners by this act; said commissioners shall serve without compensation, and may employ such clerical help as they shall require, whose compensation shall be fixed by them and provided for and paid in the same manner as herein provided in respect to the salary of the comptroller; should a vacancy occur in the board of commissioners of the sinking fund, then and in such case such vacancy shall be filled in the same manner as prescribed in the ninth section of this act, and said commissioners, or either of them, may be removed in the same manner as is provided for the removal of the comptroller.

Vacancy, how filled.

15. *And be it enacted*, That the said commissioners shall, from time to time, invest the moneys which shall constitute the sinking fund for the redemption of the city debt, and which shall include all moneys collected or paid in for assessments for any street or other improvements, for or on account of which the bonds of the said city shall have been issued, or as much thereof as they can, in the purchase of the bonds issued by the corporation of the city of Elizabeth, at the market price, not exceeding the par value thereof; and if, at any time, such investments cannot be made at par, then the said commissioners shall be authorized to invest such moneys, or such part thereof as they may deem fit, either in the purchase of the bonds of said city or the bonds of the state of New Jersey, or of any county therein, or in the bonds of the United States, notwithstanding such bonds may be above the par value thereof; whenever the said commissioners shall have invested any part of said funds in the bonds of this state, or of any county therein, or in the bonds of the United States, and shall thereafter be able to invest said bonds, or the proceeds thereof, in the bonds of said city, in such a manner as to be, in their opinion, beneficial to the public interest, they may forthwith sell and dispose of the same, and invest the same, or the net proceeds thereof, in the bonds of said city; whenever the said commissioners shall have invested any part of said funds in the purchase of the bonds of said city, and shall, at any time thereafter, be enabled to purchase any of the said city bonds, which shall be, by their terms, payable at an earlier day, they may sell the same, and invest the proceeds in such other city bonds,

Commissioners to invest money, &c.

May invest,
temporarily,
unemployed
moneys.

Treasurer to
pay over to
commission-
ers all moneys
in his hands
realized from
assessments
for city im-
provements.

if, in their opinion, such exchange shall be beneficial to the public interest; the city bonds which shall be purchased by the commissioners shall not be cancelled by them until they shall be, by their terms, due and payable, and all interest thereon shall regularly be carried to the said sinking fund, for the redemption of the city debt; all bonds and securities which shall be purchased by the said commissioners shall be duly recorded by proper description, in proper books, to be provided for that purpose, and shall be held by the said commissioners; and all transfers thereof, when disposed of pursuant to the provisions of this act, shall be made by the said commissioners, or any three of them, of whom the comptroller shall be one; the said commissioners are authorized to invest, temporarily, the unemployed moneys belonging to the sinking fund, in the bonds and certificates of indebtedness of the city of Elizabeth, or they may loan the same, payable upon demand, secured by collaterals of bonds of the United States, of the state of New Jersey, of the county of Union, or of the city of Elizabeth, at not over seventy-five per cent. of their market value; and whenever the unemployed moneys belonging to said sinking fund shall amount to five thousand dollars, the said commissioners shall be authorized to invest the same in one of the ways above enumerated, and when invested, payable upon demand, said margin of twenty five per cent. shall be kept good.

16. *And be it enacted*, That it shall be the duty of the treasurer of the city of Elizabeth to transfer and pay over to the said commissioners, within thirty days after the organization of the commissioners of the sinking fund, all the moneys at that time in his custody, realized from assessments for city improvements, and all other moneys in his custody belonging to the sinking fund of said city, and he shall thereupon receive from said commissioners a voucher in duplicate for such payment, to be signed by three or more of said commissioners, one of whom shall be the comptroller, and one of the said vouchers shall be filed in his office, and the other in the office of the city clerk, and all such moneys shall constitute a part of the sinking fund of said city, and the said commissioners shall redeem and pay the bonds of the said city, as the same become due, out of any moneys in their custody belonging to the sinking fund of said city, and the said commissioners shall pay the interest on the bonds of

the said city, as the same becomes due and payable, out of the same moneys.

17. *And be it enacted*, That all bonds which have heretofore been given to said city, or to any officer or officers of said city, for or on account of any assessments for any street or other city improvement remaining unpaid, shall within thirty days after the organization of the commissioners of the sinking fund, be transferred by the officer having charge of the same, to the said commissioners, and shall constitute a part of the sinking fund of said city, and all bonds which shall hereafter be given for, or on account of any assessment for any street or other improvement in said city, shall be taken by the comptroller, and such bonds, together with all moneys, which shall be collected or paid for, or on account of any assessment for any street or other improvement in said city, shall constitute a part of the sinking fund, and shall be delivered and paid over to the said commissioners; all moneys belonging to the said sinking fund of said city of Elizabeth, shall be deposited in such place or places, bank or banks, within said city, as may be designated by the said commissioners, and shall be regarded as in their custody, and shall be withdrawn, only upon the warrant of three of such commissioners of whom the comptroller shall be one.

Bonds given to city for assessments to constitute part of sinking fund.

Moneys to be deposited in bank.

18. *And be it enacted*, That it shall be the duty of the comptroller to keep a full and correct record of the proceedings of the said commissioners, to be verified by any three of them, himself being one; and at least once in each year, and oftener, if required by the city council, to render unto the city council a full and detailed report of the proceedings of the said commissioners, and the condition of the sinking fund of said city; and the comptroller shall publish an abstract of the condition of the sinking fund on the first Monday of each month, once in two newspapers of said city.

Record and proceedings of commissioners to be kept.

19. *And be it enacted*, That no bonds issued by the said corporation for street improvements, and no moneys or funds received, or in any manner realized, from or on the sale of any such bonds, shall be used, applied or appropriated, to any purpose other than street improvements; the comptroller shall keep an account of all such moneys and funds, separate and distinct from all other accounts kept by him, and from all other moneys or funds in his custody; no moneys collected or paid into the sinking fund of said city, for or on account of any assessments for any street improvements, or for or on account of any bond or bonds given by any person, for or on

Money received for bonds issued for street improvements, how appropriated.

account of any such assessment, shall be used, applied or appropriated for any purpose other than the redemption of bonds issued by said corporation for street improvements, except for temporary investment, as provided in the fifteenth section of this act.

Amendment. 20. *And be it enacted*, That section twenty-nine of an act entitled "An act to revise and amend the charter of the city of Elizabeth," approved March the fourth, eighteen hundred and sixty-three, be and hereby is amended by inserting after the words, "members of the city council," the following words: "but in case any ordinance or resolution involves the expenditure of money, the vote of three fourths of all the members of the city council shall be necessary to its passage," and by adding at the end of the section, the following words: "no additional allowance beyond the legal claim which exists under any contract with the corporation, or for any services on its account, or in its employment, shall ever be passed by the city council, except by the unanimous vote of all the members thereof, upon a vote taken by yeas and nays, and recorded in its proceedings;" the said city council shall not increase or diminish the salary or compensation of any officer of the said city of Elizabeth, at any time after the election or appointment, or during the official term for which he shall have been or shall be elected or appointed.

Amendment. 21. *And be it enacted*, That section thirty of said last mentioned act be and is hereby amended by striking out all after the words "shall be published," and inserting instead thereof the following: "immediately after the adjournment of the meeting, at which the same shall have been passed, in the newspapers in which the proceedings of the city council are required to be published, with the yeas and nays, and with the names of the persons voting for and against the same, as a part of the proceedings."

Books, &c., declared public records. 22. *And be it enacted*, That all the books and accounts kept by the city comptroller, city treasurer, receiver of public revenue, and commissioners of the sinking fund, shall be and are hereby declared to be public records, and open to inspection by taxpayers and property owners in said city at all business hours.

Comptroller to give certificate of payment of unpaid taxes and assessments. 23. *And be it enacted*, That it shall be the duty of the comptroller and receiver of public revenue, respectively, on the payment of the fees hereby authorized, to give to any person requiring the same, a certificate as to the liability of

any real estate in said city, for unpaid taxes or assessments, as shown by any records in their respective possession and office, and such certificate in the hands of a bona fide purchaser, or mortgagee of such real estate, shall, unless a mistake has occurred in the name of the owner, or from a misdescription of the property, relieve and discharge such real estate from any tax or assessment, except such as is therein stated to be unpaid; *provided*, that such comptroller and receiver of public revenue shall be respectively responsible to said city, for any loss occasioned by any erroneous entry, or certificate made or given by him, and they may respectively demand and receive the sum of fifty cents for each certificate so made. Proviso.

24. *And be it enacted*, That this act shall take effect immediately, and be deemed and taken to be a public act, and that all acts and parts of acts, and all ordinances of the city of Elizabeth, inconsistent with the provisions of this act, be and the same are hereby repealed. Repealer.

Passed April 4, 1872.

CHAPTER DXXVII.

An Act to revise and amend the charter of the village of
South Orange, in the county of Essex.

TITLE FIRST.

OF BOUNDARIES AND GENERAL RIGHTS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the county of Essex contained within the boundary lines of the village of South Orange, as now established by law, shall continue to be a village by the name of "The Village of South Orange;" and that all the inhabitants of this state residing within such limits, and their successors, are hereby constituted and continued a body politic and corporate, in fact and in law, by Corporate
name and
powers.

the name of "The Village of South Orange," and by that name shall and may have perpetual succession, and shall and may be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of suits and actions whatsoever; and shall and may have a common seal, and alter the same at pleasure; and also, shall and may, by their corporate name aforesaid, be capable in law of purchasing, holding and conveying any estate, real or personal, for the public use of the corporation, and shall, also, by virtue of this act, continue to be absolutely vested with, and shall possess and enjoy, all the lands, tenements, hereditaments, property, rights, and causes of action, in possession, reversion or remainder, of every kind and description whatsoever, which are now vested in or belong to the said inhabitants, under and by their present corporate name.

TITLE SECOND.

ELECTION AND APPOINTMENT OF VILLAGE OFFICERS.

- Election.** 2. *And be it enacted*, That an election for village officers shall be held annually, on the second Monday of April in each year; and that the same shall be held at some place in said village, to be designated by the board of trustees, and to be advertised by the village clerk for at least ten days previous thereto, by notices put up in at least five of the most public places in said village, and shall be conducted by the village clerk and two judges of election, but otherwise in the same manner, and subject to the same rules, as elections which may be hereafter held in the township of South Orange for members of the legislature of this state; and that the expenses of such election shall be audited and paid by said board of trustees.
- Officers.** 3. *And be it enacted*, That at such election, there shall be elected by the legal voters of said village, by ballot, and by a plurality of votes, a president of the village, and six trustees, who shall, together, constitute and be known by the name of the board of trustees of said village, and two judges of election; *provided*, that all the present officers of said
- Proviso.** village shall continue in office until their terms of office shall

expire, and until others shall be elected or appointed in their stead.

4. *And be it enacted*, That the president and trustees shall not receive any compensation or emoluments for their services, whether directly or indirectly, and before the president or any trustee shall enter upon the duties of his office, he shall subscribe an oath or affirmation before some person authorized to administer the same, that he will execute the duties of his office to the best of his ability, which oath shall be filed in the office of the village clerk; and in case a vacancy shall occur in the office of president or trustee, by reason of neglect or refusal to serve, removal from the village limits, or any other cause, the trustees shall elect, by a majority vote of their whole number, some person to fill the said vacancy; and in case two or more vacancies in the office of president or trustees shall exist at the same time, a special election shall be ordered by the trustees for the purpose of filling the same; which special election shall be advertised and conducted in the same manner as the annual elections.

President of trustees not to receive compensation.

Vacancies, how filled.

5. *And be it enacted*, That at the close of any such annual or special election, the officers holding the same shall proceed, without delay, to count the votes cast for the several candidates voted for in said election, and shall make out, under their hands, a certificate of the result, and shall, within three days after such election, deliver said certificate unto the village clerk; and that, at the annual meeting of the board of trustees (which annual meeting is to be held on the third Monday of April), the said certificate is to be laid before said board of trustees, and that they shall, either then or at their next meeting, proceed, in a public manner, to canvass the number of votes given for the said several candidates; and that said board of trustees shall be the final judges in said canvass, and shall ascertain and determine, by a majority of their whole number, without any appeal from their decision, which of the said candidates shall have been elected to fill such office or offices; and that in case of an equal number of votes having been given for two or more candidates for the same office, the said board of trustees shall, by ballot, and by a majority of their whole number, elect one of the said candidates to fill said office; and that the result of such canvass or election shall, within five days thereafter, be entered upon the record of the proceedings of said board of trustees, and also be certified, under the hands of the president and village

Certificate of result of election to be filed

Board of trustees to canvass votes.

clerk, to the clerk of the court of common pleas of said county for preservation in the files of his office.

Trustees may
appoint vil-
lage officers.

6. *And be it enacted*, That the board of trustees shall, at their discretion, and from time to time, appoint and remove a village clerk, a village treasurer, a village counsel, a marshal, a pound-keeper, an overseer of the highways, five commissioners of assessments (which commissioners shall constitute and be known as "The Board of Assessments"), and as many constables and other officers or agents as they shall think necessary for the carrying into effect of the powers and duties imposed by this act; and that every person so appointed (except the village counsel) shall be a resident and legal voter of the village, and shall continue in his office until he shall be removed, or until another person shall be appointed to succeed him and shall enter upon the duties of his said office; and that all such officers so appointed shall, besides the powers and duties herein or by any ordinance of said board of trustees specifically conferred or imposed upon them, respectively possess the powers and perform the duties of the like officers of any township of this state, and shall be entitled to receive such compensation, in addition to the fees allowed such like officers by any general law or laws of said state, as may be, from time to time, determined by said board of trustees.

Powers, &c.

Clerk.

Treasurer.

Constables.

Officers to give
bonds.

7. *And be it enacted*, That the village clerk shall, before entering upon the duties of his office, take and subscribe before some justice of the peace (who is hereby authorized to administer the same) the same oath or affirmation that is by law required of clerks of townships; that the village treasurer and the commissioners of assessments shall, in like manner, take and subscribe an oath or affirmation that they, and each of them, will faithfully, honestly and impartially perform the duties of their respective offices; that the constables shall, in like manner, take and subscribe the same oath or affirmation that is now required of like officers by the general law of this state; and that said treasurer and constables, as well as all other officers or agents of whom it may be at any time required by the board of trustees shall, before entering upon the duties of their respective offices, severally make and execute their bonds to "The Village of South Orange," for the true and faithful performance of their said duties, in such forms and for such sums, and with such sufficient freehold securities as the said board of trustees shall direct and require; and

that in the case of constables such bonds shall conform as closely as may be to the form prescribed in the first section of the act entitled "An Act respecting constables;" and that all such oaths or affirmations, and such bonds after having been approved by the board of trustees, shall be filed in the office of the village clerk, and may be sued upon and prosecuted in the same manner, or as nearly so as circumstances will admit, as the bonds of like officers are or may be under any other law or laws of this state.

8. *And be it enacted*, That if any person so elected or appointed to any such office, shall not qualify as aforesaid, within ten days after said canvass of such election or after said appointment by the board of trustees, his office shall be deemed and taken to be vacant.

Persons elected falling to qualify office deemed vacant.

TITLE THIRD.

GENERAL POWERS, DUTIES AND COMPENSATION OF VILLAGE OFFICERS.

I. *The Village President.*

9. *And be it enacted*, That the village president shall be the chief executive officer of the village; that he shall, when present, preside at all meetings of the board of trustees, and in case of a tie, shall have a casting vote in their proceedings; that he shall call special meetings of the board of trustees at any time, either of his own suggestion, or upon the written request of any three trustees; that he shall grant all such licenses as shall be authorized by the board of trustees; that he shall sign all declarations of the sale of lands and real estate for unpaid assessments, all warrants for the withdrawal of moneys from the village treasurer, and all notes, bonds or obligations to be given for the payment of money by the village; that he shall, in cases of emergency, be at liberty to appoint special constables for temporary service, which special constables, during the time of such service, shall have all the powers and perform all the duties of constables of this state, and shall receive such compensation as may be determined by the board of trustees; that he is hereby invested with all the powers that the police justice of the village is hereby or may be hereafter invested with, and is hereby authorized, on witnessing any breach of the

Village president, powers and duties.

Special constables may be appointed.

To make statement of condition, &c.

peace, forthwith, and without warrant or other process, to commit the offender or offenders for a hearing; that for the purpose of quelling any riot, disturbance or disorderly assemblage, he shall have the control of all the constables of the village, and have the right to call upon the citizens for aid; that he shall, at least once in each year, communicate to the board of trustees a general statement in writing of the situation and condition of the village in relation to its government, finances and improvements, with such recommendations as he may think proper; that he shall be vigilant in causing the ordinances of the village to be enforced, and shall exercise a constant supervision over the acts and conduct of all subordinate officers and examine into all complaints that may be preferred against them; and that, in the event of his temporary absence from the village, the board of trustees shall have power to appoint from their own number an acting president, who, during such absence, shall be invested with all the powers and discharge all the duties of said president.

II. *The Board of Trustees.*

Board of trustees, annual meeting.

10. *And be it enacted*, That the board of trustees shall hold an annual meeting on the third Monday of April in each year, and such other regular meetings as they may from time to time appoint, and such special meetings as may be called by the village president; that such meetings shall always be open to the legal voters of said village; that in the event of the president being absent at any meeting, they may choose one of their own number to preside pro tempore, or in the event of his temporary absence from the village, an acting president as aforesaid; that four trustees shall constitute a quorum for the transaction of business, but that any smaller number may adjourn from time to time; that they may adopt, alter and repeal by-laws for their own government; that in the failure of any trustee to attend the meetings of the board for three successive months or more, the other trustees shall have power to declare his seat vacant, and to fill the same as aforesaid; that said board shall also make and publish in a public newspaper of said county, at least one week before the annual election, a detailed statement of their receipts and disbursements during the year preceding; and that said trustees, collectively and individually, in addition to the powers and duties hereby conferred or imposed,

Statement of receipts, &c., to be published.

shall possess the powers and perform the duties which by law belong to or are imposed upon the members of township committees in the several townships of this state, so far as the same are consistent with the provisions of this act; and that no trustee or trustees shall, under any pretence whatsoever, be allowed to be interested in any way in any work or contract where the price or consideration therefor is to be paid from the village treasury.

11. *And be it enacted*, That the board of trustees shall have power to pass, alter and repeal, from time to time, any and all such ordinances as they shall think proper, for any or all of the following purposes, to wit:

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

II. To lay out and open any street or highway within the village; to order and cause to be constructed any sewer or drain, whether open or covered, for the drainage of any street or public place; to order and cause any street or highway already laid out or which may be hereafter laid out, or any part or parts thereof, to be vacated, straightened, altered or widened; and to take and appropriate, for any of such purposes, any lands and real estate, upon making compensation to the owner or owners thereof, by the payment of damages, as is hereinafter mentioned and provided;

III. To order and cause any street or highway (except such as shall be under the control of the Essex Public Road Board), or any part or parts thereof, to be graded, graveled, paved or macadamized, or to be re graded, re-graveled, repaved or re-macadamized, or to be otherwise improved, as to them may seem advisable;

IV. To alter the grade of any street or highway (except such as shall be under the control of the Essex Public Road Board), or of any part or parts thereof, upon the payment of damages to the owner or owners of any lands and real estate on the line thereof that may be damaged thereby;

V. To ascertain and establish the boundaries of all streets or highways in said village, and to prevent and remove all encroachments that may have been or may be made thereon;

VI. To regulate, clean and keep in repair all streets or highways in said village (except such as shall be under the control of the Essex Public Road Board); to regulate and keep in repair all sidewalks and crosswalks; to prevent and remove all obstructions and encumbrances thereon; to direct

and regulate the planting, rearing, trimming and preserving of shade trees in the same, and to authorize or to prohibit the removal or destruction of said trees; to enforce the removal of snow, ice or dirt from the sidewalks and gutters of said streets or highways, by the owners or occupants of the premises fronting thereon; and also to forbid and prevent the removal of earth, gravel or any other road-making material from any street or highway, without the consent of the overseer of the highways;

To widen curb
&c.

VII. To widen, straighten, level, grade or re grade, flag or re flag, curb or re-curb, pave or re pave, the sidewalks and gutters in any street or highway, or any part or parts thereof; to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed upon the owner or owners of lands and real estate on the line of said street or highway, and to be collected in the same way as assessments for laying out and opening streets;

To adopt a
plan of sewer-
age and drain-
age.

VIII. To make and adopt a general plan of sewerage and drainage for the village, or any part or parts thereof; and to modify and change the same at pleasure, making compensation to the owner or owners of land and real estate taken therefor, or damaged thereby, and assessing such damages as well as the expense of making such improvement upon the property benefited thereby, in the same manner as in the case of laying out and opening streets;

To prevent
erections of
stoops, &c

IX. To prevent or regulate the erection or maintenance of any awning, stoop, steps, platform, bay window, swinging gate, cellar door, area, descent into a cellar or basement, sign, banner, post, or erection or projection of any kind, in, over or upon any street or highway, or public place; and to remove the same, when already erected, at the expense of the owner or occupant of the premises in front of which the same may be;

Vice and im-
morality.

X. To prevent vice and immorality; to preserve public peace and good order; to prevent, disperse and quell crowds, riots, disturbances and disorderly assemblages;

Gaming
houses.

XI. To restrain and suppress disorderly and gaming houses, and houses of ill fame, as well as all instruments and devices used for gaming; and to prohibit and prevent all gaming and fraudulent devices of every kind;

License beer
saloons.

XII. To license and regulate restaurants, victualing houses or cellars, ale and lager bier saloons and gardens, billiard

tables and bowling alleys; and to regulate the hours of opening and closing the same;

XIII. To prohibit, restrain, regulate and license all sports, ^{Circuses, &c.} games, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions of any kind whatever.

XIV. To prevent and punish immoderate driving or riding ^{Fast driving.} in any street or highway, driving over or upon any sidewalk, and any cruelty to any animal or animals; and to authorize the arrest and detaining, without warrant, of any person who may be guilty thereof;

XV. To regulate the speed of locomotive engines upon any ^{Locomotive engines.} railroad in the village; and to compel any railroad company to station and maintain flagmen wherever such railroad may cross any of the streets or highways of said village;

XVI. To regulate, protect and improve the place known ^{To protect public grounds} as "The Common," in front of the First Presbyterian Church, as well as any other public ground or grounds within the limits of the village;

XVII. To establish lamp districts, to provide and maintain lamps and gas fixtures, and to light the streets and public grounds; ^{Lighting of streets.}

XVIII. To build and regulate wells, pumps, aqueducts and ^{Wells, &c.} cisterns in the streets;

XIX. To establish and regulate one or more pounds, and to restrain and prevent the running at large or grazing of ^{To prevent cattle running at large.} horses, cattle, swine and other animals, geese and other poultry, in the streets or public grounds; and to authorize the impounding and sale of such animals or poultry, for the penalty incurred, and the costs of impounding, keeping and selling the same;

XX. To regulate and prevent the running at large of dogs; ^{Dog tax.} and to authorize their destruction, when so found at large; and also to impose taxes upon the owners of all dogs, not exceeding five dollars for each animal per annum;

XXI. To regulate or prohibit the keeping of swine; ^{Swine.}

XXII. To locate, regulate and remove slaughter houses; ^{Markets.} to establish and regulate public markets; to designate the places, times and manner of selling meats, fish, vegetables and fruit in such public markets, or in the public streets or grounds, and to prohibit the sale thereof without having been duly licensed for that purpose;

XXIII. To prescribe and regulate the places, times and

- Vending of hay. manner of vending or exposing for sale any hay, straw or wood from wagons or other vehicles ;
- Nuisances. XXIV. To regulate and prohibit any practice of any kind whatsoever having a tendency to frighten animals, or to annoy persons passing in or upon the streets or sidewalks ;
- To punish drunkards. XXV. To restrain and punish drunkards, vagrants, mendicants, beggars and disorderly persons, in any of the streets, highways, alleys or public places of the village ;
- To establish and define powers and duties of board of health. XXVI. To establish a board of health ; to define its powers and duties ; and to provide for the protection and maintenance of the health of the village ; and to adopt and enforce such measures as said board of trustees may deem necessary to prevent the spread of any contagious or pestilential disease, including the closing or shutting up, vacating or cleansing of any dwelling house or other building, or any part thereof, in which any such case of disease may be known to exist, and the removal of any infected person or persons to a pest house, and the destruction or purification of clothing, furniture or other personal property which may be supposed to be likely to communicate said disease, and to make just compensation for the value of such property as may be so destroyed ;
- Proviso. *provided*, that no such person or persons shall be removed to any pest house without the consent and approval, in writing, of at least two practicing physicians ;
- To abate and remove nuisances. XXVII. To designate and determine what are nuisances of every kind, and to abate and remove the same ; and to compel the owner or occupant of any lot, house, building, shed, cellar or place wherein may be carried on any business or calling, or in or upon which there may exist or be any matter or thing which is or may by said board of trustees be thought to be detrimental to the health of the inhabitants, to cleanse, remove or abate the same in a summary manner, at his or her own expense, and from time to time as often as they may deem necessary and shall direct ;
- To establish a day and night police. XXVIII. To establish, regulate and control a day and night police, and to prescribe the manner of their appointment and removal, their duties and their compensation ; and to provide a suitable lock-up or place for the temporary detention of criminals, and of offenders against the ordinances of the village, whether before or after conviction ;
- To pay rewards. XXIX. To offer and pay rewards, from time to time, for the apprehension and conviction of persons engaged in crime, or in the violation of any of the ordinances of the village ;

XXX. To regulate or prohibit the carrying on of trades or manufactures dangerous in causing or promoting fires ; to regulate or prohibit the manufacture, sale or use of fireworks, and the use of firearms ; to regulate or prohibit the keeping, sale and conveying of gunpowder, camphene, spirit gas, petroleum, kerosene, benzine, and other dangerous articles, and the use of lights in barns, stables, and other exposed buildings ; to raze or demolish any building or erection whatsoever when necessary, in the opinion of some officer or officers to be appointed for that purpose, to prevent the extension of a conflagration ; and to provide for ascertaining and paying just compensation to the owners of property destroyed in such cases ; and to require all further or other acts to be done, and to regulate or prohibit the doing of all such further or other acts as the said board of trustees may deem proper to prevent the occurrence and provide for the extinguishment of fires in the village ;

To prohibit
sale of fireworks.

To demolish
buildings.

XXXI. To adopt all legal and requisite measures for levying and collecting taxes ;

Taxes.

XXXII. To prescribe and define the duties and compensation of all officers or agents appointed by the board of trustees for any general or special purpose, and the penalty or penalties for failing to perform such duties, and the bonds and sureties to be given for the faithful discharge thereof ; except as may be herein otherwise provided.

To define the
duties and
compensation
of officers.

12. *And be it enacted*, That the board of trustees shall have power to pass, alter and repeal any and all such additional ordinances, not contrary to the laws of this state or the United States, as they may deem necessary to carry into effect the powers and duties conferred and imposed upon them by this or any other law.

Trustees may
pass, alter or
repeal ordinances.

13. *And be it enacted*, That in all cases where the board of trustees shall have the authority to pass ordinances on any subject, they shall be and are hereby empowered to prescribe a penalty or penalties for the violation of any such ordinance, or any part thereof, either by imprisonment in the common jail of said county for any term not exceeding thirty days, or by a fine not exceeding fifty dollars, or by both.

Penalties may
be prescribed
for violation.

14. *And be it enacted*, That no ordinance shall be passed, except with the concurrence of at least four trustees, nor until it shall have been presented and read at a previous meeting of the board, nor until it shall have been published in one of the public newspapers printed in said county and

Ordinances,
how passed
and when to
take effect.

circulating in said village; that the enacting clause of all ordinances shall be in the words: "Be it ordained by the Board of Trustees of the Village of South Orange;" that such ordinances shall be recorded by the village clerk in a book to be kept by him for that purpose, and that such book (or any copy of such ordinances printed by the authority of the board of trustees,) shall be taken and received, in all courts and elsewhere, as conclusive evidence of the due passage of such ordinances; and that the publication of such ordinances in a newspaper shall, in all cases, be presumed to have been made, until the contrary shall appear; and that, except in those cases wherein it is hereby specially directed that the board of trustees shall proceed by ordinance, it shall be lawful for them to proceed and act either by ordinance or by resolution, as to them may seem fit.

Money to be raised by tax for certain purposes.

15. *And be it enacted*, That the board of trustees shall have power, by ordinance (to be passed before the twentieth day of May in each year,) to order to be raised by tax, in that year, upon the persons and property in said village, now or hereafter to be liable to taxation, such sum or sums of money as the said board may deem expedient or necessary, for any or all the following purposes, to wit:

I. For lighting streets;

II. For road purposes including the grading or regrading, graveling or regravelling or otherwise improving streets and highways, and for regulating, cleaning and keeping in repair streets and highways;

III. For the support of the police department;

IV. For the payment of any indebtedness of the village, or of any interest on such indebtedness;

V. For the contingent expenses of the village; *provided, however*, that such tax (exclusive of the amounts appropriated for the lighting of streets, and for the payment of either principal or interest of or upon any indebtedness of the village,) shall not exceed one hundred cents on every hundred dollars of the valuation of the assessed property in said village, as ascertained by the assessor's return in the previous year.

Proviso.

Trustees may borrow money in anticipation of taxes.

16. *And be it enacted*, That the board of trustees shall have power to borrow money, from time to time, for all purposes for which they are authorized to raise money by tax, in anticipation of the taxes for any current year, to an amount not exceeding in the whole the sum of five thousand

dollars; and for any special purpose, such as the laying out, opening, vacating, straightening, altering or widening of any street or highway, or the constructing of any sewer or drain, or the altering of the grade of any street or highway or any part or parts thereof, in anticipation of assessments for such improvement, to an amount not exceeding in the whole, at any one time, the sum of ten thousand dollars, and for any period of time not exceeding the term of two years; and to secure the payment of such loans by bond or other instrument, sealed with the common seal of the said village, and signed by the village president and clerk; and that the said board of trustees shall also have power, for the general purpose of paving or re-paving, macadamizing or re-macadamizing the principal streets or highways (which shall be under the control of the said trustees), with Telford or other stone payment, to borrow money from time to time, as the same may be actually required, in any sum or sums not exceeding in all the sum of one hundred thousand dollars, and to secure the payment of the same by bonds to be sealed with the common seal of the said village, and signed by the village president and clerk, and countersigned by at least three of the said trustees, said bonds to be known as "South Orange Village Improvement Bonds," and to bear interest at the rate of seven per centum per annum, and the principal thereof to be payable in installments as follows: the first installment to be the one-fifteenth part of said principal sum and to be paid in the year of our Lord, one thousand eight hundred and eighty-two, and the balance to be paid in fourteen equal annual payments thereafter, and the proceeds of the said bonds to be expended under the direction and control of the said board of trustees in laying such Telford or other stone pavement upon the said roads or highways; *provided*, that in no case shall any road or highway be paved or macadamized from the proceeds of said bonds to the width of more than twenty feet; *and provided*, that it shall not be lawful to sell or dispose of any of said bonds for a less price than ninety cents on the dollar, nor without first inviting sealed proposals therefor by notice to be posted in two public places in said village, and advertised for at least two weeks in one of the public newspapers printed in said county and circulating in said village.

May issue
improvement
bonds.

Bonds, when
due and pay-
able.

Proviso.

Proviso.

III. *The Village Clerk.*

Duties of the
village clerk.

17. *And be it enacted*, That the village clerk shall be the clerk of the board of trustees, and shall attend all their meetings, and keep a true and full record of all their proceedings; that he shall have the custody of the seal and of all books and papers belonging to the village, or which may be filed in his office; that he shall engross all ordinances which may be passed by the board of trustees in a book to be kept by him for that purpose; that he shall countersign and keep an accurate record of all licenses, and of all warrants for the withdrawal of moneys from the village treasurer, as well as countersign and seal all bonds, notes or other obligations for the payment of moneys by the village, under the direction of the board; that he shall, whensoever ordered by said board, or at least as often as once in every three months, pay over unto the village treasurer all moneys belonging to the village which may have come into his hands; that he shall record and carefully index in books to be prepared for that purpose, all certificates and declarations of sale of lands and real estate for unpaid assessments, and shall also attest the said certificates and declarations of sale, and shall cancel the said certificates when the said lands and real estate shall be redeemed; and that he shall give to all persons who may apply for the same, certificates of search in such records (for which he shall be entitled to receive a fee of one dollar in each case), for such certificates, declarations and redemptions of and from sales of lands and real estate; and that said certificates of search, when verified by the common seal of said village, shall be conclusive evidence against said village as to the truth of all matters and things stated therein; and that he shall also perform and discharge such other duties as may be required of him by the said board of trustees.

Copies of pa-
pers to be re-
ceived in evi-
dence.

18. *And be it enacted*, That copies of any and all papers filed or kept in the office of the village clerk, and of the ordinances or records of the proceedings of the board of trustees, or any part thereof, certified by the said clerk, under the common seal of the village, shall be received as evidence thereof, in all courts and places whatsoever.

IV. *The Village Treasurer.*

19. *And be it enacted*, That the village treasurer shall deposit and keep all moneys received by him, in behalf of the village, in some bank or other depository to be designated by the board of trustees; that no money shall be expended by or drawn from him for any purpose whatsoever, except upon the warrant of the village president, countersigned by the village clerk, and made in pursuance of the order of the board of trustees; that he shall keep an accurate account of his receipts and disbursements, and shall report the same to the board of trustees as often as they shall direct; and that his books and vouchers shall always be open to the inspection of the village president or any member of the board of trustees, and at all reasonable hours to the inspection of any taxpayer, and that he shall also perform such other duties as may be required of him by subsequent sections of this act in relation to the sale and redemption of lands and real estate for unpaid assessments, and the payment or tender of payment of damages assessed in favor of the owners of lands and real estate taken for or damaged by any improvement.

Duties of the treasurer.

V. *The Board of Assessments.*

20. *And be it enacted*, That it shall be the duty of the Board of Assessments to assess, as fairly, honestly and impartially as may be, damages, in favor of the owner or owners of any lands and real estate that shall be taken for, or damaged by any general or local improvement hereinafter mentioned; and to assess the said damages, or the expense of any such improvement, as the case may be, fairly, honestly and impartially, upon the owner or owners of any lands or real estate on or within five hundred feet of the line of the whole of the street so improved, which, in the opinion of said commissioners, or any three of them, will be peculiarly benefited thereby, and in such proportions as they may consider said lands and real estate to be so benefited, and to the extent of such benefit, and to assess any excess of such damages, or expense, as the case may be, upon the village at large; *provided*, that any number of said commissioners, not less than three, shall have power to make any such assessment; *and provided, further*, that no commissioner shall act in any case

Duties of the board of assessments.

Proviso.

Proviso.

where he is in any way personally interested in the assessment which is to be made.

TITLE FOURTH.

THE POLICE DEPARTMENT.

Appointment
and duties of
police justice.

21. *And be it enacted,* That the governor of this state shall, from time to time, appoint some fit and discreet person to be the police justice of the said village, who shall hold his office for the like term, and be commissioned in the like manner, and be entitled to the like fees for like services, as justices of the peace in and for the several counties of this state, and who shall be amenable in like manner to the senate and general assembly of this state; but that said police justice shall not, by virtue of his said office, be authorized to hear and try any civil action, except such as may be brought to recover a penalty under an ordinance of the village, in which case he shall possess and have the same powers as a justice of the peace in his civil capacity; and that the board of trustees may pay him such compensation, in addition to the said fees, as they shall, from time to time, deem proper.

Powers of police justice.

22. *And be it enacted,* That said police justice shall be entitled to use and exercise the like power, authority and jurisdiction in all criminal matters and complaints, 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.

Actions and proceedings had before police justice, how regulated and conducted.

23. *And be it enacted,* That, unless herein otherwise directed, all actions or proceedings before the said police justice shall be, as nearly as may be, regulated by the provisions of, and conducted in the manner prescribed by the act entitled "An Act constituting courts for the trial of small causes," and the several supplements thereto; and that the court so held by said police justice shall be a court of record, and be vested, for the purposes mentioned in this act, with all such power as is usual in courts of record in this state, including the power to award and issue writs of subpœna ad testificandum into any county of the state; *provided,* that no trial by jury shall be had, nor any appeal to the court of common pleas be allowed, except in those cases where the penalty sued for shall exceed the sum of twenty dollars.

Proviso.

24. *And be it enacted*, That any penalty or penalties which may be ordained by the board of trustees for the violation of any ordinance, or part of any ordinance, may be enforced, or collected, together with all costs of suit and execution, in an action of debt to be brought before the police justice in his said court, in the name of "The Village of South Orange," and (in the case of a fine,) for the use of said village; and that, in such action, the first process may be either a warrant or a summons, but that a warrant shall not be issued unless upon oath or affirmation, made and filed before said police justice, and establishing to his satisfaction, by one or more particulars mentioned therein, that such warrant is necessary to secure the due enforcement of the ordinance against the person or persons complained of; that in such action it shall be lawful to declare generally in debt, and to give the special matter in evidence, and to amend the complaint, the process, and state of demand, in all particulars; and that, on the return of the process, or at the time to which the said police justice shall have adjourned the trial of the cause, he shall proceed to hear the testimony, and to determine the matter complained of, and to give judgment therein; and that if such judgment shall be given against the defendant or defendants, the said justice shall forthwith issue execution thereupon, either against the goods and chattels or against the person of the defendant or defendants, for the amount of the fine imposed, and the costs of suit and execution, or by warrant of commitment, directed to the keeper of the common jail of said county of Essex, and commanding him to receive and safely keep the said defendant or defendants for the term of his, her or their imprisonment; and that it shall be the duty of such keeper to whom such warrant shall be delivered to receive and keep such defendant or defendants, as so directed and commanded, until the time of such imprisonment shall have expired; *provided*, that in case a warrant shall be issued it may, in the discretion of the police justice, be made returnable forthwith, so as to receive a summary hearing and determination of the matter complained of.

Penalties for
violation of
ordinances,
how collected.

Proviso.

25. *And be it enacted*, That the marshal and constables to be appointed by the board of trustees shall possess and have all the powers of constables for the purpose of preserving the peace and enforcing the ordinances of the village; and that they are hereby severally empowered to make arrests, either with or without warrant, for the violation of any such ordi-

Marshal and
constables
may make ar-
rests without
warrant.

nance, and to detain the offender or offenders in the village lock-up, or elsewhere, until he, she or they can be conveniently taken before the police justice, who is hereby authorized to hear and determine the complaint summarily.

Parties applying for writ of certiorari to give bond.

26. *And be it enacted*, That no justice of the supreme court shall grant or allow any certiorari to remove any order, judgment or other proceeding to be had or made by the said police justice, by virtue hereof, unless the party applying for such certiorari shall enter into bond to "The Village of South Orange," in the sum of one hundred and fifty dollars, with one or more good and sufficient surety or sureties, conditioned that such applicant shall prosecute the said certiorari, and shall pay to said village the penalty recovered before the said police justice, with interest and costs, if the said order or judgment be affirmed, and shall in all things stand by and abide the judgment of the higher court in the matter; which said bond shall be tendered to the justice granting said certiorari, to be by him filed with the clerk of the said court, for the benefit of the said "The Village of South Orange;" and that it shall be lawful for the said police justice to charge and receive, before delivering his return to the said writ of certiorari, the sum of ten cents per folio for said return, the same to be paid by the person delivering to him the said writ.

Fees of police justice.

