# AN ACT

TO INCORPORATE THE

# Hoboken Land and Improvement Co.

SUPPLEMENTS AND OTHER ACTS.



Hoboken, N. J.
HUDSON COUNTY DEMOCRAT PRINT,
35 WASHINGTON STREET.
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# STATE OF NEW JERSEY.

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AN ACT TO INCORPORATE THE HOBOKEN LAND AND IMPROVEMENT COMPANY.

SECTION 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That John C. Stevens, Robert L. Stevens, James A. Stevens, Edwin A. Stevens, Thos. A. Conover, Joshua R. Sands, and all and every other person or persons hereafter becoming members of the Hoboken Land and Improvement Company, in the manner hereinafter mentioned, their successors and assigns, shall be and they are hereby created and made a body politic and corporate, by the name of the Hoboken Land and Improvement Company, and by that name shall and may have perpetual succession and be capable in law of purchasing, using, holding, letting, improving and disposing of such real and personal property only as may be necessary for the objects of this incorporation, clearly indicated by this act; and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all costs of law and equity, and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever, necessary for the said purposes, and may have and use a common seal, which they shall have power to renew or alter at pleasure; and generally may do every other act or thing necessary to carry into effect the provisions of this act, and promote the objects and designs of said Company, as authorised by this act: *Provided,* that nothing herein contained shall authorise said Company to hold more than one thousand acres of land at any one time.

SEC. 2. *And be it enacted*, That the said John C. Stevens, Robert L. Stevens, James A. Stevens, Edwin A. Stevens, Thos. A. Conover, and Joshua R. Sands, may receive subscriptions from time to time to the capital stock of the said Company, in shares of one hundred dollars each, to any amount not exceeding twenty thousand shares; and for the purpose of obtaining any subscription, they shall give at least ten days public notice, by advertisement in any one of the newspapers in the county of Bergen or Essex, of the time and place of subscribing; and every person who shall become a holder or entitled to one or more shares of the said stock, shall thereupon become a member of the Hoboken Land and Improvement Company hereby incorporated; and every person, on being divested of all shares of said stock, by transfer or otherwise, shall thereupon cease to be a member of the said Company.

SEC. 3. *And be it enacted*, That when ten thousand shares of said stock shall be subscribed, the members of the said Company shall proceed to elect, after having given ten days' notice in one of the newspapers aforesaid of the time and place of such election, seven directors, who shall continue in office until the first Monday in May then next ensuing; and the members of the said Company shall annually thereafter, on the first Monday in May, elect from the stockholders of said Company, seven directors, to serve for the term of twelve months, and until others shall be chosen; and the election of directors shall be conducted in such manner as by the By-Laws or Regulations, hereafter to be made by the directors, shall be appointed and shall be made by such of the stockholders of said Company as shall attend for that purpose, either in person or by proxy; and all elections shall be by ballot; each share of stock, on which all instalments due have been paid, shall entitle the holder thereof to one vote, and the seven persons who shall receive the greatest number of votes, shall be the directors, which said directors, during their term of service, shall have the sole management and direction of the stock, property, affairs and concerns of said Company. And if it shall happen, at any election, that two or more persons shall have an equal number of votes, so that no choice shall have been made as to such persons, then the stockholders herein authorised to vote at such election, shall proceed by ballot a second time, and by a plurality of votes determine which of the persons so having an equal number of votes shall be the director or directors, so as to complete the number required; and the



said directors so chosen shall elect one of their number to be the President of the said Company, who may preside at the meetings of the directors; and if any vacancy shall be occasioned in the board of directors, by death, resignation or otherwise, the same shall be filled for the remainder of the term in which it may happen by such person or persons among the stockholders as the remainder of the directors may appoint; and 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 reason or for any non-user, be deemed dissolved; but it shall and may be lawful on any other day to hold an election of directors, as the By-Laws shall provide, or the directors last elected, or a majority of them, shall authorise.