Fines paid to treasurer.

27. *And be it enacted*, That the said police justice shall make return of and pay over all fines by him collected unto the village treasurer as often as once in each month.

TITLE FIFTH.

THE ASSESSMENT AND COLLECTION OF TAXES.

Assessment and collection of taxes.

28. *And be it enacted*, That it shall be the duty of the village clerk to transmit to the assessor of the township of South Orange, within ten days after the passage of the same, a copy of any ordinance or ordinances which may be passed by the said board of trustees for raising any sum or sums of money by tax, for any or all of the purposes stated in the fifteenth section of this act; that it shall then be the duty of the said assessor to assess the said sum or sums upon the persons and property within the limits of the said village, and the duty of the collector of said township to collect the same, in the same manner and at the same time that the taxes in

the townships of said county are assessed and collected; *provided, however,* that no township tax for the working, re- Proviso.
pairing, paving or permanent improvement of roads shall be
assessed and collected within the limits of said village; *and*
provided also, that no part of any such tax which may be Proviso.
assessed and collected in the remaining part of the township
of South Orange shall be expended within said village; *and*
provided also, that so much of said tax as may be raised for Proviso.
lighting any of the streets of said village shall be assessed
upon and collected from the lands and real estate in the lamp
districts to which said streets respectively belong; and that
the said assessor shall keep the amounts so assessed for the
said lighting of streets in a separate column upon his dupli-
cate; and that said assessor and said collector shall be enti-
tled to receive from the said board of trustees, for the addi-
tional service to be rendered under this act, the sum of twelve
cents for every name upon their respective duplicates of per-
sons within the limits of said village.

29. *And be it enacted,* That all said taxes, so assessed Taxes collect-
ed to be paid
to treasurer.
under and in pursuance of any such ordinance, shall be paid
over to the said village treasurer by the collector of said
township, from time to time, as they may be collected and
received by him.

TITLE SIXTH.

THE CARE OF STREETS AND HIGHWAYS, AND THE MAKING OF GENERAL OR LOCAL IMPROVEMENTS AND OF ASSESSMENTS THEREFOR.

30. *And be it enacted,* That the said board of trustees Trustees to
have control
of streets.
shall have the exclusive control and management of the side-
walks, gutters and crosswalks in all the streets and highways
of said village, and of all streets and highways in said vil-
lage, except such as shall be under the control of the Essex
Public Road Board, and of the working and repairing of
the same.

31. *And be it enacted,* That the overseer of the highways Overseer of
highways, du-
ties of.
shall, under the direction of the board of trustees, have the
charge of the working and repairing of all streets and high-
ways, sidewalks, gutters and crosswalks, as aforesaid, and of
the keeping the same in good order; and, to that end, is
hereby invested with all the powers belonging to the overseer

of the highways, in any township of this state, under any general law or laws.

Notice of any
public im-
provement to
be published.

32. *And be it enacted*, That when any ordinance shall be presented to the board of trustees for making any improvement, such as the laying out and opening of any street or highway; or the constructing of any sewer or drain; or the vacating, straightening, altering or widening of any street or highway, or any part or parts thereof; or the altering of the grade of any street or highway, or any part or parts thereof; or the widening, straightening, leveling, grading or re-grading, flagging or re flagging, curbing or re curbing, paving or re paving, of any sidewalk and gutter, in any street or highway, or any part or parts thereof; public notice of such contemplated improvement shall be given by the village clerk, by publishing a copy of the proposed ordinance, for at least two weeks, in one of the newspapers printed in said county and circulating in said village, and also posted in two public places of said village; and that the said notice shall also state the time and place of the meeting of the board of trustees, at which they will proceed to consider the said ordinance; that at such meeting, ample opportunity shall be given to all parties in favor of or opposed to the said improvement, to present their views with reference to the same, in writing or otherwise, as the board of trustees may at the time direct; and that the board of trustees may, in their discretion, adjourn from time to time for a further consideration of the matter.

Ordinances for
laying out
streets, &c., to
be accompa-
nied by a map.

33. *And be it enacted*, That any ordinance which may be passed by the board of trustees, for the laying out and opening of any street or highway; or the constructing of any sewer or drain; or the vacating, straightening, altering, or widening of any street or highway, or any part or parts thereof; or the altering of the grade of any street or highway, or any part or parts thereof; shall be accompanied by a map, to be prepared under the direction of the board of trustees, or to be accepted by them, as soon as conveniently may be after the passage of the ordinance; and that said map shall not only give the termini, courses and distances of the improvement, or the old and the new grades, as the case may be, fully and particularly, as the same are described in the ordinance, but shall also show the lands and real estate (if any), to be taken therefor, and the name or names (as far as may be conveniently ascertained), of the owner or owners

of such lands and real estate; which map shall be filed in the office of the village clerk.

34. *And be it enacted*, That as soon as may be after the completion of any such improvement as the laying out and opening of any street or highway; or the constructing of any sewer or drain; or the vacating, straightening, altering, or widening of any street or highway, or any part or parts thereof; or the altering of the grade of any street or highway, or any part or parts thereof; or the widening, straightening, leveling, grading or re-grading, flagging or re flagging, curbing or re-curbing, paving or re-paving of any sidewalk and gutter in any street or highway, or any part or parts thereof; the expense thereof, including surveying, and a moderate allowance (the same to be estimated by the board of trustees), for the cost of making both of the assessments hereinafter provided, shall be ascertained and determined by the board of trustees and be entered by resolution upon the record of their proceedings; and that the amount so ascertained and determined, shall thereafter be treated as, and be held to be, the true and actual expense of making such improvement.

Costs and expenses to be ascertained and determined by trustees.

35. *And be it enacted*, That when any such ordinance, or any such resolution in relation to any such improvement, shall be passed by the board of trustees, a copy thereof, attested by the village clerk, shall, without delay, be handed by him to the board of assessments, or any member thereof; and the said clerk shall also give public notice, for at least two weeks, in a newspaper printed in the said county, and circulating in said village, and also posted in two public places in said village, of the time and place (the same having been appointed by the board of trustees), when and where the board of assessments will meet to assess damages and benefits as aforesaid, or the expense of making any such improvement as aforesaid as the case may be; and that the nature and object of such improvement shall be briefly stated in such notice, so as sufficiently to identify the same.

Notice of meeting of board of assessments to be published.

36. *And be it enacted*, That the members of the said board of assessments shall attend at the time and place appointed as aforesaid; that three of their number shall be a quorum for the transaction of business and shall be sufficient to make any assessment, but that one member shall have power to adjourn any meeting; that the board may adjourn from time to time; that it shall be their duty to give all

Parties interested may be heard.

parties interested in or affected by the improvement, ample opportunity to be heard upon the subject of the assessment; that they shall not only view the premises, but shall have power to examine witnesses under oath or affirmation, which may be administered by any one of their number; and that they shall, in manner aforesaid, assess the said damages, benefits or expenses, as the case may be, separately, and with due regard to the rights and interests of all persons concerned, as well as to the value of the lands and real estate taken, damaged or peculiarly benefited, and shall assess upon the village at large any excess over and above the amount of such peculiar benefits; that they shall certify their said assessments to the board of trustees, by a report in writing, and signed by at least three of their number; that such report shall be accompanied by a map, showing not only the lands and real estate taken for or damaged by the said improvement, and for which they have so assessed damages, but also any lands and real estate which, in their opinion, are peculiarly benefited by said improvement, and upon which they have made any assessment for either the benefits or the expense of said improvement; that such report and map may be considered by the board of trustees, at any meeting of which at least to weeks' previous notice shall have been given by the village clerk in and by an advertisement in a newspaper printed in the said county, and circulating in said village, and also posted in two public places of said village, and also served by the village clerk upon the land owner or owners named in said report, such notice to be served upon said owner or owners in person if resident in said village (or if such owner or owners be non resident or cannot be found in said village by said clerk). then upon any person or persons residing on the lands in question, or else by posting the same conspicuously upon some part or parts of said lands, the affidavit of said clerk to be conclusive as to the manner of such service and to be attached to said report as a part thereof; that said notice shall briefly state the object of the meeting with reference to said assessments; and that, at that or any subsequent meeting, the said board of trustees, after considering the said report and map, shall and may adopt and ratify the same, with or without alteration, as to them may seem proper; that it shall be lawful for the said board of trustees to refer the matter to any committee or committees of their own body for further examination, before

Notice to be served on land owners.

Report, when ratified and adopted, binding.

taking final action upon it; and that, when the said report shall be so adopted and ratified, whether with or without alteration, as may happen, the same shall be final and conclusive upon all parties, except only in relation to an assessment for lands taken or damaged, as is hereinafter provided; and that such compensation shall be paid to the commissioners of assessments for any services so rendered by them as shall in each case be determined by a resolution of the board of trustees.

37. *And be it enacted*, That no notice to the owner or owners of said lands and real estate to be taken for, or to be damaged or benefited by said improvement, or to be assessed for such benefits, or for the expense of making said improvement, shall be required, other than the several notices mentioned in the thirty-second, the thirty-fifth and the thirty-sixth sections of this act; and that such notice shall always be presumed to have been made until the contrary shall appear. Notices to owners of land

38. *And be it enacted*, That any person or persons feeling himself, herself or themselves to be aggrieved by any such assessment of damages, for any lands and real estate taken for or damaged by any such improvement, may appeal to the circuit court of said county, at any time within sixty days after the final adoption of said report by the board of trustees; and that the said circuit court shall thereupon order a trial by jury to assess such damages anew; and that the said trial shall be conducted as in other cases of trial by jury; *provided*, Persons aggrieved may appeal. that the completion of said improvement shall not be delayed thereby, and that the board of trustees may proceed therewith as though said appeal had not been taken. Proviso.

39. *And be it enacted*, That before any such improvement shall be carried into effect, it shall be the duty of the village treasurer, under the direction of the board of trustees, to pay or tender, unto the owner or owners of lands and real estate taken therefor, or damaged thereby, as aforesaid, the amount or amounts of damages so assessed to him, her or them, respectively; *provided*, Money to be tendered before any improvement is carried into effect. that if such owner do not reside in said village, or upon due inquiry cannot be found therein by the said treasurer, or is a lunatic or idiot, or is under age or otherwise legally incapacitated to receive such damages, or if such owner or owners will not accept such damages and sign a proper receipt therefor when tendered, then the said treasurer shall make an affidavit of the fact, and shall file the same with the village clerk; and the board of trustees shall, after in- Proviso.

Proviso. quiry, direct the amount or amounts of said damages to be placed on special deposit in some suitable depository, for the use of the person or persons to whom the same may be due; and the same shall be paid to him, her or them, when duly authorized to receive the same, without interest, except from and after the time when demand may be made for the same and be refused; *and provided also*, that no tender shall be necessary in any case where the benefits which may be assessed against the said owner or owners are equal to or exceed the amount of damages assessed in his, her or their favor.

Report and map, when adopted, to be filed, 40. *And be it enacted*, That after said report of the board of assessments shall have been adopted and ratified by the board of trustees, whether with or without alteration as aforesaid, and shall have been duly recorded at full length in the record of their proceedings, it shall, together with the last mentioned map, be delivered to the village treasurer for preservation in his office; and that said treasurer shall immediately thereafter prepare an abstract of said report, including therein a brief description of the improvement, the names (when known) of the several owners of the lands and real estate assessed, the several amounts so assessed against them, and a brief description of the several parcels of said lands and real estate, specifying the locality thereof, with reference to streets, numbers and cross-streets, as far as the same can be conveniently stated; that the said treasurer shall enter the said abstract in a book to be kept in his office for that purpose, and which shall be called the "Book of Assessments for Improvements;" and that he shall then give notice for four weeks, in some newspaper printed in the county and circulating in said village, that said report and map have been so delivered to him, and requiring the owners of lands and real estate effected thereby to pay the amounts of the several sums assessed against them to him, at his office, within ninety days from the time of the first publication of said notice.

Treasurer to make and record abstract.

Notice of payment to be published.

Assessments to draw interest if not paid in specified time. 41. *And be it enacted*, That if any assessment required to be paid by virtue of this act shall not be paid to the said treasurer within ninety days after the first publication of the notice mentioned in the fortieth section of this act, the said assessment shall draw interest thereupon from and after that time until paid, at the rate of one per cent. per month.

42. *And be it enacted*, That it shall be lawful for the board

of trustees, whenever they shall deem it expedient, to ordain, by ordinance as aforesaid, that any street or highway, which may have been or may be conveyed to said village, or which may have been or may be opened by the owner or owners of any land over which the same passes, and which has been or may be dedicated to public use by permitting the public to use the same for any length of time, and by selling lots fronting thereon, shall be deemed and taken to be a public street or highway; and that the same shall thereafter be made, maintained and treated as such in all respects.

43. *And be it enacted*, That hereafter no street or highway, to be laid out and opened in said village, shall be deemed and taken to be a public street or highway, unless laid out and opened under and by an ordinance of the board of trustees; and that it shall be lawful for the said board of trustees to lay out any street or highway, exceeding four rods in width; *provided*, all the lands embraced therein shall be given and conveyed to the village for that purpose by the owner or owners thereof.

44. *And be it enacted*, That it shall be lawful for the board of trustees, from time to time, to appoint by ordinance, three freeholders of the village to act as commissioners in ascertaining and determining the precise lines, courses and width of any street or streets in said village, whether legally laid out and opened or not, but which may have been used by the public for twenty years or more, as the said street or streets is, are, or shall be so used at the time of the passage of such ordinance, which commissioners, or any two of them, shall, with all convenient speed, return to the said board of trustees a report in writing, accompanied by a map, showing such lines, courses and width of said street or streets; and such report and map, when approved by said board of trustees, shall be filed in the office of the village clerk, as well as recorded in the record of the proceedings of said board of trustees, and shall thereafter be taken to be full and conclusive evidence of the existence of such street or streets as a public highway or highways, and that the same shall thereafter be treated and maintained as such in all respects.

Streets dedicated deemed to be public highways.

When streets considered public highways.

Proviso.

Trustees may appoint commissioners to ascertain lines of streets.

Report and map to be made.

TITLE SEVENTH.

THE COLLECTION OF UNPAID ASSESSMENTS.

Assessments
for improve-
ments to re-
main a lien on
lands.

45. *And be it enacted*, That any assessment for any improvement, whether for benefits or for the expense of making such improvement, together with interest on said assessment, and all costs and fees shall be and remain a lien upon the lands and real estate so assessed therefor, for the space of three years from the twentieth day of May in that year in which said assessment shall be made; notwithstanding any devise, descent, alienation, mortgage, judgment, or other incumbrance thereof, and notwithstanding any mistake in the name or names of the owner or owners of such lands and real estate, or omission to name such owner or owners; and that any assessment in which such mistake or omission occurs, shall be valid and effectual in law as though said mistake or omission had not occurred.

Treasurer to
enforce col-
lection of assess-
ment.

46. *And be it enacted*, That in case any assessment for an improvement, together with interest thereon as aforesaid, and all costs and fees which may have accrued thereon, shall remain unpaid at the expiration of ninety days from and after the first publication of the notice mentioned in the fortieth section of this act, it shall be the duty of the said village treasurer to proceed forthwith in the collection of said assessment, by enforcing the lien aforesaid upon the said lands and real estate, in the manner hereinafter prescribed.

Treasurer to
give second
notice.

47. *And be it enacted*, That the said treasurer shall thereupon give a second notice, by an advertisement in a newspaper printed in said county and circulating in said village, that unless said assessment, together with interest thereon as aforesaid, and all costs and fees, shall be paid to him, at his office, within thirty days after the first publication of said second notice, he shall proceed, at a certain time and place therein specified, and between the hours of one and five o'clock in the afternoon, to make sale, in accordance with the provisions of this act, of the said lands and real estate whereon the said assessment has been imposed or may be a lien: and that said second notice shall contain a brief abstract of said assessment, showing the names of the owner or owners, (when known), a brief description of said lands and real estate, and the amount of the unpaid assessment due

Treasurer to
make sale.

thereupon; and that it shall be lawful to incorporate more than one assessment in said notice.

48. *And be it enacted*, That at the time and place, and between the hours mentioned in said notice, the said village treasurer shall proceed to sell, by public auction, the several parcels of the said lands and real estate upon which the said assessment still remains due and unpaid, for the lowest term of years, (but in no case exceeding fifty years), for which any person will take the same and pay the amount of such assessment, with the interest thereon as aforesaid, and all costs and fees, including the expenses of advertisement and sale; that such payment shall be made by the purchaser before the close of the sale, and that, if not so made, the said village treasurer may resell the property, or the said village may have its action against the purchaser for the payment of the whole amount due, with the interest thereon, at the rate of one per cent. per month; that the sale may be adjourned from time to time, at the discretion of said treasurer, until all the said lands and real estate shall have been disposed of; and that such parcels as are not bid for when offered for sale or re-sale as aforesaid, shall be struck off to the village for the term of fifty years.

Treasurer to
sell lands for
non-payment.

49. *And be it enacted*, That, at or after the close of the sale, the said village treasurer shall make out under his hand and seal, and deliver to each purchaser a certificate of the sale of each lot or parcel of said lands and real estate so purchased by him; that such certificate shall contain a short description of the property, and shall state the term of years for which it was sold, as well as the time when the right to redeem the same will expire; that such certificate shall also show the particular assessment under which the sale was made, together with the amount thereof, and the amount of interest, costs, fees and expenses; that such certificate shall be presumptive evidence of the facts stated therein, and shall be recorded in the office of the village clerk in books to be kept for the purpose, and, after being so recorded, shall constitute a lien upon the lands and premises therein described; and that the said certificate may be assigned, but that no such assignment shall have any effect until the same shall be recorded as aforesaid in the office of the village clerk; and that no declaration of sale shall be executed and delivered to such purchaser or assignee, as hereinafter provided, until the said certificate shall have been canceled and filed with the

Certificate of
sale to be dis-
covered to pur-
chaser and re-
corded.

village clerk, unless the loss or destruction thereof be established by affidavit, to the satisfaction of the board of trustees.

Treasurer to keep record of proceedings.

50. *And be it enacted*, That the village treasurer shall keep a full and accurate record in his office of all his proceedings upon such sales, including a statement of all certificates granted, and all redemptions of property sold by him; to which record all parties claiming to be interested shall have free access at all reasonable times.

Provisions of act to apply when village becomes purchaser

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

No mortgagee or assignee to be divested of rights unless notice be given.

52. *And be it enacted*, That no mortgagee, or assignee of any mortgage, whose mortgage or deed of assignment (as the case may be,) shall have been duly registered before any such sale for an unpaid assessment shall be divested of his rights in the property covered by such mortgage, unless six months' notice of such sale shall have been given to him in writing, by the purchaser or by any person claiming under him; that such notice shall be served personally upon the said mortgagee or assignee, if a resident of the said county of Essex, or, if he be not so resident, by being directed to him at his place of residence as stated in the mortgage or deed of assignment, and by being deposited in the post office of said village, and that, in the latter case, said notice shall likewise be published for the space of two months in a newspaper printed in said county and circulating in said village; and that within one month after such service, or service and publication of said notice, it shall be the duty of the person serving, or causing the same to be served, to file in the office of the said village treasurer a copy of said notice, together with the affidavit of some person (who shall be certified by the officer taking the affidavit to be a creditable person,) as to the manner of service, or service and publication thereof.

Notice to be published

Owner, mortgagee, &c., may redeem lands.

53. *And be it enacted*, That the owner, mortgagee, occupant, or any person having a legal or equitable interest in any lands and real estate sold as aforesaid, may redeem the same at any time within three years thereafter, by paying to the village treasurer, for the use of the purchaser, his legal representatives or assigns, the said purchase money, together with any assessment for taxes or otherwise which the said purchaser may have paid, and of the payment of which he

may have filed a written notice in the office of the said village treasurer, together with interest at the rate of two per cent. per month upon such purchase money from the time of such sale, and upon such payment or payments from the time of filing such notice or notices as aforesaid; and that the certificate of said treasurer, stating the receipt of such moneys and showing what property the same were intended to redeem, shall be evidence of such redemption; and that upon the receipt of such moneys by the said treasurer, he shall cause the same to be refunded to the purchaser, his legal representatives or assigns, on demand; and that all proceedings in relation to said sale shall then cease and determine; and that if the person so redeeming be a judgment creditor or a mortgagee, or the assignee of a judgment or mortgage, he shall have a lien on the lands and real estate so redeemed by him, by virtue of this act, for the amount so paid by him to effect such redemption, with interest thereon at the rate of twelve per cent. per annum, in the same manner as if the same had been included in his mortgage or judgment, and he may enforce the payment thereof in the same manner; and that the said treasurer shall make out two certificates for all property so redeemed, one to be kept by the person so redeeming the same, and the other to be filed in the office of the village clerk.

Persons redeeming to have a lien on lands.

54. *And be it enacted*, That if any lands and real estate so sold shall not be redeemed as aforesaid, the board of trustees shall, in the name of said village, execute to the purchaser, or his legal representatives or assigns, a declaration of sale, signed by the village president and attested by the village clerk, containing a short description of the premises sold, together with a brief statement of the facts of assessment, advertisement and sale, including the date of sale, and the term for which said premises were sold; that said declaration shall be recorded in the office of the village clerk in books to be kept for the purpose, and that, until the same shall be so recorded, such lands and real estate may be redeemed as hereinbefore provided, notwithstanding the period of three years from the time of such sale may have expired; that such declaration of sale shall be presumptive evidence in all courts and places, that such sale and proceedings were regularly made and had, according to the provisions of this act; and that such purchaser and his legal representatives or assigns, shall, by virtue thereof, lawfully hold and enjoy

Declaration of sale to be executed to purchasers.

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

Clerk to record and cancel declarations, &c.

55. *And be it enacted*, That in addition to the recording of certificates and declarations of sale, and of assignments of such certificates, as aforesaid, the village clerk shall also give certificates of search in relation thereto, to any person or persons applying for the same; and that he shall also cancel such certificates, and such assignments thereof, so recorded, whenever the lands and real estate for which they were given shall be redeemed, upon the presentation and filing in his office of the village treasurer's certificates of such redemption.

Compensation of treasurer and clerk.

56. *And be it enacted*, That for any service to be performed under this act, the village treasurer shall be allowed such special compensation for special services as may be from time to time, determined by the board of trustees; and that he shall also be entitled to receive from each purchaser the sum of two dollars for every certificate or declaration of sale by him given; and that the said village clerk shall also be entitled to receive from said purchaser the sum of two dollars for every certificate or declaration of sale, and every assignment of such certificate, to be recorded by him as aforesaid, and also the sum of one dollar for every search (including the certificate thereof,) made by him in the records of certificates and declarations of sale and assignments, as aforesaid; and that the said village treasurer shall likewise collect, for the use of the village, the sum of two dollars from each purchaser, at the time of the delivery of the said certificate of sale, for the expenses of advertising and selling each and every lot or parcel of said lands and real estate by him purchased as aforesaid.

Board of assessment to sell building at public sale when owners fail to remove the same.

57. *And be it enacted*, That whenever any building, or any part of any building, shall stand within the lines of any street or highway, which shall have been laid out and opened, or which shall have been straightened, altered or

widened, by any ordinance of the said board of trustees, and the owner or owners of said building, or said part of a building, shall have neglected to remove the same, it shall be the duty of the board of assessments, or of any three of them, to sell and dispose of the same, to the highest bidder, at a public auction, of which they shall have given at least four weeks' notice in a newspaper printed in the said county and circulating in said village; and that they shall have power to adjourn said sale from time to time, as they may see fit, by making public proclamation thereof at the time of such adjournment; and that they may undertake to deliver possession of said building, or said part of a building, to the purchaser thereof, at any time thereafter, which they may determine to be just and fair to the former owner or owners thereof; and that it shall be the duty of such former owner or owners, or his, her or their tenant or tenants, to vacate and yield up the possession of the same, at the time so determined; and that the amount for which the same shall be so sold, after deducting the expenses of said advertisement and sale, shall be paid over unto the said village treasurer, and be credited by him on account of the moneys to be collected for said improvement.

Notice to be published.

TITLE EIGHTH.

MISCELLANEOUS PROVISIONS.

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

No person incompetent to act as juror, &c.

59. *And be it enacted*, That all ordinances, by-laws and regulations passed by the board of trustees of the village of South Orange, under and by virtue of the act entitled "An Act to incorporate the village of South Orange, in the county of Essex," not inconsistent with this act, shall continue in force until altered or repealed by the said board of trustees.

Ordinances heretofore passed to continue in force.

Records to be
received as
evidence.

60. *And be it enacted*, That the books of record kept by any officer of the village, under and by virtue of the provisions of this act or any ordinance of the board of trustees, shall be admitted as evidence of the matters and things therein contained in all courts and places whatsoever.

Licensing of
inns and tav-
erns.

61. *And be it enacted*, That no person shall be at any time hereafter licensed by the inferior court of common pleas of said county, to keep an inn and tavern within the limits of said village, unless said person shall, in addition to the recommendation now required by law, present to the said court a certificate signed by the village president and clerk, that in the opinion of a majority of said board of trustees (as determined by their vote at one of their meetings), the applicant is a proper person to be so licensed, and that they believe said inn and tavern is needed and will conduce to the public good; that the license fee to be paid by any person so licensed, shall be such sum, not less than fifty nor more than one hundred dollars, as shall be so determined and certified, and shall be paid by the clerk of said court unto the said village treasurer for the use of said village.

License fee.

No person to
sell ale, &c.,
without
license.

62. *And be it enacted*, That no person, other than such licensed inn-keeper, shall hereafter be allowed, within the limits of said village, to sell ale, beer, porter, cider, wine, or any other malt, vinous, spirituous or intoxicating liquor, of any kind whatsoever, nor any compound or mixture, of which any such liquor shall form a component part (except where sold by a druggist or apothecary for medicinal purposes, and then only upon the written prescription of a practicing physician, and not to be drunk upon the premises where sold.) until such person shall have been first licensed therefor by the vote of a majority of the said board of trustees, and shall have received his certificate of such license, signed by the village president and countersigned by the clerk, and shall have paid to the said treasurer, for the use of said village, such license fee, not less than twenty-five nor more than fifty dollars, as may be from time to time fixed and determined by said board; that such license shall run for the term of one year from the date of said license certificate, and no longer; that the said board of trustees shall have full power and authority, by the vote of a majority of their number, to revoke said license at any time, and for any cause whatsoever; and that a copy of the resolution of said board revoking said license shall be served by the village clerk, without delay,

License fee.

Trustees may
revoke license

upon the person licensed, or left upon his or her premises in some conspicuous place, in case he or she cannot be easily found; and that in case of such revocation of said license, the said treasurer shall, upon demand, pay back to the person licensed, such part of the license fee as shall be in proportion to the unexpired portion of the said term of one year; *pro- Proviso.*
vided, that nothing in this section contained shall hinder or prevent the recovery or enforcement of any penalty or penalties in any ordinance or ordinances of said board of trustees for any violation thereof; *and provided also*, that in case of *Proviso.*
any such sale by any druggist or apothecary, the said written prescription shall be carefully filed and preserved by him, and shall always be subject to the inspection of any member of said board of trustees, upon demand made by him for that purpose; and that if any person shall violate any of the provisions of this or the next preceding section, he or she shall forfeit and pay a fine not exceeding fifty dollars for each and every offence, the same to be recovered, with costs, in an action of debt, before the police justice or in any other court of competent jurisdiction, by the village treasurer, in the name and for the use of the said village; and in default of payment thereof, the defendant shall be committed to the common jail of said county for any term not exceeding sixty days, or until the said fine and costs shall be paid.

63. *And be it enacted*, That all acts and parts of acts in- *Repealer.*
consistent with the provisions of this act, shall be and the same are hereby repealed, and that this act shall be deemed and taken to be a public act, and shall take effect immediately.

Passed April 4, 1872.

CHAPTER DLII.

A Supplement to the act entitled "An Act to set off a new township from the townships of North Brunswick and Monroe, in the county of Middlesex, to be called the township of East Brunswick; and also a new township from the township of North Brunswick, to be called the township of New Brunswick," approved February twenty-eight, eighteen hundred and sixty.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the ninth section of the act to which this is a supplement be and the same is hereby repealed; and that the township of East Brunswick, in the county of Middlesex, shall hereafter constitute but one election district.

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

Approved April 4, 1872.

CHAPTER DLIII.

A Further Supplement to an act entitled "An Act to revise and amend the charter of the city of Newark," approved March eleventh, one thousand eight hundred and fifty-seven.

Records, &c.
to be admitted
as evidence in all
actions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in all causes of action or suits arising out of, or brought to recover any penalty for violation of any ordinance of the common council, or any rule or regulation of the board of health of the city of Newark, deeds, records, and other evidences of title to lands,

shall be admissable in evidence in all courts having jurisdiction of such causes of action or suits, so far as the decision of the question of title be necessary for the decision of such suits, the enforcement of said ordinances, rules and regulations, or for the recovery of such penalty for violation of the same.

2. *And be it enacted*, That the provisions of the thirty-eighth section of an act entitled "An Act to simplify the pleadings and practice in courts of law," approved March seventeenth, one thousand eight hundred and fifty-five, be and the same are hereby extended to the police courts of the city of Newark, so far as the same may be applicable or necessary under or pursuant to the preceding section of this act. Act extended to police courts

3. *And be it enacted*, That this act shall be construed to apply to all ordinances of the common council of the city of Newark, and to all rules and regulations of the board of health of said city, wherein parties are designated or described as "owners, tenants, occupants or agents" of lands or premises. Act, how construed.

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

Approved April 4, 1872.

CHAPTER DLIV.

A Further Supplement to an act entitled "An Act to revise and amend the charter of the city of Camden," approved February fourteenth, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the passage of this act there shall be in and for said city of Camden twenty-five councilmen. Number of councilmen.

2. *And be it enacted*, That an election by ballot shall be held on Tuesday, the sixteenth day of April, one thousand Date of holding election.

eight hundred and seventy-two, in each of the wards and election districts of the said city of Camden, at the same place at which the last annual election of said city was held, between the hours designated by law for holding the election for members of the senate and general assembly of this state, of which time and place the city clerk shall cause public notice, either printed or written, to be set up in five public places in each ward of said city, at least three days previous to the day of holding such election.

Election and
term of office
of councilman
at large.

3. *And be it enacted*, That at said election to be held pursuant to this act, there shall be elected by ballot, in and for said city of Camden, from among the citizens residing in said city, and entitled to vote at said election to be held as aforesaid, one councilman at large, who shall hold his office until the annual election of said city, to be held under the said act to which this is a supplement, in the year one thousand eight hundred and seventy-five, at which annual election, and every third year thereafter, there shall be elected by ballot, in and for said city, from among the citizens residing in said city, and entitled to vote at said annual elections, one councilman at large, who shall hold his office for the term of three years.

Councilman at
large, powers.

4. *And be it enacted*, That said councilman at large, to be elected as aforesaid, shall meet with the councilmen already elected, or hereafter to be elected by virtue of the said act to which this is a supplement, at any and all meetings by them hereafter held in pursuance of said act, and shall have and possess the same powers and privileges, and be subject to the same restrictions as they or any of them now have or shall have, possess and are subject to.

Who entitled
to vote.

5. *And be it enacted*, That the persons who were by law entitled to vote at the last annual election of said city, held in the several wards of said city of Camden, and who were duly registered in said ward, in accordance with the provisions of an act entitled "An Act to provide for the registration of persons entitled to the right of suffrage in cities," approved March twenty-second, eighteen hundred and seventy-one, and none others shall be entitled to vote at the election held pursuant to the provisions of this act.

Election, how
conducted.

6. *And be it enacted*, That the election to be held in pursuance of this act, shall be held and conducted by the same judges and election officers in the several wards of said city, who held and conducted the last annual election in said city,

and such judges and election officers shall perform the same duties in conducting said election, canvassing and estimating the votes to be cast thereat, and making returns thereof, in the same way and manner, under the same restrictions and limitations, and subject to the same penalties, as are now provided or imposed by law; *provided*, that in case of the absence, death, refusal to serve, or other incapacity of any or either of said judges or election officers, at the holding of said election, such vacancy or vacancies shall be supplied in the same manner prescribed by law for supplying such vacancy or vacancies at an election for state and county officers.

7. *And be it enacted*, That if any person or persons shall vote, or offer to vote, in any of the wards of said city at the election held in pursuance of this act, such person or persons so voting, or offering to vote, at such election in such ward, not being legally entitled to vote therein, shall be subject to the same pains, penalties and punishment now prescribed by law to be imposed or inflicted upon any person or persons illegally voting, or offering to vote, at any general election held in this state. Proviso.
Penalty for
illegal voting.

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

Passed April 4, 1872.

CHAPTER DLV.

A Supplement to an act entitled "An Act to reorganize the local government of Jersey City."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty (20) of the act to which this is a supplement, be and the same is hereby amended by striking out the word "three" (3) where the same occurs in said section, and inserting in lieu thereof the word "two." Amendment.

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

Approved April 4, 1872.

CHAPTER DLVI.

A Further Supplement to an act entitled "An Act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the council of the city of Hoboken may designate one newspaper published in the city of Hoboken in the German language to print the proceedings of that body, and such other matters and things as are now required to be published by the charter of the said city of Hoboken, or any supplement to the same, in addition to the papers as now by law provided; the compensation to be paid be at the like rates as allowed by the council to the two official newspapers.

Council may
designate
German paper
to print pro-
ceedings.

Compensation

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

Approved April 4, 1872.

CHAPTER DLVII.

A Further Supplement to the act entitled "An Act to divide the township of Woodside between the city of Newark and the township of Belleville," approved April fifth, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the commissioners, or a majority of them, named in the act to which this is a supplement, for the purpose of collecting any arrears of taxes due and uncollected from any of the inhabitants of the said township of Woodside at the time of the passage of said act, issue a warrant, and on the return thereof an alias or pluries warrant, under their hands and seals to any constable of the county of Essex, returnable at a certain time to be specified therein, and it shall be the duty of such constable to execute the same according to law and pay over the moneys by him collected to said commissioners to be apportioned and disposed of by them agreeably to said act.

Commissioners may issue warrant for collection of arrears of taxes.

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

Approved April 4, 1872.

CHAPTER DLVIII.

A Further Supplement to an act entitled "An Act relative to taxes in certain counties of this state," approved April second, one thousand eight hundred and sixty nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city of Trenton, in the county of Mercer, be and is hereby included in the said act

Act extended.

to which this is a supplement, and that the taxes hereafter to be assessed and raised in the said city of Trenton for the purposes mentioned in the said act, shall be assessed and raised according to the provisions of the said act.

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

Approved April 4, 1872.

CHAPTER DLIX.

Supplement to an act entitled "An Act to form a new township out of a part of the township of Franklin, in the county of Gloucester, to be called the township of Clayton," approved February fifth, one thousand eight hundred and fifty-eight.

Annual town meeting. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Clayton shall hold their annual township meetings at Glassboro' and at Clayton, alternately, hereafter, on the second Wednesday in March of each year, to elect township officers; and that the first township meeting held for that purpose after the passage of this act shall be held at Glassboro'.

Repealer. 2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall be deemed a public act and take effect immediately.

Approved April 4, 1872.

CHAPTER DLX.

A Further Supplement to the act entitled "An Act to revise and amend the charter of the city of Newark," approved March eleventh, one thousand eight hundred and fifty-seven.

WHEREAS, writs of certiorari are often applied for to remove ^{Preamble.} proceedings in the matter of street openings and other public improvements in the city of Newark, after the expiration of a long space of time from the taking of said proceedings or the ratification of the same, and after large sums of money and great labor have been expended and performed, and after the accounts of large numbers of persons interested therein have been settled and adjusted, thereby causing protracted and unnecessary delay and confusion in many important and indispensable public improvements; and whereas, the public good demands that some limit should be definitely fixed for the issuing of said writs in matters relating to said city; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no writ of certiorari shall be allowed or issued on or in relation to any assessment, award ^{Writs of certiorari, when to be allowed.} or other proceeding whatsoever, made or had by virtue of any of the provisions of the charter of the city of Newark, or any of the supplements thereto, or on any ordinance, resolution or proceeding of the common council of said city, or of any committee thereof, or on any act of any commissioners or other person or persons appointed by said common council, in the matter of any public improvement, or other matter, after the expiration of six months from the date of the ratification of said assessment, award or other proceeding by the said common council, or from the passage of said ordinance or resolution, or from the taking of said proceeding, or from the doing of said act, any law of the state of New Jersey to the contrary notwithstanding.

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

Approved April 4, 1872.

CHAPTER DLXI.

An Act in relation to Chosen Freeholders in the county of Passaic, in this State.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the chosen freeholders elected in the county of Passaic at the next election held in said county for ward and township officers, pursuant to the provisions of law, shall hold their respective offices for the term and in the manner prescribed in this act.

To divide into classes. 2. *And be it enacted*, That at the next annual meeting of the board of chosen freeholders of the county of Passaic, the members of the said board shall divide themselves into classes by lot, in such manner as said board may by resolution direct, so that the term of office of seven of said members shall expire in one year from the said annual meeting, and the term of office of eight of said members shall expire in two years from said annual meeting.

Clerk of board to notify township clerks. 3. *And be it enacted*, That within ten days after the aforesaid classification shall have been made, the clerk of the said board of chosen freeholders shall notify the clerks of the several wards and townships in said county of the duration of the term of office of the chosen freeholders from the respective wards and townships in said county; and the said clerks shall give notice of the election of the chosen freeholders accordingly, at least eight days before the expiration of the terms of office of said chosen freeholders.

Terms of office 4. *And be it enacted*, That the chosen freeholders in said county elected to succeed those freeholders whose terms of office shall have been fixed and determined pursuant to the provisions of this act, shall be elected for and hold their respective offices for the term of two years, and until their successors shall be elected and qualified.

Freeholders to take oath. 5. *And be it enacted*, That every chosen freeholder in said county, and every person appointed to an office by the board of chosen freeholders of said county, shall, before he enters upon the duties of his office, take and subscribe, before any person qualified to administer oaths, an oath or affirmation

faithfully and impartially to execute the duties of his office, according to the best of his ability and understanding; which oath or affirmation shall be filed in the county clerk's office of said county.

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

Approved April 4, 1872.

CHAPTER DLXII.

A Further Supplement to the supplement to "An Act to divide the township of North Bergen," approved March eighteenth, eighteen hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "from the completion of the work," in the last sentence of section four of said supplement, be and the same are hereby repealed; and said sentence shall hereafter read "from the date of their issue." Amendment.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall be deemed a public act and shall take effect immediately. Repealer.

Approved April 4, 1872.

CHAPTER DLXIII.

A Further Supplement to an act entitled "An Act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Council empowered to improve and ornament public parks and squares.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and council of the city of Hoboken are hereby authorized and empowered to improve and ornament both or either of the public parks or squares in said city, one of which is known as "Hudson Square," the other as "Public Squares," and both situate between Fourth and Fifth streets, whenever the council of said city may consider it expedient so to do; and that the costs and expenses of such improvement or improvements be assessed upon the real estate in said city benefited thereby, in proportion to the benefit received, and that said assessments shall be made by the board of commissioners of assessments of said city, who shall proceed in all things in the same manner as in making assessments for the costs and expenses of constructing sewers in said city; and the said assessments shall remain a lien on the lands assessed until paid, and shall be collected in the same manner as assessments for constructing sewers in said city are collected.

May issue improvement certificates.