SEC. 4. *And be it enacted*, That the said Company be, and they are hereby empowered, to improve all such lands as they are hereby authorised to own or purchase, by laying out that portion of the same which lies north of Fourth Street, in the village of Hoboken, into lots, streets, squares, lanes, alleys and other divisions; of leveling, raising and grading the same, or making thereon all such wharves, workshops, factories, warehouses, stores, dwellings, and such other buildings and improvements as may be found or deemed necessary, ornamental or convenient, and constructing on the lands of the said Company aqueducts or reservoir, for conveying, collecting and providing pure and wholesome water; and letting, renting, leasing, mortgaging, selling or changing the same, or using any lot or other portion of any of the said lands for depots, and for agricultural, mining or manufacturing purposes; and they shall have power to purchase, fill up, occupy, possess and enjoy all land covered with water fronting and adjoining the lands that may be owned by them; and they may construct thereon wharves, harbors, piers and slips, and all other structures requisite or proper for commercial and shipping purposes; and when they shall have purchased the ferry right from the owners thereof, they may enjoy the same, and purchase and build steamboats: *Provided*, It shall not be lawful for the said Company to fill up any such land covered with water, nor to construct any dock, pier or wharf, immediately in front of the lands of any other person or persons owning down to the water, without the consent of such person or persons so owning first had in writing and obtained.

SEC. 5. *And be it enacted*, That a majority of the directors shall

form a board for the transaction of business, and shall have full power to make By-Laws, Ordinances and Regulations, and to appoint all officers and agents, as they may think proper, and fix their compensation; to declare the forfeiture of stock, in case of non-payment of instalments; to declare and provide for the payment of dividends to the stockholders, and in general to transact, plan and superintend the business and concerns of the Company: *Provided*, Such By-Laws, Ordinances and Regulations are not repugnant to the Constitution or Laws of the United States, or of this State.

SEC. 6. *And be it enacted*, That the capital stock of said Company shall be deemed personal property, and transferable only on the books of the Company, in such manner as the By-Laws shall direct; and any of the owners of the lands hereby authorised to be purchased by the said Company, may take stock to the amount of the whole or any part of his, her or their interest therein. And nothing herein contained shall be construed to restrict the Legislature from imposing any tax upon the property of the Company.

SEC. 7. *And be it enacted*, That the said Company shall be at liberty to subscribe for and take stock in any canal, railroad, turnpike, or other highways, 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.

SEC. 8. *And be it enacted*, That nothing herein contained shall be taken or construed, so as to authorise the said Company to establish a banking institution, or to issue at any time any note in the style or nature of a bank note, or to use any part of its capital for banking, trust or any other purpose not plainly indicated by this act.

SEC. 9. *And be it enacted*, That all the corporate powers, rights and privileges hereby granted, shall cease and determine at the expiration of ninety-nine years from the date of this act, and that the Legislature of this State may at any time hereafter alter, amend, modify or repeal this act, as the public good may require.

Passed February 21, A. D. 1838.

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## A SUPPLEMENT TO THE ACT ENTITLED AN ACT TO INCORPORATE THE HOBOKEN LAND AND IMPROVEMENT COMPANY.

[Passed February twenty-first, eighteen hundred and thirty-eight.]

SECTION 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That whenever, at a meeting of the stockholders of the Hoboken Land and Improvement Company, convened at their office, at Hoboken, for that purpose, upon ten days' notice by advertising in one of the newspapers published in the county of Hudson or Essex, of the time and place, it shall and may be lawful for the stockholders holding seven-eighths of all the stock of said Company, by a resolution to be adopted at such meeting, to alter and reduce the par value of the shares of the capital stock of said Company from one hundred dollars to thirty dollars each share.

Passed February 22, 1843.

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## A SUPPLEMENT TO THE ACT ENTITLED AN ACT TO INCORPORATE THE HOBOKEN LAND AND IMPROVEMENT COMPANY.

[Passed February twenty-first eighteen hundred and thirty-eight.]

SECTION 1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That the said Company be, and they are hereby authorised to survey, lay out and construct a railroad, from some point at or near the Hoboken Ferry, in the county of Hudson, to a point at or near the old Weehawken Ferry, in the same county, and to place and run engines and cars thereon, and to demand and take fare for carrying passengers and merchandise, not to exceed twelve and a half cents for each passenger, and fifty cents per ton for the transportation thereon of every species of heavy merchandise, produce, property and freight, the loading and unloading thereof inclusive; and for the transportation of dry goods and packages, the Company may charge such reasonable rates as the board of directors of said Company shall fix for the same. Said road not to exceed sixty feet in width, and where the same shall cross any public highway, the crossing shall be made and maintained in good repair

by said Company, so as not to impede the travel, or interfere with the public convenience.

SEC. 2. *And be it enacted*, That if said road shall cross the lands of any other person than the said Company, 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, 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 of such road, upon taking such proceedings in reference thereto as are prescribed in similar cases, in and by the eighth and ninth sections of the act entitled "An Act to incorporate the Paterson and Hackensack Railroad Company," passed February six, eighteen hundred and fifty.

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

Approved March 13th, 1851.

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## A SUPPLEMENT TO THE ACT ENTITLED AN ACT TO INCORPORATE THE HOBOKEN LAND AND IMPROVEMENT COMPANY.

[Passed the twenty-first day of February Anno Domini eighteen hundred and thirty-eight.]

SECTION. 1 *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That the Hoboken Land and Improvement Company be and they are hereby authorised to construct works for the supply of the inhabitants of Hoboken with pure and wholesome water, and to make contracts with any persons or corporations for that purpose.

SEC. 2. *And be it enacted*, that said Company may take and hold any lands or other real estate necessary for the construction of any canals, aqueducts, reservoirs, or other works for conveying or conducting water, or for the erection of any building or machinery, or for laying pipes or conduits for carrying such water, and to do any other act convenient or necessary for such purpose, and may distribute such water throughout Hoboken.

SEC. 3. *And be it enacted*, That in case of any disagreement between said Company and the owner of lands which may be required for said purpose, or affected by any operation connected therewith, as to the amount to be paid to such owner, or in case such owner



shall be an infant, or married woman, or insane, or absent from this State, the Circuit Court in and for the county of Hudson shall, on the application of either party, nominate and appoint three disinterested persons commissioners to examine such property and estimate the value thereof, or the damage sustained thereby, who shall, upon reasonable notice to the parties of the time and place where they will be heard in relation to the matter, proceed, without delay, and make their report thereon to said Court, at the next term thereof; and in case the owners of such lands are unknown, or cannot be found, or reside out of this State, said Court may direct notice of the application and meeting of commissioners to be given, by advertisement or otherwise, in such manner as they may deem proper.

SEC. 4. *And be it enacted*, That whenever such report shall be confirmed by said Court, said Company shall, within sixty days thereafter, pay to said owner, or to such person as the Court shall direct, the sum mentioned in said report; and in case such owner be an infant, femecovert, an idiot, or insane, or shall not be known, or shall reside out of the State, or his residence not be known, the Court may direct the same to be paid into Court for his use, which shall be in full compensation for the property so required, or the damages sustained, as the case may be; and upon such payment, said Company shall become seized in fee of said property so required, and shall be discharged from all claim by reason of such damage, but no claim shall be made or allowed after the expiration of three years from the time when the land is taken or the damage suffered.

SEC. 5. *And be it enacted*, That said Company may lay their pipes and construct their works under any highway, river, road, railroad, street, alley, lane or court, on condition that they cause the surface of such highway, road, railroad, street, alley, lane, or court to be restored to its original state, and all damages done thereto to be repaired under the direction and to the satisfaction of the officer or authority having charge or supervision of the same.

SEC. 6. *And be it enacted*, That if any person shall, without authority from said Company, maliciously or wilfully divert the water, or any part thereof, from said works, or corrupt or pollute the same, or shall injure or destroy any part of said works, such person, and his aiders and abettors, shall be guilty of a misdemenor, and on conviction, shall be punished by fine, not exceeding one thousand dollars, and imprisonment, not exceeding one year, or both, at the discretion of

the Court; and said Company may likewise sue for the damage caused thereby, and shall recover three times the amount of damages actually sustained, as found by the Court or jury, with costs.

Approved March 17, 1855.

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## AN ACT TO INCORPORATE THE PATERSON AND HACKENSACK RAILROAD COMPANY.

SECTION 8. *And be it enacted*, That if the said Company, or its agent or agents, cannot agree with the owner or owners of such required lands for the use or purchase thereof, or if, by 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 the said Company in the construction of said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of said Company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the inferior Court of Common Pleas of the county in which the lands are situate, who shall cause the said Company to give notice thereof to the persons interested, if known and in this State, or if unknown or out of the State, to make publication thereof as he shall direct for any term not less than twenty days, and to assign a particular time and place for the appointment of 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 this State, Commissioners to examine and appraise the said lands and assess the damages, upon such notice, not less than twenty days, to be given to the persons interested, or otherwise, as shall be directed by the Judge making the appointment of Commissioners; and it shall be the duty of said Commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands, and to make a just and equitable appraisement or estimate of the value of the same, and an assessment



of damages, which shall be paid by the Company for such land 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 county to remain of record therein; which report, or, in case of an appeal, the verdict of the jury and the judgment of the Court thereon, or a copy thereof, certified by the Clerk of said county, the damages found or assessed with the cost adjudged being first paid, as hereinafter mentioned, shall at all times be considered as plenary evidence of the right of said Company to have, hold, use, occupy, possess and enjoy the said land; and either of the Judges of the said Court shall, on application of either party, on reasonable notice to the others, tax and allow such cost, 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 order and direct by whom the same shall be paid.