2. *And be it enacted*, That the said mayor and council shall have power to issue improvement certificates to pay for such improvement as the work progresses, which improvement certificates shall bear interest at the rate of seven per centum per annum, and be payable in two years from the date thereof.

Council may issue scrip or certificates of indebtedness.

3. *And be it enacted*, That to meet the current expenses of filling sunken lots declared to be nuisances, under and by virtue of the nineteenth section of an act entitled "A Further Supplement to an act entitled 'An Act to incorporate the city of Hoboken,'" approved March twenty-eighth, eighteen hundred and fifty five, which supplement was approved April sixth, eighteen hundred and seventy-one, the mayor and council of said city are hereby authorized to issue scrip or certificates of indebtedness, which certificates shall show upon the face thereof for what purpose they are issued, and shall

bear interest at the rate of seven per centum per annum, and shall be payable in two years from the date of their issue.

4. *And be it enacted*, That the nineteenth section of said ^{Amendment.} supplement, approved April sixth, eighteen hundred and seventy-one, be amended by inserting after the words "street commissioner" the following, that is to say, "under the direction of the committee on streets and assessments."

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

Approved April 4, 1872.

CHAPTER DLXIV.

An Act to facilitate the collection of taxes in the township of Dennis, in the county of Cape May.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Dennis, in the county of Cape May, shall have power to enforce the collection of all delinquent taxes assessed on any real estate in said township during the year of our Lord one thousand eight hundred and seventy-two and thereafter, by exposing the same for sale, or so much thereof as may be sufficient to pay said tax and costs thereon, at public vendue, to the person or persons who will take the least quantity of said land to be laid out in one body, and to commence at some designated corner of the premises on which said delinquent taxes are claimed to be due, and in case where the said committee may deem it for the interest of the township, they may authorize the treasurer of the township to appear at and bid on such lands as are offered for sale as aforesaid, in the name of the township, the lands so sold to him, if any, to be the property of said township.

Committee
may sell lands
for unpaid
taxes.

2. *And be it enacted*, That no land shall be sold by virtue of this act, until the township collector shall have made a return to the township committee that the taxes assessed on said lands are unpaid, and have by him been returned as de-

No land to be
sold until col-
lector makes
return that
taxes are un-
paid.

linquents, and shall verify the same by his affidavit, attached thereto; and the collector neglecting or refusing to make such return and affidavit, on or before the annual township meeting for the election of officers, shall be liable to the township for all of said unpaid and delinquent taxes not so returned.

Copy of return
to be recorded
and posted up

3. *And be it enacted*, That within ten days after the said return by the collector of the township, the township committee shall cause a copy of said return to be recorded in the clerk's office of the township, and a copy thereof to be posted in at least three public places in said township, one of said places to be the place where the election of said township was held; the same to be certified to and signed by the committee of the township.

Return to be
published.

4. *And be it enacted*, That after the expiration of twenty days the township committee shall cause a certified copy of the said return and affidavit of the collector to be published in one or more newspapers published in said county, at least six weeks, specifying the time and place where the same will be sold at public vendue, as aforesaid, for the collection of said returned and delinquent taxes.

Chairman to
sell lands.

5. *And be it enacted*, That on the day mentioned in said notice, or some adjourned day thereof, the chairman of said committee shall, at the hour mentioned in said notice, proceed to sell the several tracts or parcels of land returned and unpaid, and in the order so returned, at public vendue, as aforesaid, to the person or persons who will take the least quantity of said premises so offered, and pay the amount of said delinquent taxes, with costs of advertising and sale.

Certificates of
sale.

6. *And be it enacted*, That immediately after such sale the township committee shall execute and deliver to such person or persons who may become the purchasers of said lands, a certificate of such sale, describing the piece or several pieces sold, as the case may be, together with the amount paid for the same, entitling the holder thereof to a deed of the premises so sold; *provided*, that the owner or owners of the said land or lands do not within one year from the date of said certificate, appear before the said committee and deposit with them for the purchase of said land the amount so paid by him, together with fifteen per centum interest, in which case the said certificate shall be deemed to be canceled, and the amount so received, shall, on demand, be paid to the party holding and owning such certificate.

Proviso.

7. *And be it enacted*, That if at the expiration of one year from the time of said sale, the owner or owners of any lands so sold, does not appear to redeem said land as aforesaid, then the said township committee shall execute to the holders and owners of said certificate, a deed of the premises described therein in their corporate name; the party receiving said deed to bear the expenses of the revenue stamps and the acknowledging of the same, and on delivery of said deed, the sale shall be final, and the title of such lands pass irrevocably to the holders thereof.

8. *And be it enacted*, That a majority of the said committee shall constitute a quorum for the purpose of this act, and may adjourn from time to time as they shall judge proper.

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

Approved April 4, 1872.

CHAPTER DLXV.

An Act to provide for free roads between Newark and Jersey City.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Peters, A. Bishop Baldwin, Isaac N. Van Wagenen, Marcus Beach, J. Van Vorst, Nehemiah Perry, Peter S. Duryee, Ira M. Harrison, Isaac W. Scudder and Alfred L. Dennis, or a majority of them, be hereby appointed commissioners with full power and authority, by contract with the Pennsylvania Railroad Company, the Newark and New York Plank Road Company, the proprietors of the bridges over the Passaic and Hackensack, to purchase and acquire for the public use of the counties of Essex and Hudson, the rights, franchises, privileges and properties of the Newark and New York Plank Road Company, and of the proprietors of the bridges over the Passaic and Hackensack, for the lowest price for which the same can be obtained; *provided*, that a majority of all the members of

the board of chosen freeholders of Essex and Hudson county shall in joint meeting consent to and approve of the said price ; the said joint meeting shall be held in the court house of the county of Hudson on the first Monday in June next following the passage of this act.

Commissioners to estimate and determine the value of bridge when no agreement can be made.

2. *And be it enacted*, That in case no agreement for such purchase can be made with the said corporations, or in case the said boards of chosen freeholders do not consent to and approve of the price as aforesaid, the said commissioners shall thereupon proceed to estimate and determine the fair and just value of the said rights, franchises, privileges and properties, having first given at least twenty days' notice in writing, of the time and place when and where the said commissioners will meet to hear any representations on behalf of the said corporations, or of the boards of freeholders of said counties in relation to the matter, which notice shall be served upon the presidents of the said corporations, and also upon the directors of the said boards of freeholders, and shall also be published in two daily newspapers, one published in the city of Newark, and one in the city of Jersey City, for the space of ten days prior to said meeting ; and said meeting may be adjourned from time to time at the discretion of said commissioners ; and so soon as they shall have determined on the said valuation, they shall prepare and sign two certificates thereof, and file the same, one in the office of the clerk of the county of Essex, and one in the office of the clerk of the county of Hudson ; and immediately upon the payment to the said corporations of the amount of the said valuation, or in case they will not receive the same, upon the deposit of the same in such trust company or savings institution as any justice of the supreme court shall direct, the title to and the right of possession of the said rights, franchises, privileges and properties, shall become vested in the respective boards of chosen freeholders of the said counties, for public use.

Proceedings in case of appeal.

3. *And be it enacted*, That in case the said corporations or the boards of chosen freeholders of the said counties, or either of them, shall conceive themselves aggrieved by the action of the said commissioners, they may appeal therefrom to the supreme court of this state at any time within sixty days after filing of the said certificates as aforesaid, and the said courts shall order a jury to assess the value of the said rights, franchises, privileges and properties, the trial whereof shall be conducted as in other cases of trial by jury, and the final

judgment of said court shall be conclusive as to said valuation, and the amount already paid or deposited as said valuation shall be increased or diminished accordingly; *provided*, Proviso. that in case of appeal by said boards, or either of them, or by said corporations, but one issue shall be framed and one jury ordered for the trial thereof, and that the place of the trial of such appeal shall be in the county of Union in this state.

4. *And be it enacted*, That the amount agreed upon or finally awarded as aforesaid for the purchase of the said Amount agreed upon to be paid by counties. rights, franchises, privileges and properties, with the expenses incident thereto, shall be paid equally by the respective boards of chosen freeholders of the said counties; and the said boards of chosen freeholders are respectively hereby authorized, empowered and required to borrow from time to time, in the name of said respective boards, by the issue of bonds, to be signed by their respective directors and countersigned by the respective collectors of said counties, and payable May borrow money and issue bonds. at any time not exceeding _____ years, and bearing interest at the rate of seven per centum per annum, all such sums of money as may be necessary to pay the valuation and expenses aforesaid, which sums of money shall be paid over to said commissioners, to be applied by them to the purpose provided in this act; and the moneys necessary for the redemption of said bonds, with the interest to accrue thereon, shall be raised by county taxes, from time to time, in the same manner as other taxes are raised in said counties.

5. *And be it enacted*, That before entering upon the duties herein before specified, the said commissioners shall take and Commissioners to take oath. subscribe an oath, before some person having authority to administer the same, that they will faithfully and impartially perform the duties required by this act; and the said commissioners shall be entitled to receive five dollars per day for the time necessarily employed by them in the duties imposed by this act.

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

Approved April 4, 1872.

CHAPTER DLXVI.

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

Preamble.

WHEREAS, a certain portion of that section of the city of Newark, known as West Newark, has been heretofore laid out with narrow, short and crooked streets and passage-ways by private owners of property, without any municipal oversight or authority, or any reference to adjoining property or to the interest or accommodation of the public, and without any uniformity of continuance or connection; and whereas, a large number of buildings have been erected along the lines of said streets and passage-ways in such a manner that the danger from conflagration has been greatly increased, and the sanitary condition of the neighborhood much impaired; and whereas, in view of these facts and the rapid growth of said locality, the public good demands that the general plan and system which has been carried out for many years, and is still being beneficially carried out by the city authorities in other portions of said city, of laying out and improving streets and avenues in such a manner as to secure necessary width, needed ventilation, proper continuance and uniformity, and more ample protection from fire; and whereas, the commissioners appointed by said common council for that purpose, now engaged in the examination of the streets in the section of the city above mentioned, find it impracticable under existing laws and the condition of said locality, to remedy the difficulties or to secure the desirable results above stated; therefore,

Council may
appoint com-
missioners to
lay out certain
streets and
avenues.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of the city of Newark may appoint not less than three nor more than five commissioners, one of them to be a resident of the ward the property is located in, to lay out certain streets and avenues herein named, with full power and authority to purchase, at their discretion, all or any part of the lands, real estate, buildings and all other improvements within the limits described as follows, to wit: beginning at the intersec-

tion of the northerly line of Springfield avenue with the Limits.
westerly line of Littleton avenue, as the same is laid out on
a map filed in the office of the city clerk of said city of New-
ark by the said commissioners appointed to lay out streets,
avenues and squares; thence running along the said northerly
line of Springfield avenue to the easterly line of South Tenth
street; thence northerly along the said easterly line of South
Tenth street to the former city line; thence southeasterly
along the said former city line to the said westerly line of
Littleton avenue; and thence southerly along said westerly
line of Littleton avenue to the place of beginning, and to
make such compensation therefor to the owner or owners
thereof, as they may deem reasonable, and to receive from
the said owner or owners conveyances of the same to the
mayor and common council of the city of Newark; in case
no agreement for such purchase can be made with such
owner or owners, the said commissioners shall thereupon
proceed to estimate and determine the fair value of the said
lands, real estate, buildings or other improvements, for the
purchase of which no agreement can be made as aforesaid,
having first given at least ten days' notice in writing to the
owner or owners thereof, either personally, or by leaving the
same at his, her or their place or places of residence, of the
time when and place where he, she or they may be heard in
relation to the matter; in case said owner or owners shall be
an infant, or a married woman, or non compos mentis, or
absent from the city, or be for any reason incompetent to act
in this behalf, then notice as to the time and place of the
meeting of said commissioners to estimate and determine
said value, shall be advertised in two daily newspapers pub-
lished in said city, for the space of ten days prior to said
meeting; said meetings may be adjourned from time to time,
at the discretion of said commissioners; as soon as said com-
missioners shall have finally estimated and determined upon
said valuation, they shall make and sign a certificate thereof,
and file the same in the office of the said city clerk; and
immediately upon the payment to said owner or owners of
the amount of said valuation, or in case he, she or they will
not or cannot receive the same, upon the deposit of said
amount in such trust company or savings institution as any
justice of the supreme court of this state may direct, the
title to and right of possession of such property valued as
aforesaid, shall become vested in the said the mayor and

Proceedings
in case no
agreement
can be made
for purchase
of lands.

Proceedings
in case of ap-
peal.

common council of the city of Newark; any such owner feeling aggrieved by the said proceedings of the said commissioners, may appeal therefrom to the supreme court of this state at any time within sixty days after the date of the filing of the certificate as aforesaid in the office of said city clerk, and the said supreme court shall order a trial by jury to assess the value of the lands, real estate, buildings or other improvements of said owner, the trial whereof shall be conducted as in other cases of trial by jury, and the final judgment of said court shall be conclusive as to said valuation, and the amount of said valuation shall be increased or diminished accordingly; in case the title or interest of any person or persons in any of the premises included in the foregoing described boundaries, and for which a value shall be awarded by said commissioners as aforesaid, shall be doubtful or disputed, the value thereof awarded by said commissioners may be deposited as aforesaid upon affidavit of such facts and an order to that effect by such justice, and such deposit shall have the same effect as a payment made to said owner or owners; and the said court may proceed in a summary manner upon petition of any person or persons claiming to be the owner of said premises or any part thereof, to ascertain the interests of said parties, and to determine to what person or persons the said amount shall be paid, and shall have power to distribute the same among the persons entitled thereto; immediately upon the completion of the purchases or acquisition as aforesaid, the said commissioners shall make a full and complete report of the same to the said common council.

Commission-
ers of sinking
fund may is-
sue "West
Newark Im-
provement
Bonds."

2. *And be it enacted*, That for the purpose of carrying out the provisions of this act, the commissioners appointed pursuant to the provisions of an act of the legislature of this state, approved March tenth, eighteen hundred and fifty-nine, and designated as "The Commissioners of the Sinking Fund of the City of Newark," shall have authority to issue in the name of "The Mayor and Common Council of the City of Newark," bonds under the corporate seal of said city, and the signature of the mayor, to be denominated "West Newark Improvement Bonds," to an amount not exceeding two hundred thousand dollars, bearing interest, payable semi-annually, at a rate not exceeding seven per centum per annum, and pledging the credit and property of the city for the payment of the same, which bonds the said last named commissioners may sell at public or private sale, for

the best price they can obtain for the same, and upon such terms and conditions as they may deem advisable, including the payment of the tax upon the same, with the consent of the common council of said city; said bonds shall be payable five years after their date, but said last named commissioners shall reserve the right to pay the same at any time before their maturity, and upon giving notice by advertisement for one month in two daily newspapers published in said city, of their readiness so to do, interest upon the same shall thereupon cease; they may also purchase the same or any part thereof at any time before maturity, at any price not greater than their par value; out of the proceeds of the sale of said bonds the said last named commissioners shall pay the several amounts awarded to such persons as may be entitled to receive the same, or deposit the same as aforesaid, upon the certificate to that effect of the commissioners first above named, or upon the judgment of the said court, or the order of such justice thereof as aforesaid; the proceeds of the sale of said bonds shall be appropriated exclusively to the payment for lands and property purchased or acquired as aforesaid, the necessary costs and expenses of the proceedings had and taken under this act, and to the payment of interest; no more of said bonds shall be issued or sold than may be necessary to accomplish the purposes aforesaid.

Proceeds of
bonds, how
appropriated.

3. *And be it enacted*, That the first above named commissioners, after having acquired the title to and possession of said lands, real estate, buildings or other improvements, in the name of the said mayor and common council of the city of Newark, as above mentioned, shall have full power and shall thereupon proceed to vacate the whole or any part of any street, road highway, passage-way or alley within the said boundaries, and to project and lay out upon and across said lands and real estate, such streets, avenues, highways or squares as they may deem necessary and proper, and to remove all obstructions therefrom; they shall immediately, upon completing the same, report their proceedings with full surveys, maps and descriptions to the said common council, which shall be filed in the office of said city clerk, and the said streets, avenues, highways and squares shall thereby and thereupon become open for public use.

Commission-
ers to vacate
and lay out
streets, &c.

4. *And be it enacted*, That after the said maps and surveys shall have been filed as aforesaid, the said commissioners, first above named, shall at once proceed to lay out and divide

Commissioners to lay out and divide lands into lots and sell the same at public sale.

the said lands and real estate (except the said streets, avenues, highways or squares) into suitable lots or plots and shall advertise and sell the same, at public sale, for the best prices and upon the best terms they can obtain for the same, which sale or sales may be adjourned from time to time at their discretion; all of the purchase moneys and securities shall be received in the name and behalf of the mayor and common council of the city of Newark, and shall be paid over to the said commissioners of the sinking fund, who are hereby invested with full power to collect the same by suit at law or in equity, which moneys when received or collected shall be by them appropriated for the purposes above mentioned; all buildings and all other improvements may be sold as soon as legal possession of the same has been secured as aforesaid; immediately upon the completion of any or all of such sales as aforesaid, the said commissioners first above named shall make a full report of the same to the said common council, who shall thereupon direct the mayor to execute good and sufficient conveyance to the purchasers, in the name and under the seal of said city.

Proceedings in case proceeds of sale are insufficient to pay principal and interest of bonds issued.

5. *And be it enacted*, That if the proceeds of said sales shall be insufficient to pay the principal and interest of the bonds which may have been issued as aforesaid, and all costs, charges and expenses, to which the said commissioners first above named, or the said city of Newark, may be subjected to by virtue of any proceedings had or taken under this act, the said commissioners first above named shall, whenever the said common council shall so direct, proceed to make a just and equitable assessment of such deficit, including all probable subsequent costs, charges and expenses, upon the owner or owners of all the lands and real estate adjacent or contiguous to the lands and real estate so purchased or acquired as aforesaid, in proportion, as nearly as may be, to the advantage each shall be deemed to have received by reason of the proceedings authorized by this act; they shall make a report in writing of the assessments so made, and before proceeding to sign the same they shall place the said report in their office, and give ten days' notice, by advertisement in two daily newspapers of said city, of the time when and place where said report may be examined, and parties interested be heard by said commissioners; after hearing the parties, the said commissioners first above named shall proceed and complete the said report and sign the same, and

Report of assessments to be made.

present it with all objections which have been made to them in writing, to the said common council, who shall thereupon examine the matter, and may ratify the said report and assessments, or return the same to the said commissioners for a reconsideration by them; after the same shall be again, by said commissioners, presented to said common council and ratified by them, and filed in the office of said city clerk, the said assessments shall be final and conclusive, and such subsequent proceedings for the collection of said assessment, shall be had as are provided by law in the case of other assessments for benefits, except that when said assessments shall be collected or paid, they shall be paid over to the said commissioners of the sinking fund for the purposes aforesaid.

Assessments
binding on
lands.

6. *And be it enacted*, That if the proceeds of said sales shall be more than sufficient to meet the payments and all the costs, charges and expenses above mentioned, the said commissioners first above named shall proceed to distribute the said surplus pro rata among the owners of the lands and real estate so purchased or acquired as aforesaid.

Distribution of
proceeds.

7. *And be it enacted*, That the said commissioners are hereby also fully empowered and directed to grade all or any portion of the lands and real estate so purchased or acquired by them as aforesaid, or the title to which shall be vested in the said the mayor and common council of the city of Newark under and by virtue of this act; and also to grade and curb the whole or any portion of the streets, avenues, highways or squares which they shall project and lay out upon and across said lands and real estate as aforesaid.

Commission-
ers to grade
and curb.

8. *And be it enacted*, That the whole amount of the costs and expenses of grading the lands and real estate above mentioned, and of grading and curbing such portion of any of such streets, avenues, highways or squares as shall lie in front of any lands purchased by or the title to which has been or shall be vested in the said the mayor and common council of the city of Newark, under and by virtue of this act, shall be paid by said commissioners out of the proceeds of the sale of the bonds above mentioned, and shall be held to be included in and a part of the costs, charges and expenses mentioned in section five and the other sections of this act, and shall be included in the assessment provided for in said section five, in case any assessment shall be made.

Costs and ex-
penses of
grading and
curbing in
front of lands
owned by city,
how paid.

9. *And be it enacted*, That the whole amount of costs and expenses of grading and curbing such portion of any of said

Costs and ex-
penses of
grading and
curbing on
lands not pur-
chased by city
to be paid to
commission-
ers by council.

streets, avenues, highways or squares as shall lie in front of any lands or real estate not purchased by and the title to which is not vested in the said the mayor and common council of the city of Newark as aforesaid, shall be paid to the said commissioners named by the said the mayor and common council of the city of Newark, upon the certificate of said commissioners of the completion of said work, approved by the city surveyor of said city, and shall be a lien upon said lands and real estate; and the said common council having ascertained the whole amount of said costs and expenses, shall cause an assessment thereof to be made by the city surveyor of said city, which said assessment and all subsequent proceedings for the collection of the same shall be made and taken and conducted in all respects in the manner now provided by law in case of other similar assessments for improvements made by said common council.

Commission-
ers to take
oath

10. *And be it enacted*, That the said commissioners first above mentioned, before they enter upon the performance of their duties as herein provided, shall take and subscribe an oath or affirmation before the city clerk or mayor of said city, to perform all the duties required of them by this act, fairly and impartially, according to the best of their skill and judgment; vacancies in the number of said commissioners first above named shall be filled by the said common council as is provided by law in similar cases; said commissioners first above named are hereby authorized to employ such surveyors and other assistants as they may deem necessary; and all costs and expenses shall be paid by the said commissioners of the sinking fund out of any moneys received by them as aforesaid, upon the certificate of the commissioners first above named, and the said commissioners first above named shall out of the same moneys and from the said commissioners of the sinking fund, receive such compensation for their services as may be fixed by the said common council.

May appoint
surveyors, &c.

Compensation

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

Approved April 4, 1872.

CHAPTER DLXVII.

An Additional Supplement to an act entitled "An Act to incorporate the town of Union, in the township of Union, in the county of Hudson," approved March twenty-ninth, eighteen hundred and sixty-four.

WHEREAS, by the act of incorporation of the town of Union, Preamble.
in the township of Union, in the county of Hudson, approved March twenty-ninth, eighteen hundred and sixty-four, certain provisions were made for the sale of property for unpaid taxes and assessments; and whereas, certain defects appear in the declarations of sale given by the council of said town to the purchasers of land for unpaid taxes and assessments, and in the minutes and proceedings of said council; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all declarations of sale heretofore given by the council of said town of Union shall be considered as valid and effectual in law as if all and every requirement of the town charter had been faithfully and fully complied with, notwithstanding any error, defect or omission therein or thereby, by reason of the advertising or sale of said property; and the purchasers thereof, or any person or persons holding under an assignment from any purchaser, or who may have redeemed the same, shall be vested with full and free enjoyment of said property for the term for which the same was purchased. Declaration of sale declared valid.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall be a public act and take effect immediately. Repealer.

Approved April 4, 1872.

CHAPTER DLXVIII.

An Act for the relief of the Mayor and Council of the city of Hoboken.

Preamble.

WHEREAS, Frederick E. Rowald, late city clerk of the city of Hoboken, assumed and exercised the duties of said office, without being duly qualified as required by law; and whereas, certain lands and real estate of said city were sold by the mayor and council of said city, under the direction or supervision of said late clerk de facto, and the declarations of such sales have, as yet, not been issued to the purchasers thereof; and whereas, certain ordinances of said mayor and council have not been recorded in the ordinance book and signed by the clerk as required by law; therefore,

Declaration of
sale and other
papers bind-
ing.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all certificates, declarations of sale, and other documents and papers, witnessed, attested or signed by said Frederick E. Rowald as city clerk of said city of Hoboken, be and the same are hereby ratified and confirmed, and that the same shall be considered as effectual and binding in law as if said Frederick E. Rowald was duly qualified as required by law.

City clerk to
sign, witness,
&c. ordinances

2. *And be it enacted*, That it shall be lawful for the city clerk of said city, appointed by the mayor and council of said city for the unexpired term, or his successor in said office, to sign, witness and attest all warrants, certificates, declarations of sale, ordinances, and all other matters and things by law required to be signed, witnessed or attested by the city clerk of said city, and which should have been signed, witnessed or attested before the present incumbent of said office was appointed; and that all such warrants and certificates, declarations of sale, ordinances and all other documents, matters and things so signed, witnessed or attested by the present incumbent of said office of city clerk, or his successor, shall be as valid, effectual and binding, as if the same had been signed, witnessed or attested at the proper time by his predecessor in said office, and he had been duly and fully qualified as required by law.

3. *And be it enacted*, That all acts and parts of acts Repealer. inconsistent with this act are hereby repealed, that this shall be deemed a public act and shall take effect immediately.

Approved April 4, 1872.

CHAPTER DLXIX.

An Act to better enable the inhabitants of the township of Lumberton, county of Burlington, to control the expenditures of their road overseers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of roads in said township of Lumberton shall not expend more than seven hundred dollars annually upon the roads of the township without a written order from the township committee, said sum to be equally divided between the two road districts. Amount of money to be expended by overseers of roads.

2. *And be it enacted*, That it shall not be lawful for either of the road overseers to plow or machine-ditch, or cause to be plowed or machine-ditched, any of the public roads after the first day of September, annually, nor do any other work on said roads, except in cases of necessity, to mend washes or breaks, without a written order from the township committee. Unlawful to plow or machine-ditch road unless ordered by committee.

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

Approved April 4, 1872.

CHAPTER DLXX.

A Further Supplement to an act entitled "An Act to revise and amend the charter of the city of Rahway," approved March twenty-third, eighteen hundred and sixty five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the police justice of the city of Rahway, or any of them, shall have the same jurisdiction and powers in all criminal cases and in all cases relating to bastardy, relief, removal and settlement of the poor, and vagrancy, and disorderly persons which any one or more justices of the peace in said city have, and in every case whatever may issue subpoenas ad testificandum into any county throughout the state, and may enforce obedience to the same as justices of the peace now are authorized to do.
2. *And be it enacted*, That in all causes or proceedings before any of said police justices, the policemen of said city may serve all writs issued therein, and may execute all the processes, and obey all commands of any of said police justices in the same manner as constables are authorized to do in the courts for the trial of small causes, and may receive the same compensation therefor.
3. *And be it enacted*, That in order to purchase land for school purposes, and to improve the same, and to erect school buildings thereon, the common council of said city may borrow money therefor, to an amount not exceeding at any one time, fifty thousand dollars, and issue bonds in payment thereof, and may assess and collect by tax such amount from time to time as may be necessary to meet the payment of said bonds; and for that purpose, and for such purposes as said common council are now authorized by law to raise money by tax, the eighteenth section of the supplement to the act to which this is a further supplement, approved March seventeenth, eighteen hundred and seventy, is hereby amended by substituting the words "two hundred" in the place of "one hundred."
4. *And be it enacted*, That the thirteenth section of the act to which this is a supplement, is hereby amended by

Police justices to have power of justices of the peace.

Policemen may serve all writs.

Council may borrow money and issue bonds to erect school buildings.

Amendment.

adding at the end thereof the following: "*provided further,* Amendment. that when any property owners liable for assessments shall petition the common council for an extension of time for the payment thereof, said common council may authorize the issuing of bonds for the benefit of all such owners, who at the time of issuing such bonds, shall pay to the treasurer the interest then due upon their assessments, and all assessments so extended shall be chargeable with their pro rata share of the discount and interest on such bonds, which shall be a lien upon property in the same manner as the original assessments; and whenever the common council postpone the collection of any assessment under this section, they may renew any bonds that fall due before the payment of such assessments; and at any time before such assessments fall due, or before the expiration of the extended time, may require by resolution such assessments to be paid by yearly installments, and on the failure of the payment of any such installments, the whole assessment of the person so failing shall become immediately due."

5. *And be it enacted,* That whenever the common council of said city shall desire to give to the courts having jurisdiction over violations of the ordinances of said city, a discretion as to the measure of the punishment for such violation, they may do so, and may prescribe the limits of such discretion of ordinances relating to such violations; and no ordinance heretofore or hereafter to be passed, giving such discretion, shall be invalid by reason thereof. Council may give courts discretion as to punishment.

6. *And be it enacted,* That all of that part of Riverside road lying between Bridge street and Grand street be and the same is hereby vacated. Part of road vacated.

7. *And be it enacted,* That it shall be the duty of the common council of said city to cause city atlas maps to be made, in which shall be laid down all the lands lying within the limits of said city, so sub-divided, marked and numbered as to indicate with an index or register the names of the owners of all the tracts, plots or lots or real estate in said city, said maps to be known and designated as the city atlas. City atlas maps to be made.

8. *And be it enacted,* That the city engineer shall have the custody of the city atlas, and shall keep a book in which he shall register the names of the several tract, plot and lot owners, and specify the lots owned by them, respectively, so far as he can ascertain the same; and whenever thereafter the owner of any plot or lot shall sell the same, or any part Duties of city engineer.

thereof, the purchaser shall, within thirty days thereafter, under such penalties for neglect or refusal as the common council may by ordinance prescribe, present the deed of conveyance thereof to the city engineer, who shall record in said register the date thereof, and the name of the person by and to whom the said conveyance was made; and when part of a plot or lot designated in said atlas shall have been conveyed, it shall be the duty of the city engineer to mark on said atlas the part so conveyed, and to enter in his register the name of the grantee of such part; the common council shall fix by ordinance the fees which the city engineer shall be entitled to receive for his services under this section.

City assessor
to assess value
of each lot on
city atlas.

9. *And be it enacted*, That as soon as the said atlas maps are prepared, it shall be the duty of the assessors at large for said city, appointed by the common council, to affix to each plot or lot and each sub-division thereof, as the same stands recorded on the city atlas, distinguishing the same by their marks or numbers, the fair value of each plot, lot or sub-division, and enter the said valuation in a book provided for that purpose, and in each and every year hereafter the said assessors at large shall make and affix the said valuations to each lot as aforesaid, and complete the same on or before the twentieth day of April.

District assess-
sors, duties of

10. *And be it enacted*, That there shall hereafter be elected for said city two assessors, to be chosen from districts; the first and fourth wards shall constitute the first district; and the second and third wards shall constitute the second district; the district assessors, with the assessors at large, shall compose the board of city assessors; and shall also constitute the representation for the city of Rahway in the county board of assessors; the said district assessors shall possess the powers, and perform the duties heretofore enjoined, upon ward assessors except as herein otherwise provided.

District assess-
sors to adopt
valuation
made by city
assessor.

11. *And be it enacted*, That the district assessors for the said city shall adopt the valuations made by the assessors at large, in valuing the real estate of said city for the assessment of taxes; but if after such valuation any sub-division shall be made of any lot, and such sub-division shall be marked on the city atlas, said sub-division shall be assessed separately, and shall be valued for so much of the valuation of the whole lot as its proportional value bears to the value

of the remainder of the lot, such proportion to be determined by the assessors at large.

12. *And be it enacted*, That the district assessors shall so arrange their duplicates, as to specify therein, by their letters and number on the city atlas, the several lots or sub-divisions of lots assessed, with the valuation thereof, the amount assessed thereon, and the name of the owner thereof, as shown by the register kept by the city engineer, to the end that each lot, and the amount assessed upon it, may be clearly ascertained and identified; and all assessments for taxes shall be made upon the lots and sub-divisions as they appear at the time upon the city atlas; and each lot or sub-division shall be liable for the whole tax assessed thereon.

Duplicate to specify particularly all lots, &c.

13. *And be it enacted*, That the board of city assessors, in case they have reason to believe that any persons have been assessed at too low a rate, shall have power to require such persons to render an account of their taxable property, in such manner as the said board shall direct; all statements made by persons claiming deductions for debts shall be laid before said board by the district assessors, and no deduction for debts shall be allowed unless such statements are duly made and lawfully authenticated.

Persons claiming deductions to make statement.

14. *And be it enacted*, That in advertising any lots or tracts of land for unpaid taxes or assessments, it shall be sufficient to describe said lots or sub-divisions of lots, by the letters and numbers, and streets by which they are distinguished in the city atlas, together with the name or names of the owners thereof, and the omission or mistake in the name of such owner, either in the city atlas or register, or by the district assessor, or in any of the proceedings taken to enforce the collection of the tax or assessment, shall not be invalidated thereby.

Advertising of sale of lots for unpaid taxes, how made.

15. *And be it enacted*, That if at the meeting of the county board of assessors, held for the purpose of adjusting the quota of tax to be raised in each city or township in the county of Union, it shall appear that the valuation of real estate in the city of Rahway is relatively greater than the assessed value of the real estate in any other township or city in said county, it shall be the duty of said board of assessors to comply strictly with the provisions of the twelfth and thirteenth sections of the supplement to the "Act concerning taxes," approved April eleventh, eighteen hundred and sixty-six, so that the quota of taxes for the city of

County board of assessors.

Rahway shall be relatively equal to the quota apportioned to the other cities and townships of the county of Union.

Public park.

16. *And be it enacted*, That the triangular plot of land in said city bounded by Bryant street, Milton avenue and Commerce street, is hereby laid out as a public park, and the commissioners appointed for the purpose of making an assessment for the costs, damages and expenses for said park, may assess such portion of said costs, damages and expenses upon the city of Rahway as they shall deem proper.

Treasurer may appoint an assistant.

17. *And be it enacted*, That the duties required to be performed by the city treasurer by the act to which this is a further supplement, and any supplement thereto, in making sales for unpaid assessments, and in tendering money for awards to owners of real estate for damages for lands taken or buildings destroyed or to be removed, may be performed by an assistant to be appointed or delegated for the purpose by said treasurer.

Salaries, &c., how paid.

18. *And be it enacted*, That the salaries or fees of all city and ward officers, whose compensation or fees are defined by law or ordinance, and all demands against said city based on duly authorized contracts signed by the mayor, may be paid on the report of the auditor and treasurer by the warrant of the mayor, countersigned by the city clerk, without an order of the common council.

Amendment.

19. *And be it enacted*, That the third section of the supplement to the act to which this is a further supplement, which supplement was approved April ninth, eighteen hundred and sixty-seven, be amended by striking out the words "assume by special contract," and substituting therefor the word "exempt."

Fees of receiver of taxes and treasurer.

20. *And be it enacted*, That the receiver of taxes and city treasurer for the said city shall be entitled to receive one and one-half per centum on all moneys received or collected by them, the said per centum to be computed from the commencement of the term of office of the present incumbents; and so much of the sixty-ninth section of the act to which this is a further supplement, as authorizes a commission of two per centum on moneys paid into the city treasury is hereby repealed.

Repealer.

No member of board of education to hold office, &c.

21. *And be it enacted*, That no member of the board of education for said city shall be competent to hold any office the salary or emoluments of which are paid from the appropriation for the support of the public schools for said city;

nor shall any member of said board be interested, directly or indirectly, in any contract, work or business, or in the sale of any article, the expense, price or consideration of which is paid from the city treasury, for the purchase of land, the erection or repairs of school buildings, or for any other educational object, for which appropriations are made by the state or the common council of said city, under the penalty of five hundred dollars, to be recovered by suit, in the name of the "Treasurer of the City of Rahway."

No member to be interested in any contract.

Penalty.

22. *And be it enacted*, That so much of all acts, or parts of acts, as are inconsistent with this act are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved April 4, 1872.

CHAPTER DLXXI.

A Supplement to an act entitled "An Act to incorporate the town of Union, in the township of Union, in the county of Hudson," approved March twenty-ninth, eighteen hundred and sixty-four.

WHEREAS, George Neuscheler, junior, deceased, was for a long time previous, and up to the time of his death, to wit: in the month of December last, town clerk of the town of Union; and whereas, said Neuscheler did for a long time prior to his death, and while acting as said town clerk, neglect to sign the minutes and proceedings of the council of said town; therefore,

a Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the present clerk of the town of Union, appointed to fill the vacancy created by the death of George Neuscheler, junior, is hereby empowered to sign the minutes of the proceedings of the council of the town of Union, which said Neuscheler neglected to sign during his lifetime, and while acting as clerk of said town; and said minutes when so signed by said present incumbent shall for

Present clerk empowered to sign minutes of council, and minutes declared valid.

all purposes be considered as valid as if signed by said Neuscheler during his lifetime.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall be a public act and take effect immediately.

Approved April 4, 1872.

CHAPTER DLXXII.

A Supplement to an act entitled "An Act to incorporate the town of Absecon, out of parts of Galloway and Egg Harbor townships, in the county of Atlantic," approved February twenty-ninth, eighteen hundred and seventy-two.

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all those parts of Galloway and Egg Harbor townships, in the county of Atlantic, contained within the following limits to-wit: beginning at the bay or sound, in the township of Egg Harbor, in a line with the north line of Mark Reed, and the south line of Job Chamberlin's land; thence westerly, following the course of the said line, and the several courses thereof to where it intersects with the shore road; thence along the shore road to the road leading from Jonathan Babcock's to Absalom Doughty's mill; thence westerly along the said road, the several courses thereof, to where it intersects with the road leading from Pleasantville to said mills; thence in a northwest course to a stake, which stands in a southwest course from where the road leading from Absecon to Egg Harbor City, crosses Clem's branch; thence in a course northeast to a stake which stands in a northwest course from where the line dividing the lands of Daniel Steelman and Ezra Conover intersect the shore road; thence in a course southeast to the shore road; thence following the line dividing the lands of Daniel Steelman and Ezra Conover, to a stake at the upland and meadow edge; thence southeast to the bay or sound; thence along the said bay or sound, the several courses

thereof, to the place of beginning, the foregoing boundaries shall constitute the boundaries of the town of Absecon in the county of Atlantic.

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

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

Approved April 4, 1872.

CHAPTER DLXXIII.

A Further Supplement to the act entitled "An Act constituting a public road board for the laying out, constructing, appropriating, improving and maintaining public carriage roads in the county of Essex," approved March thirty-first, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the "Essex Public Road Board," and the said board is hereby authorized and empowered to macadamize according to the Telford process to a width of not more than twenty feet upon each, so much and such parts of the carriage ways of the several avenues mentioned and defined in the first section of the act supplemental to the above entitled act, which said supplemental act was approved February sixteenth, eighteen hundred and seventy, as lie within the following bounds, to wit: the carriage way of Frelinghuysen avenue from the Newark city line to the Union county line; of Springfield, South Orange, Park and Bloomfield avenues, severally, from the Newark city line to the summit of the first mountain, and of Washington avenue from the Newark city line to the Passaic county line, in such manner and with such materials as the said board shall judge best for the public interest, and that the cost thereof, including all expenses connected therewith, shall be assessed and paid in the same manner as now

Board authorized to macadamize carriage ways a certain width.

Frelinghuysen avenue.

Washington avenue.

PROVIDED,

provided by law in respect to the laying out, opening and constructing of the said avenues; *provided, however,* that such part of said cost and expenses as shall be raised and paid in the city of Orange, shall be certified by said road board unto the board of assessments of said city, and shall thereupon be assessed and collected, and shall be a lien upon lands and real estate in the same manner as assessments for laying out and opening streets in said city are or shall be made.

Majority of owners may petition.

2. *And be it enacted,* That whenever a petition in writing shall be presented to said board, signed by the owners of a majority of the land, counting by lineal measurement, on the line of any of the portions of said avenues designated in the first section of this act or upon any portions or sections thereof as may lie between two points named in said petition, requesting to have so much of the carriage way as lies between the said points named, as may not be macadamized or determined so to be by said board at the date of said petition, macadamized, the said board may proceed to macadamize the same, and to prescribe the manner in which said work shall be performed and to cause the expense thereof, when the same shall have been ascertained, to be assessed on the adjoining land, the basis being the lineal measurement thereof, laying between the points designated in said petition, and the proceedings for the collection of said assessment shall be the same as is provided in the fifth section of the act supplemental to the act to which this is a supplement, which said supplemental act was approved February second, eighteen hundred and seventy-one, in relation to the assessments therein provided for.

Board may macadamize and assess expense on lands

May make contract with owner for the removal of any building.

3. *And be it enacted,* That it shall and may be lawful for said board, whenever in their judgment it shall be advisable or conducive to the public interest to contract with the owner or owners of any buildings or parts of buildings, which it is or may become necessary for them to remove in the prosecution of their work, for the removal of the same by the said board without the appointment of appraisers to assess the damage sustained by such owner or owners, on account of the removal of any such buildings or parts of buildings, and to pay such damage agreed upon to such owner or owners, out of any moneys set to the credit of the said board for the purposes mentioned in the sixteenth section of the act to which this act is a supplement; and the said board may in

Assessment of damages to owner to be paid.

like manner contract with and pay the owners thereof for any parcels or gores of land which have been or may be inadvertently omitted in the surveys of said board, and which it is or may become necessary for them to acquire, and may also in like manner contract with and pay the owners of land and other property which may be damaged by reason of the alteration of the grade on any of said avenues by said board.

4. *And be it enacted*, That all appeals which may hereafter be taken from the awards of appraisers or commissioners, who have been or may hereafter be appointed to assess damages under any of the provisions of the act to which this is a supplement, or the several supplements thereto, shall be so taken within sixty days from and after the date of the filing of the report of any such appraisers or commissioners, and either party to any appeal so taken may notice the same for trial. Appeals from award of appraisers, when made.

5. *And be it enacted*, That the said board shall have power, before construction, to make partial alterations in the surveys and location of any of said avenues in any such part or parts thereof as to the said board may seem desirable; and in case said board shall make any such alteration or relocation, they shall cause a map of such alterations to be filed in the same manner and in the same office or offices, as the original survey is required to be filed, and shall be marked and designated as an amended survey, and from the time of such filing shall supersede the original survey; and it shall be lawful for the said board, in case they shall discover any oversights, defects or omissions on the part of the appraisers in returns of appraisements by them made, to recall such appraisers, and thereupon said appraisers shall proceed, as under their original appointment and oaths, to make appraisements of and in respect to such matters as were omitted or defective in their original report, and to file a supplemental report of such new appraisements. Board may make alterations in the surveys, &c., of any avenue.

6. *And be it enacted*, That the second proviso contained in the first section of the act supplemental to the act to which this act is a further supplement, which said supplemental act was approved March twenty-eighth, eighteen hundred and seventy-one, be and the same is hereby repealed. Repealer.

7. *And be it enacted*, That the twenty-first section of the act supplemental to the act to which this act is a further supplement, which said supplemental act was approved February Amendment.

sixteenth, eighteen hundred and seventy, be and the same is hereby amended by striking out the word "three," first occurring in said section, and substituting in lieu thereof the word "four."

Provisions of
acts and sup-
plements ap-
plicable to
Central ave-
nue.

8. *And be it enacted*, That this act and the provisions of the original act to which this act is a further supplement, and all the supplements to said original act, except the supplement approved March twenty-eighth, eighteen hundred and seventy-one, shall be and they hereby are extended and made applicable in all respects to the avenue known as "Central Avenue," from the boundary line of the city of Newark to its present terminus at Valley Road, in the township of West Orange.

Repealer.

9. *And be it enacted*, That all acts and parts of acts, so far as they conflict with the provisions of this act, or of the act to which this is a supplement, or of the several supplements thereto, be and the same are hereby repealed; *provided*, that nothing in this section shall be held or construed to alter or affect any of the provisions contained in the charter of the Bloomfield Cemetery Company; and that this act shall be deemed and taken to be a public act, and shall take effect immediately.

Proviso.

Approved April 4, 1872.

CHAPTER DLXXIV.

An Act to incorporate the Bloomfield Library Association.

Preamble.

WHEREAS, the persons hereinafter named, and others, residents of Bloomfield, desire to form themselves into an association under the name and title of "The Bloomfield Library Association," for the purpose of founding and perpetuating a public library, with all proper conveniences and appurtenances, and furnishing to the public such other means of improvement in science, art and general literature, as the directors may from time to time deem advisable; and also the erection of a building adapted to the

accomplishment of these objects, which building shall contain a hall for public assemblies, and other appropriate rooms, designed to yield a revenue; and whereas, this association is desirous of an act of incorporation, that its purposes may be more effectually subserved; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David Oakes, Joseph A. Davis, Moses W. Dodd, Augustus T. Morris, Jacob F. Randolph, Robert Peel, Joseph P. Hague, Charles E. Knox, Warren G. Raynor, Jason Crane, Ebenezer McFarlan, Charles W. Powers, David G. Garrabrant, and such other persons as may become their associates, their successors and assigns, shall be and hereby are constituted a body corporate and politic, in fact and in name, by the name of "The Bloomfield Library Association;" and said association is hereby authorized to lease, purchase, hold, sell, improve, (by the erection of buildings, or otherwise), or to receive by donation, devise or bequest, and to convey any lands, tenements or personal property whatsoever, and to raise money by loans upon the same by mortgage or otherwise, and to rent out the same, and to receive the rents or emoluments thereof as may be deemed expedient for the purposes of this corporation.

2. *And be it enacted*, That the capital stock of said association, one-tenth part of which shall be expended for the benefit of the library, shall be thirty thousand dollars, with liberty to increase the same to seventy-five thousand dollars, to be divided into shares of twenty-five dollars each, which shares shall be deemed to be personal property, and shall be transferable on the books of the association.

3. *And be it enacted*, That the said corporation shall be managed and controlled by a board of thirteen directors, who shall be stockholders, residing in Bloomfield, elected annually, and in such manner and at such time as may be prescribed by the by-laws of said association; and the first election for directors shall be held in such manner as shall be determined by a majority of the aforesaid corporators, as soon as the stock hereinbefore mentioned to the amount of fifteen thousand dollars shall have been subscribed, and ten per centum of the same paid to the said corporators, upon due written notice having been given by them to the subscribers of the stock of the time and place of holding such election; and in this and every subsequent election each stockholder shall be entitled to one vote for every share of

stock by him, her or them held, not exceeding forty, and one vote for every additional ten shares, either in person or by proxy.

Notice of election to be given to subscribers.

4. *And be it enacted*, That the corporators named in the first section, determined by a majority of the aforesaid corporators, as soon as the stock hereinbefore mentioned to the amount of fifteen thousand dollars shall have been subscribed, and ten per centum of the same paid to the said corporators, upon due written notice having been given by them to the subscribers of the stock of the time and place of holding such election; and in this and every subsequent election each stockholder shall be entitled to one vote for every share of stock by him, her or them held, not exceeding forty, and one vote for every additional ten shares, either in person or by proxy.

May make by-laws, &c.

5. *And be it enacted*, That the corporators named in the first section and their successors, shall have power to enact by-laws for the government and management of its property, purposes, and general affairs, and shall have power to alter, amend, or to repeal the same, or any part thereof, in such manner as the said by-laws may prescribe, and that the said by-laws shall prescribe the manner and time for the election of directors after the first election, and shall state the number of officers of said board of directors and of said association, and prescribe their duties, and the time and manner in which, and the term for which they are appointed, and the manner in which vacancies in the board of directors, or in any of the offices, in whatever way caused, may be filled; and they (the board of directors) shall have power to call in the balance of the capital stock of the association by installments, not to exceed five dollars per share, nor at less intervals than thirty days; to forfeit to the association such installments of money as may have been paid upon subscriptions, provided the balance shall not be paid according to the terms of said subscriptions; or the board of directors may take legal measures to enforce the payments of such sum or sums as may at any time be due on their stock.

Quorum.

6. *And be it enacted*, That seven directors of said corporation shall constitute a quorum competent to transact all business of the corporation excepting such as by the requirements of this act or any by-law of the association, a greater number than seven shall be required.

Dividends.

7. *And be it enacted*, That the board of directors of said

association shall declare, make and pay such dividends to the stockholders, from time to time, out of the profits of the said association as they may deem prudent and proper; but no dividend shall be made except from the net earnings of the association, and none of more than seven per centum per annum while the association is in debt; and all excess of income beyond ten per centum per annum, shall be devoted by the association to the increase of their facilities for intellectual culture.

8. *And be it enacted*, That no state, county, city, township or other public assessments, taxes or charges whatsoever, shall at any time be levied or imposed upon the said association or upon the stocks and estates which may become vested in them under this act, other than their lands and tenements.

Association
exempt from
taxation.

9. *And be it enacted*, That other associations and corporations, like in character, objects and purposes to this association, shall and may have power and authority to subscribe to the stock of this association.

Other corporations may
take stock.

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

Approved April 4, 1872.

CHAPTER DLXXV.

An Act to incorporate the Middlesex Clay and Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel D. Craig, Charles Runyon, William I. Lyon, William H. De Camp and William A. Brown, and such others as may hereafter be associated with them, for the purposes hereinafter mentioned, shall be and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of the "Middlesex Clay and Manufacturing Company," and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of

Corporators.

Name and
powers.

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

Election of directors.

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

Vacancies, how filled.

Failure to elect not to dissolve.

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

Capital stock.

4. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, in shares of fifty dollars each, and the same may be increased upon the

consent of the stockholders representing a majority of the stock, to any amount not exceeding two hundred thousand dollars; and it shall be lawful for the president and directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such portion as they shall deem fit, under the pain of the forfeiture of their shares and all previous payments made thereon, to the said corporation, always giving at least thirty days' notice of such call and demand in the newspaper published in the county in which the office is located.

5. *And be it enacted*, That the said company shall be and are hereby authorized and empowered to establish and carry on the business of developing clay and other lands, and of producing and obtaining, manufacturing, transporting and vending clay, sand, minerals and other products from the earth, and for that purpose to purchase, take, receive and hold in fee simple or any less estate or interest in any lands situate in the county of Middlesex, and to mortgage, sell, convey, and dispose of the same or any part thereof, or any interest therein, and to lay, keep and maintain drains through their lands and other contiguous and adjacent lands, for the benefit of their said clay and other lands, and from time to time to deepen or change the same, and to make, construct and maintain a wagon road and railroad, or either of them, from their said lands to the Raritan river, or to any railroad that may be conveniently located in the aforesaid county, for the transportation of clay and other products, goods, wares and merchandise; to purchase, have, use and dispose of such machinery and personal property, and to do such other acts and things, and make all such improvements, buildings and erections, as a successful prosecution of the business of the company may require.

Empowered
to carry on
business.

May lay, keep
and maintain
drains.

6. *And be it enacted*, That it shall be lawful for the said company, their officers, agents, engineers and others in their employ, to enter at all times upon lands for the purpose of surveying and laying out the route of said roads and locating said drains, or any or either of them, and of subsequently altering the location thereof, and of deepening or changing the same, doing no unnecessary damage to private property; and when the location of any part thereof, or any or either of them, shall have been determined on, and a survey deposited in the office of the clerk of the county in which such

May enter on
lands.

May take
lands, &c.

May erect via-
ducts and
construct
railroad.

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

lands lie, the officers, engineers, agents, superintendents, contractors, workmen and the persons in their employ, compensation being first made therefor in the manner hereinafter provided, may enter upon, take possession of, and hold, use, occupy and excavate, any such lands, or such parts thereof, as may be necessary for the purposes aforesaid; and may erect embankments, viaducts, and all necessary works thereon, and may construct such wagon road and railroad on and through the same, and may lay rails and do all other things suitable and necessary for the making, completion and repair of said roads, or any or either of them; and may lay, make or repair, and from time to time deepen and alter said drains from their said clay lands, and may carry into full effect the object of this act; and may take and use any stone, gravel, sand, clay or other earth, on or near the said routes, which may be required for the construction of, repairing or altering the said roads or drains, or any of them, or any of their works or appendages, first making compensation therefor, in the manner hereinafter provided.

7. *And be it enacted*, That if the said roads or drains, or any of them, shall go through or cross any lands not owned by said company, or any materials shall be required for the construction thereof, and the said company shall fail to agree with the owner or owners thereof, or if by reason of the legal incapacity or absence of the owner or owners, or want of knowledge as to the ownership thereof, or from any other cause no such agreement shall be made, a particular description of the lands or materials so required shall be given in writing, under the oath or affirmation of some engineer or other agent or officer of the said company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to a judge of the circuit court of the county where such land or materials may be, and in case of the same being in two counties, to a judge of the circuit court of either county, who shall cause the said company to give notice thereof to the person or persons interested, if known and in the state, or if unknown or out of the state, to make publication thereof as he shall direct, for any time not less than fifteen days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of

such notice aforesaid, he shall appoint under his hand and seal, three impartial and judicious freeholders, residents in this state, commissioners to examine and appraise the said land and materials required for said roads or drains, and assess the damages (if any) which may be occasioned by the laying and maintaining the same, or any of them, upon such notice published or given to the person or persons or parties interested as shall be directed by said judge; and it shall be the duty of said commissioners, or a majority of them, having first taken or subscribed an oath or affirmation faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at a time and place to be appointed by said judge in his said order of appointment, and upon such notice to the parties interested as said judge shall direct in said order, and proceed to view and examine the said land and materials as may be required for the purpose of this act, and to make a just and equitable appraisement or estimate of the value of the same, and an assessment of damages (if any) which will be occasioned by laying and maintaining said roads, or any of them, or, as the case may be, by the laying, constructing and maintaining said drains, or any of them, and which said assessments shall be paid by the said company to the party or persons interested, or in case of their absence or incapacity or refusal to receive the same, to the clerk of said county for the use of such party or persons; and which said report shall be in writing, under the hands and seals of the said commissioners, or any two of them, and filed with the aforesaid description of the lands or materials, and the appraisement and oaths or affirmations aforesaid, in the clerk's office aforesaid, to remain of record therein; which report, or a copy of the same, duly certified by said clerk, shall (the appraisement and damages being first paid, or tendered, or deposited in said clerk's office) at all times be considered as plenary evidence of the right of said company to hold, use, occupy, possess and enjoy the said land or materials, or to make, construct, maintain and repair the said drains for the purposes aforesaid; *provided always*, that should the owner or owners of any real estate, land or materials, feel himself or themselves aggrieved by the decision of the commissioners aforesaid, he or they may appeal to the next court of common pleas in the county where the land lies, reserving to either party the right of trial by jury in such court, and the decision

Report to be
made and
filed.

Proviso.

of the said court in the premises shall be final and conclusive; but the party so appealing shall in no case be entitled to any costs unless a larger sum shall be received than that awarded by the commissioners.

Powers of directors.

8. *And be it enacted*, That the board of directors shall have power to make and adopt a common seal for said corporation; to appoint from their own number or otherwise, a treasurer and secretary, and such other officers, clerks and agents as they may think necessary, and to fix their salaries or compensation; to borrow such sums of money as may seem to them advisable for the purposes of said company, and to issue the bonds of said company therefor, not to exceed in amount two-thirds of the capital stock paid in, and secure the payment of the same by mortgage or mortgages on the lands, estate and other property of said company, or any part thereof, and to make such by-laws not inconsistent with the provisions of this act, as they may think proper, regulating the issue and transfer of stock, and for the general government and management of the affairs of said company; and that the principal office of said company shall be in the city of New Brunswick.

Principal office.

9. *And be it enacted*, That this act shall take effect immediately, and shall continue in force twenty years.

Approved April 4, 1872.

CHAPTER DLXXVI.

A Supplement to the act entitled "An Act to incorporate the Dime Savings Institution, of Plainfield, New Jersey," approved April twenty-second, one thousand eight hundred and sixty-eight.

May make contract with borrower for the payment of tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said "The Dime Savings Institution, of Plainfield," and the borrowers of any money secured by mortgage or other security, to enter into a contract or agreement, whereby the

borrower shall pay all national, state, county or city taxes, which may be assessed upon the money so lent, or to be loaned, and the securities given for the payment thereof, in the possession of the said savings institution; and all such contracts and agreements are hereby declared to be valid and binding in law, and no bond, mortgage or other security shall be held, deemed or taken in any court of this state to be usurious, or in any degree invalidated by reason of any such contract or agreement, anything in any existing law of this state to the contrary notwithstanding.

2. *And be it enacted*, That it shall and may be lawful for the said "The Dime Savings Institution, of Plainfield," to ^{May loan or invest moneys in bonds} loan or invest any of the moneys deposited therein, in or upon the bonds of Plainfield School District, Number One, in the bonds of the Plainfield fire department, or in any of the bonds of the city of Plainfield, issued pursuant to any law of this state.

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

Approved April 4, 1872.

CHAPTER DLXXVII.

A Further Supplement to "An Act incorporating the New York and Bull's Ferry Railroad Company," approved March fourteenth, one thousand eight hundred and sixty-one, and to the supplement changing the name of said company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the New York and Fort Lee Railroad Company is authorized and empowered to mortgage ^{Authorized to mortgage road and to issue bonds.} its road, property and franchises, and to issue bonds for such an amount as the board of directors may direct, to enable it to complete the same, or may cause its said road, property and franchises to be embraced in any mortgage made or to be made by any railroad company which shall connect in a

Proviso.

continuous line with the said New York and Fort Lee Railroad, and the bonds issued or to be issued by said company, or the company owning said connecting road, may be disposed of on such terms as may be determined by the said New York and Fort Lee Railroad Company, or said connecting road; and the provisions of any acts or supplements inconsistent with this section are hereby repealed; *provided*, that nothing in this act contained shall interfere with or invalidate any of the rights of the Erie Railway Company, under the contract dated December eighteenth, eighteen hundred and sixty-eight, or under an act of the legislature of this state, passed March twenty-eighth, eighteen hundred and seventy-one.

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

Approved April 4, 1872.

CHAPTER DLXXVIII.

An Act to incorporate the New Brunswick Hospital.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alfred Stubbs, McRae Swift, Garret Conover, James Bishop, A. D. Lawrence Jewett, Theodore G. Neilson, William H. Acken, Henry L. Janeway, Richard H. Steele, John Clark, Arthur G. Ogilby, Clifford Monogh, Henry R. Baldwin, Charles Dunham, junior, John N. Taylor, George C. Ludlow, James Neilson, Woodbridge Strong, David Bishop, Lucias P. Porter, Chester D. Hart-ranft, Goyn D. McCoy, Henry De Hart, Abraham Voorhees, Lyle Van Nuis, and such persons as may hereafter associate with them, in such manner and upon such terms as shall be specified in their by-laws, be and are hereby constituted a

Name.

body corporate and politic, by the name of "The New Brunswick Hospital," and by that name may sue and be sued in any court of law or equity, and shall be capable of taking by direct purchase or otherwise, and of holding, conveying or otherwise disposing of any real or personal estate for the

uses and purposes of said corporation, but the net annual income of such estate shall not exceed fifty thousand dollars, nor be applied to any other purposes than those for which the said corporation is created.

2. *And be it enacted*, That the objects of the said corporation are to establish and maintain in the city of New Brunswick in this state, a hospital for the reception and treatment of all such persons as may require medical or surgical treatment with the privilege of a dispensary for supplying medicines. Objects.

3. *And be it enacted*, That the members of the said corporation at any annual meeting to be held at a time and place to be fixed by its by-laws, shall elect from their own number by ballot, a board of managers who shall hold office for one year and until their successors shall have been elected; the number constituting the board shall be fixed by its by-laws, and a majority of all votes cast shall be necessary to the election of any member of the board. Election of managers.

4. *And be it enacted*, That the board of managers shall elect from their body as soon as convenient after each annual election, a president, a vice president, a secretary and treasurer, who shall hold office for a year and until their successors shall have been elected; and for the purposes of this incorporation the persons named in the first section of this act shall constitute the first board of managers, and hold office until the first annual meeting and until their successors shall have been elected. Officers.

5. *And be it enacted*, That the said board shall also annually elect such and so many physicians and surgeons as they shall deem necessary to conduct and carry out the object of the institution, but such physicians and surgeons shall always be subject to the by-laws and regulations to be from time to time made and adopted by the board. May elect annually physicians and surgeons.

6. *And be it enacted*, That the board of managers shall be empowered to transact the business of the corporation, to fill vacancies in the board until the next annual election, to make by-laws for the government of their proceedings, the management and disposition of the property and concerns of the corporation, and the admission of members, and to appoint such officers, assistants and servants as they may deem necessary. Powers, &c.

7. *And be it enacted*, That nine managers shall be competent to transact business at any meeting of the board; Business, by whom transacted.

Proviso. *provided*, that a written or printed notice of such meeting shall have been previously given to each member or left at his residence or ordinary place of business; but for the sale or alienation of property, or the leasing of its real estate for a term of more than a year, or for the discharge or suspension of any elected officer, physician or surgeon, the approval of a majority of all the members of the board shall be necessary.

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

Approved April 4, 1872.

CHAPTER DLXXIX.

An Act to equalize taxation.

Preamble. WHEREAS, the railroad and works of the Cape May and Millville Railroad Company and the railroad and works of the Swedesboro Railroad Company are now operated under the direction and control of the West Jersey Railroad Company; and whereas, the charters of said "The Cape May and Millville Railroad Company," "The Swedesboro Railroad Company" and "The West Jersey Railroad Company" each contain different provisions and regulations touching the payment of taxes by said several companies; and whereas, it is necessary and desirable to harmonize said charters, and to equalize the taxation of said several corporations; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the same regulations and provisions touching the assessment and payment of taxes as are prescribed in an act entitled "An Act to incorporate the West Jersey Railroad Company," approved on the fifth day of February, anno domini one thousand eight hundred and fifth-three, shall be extended and apply to the assessment and payment of taxes by said "The Cape May and Millville

Railroad Company" and said "The Swedesboro Railroad Company."

2. *And be it enacted*, That all acts and parts of acts in- Repealer.
consistent with this act, be and the same are hereby re-
pealed, and that this act shall take effect immediately.

Approved April 4, 1872.

CHAPTER DLXXX.

An Act to incorporate the Crystalline Lime and Marble Com-
pany.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James B. Titman, Henry N. Corporators.
Beach, Andrew Derrom, John Pope and W. J. Johnson, and
their associates, be and they are hereby created a body
politic and corporate in fact and in law, by the name and
style of "The Crystalline Lime and Marble Company," for Name.
the purpose of manufacturing lime, marble, brick, tile and
peat, and selling and dealing in the same; and for such
purpose, the said company shall or may raise by subscription,
by opening the books therefor, or otherwise, a capital stock
of twenty-five thousand dollars, to be divided into shares of Capital stock.
one hundred dollars each, with the privilege of increasing
the same from time to time, to any amount not exceeding
fifty thousand dollars; and it shall be lawful for said com-
pany to issue certificates of stock, in whole or in part in pay-
ment for any real or personal property purchased or leased
by said company for the purposes of their business aforesaid,
and may commence business when fifty per centum of the
capital stock is subscribed and paid.

2. *And be it enacted*, That the said corporation may pur- May hold real
chase, lease, use, hold, possess and enjoy such real estate as or personal es-
they may deem necessary or expedient for the purposes of tate, &c.
said corporation, and may sell, mortgage, lease or otherwise
dispose of the same at pleasure; and may borrow money and
issue bonds therefor, not to exceed at any time two-thirds of

their capital stock; and may sue and be sued in all courts of law and equity; and may have and use a common seal, and may change and alter the same at pleasure; and may make such by-laws for their regulation and government as they may see proper; *provided*, the same are not inconsistent with the constitution or laws of the United States or of this state.

Proviso.

Election of directors.

3. *And be it enacted*, That the affairs and business of the said corporation shall be managed by not less than three nor more than five directors, who shall elect one of their number president, and said directors shall be stockholders in said corporation, and shall hold their office for one year, and until others are chosen to fill their places; said directors shall be elected at the annual meeting of the stockholders, to be held on such day, at such hour of the day, and at such place as the by-laws of said corporation shall direct; and until such annual election shall take place, the five persons named in the first section of this act, being stockholders, shall be directors of said corporation; a majority of the directors shall, on all occasions, when assembled at such time and place as the by-laws shall prescribe, constitute a body competent to transact business, and all business matters brought before them shall be decided by a majority of votes; and in case a vacancy shall occur in the board of directors, by death or resignation, the remaining directors, for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

Vacancies, how filled.

Failure to elect directors not to dissolve

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day designated for that purpose, the said corporation shall not be deemed to be dissolved, but the stockholders may proceed to hold an election for directors on any other day, such notice being given of the time and place of such election as the by-laws shall prescribe.

Empowered to construct a railroad.

5. *And be it enacted*, That the said corporation shall be, and is hereby authorized and empowered to construct a railroad over their lands, and over contiguous lands, with consent of the owners; or if, for any reason, no agreement can be made for the use or purchase thereof, then a particular description of the lands so required shall be given, in writing, under the oath or affirmation of some engineer or other agent or officer of the said company, and also the name or names of the occupant or occupants, if any there be, and of the owner

Proceedings in case company and owners cannot agree.

or owners, if known, and their residence, if the same can be ascertained, to a judge of the circuit court of the county where such land may be, who shall cause the said company to give notice thereof to the person or persons interested, if known and in the state, or if unknown or out of the state, to make publication thereof as he shall direct for any time not less than fifteen days, and to assign a particular time and place for the appointment of the commissioners hereinafter named : at which time and place, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three impartial and judicious freeholders, resident in this state, commissioners to examine and appraise the said land for said roads, and assess the damages (if any) which may be occasioned by the laying and maintaining the same, upon such notice published or given to the person or persons or parties interested as shall be directed by said judge ; and it shall be the duty of said commissioners, or a majority of them, having first taken or subscribed an oath or affirmation, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at a time and place to be appointed by said judge in his said order of appointment, and upon such notice to the parties interested as said judge shall direct in said order, and proceed to view and examine the said land as may be required for the purpose of this act, and to make a just and equitable appraisement or estimate of the value of the same, and an assessment of damages (if any) which will be occasioned by laying and maintaining said roads, and which said assessment shall be paid by the said company to the party or persons interested, or in case of their absence or incapacity or refusal to receive the same, to the clerk of said county for the use of such party or persons ; and which said report shall be in writing, under the hands and seals of the said commissioners, or any two of them, and filed with the aforesaid description of the lands, and the appraisement and oaths or affirmations aforesaid, in the clerk's office aforesaid, to remain of record therein ; which report, or a copy of the same, duly certified by said clerk, shall (the appraisement and damages being first paid or tendered or deposited in said clerk's office) at all times to be considered as plenary evidence of the right of said company to hold, use, occupy, to make, construct, maintain and repair the said road for the purposes aforesaid ; *provided*

- always*, that should the owner or owners of any real estate or land feel himself or themselves aggrieved by the decision of the commissioners aforesaid, he or they may appeal to the next court of common pleas in the county where the land lies, reserving to either party the right of trial by jury in such court, and the decision of the said court in the premises shall be final and conclusive; but the party so appealing shall in no case be entitled to any costs, unless a larger sum shall be received than that awarded by the commissioners.
- Annual statement.** 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 the said corporation, setting forth the amount of the capital stock paid in, the amount of money due to and from the said corporation, and the amount of all assets and property belonging to said corporation, as nearly as the same can be ascertained; *provided*, that the railroad hereby authorized to be constructed shall not exceed one mile in length.
- Principal office.** 7. *And be it enacted*, That the principal office of the said company shall be in the county of Sussex or Passaic, and that the regular books of account shall be kept in the said office, to which books of account any stockholder may have free access, at all reasonable times, for the purposes of inspection, and that books of transfer of the stock shall also be kept, and shall be evidence of the ownership of said stock in all elections and other matters submitted to the decision of the stockholders of said corporation.
- How dissolved** 8. *And be it enacted*, That the said corporation hereby created may be dissolved by a general meeting of the stockholders of the same, specially called for that purpose; *provided*, that at least two-thirds in value of the stockholders shall concur therein, and upon such dissolution, the directors, for the time being, and the survivors of them, or such persons as the said stockholders shall appoint, shall be trustees for the settling all the affairs of the company, collecting and disposing of all its property and assets, paying its debts, and dividing its surplus among the stockholders, in proportion to their respective interests in the stock.
- Proviso.**
- General powers.** 9. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the general restrictions, set forth in an act entitled "An Act concerning corporations," approved February fourteenth, one

thousand eight hundred and forty-six, so far as the same may be applicable.

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

Approved April 4, 1872.

CHAPTER DLXXXI.

An Act to incorporate the Lake Land Improvement Company of Monmouth County.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Remsen, Forman Osborn, Frank A. Page, Paul Thurlow, A. A. Higgins, Francis Corlies, Edwin L. Bodine, William Harkness and William H. Conover, senior, and all such persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic in fact and in name of "The Lake Land Improvement Company of Monmouth county," and by that name shall be capable in law of purchasing, using, holding, letting, improving and disposing of such real and personal estate, in the county of Monmouth, as may be necessary and expedient to the objects of this incorporation; and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever, necessary or useful for the said purposes.

Corporators.

Name and powers.

2. *And be it enacted*, That the stock, property and concerns of the said corporation shall be managed and conducted by seven directors, a majority of whom shall be residents of this state, all of whom shall be stockholders, and one of whom shall be president, who shall hold their offices respectively for one year, and until others are elected, and that the said directors shall be chosen on the first Monday of June in every year, at such time and place as shall be provided for by the by-laws of said corporation, by such of the stockholders as shall attend for that purpose, either in person or by proxy;

Election of directors.

and notice of the time and place of such election shall be published not less than two weeks previous thereto, in a newspaper published in the county of Monmouth; and each stockholder shall be entitled to one vote for each share he or she may hold in said corporation; and the persons having the greatest number of votes shall be directors; and the said directors may appoint all agents, officers and superintendents, and make such compensation and assign such duties to the said agents, officers and superintendents as they shall think fit; and if at any time it shall happen that any vacancy or

Vacancy, how filled. vacancies occur, from any cause whatever, among the directors of said company, such vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them shall appoint; and until

First directors other directors are chosen from the stockholders, the first directors shall be John Remsen, Forman Osborn, Frank A. Page, Paul Thurlow, A. A. Higgins, Francis Corlies and William H. Conover, senior, who shall hold their office until the first Monday of June next, or until others are legally chosen.

Capital stock. 3. *And be it enacted*, That the capital stock of said corporation shall be two hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and as soon as one hundred shares of the capital stock shall have been subscribed, and the sum of twenty-five dollars on each share so subscribed, paid or secured to be paid, it shall and may be lawful for said corporation to proceed to carry into effect the objects of said corporation; and it shall be lawful for the directors of said corporation to call and demand from the stockholders thereof, respectively, such installments, and at such times, and in such proportions, as they shall deem proper, not exceeding one hundred and fifty dollars on each share at any one time, notice of which shall be published for at least three weeks in a newspaper in the county of Monmouth, or be given in writing, to the stockholders for the same length of time before such installments are required to

Failure to pay installments, stock may be forfeited. be paid; and in case of the failure of any stockholder to pay his or her installment, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares and of all previous payments thereon, for the use of the company; and the books of subscription for the stock of the said corporation shall be opened at such time and place, and remain

open in the said county of Monmouth, as long as the directors shall appoint; notice begin given previous thereto, for two weeks, in a newspaper printed in said county, and the shares of the said capital stock shall be deemed personal property, and be transferable, in such manner as the corporation in their by-laws shall direct.

4. *And be it enacted*, That the said company is hereby authorized to let, rent, lease, mortgage and sell all such land and real estate as they may hold, and to improve the same by building thereon, or by laying off the same in lots, and to use the same for agricultural purposes, or in any other lawful way that the said corporation may deem necessary and advisable. May let, lease, mortgage and sell real estate

5. *And be it enacted*, That the 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 full power to make such by-laws, ordinances and regulations as they shall deem necessary and convenient for the management or disposition of the stock, effects and concerns of said corporation; *provided*, that the same are not contrary to the laws or constitution of the United States, or of this state. May make by-laws. Proviso.

6. *And be it enacted*, That in case it shall at any time happen that an election of directors shall not be made on the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election on such other day as the directors of the said corporation shall direct. Failure to elect directors not to dissolve

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

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

Approved April 4, 1872.

CHAPTER DLXXXII.

A Supplement to amend an act entitled "A Supplement to an act entitled 'An Act to amend an act entitled 'An Act to incorporate the Cumberland and Atlantic Railroad Company,''" approved April fourth, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Mays Landing and Western Railroad Company is hereby authorized to build its railroad from its present terminus at or near Mays Landing, in the county of Atlantic, to some point on Absecon Beach, in the township of Egg Harbor.

Authorized to
build and ex-
tend railroad.

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

Approved April 4, 1872.

CHAPTER DLXXXIII.

An Act to incorporate the Citizens' Market and Hall Association, of the city of Newark.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Nehemiah Perry, James M. Durand, John McGregor, Caleb S. Titsworth, William B. Mott, Theodore Runyon, Samuel S. Tiffany, Luther Spencer Goble, David A. Hayes, Francis F. Patterson and Theodore Macknet and their associates, and all other persons who shall become subscribers and owners of the capital stock hereby created shall be, and they and their successors are hereby made, constituted and declared to be a corporation and body politic in fact and in law, by the name, style and

Corporators.

title of "The Citizens' Market and Hall Association, of the Name.
City of Newark."

2. *And be it enacted*, That the object of said incorpora- Authorized to
tion shall be the establishment and maintenance of public build and
markets and public halls or assembly rooms for the accom- maintain pub-
modation of the public, in such places in the said city of lic markets
Newark as may be deemed needed and advisable by the accom- and halls.
corporators of same; and for the purposes aforesaid said incor-
poration, by their corporate name, shall have power to lease,
purchase and hold real estate in the city of Newark, afore-
said, and to erect and maintain thereon such building or
buildings and other improvements as may be required to carry
out and promote the immediate objects of their incorporation;
and it shall further be lawful for them to convey by deed or by May convey
mortgage, to use and permit to be used, or to lease such lands
part or parts of any property, building or buildings leased,
erected or owned by them as shall not be necessary for the
immediate objects of their incorporation.

3. *And be it enacted*, That the capital stock of said cor- Capital stock.
poration shall be one hundred thousand dollars, with the
privilege of increasing the same to five hundred thousand
dollars, and shall be divided into shares of one hundred dol-
lars each, and shall be subscribed for and paid in at such
time or times, in such manner and in such installment or
installments, and upon such notice as the said corporation
may by by-laws or otherwise direct or appoint; and in case Failure to pay
of a failure by any stockholder to pay his or her installment installments
or installments at the time and place mentioned and appointed to forfeit
for the payment thereof, such stockholder shall incur a shares.
forfeiture of his or her share or shares, and all payments
thereon to the use of said corporation; *provided*, said com- Proviso.
pany shall not commence business until the sum of twenty-five
thousand dollars is actually paid in.

4. *And be it enacted*, That the government of said corpo- Affairs, how
ration and the management and disposition of its stock, managed.
property and concerns, shall be vested in the directors
thereof, who shall be elected from among the stockholders
in such manner as the by-laws of said corporation shall pre-
scribe, and shall not be less than seven in number; and the
said directors shall appoint from among themselves a presi-
dent, secretary and treasurer, and the directors and officers
aforesaid of said corporation shall hold their offices until
others are elected and duly qualified in their stead.

Books of account to be kept.

Stock, how transferable.

Debt not to exceed certain amount.

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

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

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

Approved April 4, 1872.

CHAPTER DLXXXIV.

A Further Supplement to the act entitled "An Act to incorporate the Dime Savings Bank, of Somerville, New Jersey," approved March twenty-seventh, eighteen hundred and seventy-one.

May make contracts or agreements with borrowers to pay taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said "Dime Savings Bank," and the borrowers or lenders of any money secured by mortgage or other security upon personal or real estate, to enter into a contract or agreement whereby the borrower shall pay any part or all of national, state, county or city taxes which may be assessed upon the money so lent, or to be loaned, and the securities for the payment thereof; and all such contracts and agreements are hereby made and declared to be valid and effectual in law, and no such mortgage or other security shall be held, deemed or taken in any court of this state to be usurious or invalidated by reason of any such contracts or agreements, anything in any existing law of this state to the contrary notwithstanding.

2. *And be it enacted*, That the said corporation may invest ^{Investment of} the money left with them on deposit in no other public stocks ^{deposits.} or bonds other than such as are created and issued by the United States and by the several states of the Union, or by the several counties, cities or towns in this state, or by the cities of New York and Brooklyn, of the state of New York, under the laws thereof; nor on bond and mortgage, except on unencumbered real estate worth at least double the amount invested; *provided*, said corporation may make temporary ^{Proviso.} loans upon personal securities, with the pledge of collateral securities, at least double the amount loaned; *provided*, said ^{Proviso.} loan shall at no time exceed twenty per centum of the whole amount of assets.

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

Approved April 4, 1872.

CHAPTER DLXXXV.

An Act to incorporate the Ocean Cranberry Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Caleb G. Crane, Edward W. ^{Corporators.} Crane and Nathan Hedges, and all such persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate, in fact and in law, by the name of "The Ocean Cranberry ^{Name and} Company," for the purpose of buying, holding, cultivating ^{powers.} and improving lands in Ocean or other counties, and for raising and selling and preserving cranberries and other fruit, and horticultural products, and carrying on the business connected therewith, and erecting such buildings and holding such personal property as may be necessary therefor; and that they and their successors, by the same name, may sell, grant, alien, mortgage and dispose of said lands, tenements and hereditaments, cranberries, produce, fruits, goods and chattels, or any part thereof, and may lay, open, make and

maintain ditches, drains and embankments through their own and adjoining and contiguous lands, as they may deem for the benefit of said lands; and for such purposes the said company shall or may raise by subscription or otherwise, a capital stock of thirty thousand dollars, with liberty to increase the same to one hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and to commence business when fifteen thousand dollars shall have been subscribed and paid.

Capital stock.

Affairs, how managed.

Vacancies, how filled.

Books to be kept.

How dissolved

Proviso.

2. *And be it enacted*, That the affairs of said corporation shall be managed by a board of not less than three nor more than five directors, one of whom shall be president, and a majority of them shall have all the powers of the board, and they shall hold their office for one year; and until others are elected in their stead, and shall have power to make by-laws for the government and management of said corporation, and shall hold their meetings at such times and places in this state as the by-laws may provide; and that until an election for directors shall be held, the persons named in the first section of this act shall be directors; and in case a vacancy shall occur in the board of directors by death, resignation or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

3. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferable in such manner as the by-laws may prescribe, and that regular books of accounts of the corporation shall be kept, to which every stockholder shall have free access at reasonable times for the purpose of inspection.

4. *And be it enacted*, That the said company may be dissolved by a general meeting of the stockholders, specially called for that purpose; *provided*, that at least three-fourths in value of the stockholders shall concur therein; and upon such dissolution, the directors for the time being, and the survivor or survivors of them, or such persons as the stockholders shall appoint, shall be trustees for settling all the affairs of the company, collecting and disposing of its property and assets, paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interests in the stock.

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

Approved April 4, 1872.

CHAPTER DLXXXVI.

A Further Supplement to the act entitled "An Act to incorporate the Newark and Irvington Horse Car Railroad Company," approved March seventh, one thousand eight hundred and sixty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the company incorporated by the act to which this is a further supplement to increase their capital stock to the sum of one hundred thousand dollars. May increase capital stock.