SEC. 9. *And be it enacted*, That in case the said Company or owner or owners of the said land shall be dissatisfied with the report made by the Commissioners named in the preceding section, the party so aggrieved may appeal to the Circuit Court of the county in which the lands lie, at the first term after the filing of the said report, by proceeding in form of petition to the said Court, which proceeding shall vest in said Circuit Court full right and power to direct a proper issue for the trial of the said controversy between the said parties, and to order a jury to be empanelled and sworn in as in other cases, and a view of the premises to be had, if either of the parties desire it, and the issue to be tried at the next term of said Court to be holden in said county, upon like notice and in the same manner as other issues in the said Court are tried; and it shall be the duty of the jury to assess the value of the said land and the damages sustained, and if they shall find a greater sum than the said Commissioners have awarded or the Company have offered to the said owner or owners, then judgment thereon, with costs, shall be entered against the said Company and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same, or a less sum, than the Commissioners awarded or the Company offered, then the said costs shall be paid by the said appli-

cant 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; 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 in which the said lands are situated; and from the owner or owners of the land not in controversy they shall obtain consent, in writing, before they enter upon or break ground on the premises, except for surveying and laying out said road: *Provided*, that the party or parties entitled to receive the amount assessed by the Commissioners may, upon tender thereof, receive the same without being thereby debarred from the appeal hereby provided for.

Approved February 6, 1850.

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## AN ACT FOR GRADING THE STREETS OF HOBOKEN, IN THE COUNTY OF HUDSON.

SECTION 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the Governor of this State for the time being be authorized and empowered to appoint three persons Commissioners, with power to establish and fix the grades of the several streets in that portion of Hoboken, Bergen Township, New Jersey, situated south of Fourth Street, in said village, and east of the east line of a tract of salt meadow conveyed by the late Col. John Stevens, of Hoboken aforesaid, to Samuel Swartwout, in 1814; which Commissioners so appointed shall proceed with all convenient dispatch, after their appointment, to Hoboken, and cause such surveys and examinations to be made as may be necessary to enable them to decide upon the grade best suited to the several streets situated as above described: *Provided*, that the grade-line of Washington Street, at its intersection with First Street, shall not be placed at a greater depth below the present surface than six feet, and that the decision of the Commissioners, when made and signed and sealed by at least two of their number, shall be filed in the County Clerk's office of the county of



Hudson, and the grades thus established to be and for ever remain as the grades of said streets.

SEC. 2. *And be it enacted*, That the Commissioners so to be appointed as aforesaid shall be disinterested, reputable freeholders, residing in this State, and without the county of Hudson, and one at least of their number shall be a practical engineer; and they shall, previous to entering upon the duties assigned them by this act, severally take and subscribe an oath or affirmation before some Justice of the Peace of the county of Hudson that they will act honestly and impartially, which oath or affirmation shall be filed in the office of the County Clerk as aforesaid.

SEC. 3. *And be it enacted*, That said Commissioners, while employed in the discharge of their duties as aforesaid, shall receive each three dollars per day and six cents per mile for travel; which said expenses, as also all the expenses of the surveys and examinations and fixing monuments, shall be defrayed by the property holders embraced within the tract in which the grades of the streets are to be established.

SEC. 4. *And be it enacted*, That said Commissioners shall not be required to enter upon the discharge of the duties of their commission until they shall have received from the property holders above named a satisfactory guarantee that all the necessary expenses of the commission, including surveys, examinations and fixing monuments, will be defrayed.

SEC. 5. *And be it enacted*, That in no part of Washington Street, between First and Fourth Streets, in Hoboken aforesaid, shall the grade-line to be established by this act be placed more than six feet below the present surface.