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

Approved April 4, 1872.

CHAPTER DLXXXVII.

An Act entitled "An Act to incorporate the Florence Branch Railroad Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Randolph Wood, Walter Wood, Edward R. Wood, Joshua Eyre and Jesse Garret, or a majority of them, together with such persons as they may associate with them, shall be a body corporate, with power to purchase real estate and to issue stock to an amount not Corporators.

greater than twenty-five thousand dollars, to be divided into shares of one hundred dollars each, which shall be held to be personal property, and shall be transferable only upon the books of said company, and the said corporation shall be known as "The Florence Branch Railroad Company."

Name.

Power to build
railroad.

2. *And be it enacted*, That the said corporation shall have power to build a railroad from the Camden and Amboy railroad at any point near the town of Florence, in Burlington county, and running thence to the said town of Florence, or to the Delaware river at or near the site of the Florence foundry, and shall also have power to make suitable branches to any other point, at or near the town of Florence, or upon the banks of the said Delaware river.

Election of di-
rectors.

3. *And be it enacted*, That at as an early a day as convenient after the approval of this act, the said corporators shall meet to signify their acceptance thereof, and to elect a board of not more than five directors, one of whom shall be president, and the said board shall serve for the term of one year, as the stockholders shall have appointed for the next annual election, or until such time as another board shall be duly elected to succeed them.

Proceedings in
case company
and owners
cannot agree.

4. *And be it enacted*, That in case it shall be necessary to lay out the said railroad across the land of any private individual, or of any corporation, public or private, as to the price of which the said company shall be unable to agree with the owner or owners, it shall be lawful for the said corporation to appoint a commissioner, who shall confer with another commissioner to be appointed by the owner, and in case of disagreement between them, they two shall appoint a third, whose decision shall be binding upon all parties interested; it shall be the duty of the said commissioners to examine the land taken or desired to be taken as aforesaid by the said corporation, and to determine the value thereof and the amount of damage justly to be paid therefor, and shall at the same time take into consideration the benefit done to other portions of the property of said land owner by the building of said railroad, which estimate of benefit shall in all cases be set against the estimate of damage and payment be made thereon accordingly, and immediately upon the finding of an award by said commissioners, and upon the compliance therewith on the part of said corporation, so far the said award shall have appointed any act to be done or complied with by said corporation, the said corporation shall

immediately thereupon be held to have acquired free, continuous, and uninterrupted possession of the lands so examined as aforesaid, not to exceed at any point one hundred feet in width, with due allowance in addition thereto for the necessary slope of cuts and fillings, and in case any land owner, corporate or private, as aforesaid, shall refuse or neglect to appoint a commissioner as aforesaid for the space of fifteen days after having been notified so to do, then and in such case the commissioner who may have been appointed by said corporation shall proceed to determine the damage, if any, which would be done to the property of such owner by the building of said railroad, and the determination or award of said commissioner setting forth the facts as herein specified, and duly attested by his signature and oath or affirmation, shall be filed in the clerk's office for the county of Burlington, and shall forever operate as a bar to any action for damage, trespass, or ejectment, which may at any time thereafter be brought against said corporation by said owner, whether corporate or private.

5. *And be it enacted*, That ten days' notice of every meeting of stockholders shall be given to each of the stockholders as they shall appear upon the books of the company, and that in voting for directors each share of stock shall be entitled to so many votes as there are members of the board to be voted for, all of which votes may be concentrated in favor of one candidate, or may be distributed in such proportion as the voter shall elect between two or more of the candidates; and those candidates who shall receive a vote equal to a majority of the whole number of shares voted upon, shall thereby be declared duly elected.

Voting for directors.

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

Approved April 4, 1872.

CHAPTER DLXXXVIII.

A Further Supplement to "An Act to incorporate the Godwinville and Paterson Macadamized Road Company," approved April fourth, eighteen hundred and sixty-seven.

Repealer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the eighth section of the act to which this is a supplement, as requires said road to be bedded with stone eight inches in depth, be and the same is hereby repealed.

2. *And be it enacted*, That it shall and may be lawful for the said company, at all times, to take and receive of and from every person or persons who shall pass through their gates in travelling, the following rates of toll, and no more, that is to say :

Rates of toll. For every carriage, wagon, sleigh or sled, drawn by one beast, five cents ;

For every additional beast, five cents ;

For every horse or mule and rider, five cents ;

For every led horse, mule or ox, five cents ;

For every dozen calves, sheep or hogs, and in that proportion for any greater or less number, ten cents ;

For every dozen of horses, mules or cattle, and in that proportion for any greater or less number, thirty cents ;

And that said company shall not demand or receive toll of or from any person passing to or from public worship, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon, on the Sabbath day.

Repealer. 3. *And be it enacted*, That all parts of the act to which this is a supplement, inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 4, 1872.

CHAPTER DLXXXIX.

An Act to amend an act entitled "An Act to incorporate the American Plate, Glass and Fire Insurance Company of New Jersey."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to ^{Amendment.} which this is an amendment be amended by striking out the following words contained in the said first section, "The American Plate, Glass and Fire Insurance Company; and insert in their place and stead the words "America Insurance Company."

2. *And be it enacted*, That section two be amended by ^{Amendment.} striking out the words "two hundred and fifty thousand dollars," and insert, instead thereof, the words "five hundred thousand dollars," and strike out the word "commissioners," and insert the word "president."

3. *And be it enacted*, That section three be amended by ^{Amendment.} striking out the words "by not less than three, nor more than six directors," and inserting the words "by not less than seven, nor more than thirty-three."

4. *And be it enacted*, That section four be amended by ^{Amendment.} striking out the words, "and a two-thirds vote of the board of directors may remove the said president and vice president, in either of which cases the board of directors shall elect to fill the vacancies so occasioned;" "they shall," and insert in the place and stead thereof the following words, "they may."

5. *And be it enacted*, That section five of said act be ^{Section stricken out and new section inserted.} stricken out, and the following section be inserted in its place and stead: "that the president of the company shall receive subscriptions to the additional capital stock, herein authorized, and when the said stock, or such part thereof as can be subscribed and paid, or secured to be paid, as mentioned in the second section of this act, the president shall call a meeting of the stockholders by an advertisement published at least ten days previously, in some newspaper published in the county of Hudson stating the time and place at

which said meeting of the stockholders shall be held, and they, the stockholders, shall elect a board of directors of said company, who shall hold their offices for one year, and until others are duly elected in their stead; if there should be any deaths, resignations or refusal to act of any of the said directors of said company, then the remaining directors may elect to supply the vacancies so occasioned; *provided, nevertheless*, that none but those actually holding stock shall be allowed to vote at the above election of directors either in person or by proxy.

Amendment. 6. *And be it enacted*, That the sixth section of the said act be amended by striking out the words "to insure plate glass, window glass, mirrors, show cases, glass ware, statuary, ornaments, vases, china and crockery ware, of every kind and description whatsoever, and in every condition whatsoever, either stationary, in use or in transportation, against loss or damage by any accident or casualty whatever."

Amendment. 7. *And be it enacted*, That the eleventh section of said act be amended by adding thereto the following words, "and the said company may have a common seal, but are not required to affix it to the policies issued by them, and shall also have perpetual succession."

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

Approved April 4, 1872.

CHAPTER DXC.

An Act to incorporate the Beverly City and Township Gas and Water Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Jameson, Walter Freeman, F. L. Hovey, Thomas Henderson, S. W. De Coursey, D. L. Baumgardner, H. C. Thompson, D. P. Cubberley, Edwin Marter, W. Wilson, Charles Allen, C. E. Lloyd, W. Kain, ——— Holbrook, and such other persons as may be

hereafter associated with them, and their successors, shall be and they are hereby ordained, constituted and declared a body politic and corporate, in fact and in law, by the name of "The Beverly City and Township Gas and Water Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the object of the corporation hereby created.

Name and powers.

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

Amount of capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places as they, or a majority of them, may think proper, giving at least fifteen days' notice of the same in one or more newspapers printed and published in the county of Burlington, and that at the time of subscribing, ten per centum shall be paid for each share subscribed for, to the commissioners, or some one of them, and as soon as ten thousand dollars of the capital stock shall be subscribed and paid in, such commissioners, or a majority of them, shall give like notice for a meeting of the stockholders to choose seven directors, a majority of whom shall be residents of this state, and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, each share of the capital stock entitling the holder thereof to one vote, and the said above named persons, or any two of them, shall be inspectors of the first election of directors of said corporation, and shall certify, under their hands, the names of the persons duly elected, and deliver over the subscription books and moneys paid in, deducting all necessary expenses previously incurred, to the said directors; and the time and place of holding the first meeting of the said directors shall be fixed by the persons named in the first section of this act, or any of them; and the directors chosen at such meeting shall hold their offices until the first Monday in May following said election, and until their successors shall be chosen; and there shall be an annual election of directors by the stockholders on the first

Commissioners to receive subscriptions.

Election of directors.

Annual election.

Monday in May in every year thereafter, at such time and place as the board of directors for the time being shall direct and appoint, of the time and place of holding which election at least ten days' public notice shall be given in at least one newspaper published in Burlington county; and the said board of directors chosen at such meeting or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen by the board of directors, or a majority of them.

Vacancies,
how filled.

Failure to
elect not to
dissolve.

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

May call in
amount sub-
scribed under
penalty of for-
feiture.

5. *And be it enacted*, That a majority of the board of directors of the said corporation shall be competent to transact all the business of the said corporation, and shall have power to call in the capital stock of said company by such installments and at such times as they may direct; and in the case of non-payment of such installments, or any of them, to forfeit the share or shares upon which such default shall arise; and to open the books for further subscriptions of stock until the whole stock subscribed amounts to the sum of ten thousand dollars; and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation; and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to said officers, clerks and servants, as to the said board shall appear proper, and shall have power to take from said officers, clerks and servants appointed by them, such security for the faithful performance of their respective duties as they may think right and proper.

Power to build
reservoirs, &c.
and to make
gas.

6. *And be it enacted*, That the said corporation shall have power and authority to make, build, construct and erect any

and all buildings, tanks, reservoirs, works and machinery, for the manufacture of gas for lighting streets, buildings, manufactories, and so forth, from coal, resin or other material; or to connect with the works of other companies, and necessary and requisite to supply the inhabitants of the city and township of Beverly, New Jersey, with water and with gas; and shall have power to erect gas posts, burners and reflectors in the streets, roads, alleys, lanes and avenues in said city and township; and to lay down gas pipes and water pipes, or May lay down gas pipes. pipes for conducting the water and the gas in the streets, roads, alleys, lanes and avenues of the said city and township, and in the streets, roads, alleys, lanes and avenues that may be the boundaries of said city and township, or either of them, and other townships or places; and the said corporation shall have power to do all other things necessary to light the said city and township, or either of them, or any part of said city or township, or either of them, and the dwellings, stores, factories and other places therein, and to supply the inhabitants of said city and township, or any part of said city and township, or either of them, with water; *provided*, that the Proviso. public travel shall at no time be unnecessarily affected or impeded by the laying of the said pipes, or the erection of said posts; and the streets, roads, side and cross-walks, lanes, alleys and avenues, shall not be injured, but all be left in as good and perfect condition as before the laying of said pipes or the erection of said posts; *and provided also*, that Proviso. no private lands shall be in any way injured or defaced without permission in writing first had and obtained from the owner or owners thereof.

7. *And be it enacted*, That if any person shall wilfully Penalty for injuring works. impair, injure or wilfully do or cause to be done, any act or acts whatsoever, thereby to injure any conduit, pipe, cock, machine, tank, reservoir, works, building or structure whatsoever, or any other thing appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed, or in anywise injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years, or both; *provided*, such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit hereby authorized to be brought for such injury, as aforesaid, by and in the name of said corpo-

ration, in any court of the state having cognizance of the same.

Books of account.

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

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

Approved April 4, 1872.

CHAPTER DXCI.

An Act to incorporate the Union Cemetery Association of Wertsville, Hunterdon county.

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|---|---|
| Corporators | 1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That Nathan Stout, J. S. Manners, Chas. Quick, David Conover, Amos Sked, Richard Lowe, and L. S. Blackwell, and their associates, be and they are hereby constituted a body politic and corporate in law by the |
| Name. | name of "The Union Cemetery Association of Wertsville," with the general powers and privileges of a corporation. |
| Power to purchase land for burial purposes, &c. | 2. <i>And be it enacted</i> , That the said association shall have power to purchase, to take and hold in fee, a tract or tracts of land not exceeding twenty-five acres, in the vicinity of Wertsville, for the use and purposes of a cemetery, and erect thereon such buildings and other accommodations as the directors may deem suitable and necessary, and may sell or otherwise dispose of the sublots or plats in the said cemetery to the several purchasers or owners thereof, by a good and sufficient deed or deeds of conveyance, under the corporate seal of said association, and signed by the president and secretary thereof, to be used only as a cemetery, with the privilege of the several avenues, walks, passages and other accommodations therein and thereunto belonging, subject |

however, to such regulations and restrictions as have been or may be established in relation thereto by any by-law or ordinance of said corporation; transfers of sublots or rights thereunto (may be made by the owner or owners thereof) by simple assignment annexed to said deed, but shall not be valid until the assignment is recorded on the books of said association.

3. *And be it enacted*, That the business and concerns of the said corporation shall be conducted and managed by a board of directors, consisting of seven persons, who shall be elected by and from among the stockholders annually, at such time and place and upon such notice as the by-laws may direct; a majority of whom shall constitute a quorum for the transaction of business, at which election each share of stock shall entitle the holder thereof to one vote, and the said directors shall elect from their number a president and treasurer, and shall appoint such other officers and agents as they may deem expedient, and fix the compensation to be paid them; they shall have power to fill all vacancies in their own number until the annual meeting next ensuing; and the said board of directors shall have power to make and establish all needful rules, regulations, ordinances and by-laws, and affix from time to time to the several sublots and plats such price as they shall deem reasonable and proper, and shall have the sole charge, superintendence and control of the said cemetery; and until the first election of directors the persons named in the first section of this act shall be the directors, and may act as such until others are chosen in their stead; and in case it should happen that an election of directors should not be made during the day fixed by the by-laws, the said corporation shall not for that cause be deemed to be dissolved, but such an election may be held at any other time upon due notice given by order of the directors; and the directors for the time being shall continue to hold their office until others are chosen.

4. *And be it enacted*, That if any part of said lands conveyed to said corporation for the purpose aforesaid shall be unsuited or unnecessary for the purpose of a cemetery, then it shall be lawful for said corporation to sell and dispose of such parts thereof as are unsuited or unnecessary therefor.

5. *And be it enacted*, That the sum which the said corporation may agree to pay for the tract or tracts of land hereinbefore mentioned, and the sums which shall be expended in

embellishing, improving, erecting buildings, fences and other necessary accommodations shall be the capital stock of said association, and it shall be divided into shares of fifty dollars each; and not less than twenty per centum of the net proceeds of all sales of lots, parcels and plats shall be appropriated or funded, and the income thereof shall be expended for the further embellishment and maintaining the improvements of said cemetery grounds, and the balance received shall belong to and be divided among the stockholders according to their several interests; and whatever sum shall be funded as aforesaid, the same shall be free from all taxes or assessments, and no taxes or assessments shall be imposed on lot owners therefor.

Subscriptions
to stock.

6. *And be it enacted*, That it shall be lawful for the directors or a majority of them, to call in the subscriptions to the capital stock at such times and in such sums, and upon such notice as they may deem reasonable; and a failure to comply with such notice on the part of any stockholder shall, at the option of the directors, or a majority of them, be cause of forfeiture of moneys thereon and rights by virtue of his subscription to such stock.

Exempt from
all taxes and
assessments.

7. *And be it enacted*, That the said corporation shall have, use and exercise all the rights and privileges incident to a corporation herein stated, and shall be exempt from all taxes, assessments and charges upon their capital stock, and the property which they may acquire, hold or possess; and the real estate of said corporation, and the said lots and parcels, when conveyed by said corporation, or when sold to individual proprietors, or held by any person, shall be exempt from all taxation or assessment whatsoever, and shall not be liable to be sold in execution, or subject to attachment or applied to the payment of debts by assignment under any insolvent or bankrupt laws, but may be conveyed under such regulations as the directors may adopt.

No public
road to be
opened.

8. *And be it enacted*, That no public street or road shall hereafter be opened through the said cemetery grounds without the consent of the said corporation.

Association
and persons
may purchase
lots, &c.

9. *And be it enacted*, That any association of persons for benevolent purposes and also any religious society, may purchase and hold lots in said cemetery, adjacent to each other, in which they may bury agreeable to any peculiar rites or ceremonies of their own, subject only to the rules and regulations prescribed by said board of directors.

10. *And be it enacted*, That the provisions of the eighth Act extended. section of the act entitled "An Act authorizing the incorporation of rural cemetery associations," approved March fourteenth, eighteen hundred and fifty-one, be and the same are hereby made part of this act.

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

Approved April 4, 1872.

CHAPTER DXCII.

An Act to incorporate the Speedwell Cranberry and Land Improvement Company of Burlington county, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas D. Armstrong, Floyd Corporators. Armstrong, Howard Campbell, John F. Messmore and Daniel Messmore, and such others as may be associated with them, and their successors, are hereby declared to be a body politic and corporate, by the name of "The Speedwell Cranberry Name. and Land Improvement Company."

2. *And be it enacted*, That the amount of the capital stock Capital stock. of said company shall be fifty thousand dollars, with the privilege to said company of increasing the same to one hundred and fifty thousand dollars, to be divided into shares of ten dollars each, to be deemed personal property, and to be transferable on the books of this corporation, or by power or powers of attorney.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to receive subscrip- Commissioners to open books and receive subscriptions. tions to the capital stock aforesaid, at such time or times, and place or places, and upon such notice as they or a majority of them shall think proper; and at the time of subscribing for said stock, one dollar on each share shall be paid to said commissioners, or shall be satisfactorily secured to be paid, and the residue of the subscription shall be paid in such installments, and at such times and places, and to such person or

persons as the directors of said company or corporation shall from time to time direct, by giving twenty days' previous notice in two or more of the newspapers printed and circulated in this state ; and upon failure of payment thereof, the said directors shall have power to forfeit the shares of each and every person so failing to pay such installments, or any or either, to and for the use of said company ; and whenever five thousand dollars of the capital stock aforesaid shall have been subscribed, such commissioners shall, as soon as they may deem it expedient, give like notice at a meeting of the stockholders, at such time and place as they may designate, to choose and elect five directors, who shall hold their office for one year, or until others are duly elected ; and such election shall be made at such time and place as shall be appointed by such 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 directors so chosen or elected 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, and the said board of directors shall have power to elect a secretary and treasurer for said company, to serve for one year, and until a successor or successors shall be chosen by the said board of directors ; and in case of the death, resignation or removal of the president, secretary or treasurer, or any director or directors, such vacancy or vacancies may be filled for the remainder of the then current year by the said board of directors.

4. *And be it enacted*, That the said company, when organized as aforesaid, shall be, and they are hereby authorized to purchase, hold, occupy and convey such and so much land as they may deem proper, situate in the counties of Burlington, Essex, Ocean and Union or in any or either of them or elsewhere, and to improve the same for the cultivation of cranberries or for other purposes or both or either and to sell and convey the same, and to erect such building or buildings thereon as may be necessary for the use of said corporation ; and to lay, keep and maintain drains through their lands and other contiguous and adjacent lands as said corporation may deem for the benefit of their said lands ; *provided*, that no unnecessary damage shall be done to said adjoining lands.

5. *And be it enacted*, That it shall be lawful for the di-

Election of directors.

Vacancies, how filled.

May purchase and convey lands and improve the same.

Proviso.

rectors of said company from time to time to borrow such sum or sums of money as to them may seem advisable for the purpose of their said business, and to secure the same by mortgage or mortgages on the lands or other property of said corporation. ^{May borrow money.}

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

Approved April 4, 1872.

CHAPTER DXCIII.

An Act to revise and amend the charter of the town of Harrison.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all that district of country, ^{Boundaries.} in the county of Hudson, contained within the following boundary lines, to wit: beginning at a point in the centre of the Passaic river, on the south line of the bridge over said river, and now in process of execution by the Newark and Hudson Railroad Company; thence along the southerly line of said bridge, and of the track of said railroad company, as now laid or proposed to be laid by said company, easterly to the present boundary line between the townships of Kearney and Harrison, thence following said boundary line in a southerly direction to the Passaic river; thence up the Passaic river, following the boundary lines between the counties of Essex and Hudson, to the place of beginning; and all the inhabitants of this state within the limits aforesaid, shall continue forever hereafter to be a body corporate and politic in fact and in name, by the name of "The Town of Harrison," and by that name they and their successors forever ^{Corporate name and powers.} shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes

whatsoever; and they and their successors may have a common seal, and alter the same at their pleasure, and also, by their corporate name aforesaid, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation; and that the said "The Town of Harrison," and their successors, shall by virtue of this act, become and be absolutely and completely vested with, possess and enjoy all the lands, tenements, hereditaments, property, rights, causes of action, and estate whatsoever, both in law and equity, in possession, or remainder, or reversion, which at the time of the passage of the original charter of the said town of Harrison were vested in or belonged to the inhabitants of the town of Harrison in their corporate capacity, as then incorporated by the name of "The Inhabitants of the Township of Harrison, in the County of Hudson," according to such estate and interest as the said "The Inhabitants of the Township of Harrison, in the County of Hudson," at the time of the passage of the original charter of "The Town of Harrison," had, or of right ought to have had in the same, or which, since that time, have become vested in, and belong to the said "Town of Harrison," in their corporate capacity.

Common
council.

2. *And be it enacted*, That the present councilmen now elected, and such other councilmen as may hereafter be elected in said town of Harrison according to law, shall constitute the common council of said town of Harrison; the present councilmen shall hold their office for the terms for which they were severally elected; at each annual election hereafter held in said town, three councilmen shall be elected for the term of two years; said councilmen shall receive no salary or pay for their services as such councilmen.

Election of
school trus-
tees.

3. *And be it enacted*, That the board of education of said town of Harrison shall consist of five school trustees; that at the next annual election in said town of Harrison, there shall be elected two school trustees, who, with the three already elected, shall, until others are elected as hereinafter provided for, constitute and form the said board of education; and the said five trustees shall respectively hold office for the term of one, two, three, four and five years; the respective terms of office of said five trustees shall, immediately after said next annual election, be determined by them by lot, and at each annual election after said next annual election in said

Term of office.

town of Harrison, one school trustee shall be elected, who shall hold office for the term of five years.

4. *And be it enacted*, That the officers of said town shall ^{Officers.} consist of a town clerk, three assessors, a collector of taxes, one or more judges of election, one or more constables, one overseer of the poor, two pound-keepers, one chosen freeholder, two surveyors of the highways, three commissioners of appeal in cases of taxation, all of whom shall hold office for the term of one year, except said town clerk, who shall be elected for two years; the town clerk shall receive one hundred dollars ^{Compensation} per annum; each of said assessors one hundred dollars per annum; the collector of taxes one hundred dollars per annum; all other officers shall be entitled to the same fees as like officers in townships now receive; all said officers shall be elected by ballot on the second Tuesday of April, in the same manner as township officers are now elected, except said three assessors, who shall be appointed and elected as hereinafter provided for.

5. *And be it enacted*, That the official term of the several ^{Official term, when to commence.} officers who shall be elected in pursuance of this act shall commence on the last Monday in April next after their election, except justices of the peace, whose terms shall commence at the time prescribed by law.

6. *And be it enacted*, That the aforesaid annual charter ^{Election, by whom and how conducted.} election shall be held and conducted by the judges of election and the clerk of election at the same hours, in the same manner, and under the same regulations in all things as prescribed by law for the state elections for members of the legislature, except as hereinafter provided; and in case of the absence, disqualification or inability of any of the said judges of election, the vacancy shall be supplied in the manner now prescribed by law; the common council shall designate the place or places at which all elections shall be held in said town; and notice of the time and place of such elections shall be published by the town clerk at five of the most public places in said town, at least ten days prior to any such elections.

7. *And be it enacted*, That every person entitled to vote ^{Who entitled to vote.} by the existing laws of this state at an election for members of the legislature shall be entitled to vote for all or any of the officers to be chosen at such elections.

8. *And be it enacted*, That the statement of the result of ^{Certificate of result of election to be filed} such election, and the certificate thereof, in the manner re-

quired by law at the state elections for members of the legislature, shall be made within five days after such election, by the proper officers, and shall be filed without delay with the town clerk.

Council to
meet and can-
vass votes, &c.

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

Council to
elect in case of
equal number
of votes.

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

No person eli-
gible to office
unless a resi-
dent.

11. *And be it enacted*, That no person shall be eligible to any office at any such election unless he shall then be an elector and resident of said town; and when any officer elected at any such election shall cease to reside in said town his office shall thereby become vacant.

Vacancies in
office of coun-
cilman.

12. *And be it enacted*, That whenever a vacancy shall occur in the office of councilman, by the refusal or neglect of such officer to take the oath of office within the time required by law, by his resignation, death, ceasing to be an inhabitant of the said

wn, or by any other cause, the common council of said town shall immediately appoint a special election to be held in said town to supply such vacancy, of which special election ten days' notice in writing, put up at five of the most public places in said town, shall be given by the town clerk; and such special election shall be conducted, and the result determined and certified in the manner prescribed in this act for conducting and determining the result of the annual election in said town for the same officer; in case any such vacancy shall occur in the office of councilman within three months before the first Tuesday in April in any year, it shall be within the discretion of the common council to appoint a special election or not, as they shall deem expedient.

Special election to be held

Discretion of council as to special election.

13. *And be it enacted*, That if at any annual election to be held in the said town there shall be one or more vacancies to be supplied in any office, and any person is to be elected for the full term thereof, the term for which each person is to be elected for the said office, shall be designated on the respective ballots.

Vacancies to be designated on ballots.

14. *And be it enacted*, That if any person who shall be elected to any office at the annual election shall not qualify according to law for the space of thirty days after such election, or if any person who shall be elected or appointed to fill any vacancy in any of the said offices shall not qualify according to law for the space of ten days after such election or appointment, his office shall be deemed vacant.

Persons elected failing to qualify office deemed vacant.

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

Council may fill certain vacancies.

16. *And be it enacted*, That in case of the failure on the part of the inhabitants of the said town at any of the elections contemplated by this act to elect any of the officers of said town, those then in office shall hold over until others are elected.

Officers, when to hold over.

17. *And be it enacted*, That the common council may from time to time appoint, by a majority of the whole number of the members of said common council, a collector of arrears of taxes, who shall always be a constable, a street commissioner,

Appointment of officers by council.

town surveyor, sealer of weights and measures, town counsellor, town attorney, chief of police, chief engineer of the fire department, one or more assistant engineers, and such other subordinate officers as they shall think necessary for the better ordering and governing the said town, and the carrying into effect the powers and duties conferred and imposed upon the said common council by this act, which said several officers shall hold office at the pleasure of said common council.

Officers to
give bonds.

18. *And be it enacted*, That such of the officers of said town, whether elected or appointed, as the common council may require, shall, before they enter upon the duties of the respective offices, give bonds to the said town in its corporate name, in such sums and with such sureties as the common council may direct and approve, for the faithful performance of the duties of their respective offices.

Powers and
duties of com-
mon council.

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

Quorum.

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

Special meet-
ings.

Ordinances,
now passed.

21. *And be it enacted*, That no ordinance or resolution shall be passed by the common council, except with the concurrence of a majority of all the members; every ordinance shall be read three times before its final passage, and such as involve the expenditure of money, or affect person

erty, shall be published between the second and third readings, for the space of ten days, in two daily newspapers having the largest circulation in said town, and shall also be posted by the said clerk at five of the most public places in said town for the same length of time.

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

I. To manage, regulate and control the finances and property, real and personal, of the town; Power to pass ordinances.

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

III. To restrain and suppress disorderly and gaming-houses, and houses of ill fame; all instruments and devices used for gaming, and to prohibit all gaming and fraudulent practices; Gaming houses.

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

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

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

VII. To regulate, clean and keep in repair the streets, ways, bridges, wharves, docks and slips in said town, to prevent all obstructions in the rivers Passaic and Hackensack, near or opposite to such wharves, docks and slips; to take care of, protect and keep in repair the levees and abankments on the banks of said Passaic river in said town, and the drains and sluice-gates connected therewith; to assess the necessary costs and expenses incurred in such care of, protecting and keeping in repair said levees, abankments, drains and sluice gates on the land, real estate and hereditaments, drained and benefited thereby, and to collect such assessments in the same manner as is provided in the act for the collection of any other assessments; to prevent and remove obstructions and encumbrances in and upon streets, sidewalks and crosswalks, lanes, alleys, bridges,

- aqueducts, wharves, docks or slips in any manner whatever to direct and regulate the planting, rearing, trimming and preserving of ornamental trees in the streets, parks and grounds of said town, and to enforce the removal of snow or dirt from the sidewalks and gutters, by the owners or occupants of the premises fronting thereon ;
- Shade trees. Shade trees.
- To prevent erections of stoops, &c. VIII. To prevent or regulate the erection or construction of any stoop, step, platform, bay window, cellar door, or descent into a cellar or basement, sign or other projection, or any projection or otherwise, in, over or upon a street or avenue, and to remove the same at the expense of the owner or occupant of the premises ;
- Fast driving. IX. To prevent and punish horse-racing or immoderate driving or riding in any street, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street, and to regulate the speed of running of locomotives, engines and railroad cars through said town ;
- Droves of cattle. X. To prohibit the driving any drove or droves of cattle through any of the streets of the said town, on the first of the week, commonly called Sunday, and to regulate the same at other times ;
- To protect public grounds. XI. To regulate, protect and improve the parks, public burial grounds and other public grounds in said town ;
- Lighting of streets. XII. To provide lamps and gas fixtures, and to light the streets, parks and public places of every description in town ;
- Wells, &c. XIII. To preserve the aqueducts in said town, and to regulate wells, pumps and cisterns in the public streets and squares ;
- To prevent cattle running at large. XIV. To establish and regulate one or more pounds, to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and other poultry, to authorize the impounding and sale of the same, for the penalty incurred, and the costs of keeping and impounding the same ;
- Dog tax. XV. To regulate and prevent the running at large of dogs ; to authorize the destruction of dogs running at large and to impose taxes on the owners of dogs ;
- Swine. XVI. To regulate and prohibit the keeping of swine ;
- Markets. XVII. To locate, regulate and remove slaughter-houses and cattle yards, establish and regulate public markets, license and regulate butchers, designate the places, time

manner of selling meats and fish, and to prohibit persons from selling without license ;

XVIII. To prescribe and regulate the places of vending ^{Vending of hay.} or exposing for sale, hay, straw and wood, from wagons or other vehicles ;

XIX. To regulate and prohibit any practice having a ten- ^{Frightening animals.} dency to frighten animals or to annoy persons passing in the streets or on the sidewalks in said town ;

XX. To restrain and punish drunkards, vagrants, mendi- ^{To punish drunkards.} cants and street beggars ;

XXI. To establish a board of health, to define its powers ^{To establish and define powers and duties of board of health.} and duties, and to provide for the protection and maintenance of the health of the town ;

XXII. To abate or remove nuisances of any kind, and to ^{To abate and remove nuisances.} compel the owner or occupant of any lot, house, building, shed, cellar or place wherever may be carried on any business or calling, or in and upon which there may exist any matter or thing which is or may be detrimental to the health of the inhabitants ; to cleanse, remove or abate the same, from time to time, as often as they may deem necessary for the health of the inhabitants of said town, at the expense of the owner or occupant thereof ;

XXIII. To regulate the burial of the dead, prohibit inter- ^{Interments.} ments within such limits as it may prescribe, purchase lands for public burial places, direct the keeping and return of bills of mortality, and to establish such regulations for conveying the dead through the streets of said town, as the health, quiet and good order of the town may in their opinion require ;

XXIV. To license and regulate cartmen, porters, hack, ^{License cartmen, peddlers &c.} cab, omnibus, stage and truck owners and drivers, carriages and vehicles used for the transportation of passengers and merchandise, goods or articles of any kind, or to authorize the president of the common council to grant such licenses, and to require the owners to mark said carriages or vehicles, and in such manner as the common council shall designate ; auctioneers, common criers, hawkers, peddlers, pawnbrokers, junk shopkeepers, sweeps and scavengers, and to fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in such capacities ;

XXV. To regulate the ringing of bells and the crying of ^{Ringling of bells.} goods and other commodities, for sale by auction or otherwise, and to prevent disturbing noises in the streets ;

- Bathing. XXVI. To regulate swimming or bathing in the waters of or bordering the town ;
- Weights and measures. XXVII. To regulate weights and measures in conformity with the standard of weights and measures established by law, and to require every merchant, retailer, trader and dealer in merchandise, or property of any description, which is sold by measure or weight, to cause his or her weights and measures to be sealed by the town sealer, and to be subject to his inspection ;
- To establish a day and night police. XXVIII. To establish, regulate and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and their compensation ;
- Fire department, &c. XXIX. To establish, regulate and control a fire department ; to regulate and define the manner of the appointment and removal of the officers and members of the fire department, their duties and their compensation ; to provide fire engines and other apparatus, and engine houses and other places for keeping and preserving the same, and to provide water for extinguishing fires ;
- To prohibit sale of fireworks. XXX. To regulate and control the manner of building dwelling houses and other buildings, and to prohibit within certain limits, to be from time to time prescribed by ordinances, the building of any dwelling house, stores, stable or other building of wood or other combustible materials ; to regulate the construction of chimneys, and to compel the sweeping thereof ; to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things in such a manner as to be dangerous ; to prohibit the deposit of ashes in unsafe places ; to authorize any town officer, or person or persons whom they may designate for that purpose, to examine and inspect, by day, any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be made so ; to regulate or prohibit the carrying on of manufactures dangerous in causing or promoting fires ; to regulate or prohibit the manufacture, sale or use of fireworks and the use of firearms in said town ; to regulate or prohibit the keeping, selling and conveying gunpowder, camphene, spirit gas and other dangerous materials, and the use of lights in barns, stables and other buildings ; to raze or demolish any building or erection when necessary to prevent the extension of a conflagration, and to provide for the ascertainment and payment of just

compensations to owners of property destroyed in such cases ; to require all such other and further acts to be done, and to regulate or prohibit the doing all such other and further acts as they may deem proper, to prevent the occurrence and provide for the extinguishment of fires in said town ;

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

To grade, gravel and pave.

XXXII. To direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in all cases where such digging down, draining, filling up or fencing is necessary to prevent or abate a nuisance ; to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed on such lots, pieces or parcels of ground, whether improved or unimproved, and collected in the same manner as for regulating, grading and paving streets, but no special ordinance shall be introduced to authorize or compel the performance of any work or improvement mentioned in this or the last preceding subdivision or paragraph of this section, until public notice shall be given of the intention of the common council to cause such work or improvement to be done and performed ; and to that end it shall be the duty of the town clerk, by direction of the common council, to give notice by posting the same in five of the most public places in the said town of Harrison for the space of ten days, of the intention of the common council to cause such work or improvement to be done and performed, briefly describing such work or improvement, and requesting such persons as may object thereto to present their objections in writing, at the town clerk's office, on or before the expiration of ten days from the date of such notice, and at any time thereafter the common council may proceed to consider such special ordinance as aforesaid.

To adopt a Draining of lands, &c, and of assessments for same.

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

Taxes.

XXXIV. To prescribe and define the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the town for the discharge of their duties, and

To define the duties and compensation of officers.

the time for execution of the same in cases not otherwise provided for by law ;

To fix compensation.

XXXV. To fix and determine a reasonable compensation to be paid to any officer of said town, or other person employed by said common council for any service required by this act or by any ordinance or resolution passed by said common council, for which no specific fee or compensation is provided by this act.

Council may pass, alter or repeal ordinances.

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

Penalties may be prescribed for violation.

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

25. *And be it enacted*, That the common council shall have power to borrow money, from time to time, for the purposes of purchasing street-lamps and real estate, and for

erecting thereon a town hall, not exceeding, in the whole, the sum of twenty five thousand dollars, and to secure the payment thereof by bond or other instrument under their common seal, and the signature of the president of said common council of said town, payable in twenty years from date, and to provide by tax for the payment thereof; but notwithstanding the limitation aforesaid, it shall be lawful for the common council to make temporary loans for a period not exceeding, with any renewals thereof, one year, and to secure the payment thereof in manner aforesaid, which loans shall only be in anticipation of town taxes, and of assessments for laying out and opening, straightening, altering or widening any street, road, highway, or alley, and for the constructing of sewers, and the regulating, grading and paving of streets and sidewalks, and shall not exceed the amount of such anticipated assessments and taxes.

May borrow money to purchase street lamps and erect a town hall, and issue bonds therefor.

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

Town clerk.

27. *And be it enacted*, That the town clerk shall, in addition to the duties required of him by this act, or any other act of this state, be clerk at said annual town election, unless there shall be more than one polling place, in which case he shall be clerk at such polling place as said common council may direct; and said common council may appoint a clerk or clerks for the other polling districts, and said town clerk and other clerks of election, shall each perform the duties, possess the rights, and be vested with the privileges of all other clerks of election; the said clerk shall have charge of all the records, books and documents of the town, except when the common council shall otherwise direct; he shall keep a record of the proceedings of the common council; he shall engross all the ordinances of the common council in a book 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 president or acting president of the said common council 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 said

Town clerk to act as election clerk.

Other clerks.

Duties of the town clerk.

town, certified by him under the corporate seal of said town, shall be evidence in all courts and places.

Appointment
of assessors.

28. *And be it enacted*, That the said three assessors shall for the next year be appointed by the said common council, and after their appointment, shall divide themselves into three classes, and shall hold office for one, two and three years respectively, determining their several terms by lot immediately after their appointment, and at each annual election after such appointment, there shall be elected one assessor, who shall hold office for the term of three years; said assessors shall be held to a strict accountability for the performance of their duties, and shall forfeit all pay by the non-performance of their duty; said common council shall divide said town of Harrison into three districts, and apportion the same to said assessors as they shall deem fit; the said assessors shall annually elect one of themselves as president of their body, who shall act as one of the judges of election at the annual election in said town; said common council may, at any time hereafter, whenever they shall deem it best, divide said town of Harrison into more polling districts than one, not exceeding, however, three; in which case the said common council shall apportion and appoint said assessors to the several polling districts as judges of election, and any such assessor so appointed to said polling districts as judge of election shall perform the duties, possess the rights, and be vested with all the privileges of other assessors sitting as judges of election, under any law of this state.

Council to di-
vide town into
three districts

Assessors.

29. *And be it enacted*, That the said three assessors shall each form part of the board of assessors of the county of Hudson, and each have the like vote in said board, which the assessors of townships or cities may have by the laws of this state.

Constables to
take oath and
give bond.

30. *And be it enacted*, That every constable of said town shall, before he enters upon the duties of his office, take and subscribe before the town clerk, an oath or affirmation in the form prescribed for constables of townships, by the act entitled "An Act incorporating the inhabitants of townships, designating their powers and regulating their meetings," or any supplement thereto using the word "town" instead of the word "township," and said clerk shall endorse on said oath or affirmation the day and year on which the same was taken and subscribed, and file the said oath or affirmation and endorsement thereon in his office; and every constable

Bond to be
filed.

of said town before he enters upon the execution of the duties of his office, shall enter into bond to "The Town of Harrison," with one or more sureties to be approved by the said common council in such sum as said common council shall direct, in the form, as near as may be, prescribed by the act entitled "An Act respecting constables," which bond shall be delivered to the town clerk, who is hereby directed and required to record and file the same in his office, and all suits or actions on such bonds shall be conducted and prosecuted in the manner prescribed by law in such cases.

31. *And be it enacted*, That every councilman shall have the power, and it shall be his duty, without warrant, to arrest or cause to be arrested any person engaged in his presence in disturbing the public peace or violating any law of the state or ordinance of the town, for the preservation of the peace, or of good order or of morality; and to bring or cause such person to be brought before the police justice or other justice of the peace, to be dealt with according to law.

Councilmen may make arrests without warrant.

32. *And be it enacted*, That the common council shall at least once a year, not more than twenty nor less than fifteen days before the annual town election, publish a full statement of all the receipts and expenditures of every description for the fiscal year preceding such statement, including all the moneys which have passed through the hands of the treasurer, for any purpose whatever, together with the different sources of revenue and the amount received under each, with all such other information as may be necessary for a full understanding of the financial concerns of the town.

Statement of receipts, &c., to be published.

33. *And be it enacted*, That the several officers of said town, whether elected or appointed, shall respectively possess the powers, rights and privileges, and perform the duties, and be subject to the like penalties of the like officers of any township of this state, so far as such powers and duties shall be consistent with the provisions of this act; and that the members of the common council of the said town, collectively and individually, shall possess the powers, rights and privileges, and perform the duties, and be subject to the like penalties, which by law belong to, or are imposed upon members of the township committee of any township in this state, collectively or individually, so far as such powers and duties are consistent with the provisions of this act, and that all other officers not herein named who may be appointed by the

Powers of town officers.

said common council shall possess the powers and privileges, perform the duties, and be subject to the obligations and penalties given, conferred and imposed upon them by law, or by the ordinances, by-laws, rules and regulations of the said common council.

Appointment
and duties of
treasurer.

34. *And be it enacted*, That the common council shall appoint a treasurer, holding office at the pleasure of the said common council, who shall receive all moneys belonging to said town of Harrison, and shall pay out the same only upon warrants from the said common council, signed by their president and countersigned by the town clerk, except for the payment of bonds of the town, certificates of indebtedness for improvements given by the said town, interest on the same, and for money paid into the treasury for the redemption of property sold for taxes and assessments; no warrant on the treasurer shall be drawn, except in pursuance of an order passed by the common council, and entered on their minutes; all such warrants shall be made and numbered, payable to the order of the person or persons to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid.

Appointment
of police jus-
tice by legisla-
ture.

35. *And be it enacted*, That there shall be in and for said town one police justice, to be appointed by the legislature in joint meeting assembled, who shall hold office for the like term, and be commissioned in the like manner as justices of the peace in this state, and be amenable in like manner to the senate and general assembly, who shall take an official oath as such police justice in the manner prescribed by law for other officers, who shall be invested with and possess all the powers of a special police justice in and for said town of Harrison, and shall be entitled to use and exercise the like power, authority and jurisdiction in all criminal matters and complaints arising in said town, as the justices of the peace in and for the several counties of this state are or may be entitled by law to use and exercise; all actions for the violation of any ordinances of said town shall be instituted before such police justice, and to him shall all complaints of criminal offences committed in said town be made, unless the emergencies of the said police justice shall otherwise require.

Powers of po-
lice justice.

Actions and
proceedings
had before po-
lice justice,
how regulated
and conducted

36. *And be it enacted*, That unless when otherwise directed, all actions or proceedings before such 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 pre-

scribed 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 such police justice in and for the said town of Harrison, 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 police justice shall have full power and lawful authority, upon such complaints and trials, to carry out and put in execution any and all punishments by way of fine, penalty, imprisonment or otherwise, as are or may be imposed by such ordinances or by the laws of the state of New Jersey, by judgment, execution against the goods and chattels or the bodies of parties convicted by and before him, and by commitment, if necessary, to the common jail of the county of Hudson; and said police justice shall also be entitled to demand, collect and receive such fees on all complaints, suits and trials made, instituted and tried before him, as justices of the peace in New Jersey are now entitled to by law for performing the like services.

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

38. *And be it enacted*, That such police justice shall be empowered, on oath or affirmation 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 town, to issue a process either in the nature of a warrant or a summons, against the person or persons so charged, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in not less than five nor more than fifteen days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, when and in what manner the same has been violated, and that on the return of such process, or at the time to which the justice shall adjourn the same, the said justice shall proceed to hear the testimony and to determine and give judgment in the matter without the filing of any pleadings; *provided*, that nothing herein contained shall prevent the enforcement of the ordinances of the said town in the manner hereinbefore provided. Police justice may issue warrant or summons for violation of ordinances.

39. *And be it enacted*, That no warrant, or process in the nature of a warrant, shall be issued by such police justice against any person or persons, on any complaint made as aforesaid, for the violation of any of the ordinances of said Warrants only to be issued upon oath.

town, 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.

Fines, to
whom paid

40. *And be it enacted*, That all fines and penalties for the violation of ordinances of said town of Harrison shall be paid to said police justice, and his receipt shall be sufficient discharge for such payment.

Fines paid to
treasurer.

41. *And be it enacted*, That all fines and penalties received by said police justice for the violation of said ordinances shall immediately after the receipt thereof by said police justice, be paid by him to the treasurer of said town of Harrison.

Police justice
to keep
docket, &c.

42. *And be it enacted*, That the said police justice shall keep a docket of all complaints made before him, and of all suits and trials commenced, instituted and held before and by him, in which he shall enter truly and faithfully all matters and proceedings touching and concerning such complaints, suits and trials, and said docket shall, at all proper and reasonable times, be open to the inspection and examination of said common council or any of the members thereof; the said police justice shall also carefully file and preserve all complaints and papers connected with any complaints, suits or trials made, instituted or held by or before him, and he shall also, once in each and every year, at the first meeting of the said common council in the month of January, make a true and correct report of all his proceedings as such police justice.

Money to be
raised by tax
for certain
purposes.

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

- I. For lighting the streets of the town;
- II. For the maintenance and support of the poor;
- III. For regulating, cleaning, and keeping in repair the streets and highways;
- IV. For regulating, improving and protecting the public grounds and parks;
- V. For the construction of bridges and crosswalks;
- VI. For the support of public schools;
- VII. For the support of the police department;
- VIII. For the support of the fire department;

IX. For supplying the town with water for the extinguishment of fires ;

X. For the support of public markets ;

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

XII. For the contingent expenses of the city, and for all other objects and purposes authorized by this act.

44. *And be it enacted*, That such sum or sums of money as may be necessary for the purposes of the said town of Harrison, or for county or state purposes, shall be assessed by the assessors, and collected by the collector of the said town, in the manner in which the taxes of the county of Hudson are assessed and collected, except that so much of the said taxes as may be raised for lighting the streets of the town, shall be assessed and collected upon and from all persons residing and lands located within the district of said town, to be established from time to time by an ordinance of common council, and to be called the lamp district of the said town, which taxes, when collected, shall be paid to the treasurer of the said town, and be subject to the order of said common council.

Assessment
and collection
of taxes.

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

Duties of the
assessors.

46. *And be it enacted*, That the said assessors of the town of Harrison shall make their assessments before the twentieth day of June in each year hereafter, and shall meet annually on the last Tuesday of June in each year, and may from time to time adjourn if necessary, but not for a longer

Time of meet-
ing of board of
assessors.

period than fifteen days, and when so met, they shall constitute a board of assessors for the said town, and it shall then be their duty as such board of assessors to review the several assessments made by the said assessors, and to diminish, increase or alter any such assessments, in order that the assessment on property, whether real or personal in said town, may be made as just, and nearly equal as possible, which assessments, so revised and approved by the said board, shall be the assessments for the said town of Harrison, subject as heretofore to the action of the commissioners of appeals in case of taxation, and within ten days after their last meeting, they shall make a report of their assessments in all respects to the said common council.

Assessment of
taxes to re-
main a lien on
lands and real
estate.

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

Commission-
ers of appeal.

48. *And be it enacted*, That the commissioners of appeals in cases of taxation in and for the said town shall meet annually on the third Tuesday in September in each year hereafter, to perform the duties required of them by law, at which time the said assessors shall be present.

Assessments
to draw inter-
est if not paid
in specified
time.

49. *And be it enacted*, That such taxes shall bear interest at the rate of seven per centum per annum, from and after the twentieth day of October next after the assessment

thereof, until the twentieth day of December then next, and from and after that date they shall bear interest at the rate of twelve per centum per annum; and the said collector, within ten days after the twentieth day of December in each and every year, shall make out a list of the names of all persons who shall then be delinquents in the payment of such tax, and deliver the same to said police justice or to a justice of the peace in and for said county of Hudson, who immediately upon the receipt thereof shall administer to the collector returning the same, the oath prescribed by the act entitled "An Act concerning taxes," and issue his warrant, directed to the collector of arrears of taxes of the town of Harrison, containing a list of the names of the several persons and of the sums due from them respectively, either in figures or words, at length, as the same shall have been returned to him as aforesaid; and shall thereby command the said collector of arrears of taxes to cause the said several sums of money, with interest thereon as aforesaid, and all lawful costs and fees, to be levied and made of the goods and chattels of the several persons therein named, and from whom the same are due respectively, by selling the same by public auction, giving at least four days' notice of the time and place of such sale, by advertisements set up in five public places in said town; and in case the said collector of arrears of taxes cannot find sufficient goods and chattels of said persons whereof the tax or taxes due from them respectively, with all costs and fees, can be made, and in case there are no lands and real estate of said persons within the said town, then the said warrant shall further direct the said collector of arrears of taxes to take such further proceedings to be set forth in said warrant, as are mentioned in the said act entitled "An Act concerning taxes," which warrant the said police or other justice, before delivery thereof to said collector of arrears of taxes, shall record in his docket, and if said police justice or any justice of the peace of the said county of Hudson, shall neglect or refuse to perform any duty required of him by this act, he shall, for every such neglect or refusal, forfeit and pay the sum of fifty dollars, to be sued for and recovered, with costs, in the name and for the use of "The Town of Harrison," before any court of competent jurisdiction; and for performing the duties required of him by this act, the said justice shall receive such fees as other justices are entitled to by law for performing like services.

Collector to
make out list
of delinquent
tax payers.

Taxes to be
levied on
goods, &c.

Advertise-
ments to be
posted.

Penalties for
police justice
refusing to
perform duties

Collector of
arrears to exe-
cute warrants.

Make return
of persons
failing to pay.

Vacancy in of
fice of collec-
tor of arrears
of taxes, how
filled.

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

51. *And be it enacted*, That in case of a vacancy in the office of collector of arrears of taxes, by removal, death, or otherwise, the common council shall have power at any time to fill such vacancy; and any warrant in the hands of said collector of arrears of taxes, at the time any such vacancy occurs, may be executed in whole or in part, as the case may require, by his successor, and it shall be the duty of any collector of arrears of taxes, within twenty days after being removed from office, or the expiration of the term of his appointment, to make a full return of his proceedings, upon any warrant or warrants in his hands, to the justice or jus-

tices who issued the same, together with such warrant or warrants, and within the same time, to make and deliver to the common council of said town, a full return and statement of his proceedings thereon, including all the particulars mentioned in the preceding section.

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

Collector of
taxes liable for
amount of
taxes in war-
rant, &c.

53. *And be it enacted*, That if any tax shall remain unpaid after the twentieth day of December, it shall be the duty of the collector of arrears of taxes, to charge, collect and receive, in addition to the amount of said tax, interest thereon, to be computed at the rate of twelve per centum per annum from the said twentieth day of December, until the same is paid, and such interest shall be paid over by the said collector of arrears of taxes, to the treasurer of said town, in like manner and at the same time as he may be required to pay over to said treasurer all the taxes by him collected; and in case the said collector of arrears of taxes shall neglect to charge, collect, and receive such tax and interest, he shall be liable therefor, and may be proceeded against in an action of debt before any court of competent jurisdiction, for the collection thereof, unless he shall be unable to collect such tax and interest.

Unpaid taxes
to draw inter-
est.

Penalty for not
charging in-
terest.

54. *And be it enacted*, That if any tax or any part thereof, or interest which hereafter shall be levied, assessed or imposed upon any lands, tenements, hereditaments or real estate in said town of Harrison, or the interest thereon shall not be paid or satisfied before the twentieth day of December in each and every year, or if any assessment, or any part thereof, which hereafter shall be levied, assessed, imposed, or made upon any land, tenements, hereditaments or real estate in said town of Harrison, authorized by this act, or the interest thereon, shall not be paid or satisfied within the time limited

Failure to pay
tax council to
cause lands to
be sold at
public auction

for the payment thereof, by the seventy-fourth section of this act, then it shall and may be lawful for the common council to cause such lands, tenements, hereditaments or real estate to be sold at public auction for the shortest time, not exceeding fifty years, for which any person will agree to take the same, and pay such tax or assessment, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges and expenses, and to execute under the common seal of said town of Harrison, a declaration of such sale to be signed by the president of the common council and the town clerk, and to deliver the same to the purchaser; and said purchaser, his executors, administrators and assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements, hereditaments and real estate for his and their own proper use, against the owner or owners thereof, and all persons claiming under him or them, until said term shall be completed and ended; *provided*, the said common council shall first have caused said sale to be advertised for at least sixty days in at least one public newspaper generally circulated in said town, and also by advertisements put up in at least five public places in said town, which advertisements shall shortly describe the said lands, tenements or real estate, so that the same may be designated and understood, and specify the amount of assessment or tax; and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale; *and provided, also*, that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or persons interested therein, or by any other person or persons, for or in behalf of the owner, mortgagee or claimant of said lands, tenements or real estate at any time within two years after the sale for taxes or assessments, or for both, by paying to the treasurer of the town for the use of said purchaser, the purchase money, together with any other sum paid for tax or assessment which the said purchaser may have paid, chargeable on such lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon, at the rate of fifteen per centum per annum, in addition thereto; and the certificate of the treasurer of the town, stating the payments and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; any mortgagee shall have power to redeem at any time until the expiration of the six months' notice hereinafter specified; no mort-

Proviso.

Proviso.

gagee, whose mortgage shall have been duly recorded before sale for any tax or assessment shall be affected by such sale, unless six months' notice, in writing, shall have been given to him by the purchaser, or those claiming under him, either personally, or if not to be found in said town of Harrison, then by depositing such notice in the post office nearest to said town, directed to him at his last known place of residence, or at the post office nearest thereto; *and provided,* Proviso. the said term for which any lands, tenements or real estate so sold as aforesaid shall not commence, nor shall said purchaser, or those claiming under him, have a right of possession to said lands, tenements or real estate until the two years limited for redemption of the same shall have expired; and the said purchaser, or those claiming under him, shall, at the expiration of the time limited in such declaration of sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural wear and accidents excepted; *provided, also,* Proviso. that the said sale may be adjourned or postponed from time to time, or suspended, as the common council may direct; *and provided,* Proviso. that if at any sale of lands, tenements or real estate for assessments or taxes the whole, or any part thereof, shall remain unsold for the want of purchasers, then it shall be lawful for the said town to purchase the said lands, tenements or real estate for the benefit of the town, subject to the same redemption as hereinbefore provided for; *provided, also,* Proviso. that all moneys paid for the redemption of said lands, tenements or real estate as aforesaid, together with such taxes and assessments paid by any mortgagee, shall be a lien upon said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum, and such lien shall have the precedence over all other liens on said lands, tenements or real estate, and on foreclosure of any mortgage, by such mortgagee redeeming, shall be directed to be made out of the said lands, and on sale of said lands under any such foreclosure, shall be paid out of the proceeds of the sale; *provided further,* Proviso. that a complete record of all taxes and assessments shall be kept in the town clerk's office, which record shall contain the time when such assessments and taxes were laid, the time when they were paid, and, if the property has been sold therefor, the time of sale and to whom sold, and if redeemed, when and by whom; it shall also be the duty of the town clerk to record in a book to be called "Re-

cord of Sales," all declarations of sales, and to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given, shall be redeemed, on certificate of the town treasurer of such redemption, and to file such certificate in the said clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming, and one to be filed in the said clerk's office, and for performing such duties, the said clerk shall be entitled to the following fees: for making said search, such pay as the clerk or register of the county of Hudson, may be entitled to by law for making searches in his office; for recording declarations of sale, fifty cents; for canceling each declaration, twenty-five cents; for filing each certificate and other paper connected with said sale or redemption, ten cents.

Provisions of
act to apply
when town
becomes pur-
chaser

55. *And be it enacted*, That if the said town become the purchaser of any lands, tenements or real estate, at any sale authorized by this act, the certificate of sale shall be assignable, and all the provisions of this act shall apply to the town as to any other purchaser.

State and
county tax, to
whom paid.

56. *And be it enacted*, That all state and county taxes shall be assessed and collected by the assessors and collector of said town, and shall be paid over by the town collector to the county collector, in the like manner and under like penalties as township collectors are directed by law.

May pass ordi-
nances.

57. *And be it enacted*, That it shall be lawful for said common council, whenever in their opinion the public good requires it by ordinance:

To lay out,
open, &c.,
streets.

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

To make a
plan of sewer-
age and drain-
age.

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

III. To order and cause any street, or section of a street,

to be graded, graveled, paved, flagged, macadamized or otherwise improved or regulated, in such manner as they may deem advisable, under the supervision and direction of the street commissioner or such other officer as said common council may appoint for that purpose, at the expense of the owners of lands and real estate on the line of said street or section of a street.

To pave,
grade or im-
prove streets.

58. *And be it enacted*, That no ordinance shall be introduced or presented to the common council for making any improvement or performing any work under and by virtue of the provisions of the last preceding section of this act, or either of the sub divisions thereof, unless a petition therefor, signed by the owners of a majority of the lineal frontage of the lands to be affected thereby, be first presented to said common council, and not until public notice shall be given of the intention of the common council to cause such improvement to be made, or such work to be done and performed; and to that end it shall be the duty of the town clerk, by direction of the common council, to give notice in one or more daily newspapers generally circulated in said town, of the intention of the common council to cause such improvement to be made or such work to be done and performed, briefly describing such work or improvement, and requesting such persons as may object thereto to present their objections in writing at the office of the town clerk on or before the expiration of twenty days from the date of such notice, and at any time thereafter the common council may proceed to consider such ordinance as aforesaid; but if on or before the expiration of the said twenty days a remonstrance signed by two-thirds of the owners of property on the line, representing at least half of the lineal frontage of the street proposed to be improved, protesting against said improvement shall be filed with the town clerk, the council shall not continue but shall cease further action under such notice of intention.

No ordinance
to be intro-
duced for im-
provements
unless peti-
tioned for by
majority of
owners of
lineal feet.

Notice to be
given of in-
tended im-
provement.

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

Improvement
may be order-
ed by resolu-
tion when or-
dinance has
been passed.

Ordinances for
laying out
streets, &c.

60. *And be it enacted*, That whenever the common council shall determine by ordinance to lay out and open any street, road, highway or alley, public square or park, within said town, or to alter, widen or straighten any street, road, highway or alley, or to make any sewer or drain in any part of said town, and to take and appropriate for such purpose any lands and real estate, they are hereby authorized to treat with the owner or owners thereof for the same, and for the purpose expressed in such ordinance, they may purchase such lands and real estate of the owners thereof, and make such a compensation therefor as they shall judge reasonable; and thereupon shall receive from such owner or owners a conveyance of such lands and real estate to the town; and such compensation shall constitute a part of the whole amount of costs, damages and expenses to be assessed under, and in pursuance of the provisions contained in the sixty-sixth section of this act.

Proceedings in
case of non-
agreement be-
tween owners
and council.

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

Commission-
ers to take and
subscribe
oath.

62. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall severally take and subscribe an oath or affirmation, before the town clerk, to make the said estimate and assess-

ment fairly and impartially, according to the best of their skill and judgment.

63. *And be it enacted*, That the said commissioners shall give public notice of the time and place of their first meeting, at least ten days before the time thereof, by advertisements set up in five of the most public places in said town; and the said commissioners, or a majority of them, when met, shall have power to examine witnesses under oath, to be administered by any one of them, to enter upon and view the premises if they shall deem it necessary, and to adjourn from time to time; and shall make a just and true estimate and assessment as aforesaid, and make and sign a certificate of such estimate and assessment, and file the same with the town clerk; and the same being ratified by the common council, shall be binding and conclusive upon the owner or owners of any such lands and real estate; and the said commissioners shall cause the same to be converted and used for the purpose aforesaid; *provided*, that any person or persons conceiving himself, herself or themselves aggrieved by the proceedings of the said common council or of the said commissioners, may appeal therefrom to the circuit court of the said county of Hudson, within sixty days from the time of making the final order of the common council; and the said 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.

Notice of meeting of commissioners to be given by advertisement.

Report, when ratified and adopted, binding.

Proviso.

64. *And be it enacted*, That in case of non-payment by said town on demand of any damages estimated and assessed as aforesaid, with interest from the date of the assessment made, by the person or persons entitled thereto, if no appeal to the circuit court as aforesaid be made, the person or persons entitled thereto may sue for and recover the same from the said town of Harrison in an action of debt, with costs, in any court having cognizance thereof; and the proceedings of the said commissioners and common council or the award of said jury, as the case may be, shall be conclusive evidence against the defendants.

Actions of debt against town may be brought for damages assessed.

65. *And be it enacted*, That the treasurer shall, under the direction of the common council, tender and pay to the owner or owners of such lands and real state, if resident in the said town, the amount of such estimate and assessment of damages due to him or them; but if any such owner is not a resident in the town, or upon due inquiry cannot be found therein, or

Treasurer to pay or tender to owner amount of damages assessed.

Refusal to receive the same

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

Costs, damages and expenses of laying out and opening streets, &c., to be assessed on owners of lands.

66. *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 town, the common council shall ascertain the whole amount of such costs, damages, and expenses, and shall cause to be made a just and equitable assessment thereof, upon the owners of all the lands and real estate intended to be benefited thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; 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 town, the common council shall ascertain the whole amount of such costs, damages, and expenses, and shall cause to be made a just and equitable assessment thereof, either in whole or in part, upon the owners of all the lands and real estate benefited thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire, and in case a part only of such amount shall be assessed upon such owners, then the balance of the whole amount of such costs, damages, and expenses shall be assessed upon and paid by the town of Harrison.

Commissioners to be appointed to make assessments

67. *And be it enacted*, That the common council shall appoint three disinterested freeholders of said town, commissioners to make any such assessments, unless, in the acts and proceedings of the said common council, for the purpose of carrying out such improvement or work, commissioners shall have been appointed to make an estimate and assessment of the damages sustained by any owner or owners for lands and real estate taken and appropriated for such improvement or work, as authorized in the sixty-first section of this act, in which case the same commissioners appointed as aforesaid,

shall be the commissioners to make the assessment of the whole amount of the costs, damages, and expenses of such improvement or work in the manner herein required.

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

69. *And be it enacted*, That the said commissioners shall make a report, by a certificate, in writing, of the assessment so made, and before proceeding to sign the same, shall place the said report in the office of the town clerk, for examination by the parties interested therein, and shall give notice for ten days successively, by posting advertisements in five of the most public places in said town, 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 said common council. Commissioners to make report.

70. *And be it enacted*, That the whole amount of the costs and expenses of regulating, grading, and paving any street or section of a street, or grading, graveling, flagging, macadamizing, or otherwise improving any street or section of a street, shall be assessed upon the owners of lands and real estate upon the line of said street or section of a street; and whenever such improvement shall have been made under the provisions of this act, the common council shall ascertain the whole amount of the costs and expenses of such improvement in any street or section of a street, and shall cause to be made a just and equitable assessment thereof upon the owners of lands and real estate on the line of said street or section of a street, by the said commissioners; *provided*, that the provisions of this section shall not be construed to apply to necessary repairs to any street, road, highway or alley; *provided also*, that after any street or section of a street, shall be once entirely paved or macadamized at the expense of the owners of property as aforesaid, the common council shall take charge of and keep the same in repair without further direct assessment on the property of such street or section of a street. Costs and expenses of paving streets to be assessed on lands. Proviso. Proviso.

Report of assessment to be made.

Proceedings in case of objection to report.

Council may return or ratify report.

Vacancies in commissioners, how filled

Certificate, when ratified, to be delivered to treasurer.

Notice of payment to be published.

71. *And be it enacted*, That every certificate or report of assessment made as aforesaid under the provisions of this act, and presented to the common council, shall be referred by them to the proper committee for consideration, and in case of any objections in writing being returned with such report, the said committee shall publish a notice by posting the same at five of the most public places in said town, for ten days successively, to the parties interested, of the time and place and when and where they will meet to hear them on the objections and report; the said committee shall thereupon examine the matter and report to the common council, and return to them the said report of the said commissioners, with the objections of the parties, together with the views and opinions of the said committee respecting the said report.

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

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

74. *And be it enacted*, That whenever any certificate of assessment as aforesaid shall be ratified by the common council, such certificate shall be delivered to the treasurer, and on the receipt by him of such certificate as aforesaid, the treasurer shall prepare an abstract of such assessments and enter the same in a book to be kept for that purpose, and shall give notice for ten days successively, by posting the same in five of the most public places in said town, stating in general terms the streets or sections of streets, comprised in such assessment, and requiring the owners of land and real estate assessed in such certificate to pay the amount to him at his office within sixty days from the first publication of the notice, and from and after the expiration of the said sixty days every such assessment so ratified as aforesaid by said common council shall be payable, with in-

terest thereon, at the rate of seven per centum per annum, until the same be paid, and such interest shall be collected thereon by the same means as, and as part of the assessment, and the same shall, to all intents and purposes, be deemed and held to be part of the assessment, and as such, a lien upon the lands and real estate in respect whereof the assessment is made.

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

Actions for collection of assessments.

Persons aggrieved may appeal.

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

Act not to affect any agreement between owners and tenants.

agreement to the contrary; the owner or owners of the land and real estate upon which such tax or assessment shall have been imposed or may be a lien, and not the occupant or tenant, shall be deemed the person or persons who in law ought to bear and pay such tax or assessment.

Portion of costs, damages and expenses for altering or widening any street to be assessed on railroad company when used by same.

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

Surveys to be made and filed of streets opened.

78. *And be it enacted*, That it shall be lawful for the common council, whenever they shall deem it expedient, to cause surveys to be made, and the same to be filed in the office of the clerk of the county of Hudson, and recorded in the book of record of roads and highways for the said county, of such streets, roads, highways and alleys, as they may think proper, which heretofore have been, or at any time hereafter may be opened by the owner or owners of any land over which the same runs, and which have been by such owner or owners dedicated to the public by permitting the public to use the same, and by selling lots fronting thereon; and all such streets, roads, highways and alleys, when surveyed and such surveys filed and recorded as aforesaid, shall be deemed and taken to be public streets or highways, and shall be made, maintained and treated as such in all respects.

When streets considered public highways.

79. *And be it enacted*, That no street, road, highway or alley, laid out and opened within said town since the first day of January, one thousand eight hundred and sixty-nine, or hereafter to be laid out and opened, shall be recognized, considered or treated as a public street, road, highway or alley,

unless the same has been or shall be laid out and opened under the direction of the common council, or has been or shall be surveyed, and such survey filed and recorded as aforesaid.

80. *And be it enacted*, That whereas there are several roads, highways and streets within the said town, the lines of which have not been and cannot be certainly ascertained by reason of the indefinite surveys, and deficient plots and maps thereof, for the better fixing upon and settling the lines and courses of said streets, roads and highways, the common council of said town shall and may appoint from time to time four disinterested freeholders of said town as commissioners, who shall constitute a commission to run, mark, lay out and designate the lines and courses of any such streets, roads or highways, as are not and have not been ascertained and clearly designated, which said commission shall have full power and authority to run, mark, lay out and designate the lines and courses of any such streets, roads or highways within said town, and shall make a full and clear map and profile of said streets, roads or highways, or such part thereof as they shall run, mark and lay out, designating by some notable and prominent marks or monuments, the beginning and endings of said street or part thereof, as aforesaid, which said maps or profile, certified under the hands of said commissioners, or a majority of them, shall be recorded in the office of the town clerk, which said record or original map or profile so filed as aforesaid shall be full evidence of the streets, roads or highways, or part thereof, as the case may be, and of its lines and courses, and the said commissioners shall receive for their services such compensation as shall be made and granted by the said common council.

Council may appoint commissioners to ascertain lines of streets.

Map and profile to be made

81. *And be it enacted*, That whenever any certificate of assessment as aforesaid shall be ratified by the common council, and such certificate shall be delivered to the treasurer, and the abstract of such assessment entered in the book to be kept for that purpose, and the notice given of such assessment as required by this act, it shall and may be lawful for any of the owners of the land or real estate so assessed, and to whom such notice is given, to enter into a bond to said town, conditioned for the payment of such assessment in five years from the time of the expiration of said sixty days' notice, in payments of twenty per centum per annum, with interest from the time of the expiration of said sixty days' no-

Owners of land may give bonds to town for payment of assessments

tice upon the amount of said assessment, at any time remaining unpaid, at the rate of seven per centum per annum, payable semi-annually; in which case it shall not be lawful for the said town to sell the land or real estate of such owners entering into such bond for the payment of such assessment, unless failure be made in the payment of such assessment, according to the condition of said bond; and in case such failure be made, the said town may either sue said bond or sell said land and real estate, the same as though said bond had not been given, and the amount realized by such suit or sale shall be placed to the credit of said town, or paid over to the holder or assignee of said bond, or to the legal representatives of such holder or assignees.

Council may
borrow money
in anticipation
of taxes.

82. *And be it enacted*, That in all cases where the common council are authorized to make or levy an assessment for any improvement under this act, they shall be authorized to borrow the amount of any such assessment, or any portion thereof, in anticipation of the collection of said assessment, to be expended only in payment of such improvement or loans for the payment thereof, and for that purpose to issue the bonds of the town, to be called "Improvement Bonds of the Town of Harrison," payable in six years from the date thereof, with interest at the rate of seven per centum per annum.

No person in-
competent to
act as juror,
&c.

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

Duties of the
judges of elec-
tion.

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

No council-
man to hold
other office or
be interested
in contracts.

85. *And be it enacted*, That no member of the common council shall, during the period for which he was elected, be appointed to or be competent to hold any office, the salary or emoluments of which are paid from the treasury of said

town, nor shall any councilman hereafter to be elected be competent to hold the office of school trustee, or of police justice of said town, but upon being qualified and entering upon the discharge of his duties as a member of the common council, such office of school trustee or police justice, if held by him, shall thereby become vacant and may be filled according to law; and no member of the common council shall be directly or indirectly interested in any contract as principal, surety or otherwise, the expense or consideration of which is paid from the treasury of said town.

86. *And be it enacted*, That the president of the common council, the chairman of the finance committee, the treasurer of the town, for the time being, and two commissioners to be appointed by the common council, shall constitute and form, and be denominated "The Commissioners of the Sinking Fund of the Town of Harrison."

87. *And be it enacted*, That there shall annually be assessed, levied and raised by taxation in said town, in the same manner in which other taxes for town purposes are assessed, levied and raised, an amount equal to four per centum of the bonds and other evidences of debt made and issued by the said town, except in anticipation of taxes and assessment as provided by this act, which amount is hereby pledged, appropriated to, and shall constitute and form a fund to be called the "Sinking Fund of the Town of Harrison;" and said money thus raised, shall from time to time, as the same is received by the treasurer, be paid over by him to the said commissioners, and invested by them in some safe and responsible institution for savings in the city of Newark, to be designated by said common council, and only used by the said commissioners for the payment of the said bonds or other evidences of debt, except such as may be given in anticipation of taxes and assessments as aforesaid, as the same severally fall due, and no sooner, except by the order of the said common council; and all interest accruing on such fund shall be regularly credited thereto for the redemption of the said bonds and other evidences of indebtedness except as aforesaid.

88. *And be it enacted*, That the amount to be raised by taxation referred to in the last preceding section, shall be a lien upon the lands and real estate on which the same is levied or assessed, and if unpaid may be collected by suit or sale of such land and real estate in the same manner as is

provided by this act or any of the provisions thereof relative to any unpaid tax or assessment.

Commissioners of sinking fund to make report.

89. *And be it enacted*, That the said commissioners shall have the full management and control of the said sinking fund, subject to any ordinance passed by the said common council prescribing and defining their duties as such commissioners; the said commissioners shall annually make a full and detailed report in all respects, of the state of said fund to the said common council at their first meeting in the month of January, or at such other time as the said common council may direct.

Bonds, when due and payable.

90. *And be it enacted*, That in case the said commissioners shall ascertain at any time before the maturity of the bonds or other evidences of indebtedness, for which the said sinking fund is pledged, that the amount thereof will enable them to pay said bonds or other evidences of indebtedness for which said fund is pledged, with the interest thereon, they shall immediately report the same to the said common council, who shall thereupon cease to levy the tax for such sinking fund, and the said commissioners shall immediately call in said bonds or other evidences of indebtedness for which said sinking fund is pledged, and pay off and cancel the same; if after the payment of said bonds or evidences of indebtedness, whenever such payment shall be made, any balance of said sinking fund shall remain on hand, the same shall be paid by said commissioners to the town treasurer, for the purposes of said town.

Vacancies in commissioners of sinking fund, how filled.

91. *And be it enacted*, That in case of the death, resignation or inability to serve from any other cause, of either or both of the said two commissioners of the sinking fund, to be appointed by said common council, the said common council shall have full power and lawful authority to appoint other commissioner or commissioners, as the case may be.

Town of Harrison made one school district.

92. *And be it enacted*, That the said town of Harrison shall be consolidated into one school district, and that the said school district shall possess all the powers and privileges, and be subject to all the penalties mentioned and set forth in the act of the legislature of the state of New Jersey entitled "An Act to establish a system of public instruction," approved March twenty first, eighteen hundred and sixty-seven, and the several supplements thereto, so far as may be compatible with the provisions of this act.

93. *And be it enacted*, That the present school trustees

elected in said town of Harrison, and such school trustees as shall hereafter be elected in said town of Harrison, in accordance with the provisions of this act, shall constitute and be called "The Board of Education of the Town of Harrison," and shall become and be a body corporate and politic, in fact and in name, by the name of "The Board of Education of the Town of Harrison," and by that name, they and their successors, forever, shall and may have perpetual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in any court of law or equity, and that they and their successors may have a common seal and alter the same at their pleasure.

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

95. *And be it enacted*, That the board of education shall prepare and transmit to the common council of the said town of Harrison, on or before the last meeting of said council in the month of May of each year, an estimate of the amount of moneys necessary for the support of public schools in said town, during the year; which estimate shall specify particularly, under the several heads of erection and repairs of school houses, salaries of teachers, school books, school furniture, and school libraries, stoves and fuel, and incidental expenses, as nearly as may be, the several sums required by each branch of expenditure; and the said common council shall determine by resolution the amount of moneys to be appropriated to public schools during the year, including there-in the quota of said town of Harrison of the annual appropriation, made by the state for the support of public schools; and the said common council are hereby empowered to

raise by tax such sum or sums of money for the support of public schools in said town of Harrison, as they may deem expedient and necessary, and all moneys so raised and appropriated shall be expended by the said board of education for the support of public schools in said town of Harrison, according to the provisions of this act.

Board of education to erect school houses.

96. *And be it enacted*, That the board of education shall take charge of the erection of any public school house or houses in the said town of Harrison, and of the same after being erected, and shall cause all necessary repairs to be made to the same and said board is also empowered to establish public schools of different grades, adapted to the age and progress of the pupils, including evening schools; to select and employ teachers; to provide school books, school furniture and school libraries for the schools; to purchase stoves and fuel, and incur such incidental expenses for the maintenance of the said school or schools as may be necessary; and to adopt rules and regulations for the admission of pupils, the visitation and instruction of the schools, and the government and studies to be pursued therein; and the said board of education, with the concurrence of the common council of said town of Harrison, are further empowered to purchase real estate for school purposes, and to erect a school house or school houses thereon, for the use of the public school or schools; and the real estate so purchased as aforesaid shall be vested in the said, "The Board of Education of the Town of Harrison; *provided, nevertheless*, that the said board shall at no time make or incur any expenditure exceeding the amount appropriated by the common council of said town of Harrison for school purposes; and that all moneys so appropriated shall be expended by the said board in compliance with the laws of this state.

May purchase real estate.

Proviso.

Board to prepare and make annual report.

97. *And be it enacted*, That the board of education shall, at the close of each fiscal year, prepare a report embracing the number of schools under their charge, specifying their grades, the number and names of the teachers, the number of pupils on the roll, and the average attendance in each school, the annual cost of each and every school, and a full and true account of the expenditures of said board during the year, under the respective heads of erection and repairs of school houses, salaries of teachers, school books, school furniture and school libraries, stoves and fuel, and incidental expenses; and shall transmit the said annual report to the said

common council, and a copy thereof to the state superintendent of common schools; and the said board shall give such other information to the common council in relation to the public schools as the said common council shall, by resolution, require, and shall also notify the said common council of any vacancy which may occur in the said board of education.

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

Board to appoint superintendent and other officers.

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

Treasurer to pay all money for school purposes.

100. *And be it enacted*, That it shall be the duty of the assessors of the said town, and they are hereby authorized and required to make out a list of the children capable of attending school, between the ages of five and eighteen years, within said town, specifying the age of each child in years, together with the names of the parents or guardians of such children, and to transmit the same under proper certificate on or before the first day of August, annually, to the said board of education, and the number of children in said list shall be duly certified by the said board to the county superintendent of the county of Hudson, on or before the first day of September next succeeding the return of said lists as aforesaid;

Assessors to make list of school children.

and the quota of the town of Harrison, in the apportionment of the moneys appropriated by law to public schools in this state, shall be determined by the number of children contained in said lists, in like manner as if the same had been duly ascertained and transmitted according to the provisions of an act entitled "An Act to establish a system of public instruction," approved March twenty-first, eighteen hundred and sixty-seven, and the supplements thereto.

Annual appropriation for public schools

101. *And be it enacted*, That the town of Harrison shall be entitled to its just quota of the annual appropriation made by the state for the support of public schools, to be ascertained according to law, which shall, from time to time, be paid to the treasurer of said town, to be expended for the support of public schools in said town, according to the provisions of this act.

Board of education to make and issue bonds.

102. *And be it enacted*, That it shall and may be lawful for the said board of education to make and execute, in the corporate name of said board of education, and to deliver bonds to the purchaser or purchasers thereof, for the payment of money in sums not less than one hundred dollars each, to an amount in the aggregate not exceeding the sum of fifteen thousand dollars, and payable not more than twenty-five years from the date thereof, with interest at seven per centum per annum, payable semi-annually, and containing a condition for the payment by the said board of education of all taxes which may be assessed, levied or imposed upon the money mentioned in and intended to be secured by the said bonds, until the principal thereof shall be paid; and it shall and may be lawful for the said board of education to negotiate for the sale of said bonds, and to secure the payment thereof by a mortgage or mortgages, executed by said board of education of and upon any school-house or school-houses, and the lot or lots thereto attached, situate within the bounds of the said school district, and the proceeds of the said bonds shall be used and appropriated exclusively by the said board of education for the purpose of purchasing a lot or lots in the said school district, and erecting thereon a school-house or school-houses, and furnishing the same for the educational purposes of said school district.