SEC. 6. *And be it enacted*, That no grade or cutting or removal of earth in any of the streets south of Fourth Street, in Hoboken aforesaid, except only by unanimous consent of the land owners in such street, shall hereafter be made at any time without a previous equitable assessment of benefits and losses from making such grade or grades, and award and payment of damages to the losers thereby as is hereinafter provided; and that when three-fourths of the persons owning real estate upon any street within said limits shall file their consent, in writing, to grade such street, pursuant to the provisions of this act, with any Justice of the Supreme Court of this State, it shall be lawful for the said Justice to appoint, in writing, three Commissioners, who

shall be disinterested, reputable freeholders, residing without the county of Hudson and in this State, whose duty it shall be, as soon thereafter as they shall have received notice of such appointment, to view said street so intended to be graded, and to make just and true and equitable assessments of the damages and benefits to happen from making such grade, and of the cost of removal and distribution of any surplus earth in grading the same, which assessments shall be confined to all the lots and other real estate only lying upon such street so to be graded as aforesaid; and in making such assessments, the said Commissioners shall have due regard to the value of the property to be affected by such grade, and to the injury and benefit, or injury or benefit to the owners thereof by making such grade. The Commissioners, previous to entering upon the duties of their office, shall severally be sworn before some Justice of the Peace of Hudson county to make the said assessments and estimates submitted to them fairly and impartially, to the best of their skill and judgment; and when the said Commissioners shall have made and completed their estimates and assessments, they shall sign and send the same to the said Justice, and the same being approved by him, shall be binding and conclusive upon the owner or owners of any such lands or other real estate, with the appurtenances, lying on such street so to be graded, subject only to an appeal to the Supreme Court of this State, if demanded within thirty days after the filing thereof, as hereinafter provided for; which appeal shall be tried by a jury ordered by said Court as in all other cases of assessment of damages and trial by jury; the said Commissioners shall, for their services, receive the same fees, to be paid in the same manner, as is directed in the third and fourth sections of this act.

SEC. 7. *And be it enacted*, That the said consent, appointment, oath, estimate, assessment and approval shall, within twenty days after such approval, be filed in the office of the Clerk of the county of Hudson, and that at any time after the expiration of thirty days from the filing thereof, a certified copy of such assessment and estimate, under the official seal of the said Clerk, may be placed in the hands of a freeholder to be selected by the freeholders upon such street, at a public meeting to be held for that purpose, who is hereby authorized and required to demand and receive all payments upon such assessments to the use of the freeholders upon such street so to be graded, which may be demanded by him and paid to him, and in case of non-payment, the said freeholder shall,



in his own name and to the use of the said freeholders as aforesaid, sue for and recover any and all assessments made under this act, by action of debt in any Court of competent jurisdiction, with costs, against any person or persons so assessed, and apply the same, when collected and received, within thirty days thereafter, to the payment of all damages awarded *pro rata* by the said appraisements or assessments, and such certified copy as aforesaid, upon the trial of any such cause, shall be received as conclusive evidence of such indebtedness: *Provided, however*, That such freeholder shall retain in his hands all such moneys as shall have been assessed, levied and collected by him as aforesaid for the purpose of defraying the expense of removal and distribution of any surplus earth in grading such street, and shall use the same, or any part thereof, only upon the order or orders of a majority of the freeholders of such street, which may from time to time be made in grading said street pursuant to this act; and the said freeholder shall, if required, before he enter upon the discharge of his duties, give bond with sufficient surety or sureties, to be approved of by the said freeholders, to the said freeholders jointly for the faithful performance of his said duties.

SEC. 8. *And be it enacted*, That no person owning less than twenty feet of land fronting upon any street within the limits aforesaid, shall be deemed competent to give a vote under the sixth section of this act.

SEC. 9. *And be it enacted*, That this act shall not go into effect unless the assent, in writing, of three-fourths of the present freeholders within the limits hereinbefore prescribed, whether resident or non-resident, shall be first obtained and filed in the office of the Clerk of the Court of Common Pleas of the county of Hudson, on or before the fourth Tuesday of October next, and that the Legislature may at any time hereafter amend, alter or repeal this act.

Passed February 28, 1840.

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## AN ACT TO REGULATE THE RATES OF FERRIAGE AT THE HOBOKEN AND JERSEY CITY FERRIES.

SECTION. 1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That from and after the first day of May next, it shall and may be lawful for the proprietors of the ferries at

Hoboken and Jersey City to charge the following tolls or rates of ferriage and no more:

Every person on foot, above ten years old, three cents; under ten years and above five years old, two cents.

Man and horse, or horse only, nine cents.

Ordinary four-wheeled trucks, loaded, two horses and one person, thirty-seven and a half cents.

Ordinary four-wheeled truck, light, two horses and one person, twenty-five cents.

Ordinary wagons, or market wagons, including loads of green clover and grass, two horses and one person, twenty-five cents. For every additional person, three cents.

Ordinary wagons, or market wagons, including loads of green clover or grass, one horse and one person, twelve and a half cents. For every additional person, three cents.