Proceeds, how applied.

Special tax.

103. *And be it enacted*, That to provide for the yearly payment of said bonds, and all the interest accruing upon the same, the said board of education shall, on or before the twentieth day of April in each and every year hereafter,

until the whole principal of said bonds and interest shall be paid, certity under the hands of the president and secretary of said board, by resolution, to the assessors of taxes for the said town of Harrison, the amount which will be necessary to pay the interest due on said bonds, and also the amount of the principal of said bonds falling due during the ensuing year, which sum the said assessors are hereby authorized and required, when making their annual assessment of taxes, to assess as a special tax upon the personal property of the inhabitants of said school district, and upon the real estate situate within said district, in the same manner as other town taxes are or shall be assessed, which special tax shall be collected at the same time by the same officer, and in the same manner as other town taxes are or shall be collected in said town, and said special tax shall be separately accounted for and paid over as soon as may be by said collecting officer to the treasurer of said town, who shall place the same to the credit of said board of education, by whom the same may be drawn for the payment of said bonds as they fall due, and of the interest becoming due thereon, and for no other purpose whatever.

104. *And be it enacted*, That the said tax mentioned in the last section shall be a lien upon the lands and real estate upon which the same is levied and assessed, shall bear the same interest, be payable at the same time, and shall and may be collected by suit, or otherwise, in the same manner in which all other unpaid taxes in said town are liens, bear interest, are made payable and may be collected.

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

106. *And be it enacted*, That N. Norris Halsted, William H. McClave and Jerome B. Ward, shall be, and they are hereby appointed commissioners to ascertain the just proportion of debts now owing by the township of Kearney, if any

there be, which ought to be paid by the said "The Town of Harrison," in proportion to the amount of taxable property and ratables which may be taken from the said township of Kearney, and incorporated within the bounds of the said town of Harrison, according to the provisions of this act; said commissioners shall meet on the second Wednesday in April next, at ten o'clock in the forenoon, at such place as they or a majority of them may designate, in the said town of Harrison, and may adjourn from time to time, as the majority may direct; should any of said commissioners die, neglect, or refuse to meet as aforesaid, the other commissioners may fill the vacancy thus occurring, by the appointment of a suitable person, who shall be a citizen of the same place as was the commissioner whose vacancy is thus to be filled; the decision of said commissioners, or of a majority of them, shall be final and conclusive; and the said common council shall pay such proportion of the said debt of Kearney township, and the interest thereof, as may be determined by said commissioners, or a majority of them, as aforesaid, at the time or times when the same shall become and be due and payable.

Time of meeting.

Vacancies, how filled.

Commissioners to make determination &c.

Paupers.

Act not to take effect until ratified by majority of voters.

107. *And be it enacted*, That the said commissioners, whenever and so soon as they shall have made their determination as to the said amount of debts to be paid by the said "The Town of Harrison," shall reduce such determination to writing, and they, or a majority of them, shall sign the same, and deliver the same in duplicate, one to the said clerk of the town of Harrison, and one to the clerk of the township of Kearney.

108. *And be it enacted*, That any pauper, who shall have acquired a settlement within that part of the township of Kearney, which, by this act, shall be annexed to the said "The Town of Harrison," shall be and become chargeable to the said "The Town of Harrison."

109. *And be it enacted*, That this act shall not take effect until it is submitted to a vote of the people in said township at an election to be called for that purpose to be held at the usual place or places of holding elections therein, and be ratified by a majority of the electors voting at such election, those voting for said charter shall vote "for charter," and those opposed "against charter," and shall be deemed and taken to be a public act, and the legislature may at any time

alter, modify or repeal the same, and that said election shall be held on the second Tuesday in May next.

Approved April 4, 1872.

CHAPTER DXCIV.

A Supplement to an act entitled "An Act to revise and amend the charter of the city of Elizabeth," approved March fourth, anno domini eighteen hundred and sixty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the city printing shall be printed in the Elizabeth Daily Journal, the Elizabeth Daily Herald, the Elizabeth Daily Monitor, and The Freie Presse, a newspaper printed and published in the city of Elizabeth in the German language, and in no other newspaper, and said printing shall be printed at the legal rates at the expense of said city. City printing.

2. *And be it enacted*, That all acts and parts of acts in- Repealer. consistent with the provisions of this act, be and the same are hereby repealed.

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

Approved April 4, 1872.

CHAPTER DXCV.

An Act to repeal an act entitled "A Supplement to an act entitled 'An Act to re-organize the local government of Jersey City,' " passed March thirty-first, eighteen hundred and seventy-one, which said supplement was approved April sixth, eighteen hundred and seventy-one.

Repealer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement approved April sixth, eighteen hundred and seventy-one, entitled "A Supplement to an act entitled 'An Act to re-organize the local government of Jersey City,' " passed March thirty-first, eighteen hundred and seventy-one, be and the same is hereby repealed.

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

Approved April 4, 1872.

CHAPTER DXCVI.

An Act to cede to the Mayor and Common Council of Jersey City certain lands of the state now and heretofore under the tide waters of Communipaw Bay, and to establish a tide water basin adjacent thereto.

Preamble. WHEREAS, the riparian commissioners of the state of New Jersey, in their reports for the years eighteen hundred and seventy-one and seventy two, have called the attention of the legislature to the fact that Jersey City is without public docks, and have recommended that a part of the large basin, laid out by the commissioners in eighteen

hundred and sixty-four, be conveyed to the mayor and aldermen of Jersey City for public uses; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said state doth hereby grant, to the mayor and aldermen of Jersey City, in fee simple, so much and such parts of the lands which are now under tide-water, or were heretofore under tide-water of said Communipaw bay, commencing at a point in the centre of Van Vorst street, if extended southerly, and distant thirteen hundred feet southerly from the southerly line of Grand street, Jersey City, and from thence running westerly, and parallel with Grand street, one thousand and ninety feet; thence northerly, at right angles with Grand street, eight hundred and ten feet to the centre of Morris street, if extended westerly; thence easterly, and parallel with Grand street, to the present high water mark, on the southwesterly side of the Morris canal; thence southeasterly along said high water mark to the centre of Van Vorst street; thence southerly through the centre of Van Vorst street, if extended southerly, to the place of beginning.

Grant by the state to Jersey City, and boundaries.

2. *And be it enacted*, That the said mayor and aldermen, by their appropriate board, shall have full control and regulation of the basin and wharves and land conveyed to them: and they shall be and are hereby required to improve the same with all convenient despatch in such manner that, at least, one third of the area of said lands shall be flowed by the tide water and made navigable for such vessels as the citizens or inhabitants of said city, or persons doing business therein, may, under the control and regulation of said board, desire to use said basin.

Mayor and aldermen to control and improve wharves.

3. *And be it enacted*, That for the title hereby conveyed the said city shall pay into the treasury of the state, or give to this state, a bond for such sum of money, and on such terms as to payment and interest as the board of riparian commissioners shall, under all the circumstances of the case, and taking into consideration the public purposes to which said lands are to be applied, fix and determine as a proper and equitable compensation to the state for such title, and until the giving of such bond, or the payment of such money, said city shall not enter on said lands; *provided*, nothing in this act contained shall prejudice or impair the rights of the shore owners to said lands.

Riparian commissioners to determine compensation

Proviso.

4. *And be it enacted*, That the said city may fill up, reclaim

City may fill up, reclaim wharves, and charge dockage.
 Proviso.

and make wharves, of not exceeding two-thirds of the area of said lands, and may charge dockage and wharfage for the use of said basin and wharves; *provided*, said charges are reasonable, or they may lease the whole or any part of the said lands for a term of years, to be improved in the manner prescribed in this section.

Tide water basin, boundaries.

5. *And be it enacted*, That there shall be established adjacent to the lands hereinbefore described and granted a tide water basin, embracing all that tract of land under water described as follows: commencing at a point on the easterly line of Warren street if produced southerly, distant eighteen hundred feet southerly from the southerly line of Grand street, Jersey City, which point is at the southwesterly corner of the grant made to the Morris Canal and Banking Company; and from thence running westerly and parallel with Grand street twenty-eight hundred feet; thence northerly at right angles with Grand street five hundred feet; thence easterly and parallel with Grand street twenty-eight hundred feet, to the easterly line of Warren street; thence southerly along said easterly line of Warren street extended southerly five hundred feet to the place of beginning; that the above tide-water basin in this act described shall be and remain and the same is hereby dedicated as and for a tide-water basin; and owners of any land which shall adjoin the said tide-water basin, their successors, heirs and assigns, may charge wharfage, dockage and other charges incident to the use of wharves; and it is hereby declared that this provision shall have the effect of a contract, so that the said tide-water basin shall be and remain such forever; but so that the said tide-water basin shall be dredged and kept in order without expense to the state.

Owners of land adjoining may charge dockage.

Commissioners to make and file description and map of lands.

6. *And be it enacted*, That the board of riparian commissioners shall reduce to writing a description of so much and such parts of said lands as aforesaid, and file a map and description in the office of the secretary of state of this state, and duplicates of said map and description in the office of the clerk of the county of Hudson, authenticating the same in such case by their signatures, and reciting such parts of the act as shall indicate their authority and the purpose and object of said map and description, and said map and description or duly certified copies thereof shall be full and plenary evidence of the title under this act of the city to the lands so

described and granted, to the mayor and aldermen of Jersey City, by the first section of this act.

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

Approved April 4, 1872.

CHAPTER DXCVII.

An Act to incorporate the Hughesville Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Caleb H. Valentine, Edward H. Bird, Valentine Mutchler, Robert Rusling, John L. Reigel, William Sweeney, Henry G. Hughes, Abraham S. Hewitt, and such other persons as may be hereafter associated with them, 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 Hughesville Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the object of this incorporation.

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

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 ten per centum shall be paid for each share subscribed for to the commissioners, or some one of them; and as soon as twenty-five thousand dollars of the capital stock shall be subscribed,

such commissioners shall give like notice for a meeting of the stockholders, to choose not less than nine directors, a majority of whom shall be residents of this state, and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting all expenses previously incurred by 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 the corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such powers and functions as the by laws of the said corporation shall provide.

Election of directors.

Vacancies, how filled.

Failure to elect directors not to dissolve

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

Failure to pay installments to forfeit shares.

5. *And be it enacted*, That five directors of 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 installments, and at such times, as they may direct, by notice published in at least one of the newspapers published in said county, for a term of not less than three weeks; and in case of non-payment of said installments, or any one of them, to forfeit the share or shares

upon which such default shall arise; and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation; and also shall have power to appoint such officers, clerks and servants, as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

6. *And be it enacted*, That the president and directors of the said company be, and are authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from or near Bloomsbury or Springtown, in the county of Hunterdon, to a point on the river Delaware, in or near the town of Reigelsville, in Warren county, as may be deemed advisable; and also to construct or to contract with other parties for the construction of a bridge, ferry or other convenient means of crossing the river Delaware, by and with the consent of the state of Pennsylvania, but so as not to obstruct the navigation of said river, and also to construct such branches or lateral roads, not exceeding each five miles in length, as may be necessary or desirable to afford access to any mines, furnaces or factories in the vicinity; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents and others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, leveling or laying out the said route or routes of such railroad and branches, and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other works necessary, to lay rails, and to do all other things which shall be suitable or necessary for the completion or repairs of the said road, subject to such compensation as is hereinafter provided; *provided*, that the said road shall not exceed one hundred feet in width, except in such places where, from the depth of the excavations, or the height of the embankment, it is ne-

Empowered
to construct a
railroad.

May enter on
lands.

Proviso.

cessary to take more land for the slope and protection of the side banks of the said railroad, in which case so much land as will be necessary for the purpose, and no more, shall be taken, with as many set of tracks and rails as the company may deem necessary; *and provided always*, that the payment or tender of payment of all damages, for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of said land be first had and obtained.

Proviso.

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

7. *And be it enacted*, That when the said company, or its agents, cannot agree with the owner or owners of such required land or materials for the use or purchase thereof, or when by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of said company in the construction of said road and branches shall be given in writing, under the oath or affirmation of some engineers or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known, and in this state, or if unknown and out of this state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county in which the land or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said land or materials, and to assess the damages upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein not less than ten days; and it shall be the duty of the 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, 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 material and damages aforesaid, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointment and oath or affirmation aforesaid in the clerk's office in the county in which the lands or materials are situate, to remain of record therein, which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use occupy, possess and enjoy the said lands or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the supreme court shall, upon application of either party, and 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 or right, which shall be paid by the company; *provided always*, that should the said company, or the owner or owners of any of the land or materials feel himself, herself or themselves aggrieved by the decision of the commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said land or material may lie.

Report to be
made and
filed.

Proviso.

8. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section, shall be made in writing, and in form of petition to said court, and filed with the clerk of said circuit court of the county wherein the land or materials appraised by the said commissioners shall be, and a 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

Proceedings
case of ap-
peal.

power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy, to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried in 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 said land or materials, and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered or the said commissioners shall have awarded, then the cost to be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land upon filing the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons, for the purpose of actually constructing said railroad, or of making any erection or improvements whatever, or otherwise appropriating said lands to the use of said company, until they have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners as the value of such lands or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the parties or party 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 the state, or under any legal disability, then the payment of the amount assessed or found as aforesaid, into the circuit court of the county where the said lands lie, shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being barred thereby from his or their appeal from the report of the commissioners; *provided further*, that

Proviso.

Proviso.

in case of appeal from the award of the commissioners by either party, the said company, upon depositing the amount of said award, in the said circuit court to abide the result of such appeals, may thereupon take actual possession of the lands for the purpose of constructing said railroad, or of otherwise appropriating the same to their use.

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

Bridges to be constructed and kept in repair.

10. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and termini of their railroads, and at any intermediate depot upon the line of the same, not exceeding six acres at each place, and may erect and build thereon houses, warehouses, stables, machine shops and such other buildings and improvements as they may deem expedient for the safety of property, and the construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain over such rivers, creeks and streams as the road may cross, such piers, bridges and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act; *provided*, said company, whenever it may become necessary to cross any navigable river or creek, with their road, shall construct a bridge or bridges with suitable and sufficient draws so as not to obstruct the navigation thereof.

May purchase and hold real estate, &c.

Proviso.

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

Dividends.

12. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company all machines, engines, wagons, carriages, or other vehicles for the transportation of persons or any species of property on the railroads as they may think fit, reasonable, expedient or right.

May purchase equipments.

- May make contracts. 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 building and operating the said railroad and bridge, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts.
- Penalty for injuring works. 14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of any railroads enjoyed under the provisions of this act, or of any of their necessary works, wharves, bridges, carriages or machines, such person or persons, so offending, shall forfeit and pay to 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.
- May connect, lease or consolidate with any other railroad. 15. *And be it enacted*, That the said railroad company is hereby authorised to connect its railroad with any other railroad or railroads in the county of Hunterdon or Warren, and to lease its railroad to (or consolidate with) any other railroad company, which is hereby authorized to take such lease, and operate the same for such term or times, and on such terms as the said parties may agree upon.
- Other corporations may endorse or guarantee bonds. 16. *And be it enacted*, That any railroad company is hereby authorized to endorse or guarantee the bonds of the said Hughesville railroad, and in any other way which the parties may agree upon, aid the said company in the construction of its said railroad.
- Statement to be made. 17. *And be it enacted*, That as soon as the said railroad or any part of it, is in operation, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said railroad, including equipments, appendages and all expenses, in the office of the secretary of state; and annually thereafter, on the first Monday of January of each year he shall, under oath or affirmation make a statement to the secretary of state of the cost, equipments, appendages and expenses of said road; and after the said railroad, or any part thereof, shall be in operation, the said corporation shall pay to the treasurer of this state a tax of one half per centum on the cost, equipments and appendages of said road, to be paid annually thereafter on the first Monday in January of each year, and such other taxes: may be assessed from time to time by a general law applicable to all railroads over which the legislature shall have power.
- State tax.

for that purpose at the time of the passage of such law or laws; and until the said railroad, or any part thereof, shall be in operation, the said corporation shall be regularly assessed and pay tax for the value of its real estate, including improvements thereon, and personal property, as now taxed in the city or cities, township or townships wherein it lies, at the same time and rate and in the same manner, for the purpose, and by the same person or persons as other taxes are assessed in said city or cities, township or townships; *provided*, that no other tax or impost shall be levied or assessed upon said company.

18. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of said company, and to secure the payment thereof by bond and mortgage, or otherwise, on the said road, lands, privileges, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury in any suit in law or equity instituted to enforce the payment of any bond or mortgage executed under this section.

Authorized to mortgage road and to issue bonds.

19. *And be it enacted*, That if the said railroad shall not be commenced within five years and be completed at the expiration of ten years from the first of July next, that then and in this case this act shall be void as to any portion thereof which shall not be built and operated.

Limitation.

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 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.

Free passes.

21. *And be it enacted*, That the said railroad is empowered to connect with and to cross any other railroad.

May cross any railroad.

22. *And be it enacted*, That when any part of the said railroad shall be completed, the said company may commence operating the same for the transportation of passengers and

When to commence business.

property, enjoying all the privileges and subject to the restrictions created by this act.

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

Approved April 4, 1872.

CHAPTER DXCVIII.

An Act to authorize the appointment of commissioners to lay out streets and avenues through certain lands in the township of Bloomfield, in the county of Essex, and for other purposes.

Commissioners and term of office. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Warren S. Baldwin, Thomas W. Langstroth, John H. Chambers, John Sherman and Andrew Ellor, be and they are hereby appointed commissioners of streets and avenues in the township of Bloomfield, for the term of one year, for the purpose of performing the several acts and duties hereinafter prescribed.

Vacancies, how filled.

2. *And be it enacted*, That in case of the death, resignation or refusal to act of any or either of said commissioners, it shall and may be lawful for the remaining commissioners, or a majority of them, as often as such event or vacancy shall happen, to appoint a suitable person or person to fill such vacancy or vacancies, and such appointees, respectively, shall have all the power and authority vested in a commissioner by this act, and at the expiration of the said term of one year fixed in and by the first section of this act, successors of said commissioners shall be appointed by the town committee of said township for the term of one year, and said town committee shall hereafter continue to appoint such commissioners yearly until their duties under this act are completed, and in case of the refusal or omission of said town committee at any time to appoint said successors, the commissioners then in office shall continue to hold their said office, and to act as such commissioners until their successors shall be duly appointed,

Town committee to appoint commissioners.

anything hereinbefore contained to the contrary thereof in anywise notwithstanding.

3. *And be it enacted*, That it shall and may be lawful for said commissioners, or a majority of them, and they shall have and possess exclusive power, to lay out streets and avenues through the lands hereinafter described and not elsewhere, beginning in the southerly line of said township on the westerly side of the mill pond, formerly owned by Calvin Dodd; thence easterly along said southerly line to the northerly side of Watessing avenue; thence along the same to the westerly side of Orange street; thence along the same to the westerly side of Bloomfield avenue; thence along the same to the easterly side of Congar street; thence along the same to Railroad avenue; thence west in a straight line to a point six feet west of said Railroad avenue, and thence in a straight line to the place of beginning; said streets and avenues may be of such width, extent and direction, and of such grades as to them shall seem most conducive to the public good; nothing in this act shall authorize any interference with any roads or avenues heretofore laid out by the surveyors of highways (excepting Railroad avenue), and the width of any of said streets or avenues shall not exceed sixty-six feet.

Power to lay out streets and avenues through lands.

4. *And be it enacted*, That it shall be lawful for the said commissioners, and for all persons acting under their authority, to enter, in the day time, into and upon any lands, tenements and hereditaments which they shall deem necessary to be surveyed, used or converted, for the laying out, opening or forming of any street or avenue as aforesaid.

May enter on lands, &c.

5. *And be it enacted*, That the said commissioners, or a majority of them, shall cause two similar maps of said streets and avenues so to be laid out by them, as aforesaid, and of the grades thereof, to be made upon such a scale as they shall deem proper, accompanied by such field notes and explanatory remarks as the nature of the subject may require, which maps, or one of them, shall be deposited at some place in said township, or in the city of Newark, to be designated by said commissioners, or a majority of them (of which deposit notice shall be given by advertisement in two daily papers, to wit: the Newark Journal and Newark Daily Advertiser, published in said city of Newark), and shall remain so deposited for the period of thirty days, during which they shall be open to the examination of all parties interested, and any person affected

Commissioners to make two maps of streets and avenues and the grade thereof.

Notice of deposit to be advertised.

by such map or survey may, during said period, present to said commissioners objections in writing to the same, or to any part thereof, and said commissioners, or a majority of them, shall thereupon examine and consider such objections, and may alter or modify their said maps and surveys in such manner as in their judgment, or in that of a majority of them, shall be most conducive to the public good.

Maps may be altered or modified.

Maps, when approved and adopted, to be filed.

Monuments to be erected.

Contracts, when void.

Commissioners to take oath.

Compensation

Maps, when filed, to be final.

6. *And be it enacted*, That at any time after the said commissioners, or a majority of them, shall finally approve and adopt said maps, the same shall be attested by them, or a majority of them, before any notary public or commissioner of deeds, and shall be filed, one in the office of the clerk of the county of Essex, and the other with the town clerk of said township; and the said commissioners, or a majority of them, shall erect, or cause to be erected, proper monuments at suitable places upon such streets and avenues, so as to denote the position and courses of the same, and to be noted on said maps.

7. *And be it enacted*, That it shall not be lawful for either of said commissioners, until said maps are filed, directly or indirectly to purchase or contract to purchase any lands, tenements or hereditaments within the said lands, and every deed, contract or conveyance contrary to the intent hereof shall be void; and before entering upon their duties, the said commissioners shall severally take and subscribe an oath before a judge of the court of common pleas for the county of Essex, faithfully and impartially to execute the duties of their said office.

8. *And be it enacted*, That each of said commissioners shall be entitled to receive as compensation for their services the sum of three dollars per day for time actually expended by them in the discharge of their duties under this act, and their actual and reasonable expenses incurred therein.

9. *And be it enacted*, That the plans and surveys of the said commissioners, or a majority of them, in respect to the laying out and location of streets and avenues within said lands, and their maps of the same, when filed as aforesaid, shall be final and conclusive, not only as to the said lands, but also as to the owners and occupants of lands, tenements and hereditaments therein, and as to all persons and corporations whatsoever; and no street, avenue nor square within the said lands, shall at any time after the filing of said maps be laid out, opened, graded or worked, except in accordance

with the plans and surveys of said commissioners, as shown by said maps made and filed as hereinbefore provided, excepting, however, such public roads as may have been heretofore ordered to be opened by the Essex public road board, or by the surveyors of highways; and any person or persons erecting or placing any building upon any of said streets or avenues, after the filing of said maps, shall not be entitled to compensation therefor, in case such street or avenue shall be afterwards opened and worked, but he may be permitted to remove the same therefrom, within such time as may be fixed by said commissioners, or a majority of them, and said streets and avenues so laid out by said commissioners shall be opened within five years from the passage of this act.

10. *And be it enacted*, That the owner or owners of any lands through which the said commissioners shall so lay out any street or avenue may, at his or their own expense, at any time after the filing of said map, open and work the same in a proper manner, within the limits of his or their respective lands, in accordance with the surveys, plans, width and courses laid down by said commissioners in their said maps; and in case of the opening and working of such street or avenue, as hereinafter provided, such owner or owners shall be entitled to an equitable allowance, by way of deduction on any assessment for the opening and working of the same, such allowance to be determined by said commissioners, or a majority of them.

11. *And be it enacted*, That the owners of the majority of the lineal feet of the lands fronting on any street or avenue so laid out as aforesaid, may apply by written consent or petition to said commissioners, to open and work the same, or any part thereof, and the owners of the majority of the lineal feet of the lands fronting on any block or subdivision of said street or avenue, may, in like manner, apply to said commissioners to open and work such block or subdivision, and the said commissioners, or a majority of them, shall thereupon, within twenty days thereafter, proceed to make, according to the best of their skill and judgment, a fair, just and impartial assessment or award of the damage sustained by the owner or owners of any lands, tenements or hereditaments which may be required to be taken for that purpose, and to assess the said damages and the other expenses of such opening, as equitable as may be upon the owner or owners of any lands upon the line of such street or

No street, avenue, &c., to be laid out or opened except in accordance with plan and maps filed.

Owners of lands may, at their own expense, open and work streets.

Owners may petition for the opening and working of streets.

Commissioners to make assessment or award of damages.

avenue, and such assessments shall be liens upon such lands until the same are paid; and upon payment or tender to such owner or owners of the amount or amounts so awarded him or them respectively, the said street or avenue shall be deemed to be opened, and may be occupied, used and treated as a public street or avenue.

Costs and expenses to be paid by owners of lands.

12. *And be it enacted*, That the cost and expense of working and regulating any of said streets or avenues (other than the damages to be awarded as provided in the last preceding section), including the compensation and other expenses provided for in the eighth section of this act, shall be borne and paid by the owners of the lands fronting thereon, and the same shall be assessed and apportioned by said commissioners, or a majority of them, upon the lands of said owners, respectively, in proportion to the benefits to such lands, as fixed by said commissioners, and every assessment so made shall be a lien on such lands until the same shall be paid.

Owners may appeal from award or assessment.

13. *And be it enacted*, That any owner or owners dissatisfied with any award or assessment may appeal and may take and prosecute all the proceedings, and shall be entitled to the relief provided in and by section ten of the act approved February sixteenth, eighteen hundred and seventy, entitled "A Supplement to the act entitled 'An Act constituting a public road board for the laying out, constructing, appropriating, improving and maintaining public carriage roads in the county of Essex,'" approved March thirty-first, one thousand eight hundred and sixty-nine.

Lands to be sold for non-payment of assessments.

14. *And be it enacted*, That the assessments hereinbefore provided for shall be collected, and the lands upon which the same may be liens shall be sold for the non-payment thereof, in the manner prescribed in and by the fifteenth section of said last mentioned act, and that said lands may be redeemed in the manner and on the terms in and by said section prescribed, and the said commissioners, or a majority of them, shall for the purposes of this act, have in respect to said assessments, and the collection thereof, all the powers conferred by said fifteenth section of said act upon the "Essex public road board," therein mentioned.

Commissioners to obtain consent of owners before they proceed to lay out any street.

15. *And be it enacted*, That before said commissioners shall proceed to lay out any of said land into streets and avenues as provided for in the fifth and sixth sections of this act, they shall first obtain the consent thereto in writing of

the owners of more than one half of the area of the said lands, and shall file such consent in the office of the county clerk of said county, there to remain and be recorded among the returns of surveyors of the highways of said county, and the signatures to said consent shall be attested by one or more of said commissioners.

16. *And be it enacted*, That this act shall be considered, Act. how construed. adjudged and taken to be a public act, and shall be liberally expounded and construed, to advance the ends thereof, and shall take effect immediately.

Approved April 4, 1872.

CHAPTER DXCIX.

An Act to extend an act entitled "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, and townships of Springfield and Chesterfield, in the county of Burlington."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to prevent 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, and townships of Springfield and Chesterfield, in the county of Burlington," be and the same is hereby extended to the townships of Randolph, Bass River and Chesterfield, in the county of Burlington. Provisions of act extended.

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

Approved April 4, 1872.

CHAPTER DC.

An Act to incorporate the Guardian Mutual Life Insurance Company of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Francis Howland, Jacob S. Wetmore, William B. Dana, William Walter Phelps, Nathan T. Johnston, J. Smith Howmans, junior, Livingston K. Miller, Edward H. Wright, Robert F. Brooke, George W. Farlee, Francis B. Nichols, J. Augustus Johnson and others, their associates, successors and assigns, shall be and they are hereby ordained, constituted and declared to be a body politic and corporate by the name of "The Guardian Mutual Insurance Company of New Jersey," to be located in the county of Bergen, in this state, with power to maintain branch offices and agencies at such other places and for such periods as to them or to the board of directors of said company may appear necessary or convenient, to sue and be sued, to plead and be impleaded in all courts of justice, and to have and to use a common seal, and the same to alter and change at pleasure, and shall also be and hereby are empowered to purchase, hold, possess and enjoy to themselves and their successors, any estate, real or personal, for the use of said corporation; *provided*, that the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, be only such as shall be requisite for its purposes in the transaction of its business, or such as shall have been mortgaged or conveyed to it in good faith by way of security for loans, or such as shall have been conveyed in satisfaction of debts previously contracted in the course of its business, or such as shall have been purchased at sales upon judgments or decree obtained for such debts, and all such real estate as shall not be necessary for the purposes of said corporation in the transaction of its business, except lands mortgaged or conveyed as aforesaid, shall be sold and disposed of within five years after the said corporation shall have acquired title to the same; and it shall not be lawful for the said corporation to hold such real estate for a longer period, unless the said company shall pro-

Corporators.

Name and powers.

Proviso.

cure from the comptroller, auditor or other principal financial officer of the state, in which such lands may be situate, a certificate that in his judgment the interests of the company may be impaired by a forced sale of such real estate, in which case the time of sale may be extended for such period as the said financial officer may designate in such certificate.

2. *And be it enacted*, That it shall and may be lawful for such corporation to make insurance upon the lives of individuals, and every insurance or contract appertaining to or connected with life risks, and with the provisions of this act, on such terms and conditions as shall be from time to time ordered and provided for by the by-laws of said company, to purchase or loan upon any policy of insurance, dividends or obligations of said company for its benefit, to receive from any insured person such sum or sums of money or securities, and upon such conditions as may be agreed upon for the purpose of securing the payment of the accruing premiums upon his or her policy of insurance or other obligations, and to grant, purchase and dispose of annuities. May make insurance on lives.

3. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars (\$100,000) in cash, divided into one thousand (1,000) shares of one hundred dollars (\$100) each, which shall be deemed personal property and transferable only on the books of the company in conformity with the by-laws; the amount of the capital stock of said company may be increased to an amount not exceeding two hundred and fifty thousand dollars (\$250,000) by a vote of the stockholders at any meeting called at not less than ten (10) days' notice, and after any such increase may be reduced to an amount not less than one hundred thousand dollars (\$100,000) in like manner; the holders of said capital stock may receive a semi-annual dividend upon the stock, not to exceed three and one-half per centum of the same, and the moneys or receipts of the said company over and above the dividends, losses and expenses, shall be accumulated and disposed of as hereinafter directed. Capital stock.

4. *And be it enacted*, That the property and concerns of said company, and its corporate powers, shall be vested in and managed by twelve directors, with the privilege of increasing their number to twenty-five by a vote of said board of directors, and by such officers as they may elect or appoint, each of whom shall be the owner of at least five shares of the capital stock; the said board of directors shall, at their Managed by directors.

Proviso.

Proviso.

first meeting after the management of the company shall be turned over to them by the corporators, divide themselves by lot into three classes; the term of the first class shall expire at the end of one year, the term of the second class shall expire at the end of two years, the term of the third class shall expire at the end of three years, and annually thereafter such number of directors shall be elected as shall be required to fill the seats of the outgoing directors; *provided, nevertheless*, that any director shall be eligible for re-election; such election shall be by ballot, and a plurality of votes, duly qualified, as hereinafter provided, shall elect; the election for directors, after the management of the said company shall have been turned over to them by the corporators, shall be held on the first Monday of October in each year, at the office of the company, or such other place within this state as a majority of the directors may previously designate, seven of whom shall constitute a quorum, public notice of which shall be given in one or more newspapers printed in the county where the said company shall be located, at least two weeks previously to the time of holding such election; and if any of the said directors shall die or refuse or neglect to act in their said office for the space of two months, or if any director shall cease to be a stockholder, then and in every such case the remaining directors shall have power to fill such vacancies until the next annual election; and in case it should happen that any election for directors should not be held on the day when, in pursuance of this act, it ought to be held, the said corporation shall not be dissolved for that cause, but the acting directors shall hold office until their successors shall have been duly elected, and it shall be lawful to hold another election at such time and place as the directors, or a majority of them, may designate, by like notice; and until an election for directors shall be held in pursuance of this act, the corporators named in the first section shall be the directors and have the management of said company, and be vested with and exercise its corporate franchises; *provided, nevertheless*, that in case any one or more of such corporators shall decline to act as such director, the nominee of such corporator, appointed by an instrument in writing, duly acknowledged before a justice of the peace or other officer authorized to take acknowledgments, shall, if such nomination be ratified by the remaining corporators, or a majority of them, become and be held to be a

corporator and acting director in the place of such declining corporator, and shall hold office until his successor shall have been elected; and until the election of directors as hereinbefore provided, the said corporators, or a majority of them, shall have the right to fill all vacancies in their number caused by death, resignation or otherwise; in the annual election of directors each stockholder shall be entitled to one vote for every share of stock held by him, and such vote may be given either in person or by proxy.

5. *And be it enacted*, That the insurance business of the company shall be conducted strictly on the mutual plan; the officers of the company shall annually cause a balance to be struck of its affairs, which shall exhibit its assets and liabilities, both present and contingent, and also the net surplus, after deducting an amount sufficient to cover all outstanding risks and other obligations, which shall be verified under the oath of one or more officers of the company, and filed in the office of the secretary of state; each policy holder shall be credited with an equitable share of the surplus, which share may be applied as the board of directors shall determine. Business to be conducted on the mutual plan.

6. *And be it enacted*, That the directors, or a majority of them, for the time being, shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper for the management, custody and disposition of the assets of the company; of whatever nature the same may be, and for the government of the said corporation and the transaction of its business, and to fulfill the purposes of this act; and to amend, alter and revoke the same at pleasure, and to elect or appoint such officers, clerks and agents as they may deem necessary, and upon such tenure of office as said directors may determine; *provided*, Powers of directors. *nevertheless*, that such by-laws, rules and regulations shall not be repugnant to the constitution of this state or of the United States, or of this charter. Proviso.

7. *And be it enacted*, That it shall be lawful for the said corporation to invest its funds, assets and accumulations in, or to loan the same upon bonds and mortgages, upon real estate, of at least double the value of the debt secured thereon, situate within such state or states as the board of directors may elect, or in or upon stocks or bonds of the United States, or of this state, or of other states of the United States of America, or to loan the same upon stocks or bonds of any solvent corporation created by or under the Investment of funds and assets.

Proviso.

laws of this or any other state; *provided*, that in case of investment, no stocks or bonds shall be purchased except United States, state, county, township, town or city stocks or bonds, or bonds secured by mortgages; and in case of loans upon the pledge of such stocks, the amount loaned shall be at least fifteen per centum below the average market value of the stock so loaned upon charging interest for the same, and such commissions to be credited as the directors shall order, as may be agreed upon; *provided*, that no rate of interest exceeding the legal rate shall be charged upon any such loan.

Proviso.

Married woman may insure life of husband for her benefit.

8. *And be it enacted*, That it shall be lawful for any married woman in her own name, or in the name of any third person, as trustee, to cause to be insured the life of her husband for any given period, or for the term of his natural life; and in case of her surviving her husband, the sum or net amount of insurance shall be payable to her for her sole use and benefit, free from any claims of either or any of the creditors or representatives of her husband; and in case of the death of the wife before the decease of her husband, the amount of the insurance may be made payable after her death to his, her or their child or children, or to their guardian or guardians, if under age (for his, her or their benefit), or to her next of kin or legatees; *provided*, that any married woman holding such policy on the life of her husband may make any contract concerning the same as if she were unmarried.

Proviso.

Company to make deposit with treasurer before commencing business.

9. *And be it enacted*, That before said company shall proceed to do any business, the sum of at least one hundred thousand dollars, shall be invested by it in the state bonds or stocks of this state, or in bonds of the United States, or in approved bonds and mortgages upon lands in this state, and shall be deposited by it with the treasurer of the state, to be held by him as security for the benefit of the policy holders in said company, and the treasurer is hereby authorized to collect the interest falling due upon such investments and pay over the same to said company or its authorized agent; and said board of directors may hold their meetings at such place as they may designate.

Act may be repealed.

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

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

Approved April 4, 1872.

CHAPTER DCI.

An Act to improve Bull's Ferry Road, in Hudson county, from the northerly line of the township of Weehawken to the Hackensack Plank Road, and also the branch road leading from Bull's Ferry Road, opposite Weehawken street, in the town of Union, to Nineteenth street, in the township of Weehawken.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That John H. Bonn, Henry J. Rottmann and Abraham W. Duryea, are appointed commissioners with power to make a map showing how Bull's Ferry Road, from the northerly line of Weehawken to the Hackensack Plank Road, and the branch road leading from the Bull's Ferry Road, opposite Weehawken street, in the town of Union, to Nineteenth street, in the township of Weehawken, can be widened to the width of eighty feet, and straightened to the best advantage; such widening to the width of eighty feet shall not be made on that part of the old Bull's Ferry Road lying between the Hackensack Plank Road and the point where the said Bull's Ferry Road intersects Weehawken street in the town of Union; said map shall show whose lands shall be taken by such widening and straightening, and the quantity thereof, and shall also show what part of any existing highway would be vacated, and to whom the property in such vacated part belongs; said commissioners shall make a report, which shall accompany said map, and shall be explanatory thereof.

2. *And be it enacted*, That after said map and report shall be made, the same shall be filed in the clerk's office of the county of Hudson, and notice shall be given of such filing within ten days thereafter by publication in a daily news-

Commission-
ers.

Map and re-
port to be filed
and notice
given of high-
ways proposed
to be widened

paper published at Hoboken in said county for twenty days ; and within said ten days like notice shall also be given by posting along the line of said highways so proposed to be widened and straightened, in twenty conspicuous places ; and if, after the lapse of forty days from the first day of such notices being published and set up as aforesaid, the owners of a majority of the lands fronting on said highways so to be widened and straightened, shall not file a written remonstrance in the clerk's office of the county of Hudson against the acceptance of said map and report of the highways thereby to be widened and straightened, then thereafter the said map shall be accepted as showing the lines and boundaries of said highways as the same shall be accepted and worked by the lawful authorities having control over the same, and by the commissioners acting under the authority hereby given.

Notice to be given to each land owner.

3. *And be it enacted*, That if no remonstrance, by the owners of such majority of such lands as aforesaid, shall be filed as aforesaid, then the commissioners, acting under the authority of this law, shall give notice to each land owner, whose land will be taken by such widening and straightening of said roads, of the time and place, when and where the commissioners aforesaid will meet to make an estimate of, and award for the value of the lands to be taken and the damage done thereto ; such notice shall be given by leaving the same in writing at the residence of such land owners, if in the county of Hudson, if not in the county of Hudson, by enclosing the same, directed to such land owner or land owners, by mail, to the post office nearest to the residence of such land owner or land owners, provided such post office address can be ascertained ; which notice shall be given ten days prior to the time when the commissioners shall meet as aforesaid ; such notice shall also be published in a daily newspaper, published at Hoboken, for the period of ten days before the day of such meeting ; which last notice shall contain, among other things, a statement of the general object of the meeting of said commissioners, and of the time and place of such meeting ; at the day and hour named, said commissioners shall proceed to view the said lands so to be taken, and shall hear the parties interested, and shall publicly adjourn from time to time as may be necessary ; said commissioners shall make an award or awards of the value of the lands to be taken and of the damages which will be done to the residue

Commissioners to make an award and damages.

of any lot or parcel of land so taken, and shall make a map showing the location of the lands to be taken; and such award or awards shall show the ownership of such lands to be taken, and to whom such value and damages shall be paid; such award or awards shall be filed in the clerk's office of the county of Hudson, together with said map or maps; in estimating the value of the lands to be taken and the damages aforesaid, said commissioners shall take into consideration the nature of the improvements and also whether the residue of the property of such land owner, whose lands shall be taken, will not be benefited thereby; when any land owner shall be paid the award for the value of his lands to be taken and damages, or tender thereof shall be made to him, or in case of the infancy or other disability of any land owner, when the value of such land owner's land and damages shall be paid into the court of chancery, then the land so to be taken shall be a public highway, subject to be improved as herein declared, or otherwise, as now is or shall hereafter be provided by law; such part of the said lands as the commissioners shall declare vacated, shall thereafter cease to be highways.

Award to be filed.

Money, to whom paid in case person is incapacitated.

4. *And be it enacted*, That the money to pay for such land and damages and the expenses incurred under the foregoing provision for surveyors, maps, and other necessary expenses, shall be raised by assessment; the said commissioners shall consider the whole subject, and shall assess the same in manner following: ten per centum thereof on the town of Union, to be paid by said town of Union; ten per centum thereof on the township of Weehawken, to be paid by the town committee of that township; said sums of ten per centum respectively shall be assessed and raised by general tax in said town of Union and said township of Weehawken; the remaining eighty per centum shall be assessed by said commissioners upon the lands and real estate along the line of said roads or highways in proportion to the benefit received by the owner or owners thereby; said assessment on land and real estate shall be made and manifested by a map and report; such map shall show the lots or tracts of land to be assessed, by an accurate delineation thereof, and the report shall show the owners of such tracts or lots, and the amount assessed on each lot or tract; such map and report shall be filed in the clerk's office of the county of Hudson; within ten days after said map and report shall be filed, notice thereof shall be given by publication in a daily newspaper published at Hoboken, which

Commissioners to make assessments of moneys on townships.

Map and report of assessments to be made and filed

Certiorari,
when to be
allowed.

notice shall be published for twenty days in each daily issue of such newspaper; said assessment shall be a lien on the lands assessed, and no certiorari shall be allowed to review such assessment, except within three months after such map and report shall be filed as aforesaid; any justice of the supreme court, for sufficient cause and on reasonable notice to the said commissioners, can allow any such writ of certiorari.

Land owners
may appeal
from award of
damages.

5. *And be it enacted*, That any land owner whose lands shall be so taken and who shall consider that a sufficient sum has not been awarded for the value thereof and the damages, can appeal from the award of the said commissioners by a petition to the circuit court of the county of Hudson, which petition shall be filed with the clerk of said county within thirty days after the award shall be filed in said office; said court can order an issue to be framed and to be tried like other issues, and can also, in the discretion of said court, order a jury of view, which jury can be taken from the general panel of jurors, summoned to try issues of fact in said county, or, in the discretion of the said court, or of a judge at chambers, can be selected in the manner struck juries are selected by law; if the amount awarded by the jury shall be less than the amount awarded by the commissioners, then the land owner shall pay costs; if greater than the award of said commissioners, costs shall be added to the verdict of the jury, and become a part of the judgment; the filing of such petition and the framing of such issue and the proceedings in said court shall not delay the action of the commissioners in taking the land of the said land owners pending such proceedings in said court; *provided, however*, if, after judgment as the verdict of the jury, any additional amount shall be awarded thereby, then such additional sum shall be paid or tendered, or paid into court as aforesaid; any deficiency which shall be produced by any appeal or appeals, and the proceedings incident thereto, can be assessed by the said commissioners in the same manner as hereinbefore provided, if need be, by a separate assessment distinct from the general assessment hereinbefore provided for.

Proviso.

Assessments
to draw inter-
est

6. *And be it enacted*, That if the land owners on whose lands said assessment shall be made shall not pay the said assessment to the said commissioners within thirty days after the filing of the said map and report, then said assessment shall, at the end of said thirty days, draw interest at the rate

of twelve per centum per annum, and said commissioners shall, at the end of said thirty days, advertise for sale the said lands so assessed, by advertisement in a daily newspaper published at Hoboken, for the period of six weeks successively, and also by advertisements put up in ten of the most public places in the town of Union and in the township of Weehawken, and which advertisements shall designate the day, hour and place of such sale, which hour shall be between twelve o'clock at noon and five o'clock in the afternoon; at which time and place so advertised, the said commissioners shall proceed to sell each separate parcel so assessed, and which separate parcel shall be described in the advertisement of sale, to the highest bidder, for the shortest period of time for which any purchaser shall bid off the same, bidding for the amount of such assessment and interest, costs of advertisements and expenses, as the same shall be appointed by said commissioners; said commissioners shall give a deed or deeds to the said purchasers for the lands so to be purchased for such terms so bid as aforesaid, which shall be duly acknowledged or proved, so that the same can be recorded; and the purchaser or purchasers shall have the legal right to the possession of the land in said deed or deeds described and so purchased, and maintain ejectment or any possessory action therefor.

Sale of lands to be advertised.

Commissioners to sell lands and give deeds.

7. *And be it enacted*, That in case of any vacancy in said board of commissioners from death, absence or any disability, such vacancy can be filled by the judge of the circuit court of the county of Hudson, on a petition for that purpose by the remaining commissioners who shall hold their office.

vacancies, how filled.

8. *And be it enacted*, That the said commissioners shall have power to raise money for the purpose of this act, by issuing certificates, which certificates shall bear interest at the rate of seven per centum per annum, and shall be paid out of the money to be raised by assessment in the manner in this act provided; such certificates shall not exceed the amount actually required for the purpose of this act.

Commissioners may raise money by issuing certificates.

9. *And be it enacted*, That after such streets shall be widened and straightened as aforesaid, any part of the same as heretofore existing shall be vacated in compliance with the provisions hereinbefore mentioned, if any vacation thereof shall be necessary; then the said commissioners shall have power to curb, gutter and regulate the same, or such parts thereof as they shall deem most for the public advantage,

Streets, when vacated

Commissioners may curb, gutter, &c.

which work shall be done as far as possible by contracts to be awarded to the lowest bidder, and the contractors shall give bonds for the faithful performance of their contracts, with such sureties as the commissioners shall deem proper; for the purpose of enabling the said commissioners to curb, gutter and regulate or make either of the said improvements the said commissioners shall be empowered to divide the said streets into convenient sections, and to make such improvements, or either of them, by sections.

Intention to
make im-
provements to
be advertised.

Owners may
remonstrate
against im-
provements

10. *And be it enacted*, That the said commissioners, before they shall proceed to make such improvements as last named, shall advertise their intention so to do, stating the kind of improvement, and naming the roads or road and sections within which they propose to make such improvements, by advertisements for the period of twenty days, to be published in a daily newspaper of Hoboken, which advertisements shall designate the time and place, when and where land owners interested can be heard relative thereto; if at such time and place, the owners of three-quarters of the land along such road, and in such sections, shall remonstrate in writing against such improvements so advertised, then such improvements shall not be made; if such owners of three-quarters of the lands along such roads or road and in such sections, shall not remonstrate, then such improvements shall be carried into effect by said commissioners.

Portion of
cost of im-
provement to
be assessed on
lands benefit-
ed.

11. *And be it enacted*, That the said commissioners shall after the completion of any such improvement, and after they shall have accurately ascertained the whole cost thereof, shall assess the said eighty per centum of the whole cost thereof, on the lands and real estate along the line of the said road, in proportion to the benefit such lands and real estate shall receive from such improvement; said assessment shall be made by the commissioners, and shall be manifested by a report and a map, which map and report shall show the amount assessed against each tract or parcel, the names of the owners of the lands against which such assessments shall be made; said map and report shall be filed in the clerk's office of the county of Hudson, of which filing notice shall be given within ten days thereafter, by advertisements to be published in a daily newspaper in the city of Hoboken, for the period of twenty days; if any assessment shall be paid within thirty days after the same shall be made, then such payment with seven per centum interest to be added thereto, shall be

all that shall be collected ; if not paid within such period of thirty days, then twelve per centum interest shall be added after the lapse of said thirty days ; said assessment shall be a lien on the lands assessed from the time of such filing of said map and report ; and in case of the non-payment of any assessment of improvements as aforesaid, within three months after such filing of said map and report, then it shall be the duty of the said commissioners to cause the land so assessed to be advertised to be sold, and deeds to be given therefor in like manner and with like effect as is hereinbefore provided ; in case of assessment to pay for lands and damages, the remaining twenty per centum of the cost of such improvement shall be paid as follows : ten per centum thereof shall be paid by the township committee of the township of Weehawken, and ten per centum by the town of Union, in the county of Hudson, and such ten per centum shall be assessed and raised in the town of Union aforesaid, and in the township of Weehawken aforesaid, in like manner as taxes are or shall be assessed and raised in the town aforesaid and township aforesaid.

Assessments
to remain a
lien.

Lands to be
sold.

Townships as-
sessed for por-
tion of assess-
ment.

12. *And be it enacted*, That the said commissioners, before any proceedings are taken under this act, shall first take and subscribe an oath, before a justice of the peace, to examine into the whole matter impartially and to the best of their judgment, skill and ability, and to exercise the duties of their office faithfully, which oath shall be filed in the office of the clerk of the county of Hudson.

Commission-
ers to take
oath.

13. *And be it enacted*, That this act shall be deemed a public act, and when any municipal corporation with like powers shall have jurisdiction over the said roads, then the powers hereby given shall be suspended ; such suspension shall not affect any proceedings done under this act, which shall have been bona fide commenced under the same, but such proceedings so commenced can be carried out to a final consummation.

Proceedings
done not to be
affected.

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

Approved April 4, 1872.

CHAPTER DCII.

An Act to improve Bergen Line Road, in Hudson County.

Preamble.

WHEREAS, Bergen Line Road, in Hudson county, belongs in part to the township of Union, and to the township of North Bergen, and difficulties arise in the regulation of the same, owing to the multiplicity of authorities in the matter ; and whereas, the road is much in need of repairs, and owners of land along the line are desirous of improving the same ; therefore,

Power to regulate, widen, grade, &c., to be vested in commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the power to regulate, widen, straighten and grade Bergen line road, from the northerly line of the town of Union to the northerly line of the county of Hudson, be vested in three commissioners, freeholders in the county of Hudson, but not owning property fronting on the line of said road, to be appointed by a justice of the supreme court of the sixth district, as soon as practicable after the passage of this act ; the said road to be widened to the width of eighty feet, throughout the entire length thereof, and the said commissioners in the widening of said road shall take the old line known as the "A" line as the centre thereof, unless some deviation therefrom be requested by a majority vote of the commissioners, and the township committee through which the road passes ; and the said commissioners are hereby authorized and empowered effectually to vacate all such parts of said road as such altering and straightening may make necessary and proper ; and whenever it shall be found necessary to vacate any portion of the present road, the part thus vacated shall become the property of the owner whose land fronts on the same, and the commissioners shall have power to assess said owners for the benefit thus received.

Authorized to vacate parts of road.

Commissioners to take oath and give bonds.

2. *And be it enacted*, That the said commissioners, before proceeding under their said appointment, shall take and subscribe an oath or affirmation before a justice of the peace, faithfully and impartially to exercise the powers and perform the duties granted and enjoined by this act ; which oath or

affirmation, together with bonds of not less than five thousand dollars for each commissioner to the different township committees through which the road passes, for the faithful performance of their duties, shall be filed by the said commissioners, within five days thereafter, in the offices of the clerks of the townships through which the road passes; and any freeholder elected in conformity to the provisions of the ninth section of this act, as a successor in office to any of the commissioners, shall within five days after his election, and before exercising any authority under this act, in like manner, take and subscribe and file a like oath or affirmation and bond.

3. *And be it enacted*, That the said commissioners shall have power to employ legal counsel, also a civil engineer and all necessary assistants to effectually carry out the powers and authority granted in the first section of this act; and for the altering, widening and straightening of the said Bergen line road, the said commissioners and their employees may enter upon such lands and premises as may be necessary in making the surveys; and the said commissioners shall then cause a map to be made, showing the boundaries of the land to be taken, as well as the manner in which the road has been widened, straightened, altered or vacated, together with a brief description of each parcel of land so taken; a schedule shall accompany said map, showing the amount of damage or benefit allowed in favor of each parcel of land; copies of this map, description and schedule shall then be filed in the office of the clerk of the townships through which the road passes, and the filing of the same shall be advertised for at least ten days in one or more newspapers published in the county of Hudson for objections thereto; and in case the commissioners and any of the property owners cannot agree upon the value of the award, the same shall be decided by three arbitrators, who shall be disinterested freeholders of the county of Hudson, and appointed by any justice of the supreme court; *provided*, that as soon as the former commissioners have made their award, they may take any lands and improvements, including all buildings that may be necessary for the said altering, widening or straightening said road, upon issuing to the owner or owners a certificate or certificates of indebtedness, as provided in section fifth of this act, for the damage done by taking the said land and improvements; the said damage to be determined as above provided for; but in

May appoint
officers, &c.

Map of lands
to be made.

Arbitrators to
be appointed
when no
agreement
can be made.

Proviso.

determining the said damage, they shall only allow for the excess, if any, of damage done over and above the advantage that will, in their judgment, accrue to the owner of the property taken.

Commissioners to have work done by contract.

Proposals to be advertised and contract given to lowest bidder.

Proviso.

Commissioners may issue certificates of indebtedness for damages awarded, &c.

4. *And be it enacted*, That when the said commissioners shall proceed to improve said road they shall divide the same in two sections, the one from the northerly line of the town of Union to the northerly line of the township of Union, the second from the northerly line of the township of Union to the northerly line of the county of Hudson; they shall have the work done by contract in manner following: they shall have plans and specifications prepared of the work proposed to be done, which plans and specifications shall at all reasonable times, after the same are determined upon, be open to the inspection of all parties liable to be assessed for the cost and expenses of said improvement; and thereupon the said commissioners shall advertise for not less than ten days in one or more of the newspapers published in the county of Hudson for proposals for doing said work, and after said time shall open said proposals and award the said contracts to the person or persons who shall offer to do it for the least sum of money, with adequate security, to be not less than one-half the amount of the contract; but the said commissioners may, if they deem it for the interest of the property owners to be assessed for said improvement to reject all the offers and re-advertise as above required, before they shall let the said contracts for said improvement; *and provided*, that it shall not be lawful for any of the said commissioners to be interested in any contract given out by them under this act.

5. *And be it enacted*, That the said commissioner may issue certificates of indebtedness for damages awarded for lands and improvements taken for the altering, widening or straightening of said road, particularly provided for in section third of this act, and a like certificate or certificates to the said commissioners and their employees, and also on the certificate of their engineer of the amount of work done under the contract authorized under section fourth of this act, issue to the contractor or contractors thereof a like certificate or certificates of indebtedness for two-thirds of the amount of work done at the time the estimate was given, as the work progresses; and on the confirmation of their work for the balance due, which certificates of indebtedness shall bear interest at the rate of seven per centum per annum until paid;

and such certificates shall be receivable in payment for assessments laid by said commissioners as hereinafter provided for.

6. *And be it enacted*, That the said commissioners shall after the widening, altering, straightening and grading said road and the completion of said improvement assess the entire costs and expenses thereof upon all the lands and real estate benefited thereby in proportion to the benefit received by said lands and real estate, and the said commissioners shall cause a map to be made showing the property assessed for said improvement, with the dimensions of the same, together with a schedule showing the different items of the whole amount of the assessment, and the assessment to the owner or owners of each plot or parcel of land assessed, whereupon the said commissioners shall give two weeks' previous notice in one or more of the newspapers published in the county of Hudson, and by notices posted in three public places along the line of the improvement, that they will meet at a convenient time and place to be named in said notice, to hear and weigh any and all objections which may have been presented in writing to said assessment, and thereafter correct and finally confirm the same, and notwithstanding any error in said assessment, in not naming the true owner or owners of any plot or parcel the assessment shall remain valid and effectual against such plot or parcel, and be collected in the manner hereinafter prescribed, and if any error be made in such assessment in not dividing any plot or parcel according to its actual ownership it shall not defeat or impair the assessment, but the commissioners shall, on application to them divide such assessments and apportion such parts.

Costs and expenses of grading, &c., to be assessed on lands benefited.

7. *And be it enacted*, That the map and schedule mentioned in the last section, when completed according to such final correction and confirmation of the assessment shall be filed in the offices of the clerks of the townships through which the road passes, from which time the said assessment shall be a lien on the lands on which it is laid, and from said time when the assessment shall be made on account of the altering, widening and straightening and improving, the said road shall be considered altered, widened, straightened, improved and vacated according to the said map, and the said commissioners may proceed to collect the assessment therefor, and the said commissioners shall make a copy of said map and assessment list, which they shall place in the hands

Map and schedule, when confirmed, to be filed.

Assessments to remain a lien.

Assessments, how collected

Proviso.

of the collectors of taxes for the time being, of the townships through which the road passes, and thereupon it shall be the duty of said collectors to directly collect the said assessment on the property in their respective townships, within sixty days from the time of placing such copy in his hands, and to pay the same over to one of said commissioners, who shall have been chosen by them as their said treasurer, and the said collectors shall in the collection of the said assessments be liable to the same pains and penalties, and be entitled to the same fees as in the collection of the annual township taxes; the said fees being added and retained by him out of the amount so collected; *provided*, the said collectors before proceeding under this act, shall enter into bonds to the said commissioners, with such sureties and in such sums as the said commissioners shall approve, conditioned for the faithful performance of their duties under this act; and in the event of their or either of their disability or disinclination to serve, then, and in that case the said commissioners shall name a new collector or collectors who shall enter into bonds or sureties as provided for above, and liable to the same pains and penalties and entitled to the same fees; and the said treasurer before receiving any moneys from said collectors, shall enter into bonds with the township committees through which the road passes in their corporate names, with such sureties, and in such sums as the township committees of said townships shall approve, conditioned for the faithful performance of his duties as such treasurer, and the said treasurer shall receive for all disbursements made by him, and assurances in receiving and accounting for the road fund an amount not to exceed one per centum on the total amount disbursed by him; and the said treasurer shall pay the certificates so issued by the commission in their numerical order and without unnecessary delay.

Failure to pay
assessments,
lands to be
sold.

8. *And be it enacted*, That in case any owner or owners of land assessed as aforesaid shall fail to pay the assessment laid thereon within one year from the time of placing the copy of the map and assessment list in the hands of the collectors, then the lands upon which the assessment is a lien shall be sold in the same manner that land is now authorized to be sold for unpaid assessments in the town of Union, so to raise a sufficient sum to pay the said assessments, and the interest at the rate of twelve per centum per annum from the expiration of sixty days from the time of placing such

copy in the hands of the collectors, and the lawful fees and costs of the collection and sale.

9. *And be it enacted*, That the tenure of office of said commissioners shall expire when the improvement is completed and the assessment thereon collected; and in case of the death, disability or resignation of any of the said commissioners, the vacancy so caused shall be refilled by the remaining commissioners at a meeting called for that purpose, by the election of a new commissioner for the unexpired term; and the said commissioners shall jointly have one per centum of the whole cost of the said improvement for the services performed by them under the provisions of this act.

Vacancies,
how filled.

10. *And be it enacted*, That in case any assessment in connection with said improvement be set aside on account of any irregularity or technicality in the proceedings relating thereto, a justice of the supreme court shall appoint three disinterested persons, freeholders and residents in the county of Hudson, commissioners to make new assessments.

Proceedings in
case any as-
sessment is
set aside.

11. *And be it enacted*, That when the said Bergen Line Road intersects with any other road, street or avenue on which a legal grade already exists, or has been established, and by reason of the grading or improving Bergen Line Road, any abrupt declivity may occur on account of the difference of grades, the said commissioners may re-grade for a short distance said intersecting roads, streets or avenues, or any of them, so as to conform their grades to that established for Bergen Line Road; and they shall have power to assess and collect the expenses thereof in the same manner as provided for in this act.

Commission-
ers may re-
grade any in-
tersecting
road.

12. *And be it enacted*, That the township committee of each township through which the road passes are hereby authorized and required to keep that portion of the said road in their respective townships in proper repair after the completion of the same; and should there be any surplus money in the hands of the said treasurer or commissioners, by reason of delay of paying the assessment, or otherwise, it shall be turned over by him to the treasurer of the township in which the surplus occurred, to be applied to such repairs.

Township
committees to
keep portion
of road in re-
pair.

13. *And be it enacted*, That the commissioners to be appointed as herein provided for, after opening, widening and straightening said Bergen Line Road, shall not proceed to regulate or improve any part thereof within three years from the date of the passage of this act; except upon application

Commission-
ers not to im-
prove road
except upon
application
made by own-
ers of lands.

made to them in writing by any person owning property along the line thereof; and then only such part of said road as the property of such applicant may front upon; and the said property owners may within the said three years regulate and grade said road, or so much thereof, as they desire according to the maps and plans which shall be made and filed by said commissioners; *provided*, that any person or persons who shall improve that part of said road fronting upon the property owned by such person or persons, according to the maps and plans, and to the satisfaction of said commissioners, shall not be assessed for any part of said improvement which may be done by said commissioners after the expiration of said three years.

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

Approved April 4, 1872.

CHAPTER DCIII.

A Supplement to an act entitled "An Act authorizing the appointment of commissioners to institute and make local improvements in that portion of the township of Belleville included within the boundaries of Belleville Polling District," approved April six, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said commissioners appointed by said act, and their successors, shall have power to make any agreement with the Newark or Jersey City water commissioners, for the laying of pipes for the supply of water through any street or streets within the limits of said district, and may allow an interest not exceeding ten per centum per annum on the cost of the same, which amount shall be assessed upon the property along the line of such street or streets, and upon the lands lying within three hundred (300) feet of said street, and upon all lands which may have water connec-

Commissioners may make agreement for the laying of pipes and supply of water.

tions with said pipes at a greater distance; which tax shall be assessed and collected in the manner provided for the collection of other assessments, in section fifteen of the act to which this is a supplement. Tax, how assessed and collected.

2. *And be it enacted*, That the jurisdiction and powers of said commissioners and their successors shall extend over the territory now known as "The Belleville Polling District," in all respects as they heretofore extended over said district as heretofore constituted. Jurisdiction and powers extended.

3. *And be it enacted*, That said commissioners of said district as now constituted may appoint, from time to time, so many police officers for said polling district, either for special or continuous service, as they shall think necessary, upon a petition signed to that effect by twenty persons being citizens of said district; the jurisdiction of such police officers shall be limited by the bounds of said district, and they shall possess all the power and authority therein now possessed by the police of the city of Newark, within the limits of said city; the compensation to be paid such police shall be fixed by the commissioners, and shall be paid by a tax levied upon the taxable property of said district, in the manner provided in sections five and twenty-three of the act to which this is a supplement; said commissioners shall also possess all the powers of such policemen within the said district. May appoint police officers upon petition. Powers of police officers.

4. *And be it enacted*, That the third sub-division of the fifth section of the act to which this is a supplement is hereby repealed and the following substituted therefor: to order and cause any street or section thereof, not less than one block in extent, to be graded, graveled, paved, flagged, macadamized or otherwise improved in such manner as they may deem advisable at the expense of owners of land on the line of said street or section; *provided*, that any improvement under this or any previous sub-division shall not be commenced except upon the written application of owners of land representing more than one half of lineal feet along the line of the proposed improvement, and the assessment for such expense shall in all cases be based on the number of lineal feet owned by each person on the line of such street or section so improved; and if at any time hereafter the owners of a majority of lineal feet of property on any one street of a not less extent than one thousand feet shall make a written application to the commissioners to have the same curbed and paved from curb to curb; *provided, however*, that streets west of Wash- Repealer. Amendment. Proviso.

ington avenue or north of Jarolemon street, may be paved a less width than from curb to curb, if so applied for in manner aforesaid, naming the material with which the same shall be paved, the commissioners shall proceed with the paving thereof in accordance with said application by making out specifications for the work to be done and materials to be furnished, and putting them up in at least three public places in the district, stating when and where bids for the same will be received and opened, at which time and place, or at such time and place as they may adjourn to, they shall proceed to award said contract to the lowest bidder giving satisfactory security for the completion of such work; and said commissioners may reserve the right to reject any and all bids which they may deem unsatisfactory to themselves, or the acceptance of which, in their judgment, would not be of advantage to the owners of property to be improved, and for the payment thereof the commissioners shall issue the bonds of the township, to be denominated "Belleville Township Improvement Bonds," which said bonds shall be made payable in ten equal yearly payments bearing interest at seven per centum per annum, payable semi-annually, and shall bear the common seal of the commissioners, to be by them hereafter adopted, and shall be signed by the president, countersigned by the secretary and endorsed by the treasurer of the commissioners, which said bonds shall be binding upon the township of Belleville, and shall not exceed sixty thousand dollars per mile of the street or parts of a street so applied for to be paved, and the amount of principal of said bonds, shall be assessed by the commissioners upon the property owners upon the line of said paved street or streets, in ten equal annual assessments, and shall be collected in the manner provided for other assessments by section fifteen of the act to which this is a supplement; *provided*, that in no case shall the bonds so issued by such commissioners be sold at a greater discount than ten per centum; and if any horse railroad company do now or shall hereafter occupy with the tracks of said horse railroad company any part or portion of any street or streets within said district that shall or may be ordered by the commissioners to be graded or paved, are hereby required to bear and pay the costs and expenses of grading and paving so much of said street as lies between the rails thereof, and eighteen inches on the outside of each rail, and the same shall be assessed upon, and remain a lien upon

Proviso.

their real property in said district, and shall be collected in the manner provided for the collection of other assessments in section fifteen of the act to which this is a supplement, and such horse railroad company or companies shall further be liable to said commissioners for the amount of such costs and expenses, which amount may be recovered in an action of debt with costs in any court of record in this state, in which action judgment shall be given therefor with interest, and execution may be issued thereon as in any other action; and no interference with the travel on such roads shall be caused or permitted by said commissioners beyond what shall be necessary for the speedy and proper completion of such work.

5. *And be it enacted*, That the sixth section of the act to which this is a supplement, be hereby amended by inserting immediately preceding the first proviso in said section the following: and the same shall be assessed, levied and collected in the manner provided for the assessment and collection of the costs of grading and paving streets in section five of said act. Amendment.

6. *And be it enacted*, That section eight of said act be amended by adding at the end thereof, the words in common with other property benefited, and that section twenty of said act shall be amended by striking out all the words between the word "Newark" and the words "which contracts" and the contracts in said section referred to shall be awarded in the manner provided in the third sub-division of the fifth section of said act as herein amended, and that the twenty-fourth section of said act by authorizing said commissioners to raise and expend any amount for repairs on roads not exceeding fifty cents on the hundred dollars of the taxable valuation of the property in said district. Amendment.

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

Approved April 4, 1872.

ACCEPTANCE OF ACTS.

ACCEPTANCE OF ACTS.

CERTIFICATE OF CONSOLIDATION OF THE BOUND BROOK AND EASTON RAILROAD COM- PANY WITH THE PERTH AMBOY AND BOUND BROOK RAILROAD COMPANY.

We, the subscribers, more than two-thirds of the stockholders in interest of the Bound Brook and Easton Railroad Company, hereby do consent and agree that the interest of said company with all rights and privileges belonging to the same, shall be consolidated and united with the interests of the Perth Amboy and Bound Brook Railroad Company; and this consent and agreement is given in pursuance of an act entitled "An Act to consolidate the Bound Brook and Easton Railroad Company and the Perth Amboy and Bound Brook Railroad Company, supplementary to the charters of said companies," approved April 2, 1872.

NEWARK, N. J.

E. M. PATTERSON, ten shares,
J. D. PATTERSON, five shares,
WILLIAM PATERSON, five shares,
JAMES BISHOP, twenty shares,
ASA PACKER, ten thousand shares,
H. E. PACKER, five hundred shares,
THOMAS N. McCARTER, twenty shares,
ROB. H. SAYRE, five hundred shares.

In witness whereof, the corporate seal of the aforesaid

CERTIFICATE OF ACCEPTANCE.

company, has been affixed and attested by the President and Secretary, this third day of April, A. D., 1872.

[CORPORATE SEAL.] ASA PACKER, *President*.
CHAS. HARTSHORN, *Secretary*.

We, the subscribers, being stockholders of more than two-thirds in interest of the capital stock of the Perth Amboy and Bound Brook Railroad Company, hereby do signify and express our consent and agreement to consolidate and unite the interest of said company, and all the rights and privileges belonging to the same, with those of the Bound Brook and Easton Railroad Company; and this consent and agreement are given in pursuance of an act entitled "An Act to consolidate the Bound Brook and Easton Railroad Company, and the Perth Amboy and Bound Brook Railroad Company, supplementary to the charters of said companies," approved April 2d, 1872.

NEWARK, N. J., April 3d, 1872.

ROB. H. SAYRE, four thousand shares.

In witness whereof, the corporate seal of the aforesaid company has been affixed hereto, and attested by the President and Secretary, this third day of April, A. D. 1872.

[CORPORATE SEAL.] E. M. PATTERSON, *President*.
CHAS. HARTSHORN, *Secretary*.

STATE OF NEW JERSEY :

I, Henry C. Kelsey, Secretary of the State of
[SEAL] New Jersey, do hereby certify the foregoing to be a true copy of the "Certificate of the Consolidation of the Bound Brook and Easton Railroad Company and Perth Amboy and Bound Brook Railroad Company," as taken from and compared with the original filed in my office the sixteenth day of April, A. D. 1872, and now remaining on file and of record therein.

In testimony whereof, I have hereunto set my hand and affixed my official seal this sixteenth day of April, A. D. 1872.

HENRY C. KELSEY.

ACCEPTANCE OF ACT INCORPORATING ANCHOR
LIFE INSURANCE COMPANY.

NEW YORK, April 8, 1872.

Abstract from the minutes of the annual meeting of the Board of Directors of the Anchor Life Insurance Company of New Jersey held this day, at the office of the company, at No. 178 Broadway, New York, a quorum being present:

The President, Mr. Edmund C. Fisher, reported to the Board that he had obtained from the Legislature of the State of New Jersey a consolidation and amendment to the act and supplements by which this company was chartered, and that he had received from the Secretary of State of New Jersey a certified copy of the same entitled "An Act to consolidate and amend the act and supplements thereto incorporating the Anchor Life Insurance Company," approved by the Governor April the fourth, 1872, and delivered the said copy to the Board, whereupon it was unanimously

Resolved, That the "Act to consolidate and amend the act and supplements thereto incorporating the Anchor Life Insurance Company," approved April 4th, 1872, be and hereby is accepted by the corporators therein named, a majority of them being now present, and that the Secretary be ordered to record the said act in the minutes of this meeting.

[SEAL.]

I. A. GIFFING,
Secretary.

I hereby certify that I am the Secretary of the Anchor Life Insurance Company, and that the foregoing is a true copy and abstract from the minutes of the Board of Directors of said company.

I. A. GIFFING.

Sworn to before me this 25th day of April, 1872. Witness my hand and official seal.

[SEAL.]

JOHN BISSELL,
Commissioner for New Jersey.

STATE OF NEW JERSEY:

I, Henry C. Kelsey, Secretary of State of the
[SEAL.] State of New Jersey, do hereby certify the foregoing to be a true copy of the certificate of acceptance of "Act to consolidate and amend the act and supplements thereto incorporating the Anchor Life Insurance Company," approved April 4, 1872, as taken from and compared with the original filed in my office the twenty-sixth day of April, A. D. 1872, now remaining on file and of record therein.

In testimony whereof, I have hereunto set my hand and affixed my official seal this twenty-sixth day of April, A. D. 1872.

HENRY C. KELSEY.

CERTIFICATE OF ORGANIZATION AND ADOPTION
OF CORPORATE NAME OF "THE UNITED NEW
JERSEY RAILROAD AND CANAL COMPANY."

Be it known to all whom it may concern, that at a meeting of the Joint Board of Directors of the Delaware and Raritan Canal Company, the Camden and Amboy Railroad and Transportation Company, and the New Jersey Railroad and Transportation Company, held at the office of the said Companies, in the city of Trenton, State of New Jersey, on the twenty-sixth day of April, eighteen hundred and seventy-two, the following preamble and resolution was adopted by the said Joint Board:

WHEREAS, it appears by the minutes of the meetings of the stockholders of the Delaware and Raritan Canal Company, the Camden and Amboy Railroad and Transportation Company, and the New Jersey Railroad and Transportation Company, that said companies have all consented to the consolidation of said companies into one company, as provided and authorized by the act of the Legislature of the State of New Jersey entitled "An Act to amend 'An

Act to validate and confirm certain agreements between the companies owning the railroad lines between New York and Philadelphia," approved March 14th, 1872, and the act thereby amended, which consent was made by a majority of the stockholders of each of said companies, voters at said meetings, respectively; therefore,

Be it resolved by the Joint Board of Directors of the said Companies, assembled this twenty sixth day of April, eighteen hundred and seventy-two, that the said three companies shall be and are hereby consolidated into one corporation, pursuant to and as provided by the said acts of the State of New Jersey, under the name of "The United New Jersey Railroad and Canal Company."

Now this certificate witnesseth, that the said Joint Board of Directors have adopted the corporate name of "The United New Jersey Railroad and Canal Company," as the designation or name for the said consolidated or united interest or corporation.

Witness the corporate seals of the said several consolidated companies with the signature of their respective Presidents and Secretaries and that of the General President and Secretary of said Joint Board.

R. F. STOCKTON, [CORPORATE SEAL.]
President of the Delaware and Raritan Canal Company.

Attest :
JOHN P. STOCKTON.

WM. H. GATZMER, [CORPORATE SEAL.]
President Camden and Amboy Railroad and Transportation Company.

Attest :
SAM'L J. BAYARD, *Secretary.*

A. L. DENNIS, [CORPORATE SEAL.]
President New Jersey R. R. & Trans. Co.

FRED. W. RANKIN,
Sec'y N. J. R. R. & Trans. Co.

JOHN G. STEVENS,
Pres't of the Joint Board.

WM. H. GATZMER,
Secretary of the Joint Board.

ACCEPTANCE OF ACTS.

STATE OF NEW JERSEY:

I, Henry C. Kelsey, Secretary of State of the
 [SEAL.] State of New Jersey, do hereby certify the foregoing to be a true copy of the certificate of organization and adoption of corporate name of "The United New Jersey Railroad and Canal Company," as taken from and compared with the original filed in my office the eighteenth day of May, A. D. 1872, now remaining on file and of record therein.

In testimony whereof, I have hereunto set my hand and affixed my official seal this eighteenth day of May, A. D. 1872.

HENRY C. KELSEY.

 AN ACT

giving the assent of this Commonwealth to two acts of the Legislature of the State of New Jersey, the one entitled "A Supplement to an act entitled 'A Further Supplement to an act entitled 'An Act to incorporate the Belvidere Delaware Bridge Company,''" passed the fifth day of March, one thousand eight hundred and thirty two, which further supplement was passed the twenty-fourth day of February, one thousand eight hundred and forty-three, the other entitled "A Further Supplement to the act entitled 'An Act to incorporate the Belvidere Delaware Bridge Company,''" approved March fifth, eighteen hundred and thirty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the assent of this commonwealth be and the same is hereby given to the provisions mentioned and contained in two acts of the legislature of the state of New Jersey, one thereof approved the eighth day of March, eighteen hundred and seventy-one, entitled "A Supplement to

an act entitled 'A Further Supplement to an act entitled "An Act to incorporate the Belvidere Delaware Bridge Company,"' approved the fifth day of March, one thousand eight hundred and thirty-two, which further supplement was passed the twenty-fourth day of February, one thousand eight hundred and forty-three; the other thereof approved the fifth day of March, eighteen hundred and seventy-two, entitled "A Further Supplement to the act entitled 'An Act to incorporate the Belvidere Delaware Bridge Company,'" approved March fifth, eighteen hundred and thirty-two, and the said acts of the legislature of the state of New Jersey are hereby adopted, ratified and confirmed by this commonwealth, and the provisions thereof shall be in full force and effect within this commonwealth; and the said acts of the legislature 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.

W. ELLIOTT,

Speaker of the House of Representatives.

JAMES S. RUTAN,

Speaker of the Senate.

Approved the third day of April, anno domini one thousand eight hundred and seventy-two.

JOHN W. GEARY.

OFFICE OF THE SECRETARY OF THE COMMONWEALTH, }
HARRISBURG, June 10, A. D. 1872. }

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 entitled "An Act giving the assent of this Commonwealth to two acts of the Legislature of the State of New Jersey, the one entitled 'A Supplement to an act entitled "A Further Supplement to an act entitled 'An Act to incorporate the Belvidere Delaware Bridge Company,'" passed the fifth day of March, one thousand eight hundred and thirty-two, which further supplement was passed the twenty-fourth day of February, one thousand eight hundred and forty-three; the other

ACCEPTANCE OF ACTS.

entitled "A Further Supplement to the act entitled 'An Act to incorporate the Belvidere Delaware Bridge Company,' " approved March fifth, eighteen hundred and thirty-two," as the same remains on file and of record 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.

F. JORDAN,

Secretary of the Commonwealth.

Filed June 18th, 1872, in the office of the Secretary of State of New Jersey.

HENRY C. KELSEY,

Sec'y of State.

STATE OF NEW JERSEY:

I, Henry C. Kelsey, Secretary of State of the
[SEAL.] State of New Jersey, do hereby certify the foregoing to be a true copy of a paper writing filed in my office the eighteenth day of June, A. D. eighteen hundred and seventy-two, as the same is taken from and compared with the original now remaining on file and of record in my said office.

In testimony whereof, I have hereunto set my hand and affixed my official seal this eighteenth day of June, A. D. eighteen hundred and seventy-two.

HENRY C. KELSEY.

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the bids, in two newspapers of the said city and two newspapers in the city of New York and elsewhere, if he deems proper, for sealed proposals for the purchase of the same, which proposals shall be opened by the comptroller in the presence of the said commissioners, or a majority of them, and previous notice, in writing, of the time and place of opening said proposals shall be given to all of said commissioners, in such manner as they shall provide, and in all cases said bonds shall be sold for the highest price that can be obtained for the same; and said commissioners shall have power to reject all bids if, in their judgment, it is for the interest of said city.

7. *And be it enacted*, That the comptroller may, from time to time, with the approval of the city council, borrow on the credit of the corporation, in anticipation of its taxes, such sum or sums, not exceeding in the whole the amount of such taxes, as may be necessary to meet expenditures under appropriations made for the current year; every such loan shall be secured by certificates of indebtedness of the city of Elizabeth, payable in not exceeding one year, in such sums as the comptroller may deem proper; *provided*, all bonds and certificates of indebtedness of said city, hereafter issued, shall be countersigned by the comptroller and signed by the mayor and sealed with the corporate seal. May borrow money with the approval of council.

8. *And be it enacted*, That the comptroller shall receive a salary of four thousand dollars per annum, payable quarterly, as full compensation, except as hereinafter provided, for all services required to be performed by him by or under this act, which salary shall be provided for in the annual appropriations by the city council; and until an annual appropriation for that purpose shall be made, after the passage of this act, said salary shall be paid out of the contingent fund of said city, and said salary shall be paid by the city treasurer when due; he shall devote his whole time to the duties of his office, and shall not hold any other public office whatever in said city or elsewhere; he may, with the concurrence of the commissioners of the sinking fund, employ such clerical help as shall be necessary to enable him to properly perform the duties of his office, whose compensation shall be determined by the said commissioners, and shall be provided for and paid in the same manner, as is herein provided in respect to the salary of the comptroller; the city council shall provide the comptroller with suitable offices in Compensation of comptroller.

May employ clerical help.