A coach, coachee, chariot, barouche, phaeton, pleasure wagon or sleigh with more than one seat, two horses, one person, thirty cents. For every additional person, three cents.

A light pleasure carriage, barouche or pleasure wagon, two horses, one person, twenty-five cents. For every additional person, three cents.

A light pleasure carriage, barouche or pleasure wagon, one horse, one person, twelve and a half cents. For every additional person, three cents.

A cart with driver, one horse, loaded or empty, twelve and a half cents.

A wagon load of straw or hay, with two horses and one person, fifty cents.

A wagon or cart load of hay or straw, with one horse and one person, thirty-seven and a half cents.

Any kind of carriage or sleigh without horse, half price.

A wheelbarrow and one person, loaded or empty, six cents.

A hand cart and one person, loaded or empty, eight cents.

Cattle, single or in droves, each, fifteen cents.

Calves and hogs, dead or alive, each, three cents.

Sheep, lambs and shoats, dead or alive, each, three cents.

Sucking Pigs, do., each, two cents.

Raw hides, each, three cents.

Skins, each, half a cent.



Dry hides, each, one cent.

Bundles of sole and upper leather, per side, each, one cent.

Bundles of hay, each, nine cents.

Paper in bundles, per ream, half a cent.

Wheat, corn and other grain, per bushel, half a cent.

Oats, green peas and beans, per bushel, one cent.

Potatoes, per bushel, one and a half cents.

Barrels containing apples and vegetables, each, six and a quarter cents.

Boxes of oranges and lemons, each, five cents.

Baskets containing fruit or vegetables, each, three cents.

Oysters, per bushel, three cents.

Horse feed, per bushel, one cent.

Meal, flour or coffee in bags, each, three cents.

Large boxes containing live fowls for market, each, twelve and a half cents.

Small boxes and large baskets containing live fowls, in proportion.

Salt in bags, per bushel, two cents.

Sugar, per cwt., five cents.

Pipe, hogshead of spirits or wine, each, fifty cents. When empty, eight cents.

Tierce of spirits or wine, each, thirty-seven and a half cents. When empty, six and a quarter cents.

Barrels of spirits or wine, each, eighteen and three quarter cents. When empty, three cents.

Hogsheads of molasses or sugar, each, thirty-seven and a half cents. When empty, six and a quarter cents.

Tierce of molasses or sugar, each, twenty-five cents. When empty, five cents.

Barrels of molasses, sugar, beer, beef, pork and oil, each, ten cents.

Barrels of flour and lime, each, five cents. When empty, two cents each, except flour barrels, one cent.

Baskets of wine, each, six and a quarter cents.

Crate, hogshead, tierce, &c., containing earthen ware or glass, each, twelve and a half cents. And when empty, tierce or crate, each, four cents.

Large size firkins, each, five cents.

Second size firkins, each, three cents.

Pails of butter, each, one cent.

Cheese, ham, codfish, &c., per cwt., five cents.

Chests of tea, each, four cents.

Half chests of tea, each, two cents.

Tobacco in kegs, each, four cents.

Churns containing milk, each, six and a quarter cents.

Iron, steel, lead, paints and other metals, per cwt., five cents.

Boxes of window glass, each, two cents.

Boxes of soap and candles, each, three cents.

Kegs of nails, each, five cents.

Specie in large kegs or boxes, each, twenty-five cents. For less size, and for every one thousand dollars, twelve and a half cents.

For fancy chairs, each, two cents.

For common chairs, each, one cent.

Sofas and pianos, each, twenty-five cents.

Bureas, each, twelve and a half cents.

Bedsteads, beds, tables, writing desks and small bureaus, each, six and a quarter cents.

Tool chests, ploughs and corn machines, each, six and a quarter cents.

Stoves and grates, large size, each, twelve and a half cents. Small size, in proportion.

Joists and boards, each, one cent.

Lumber and timber, per thousand feet, one dollar.

And all animals and things not herein enumerated, shall be charged proportionably to the foregoing rates.

SEC. 2. *And be it enacted*, That the Legislature may at any time hereafter alter and modify the rates of ferriage at the ferries aforesaid, and that this act shall go into effect immediately.

Approved March 10, 1853.

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## AN ACT TO AUTHORIZE CERTAIN STREETS, MARKED OUT ON A PLAN OF THE CITY OF HOBOKEN, TO BE CHANGED.

*Whereas*, On a plan of the city of Hoboken, filed in Bergen county Clerk's office, on the eighth day of April, eighteen hundred and five, and by which sales of lots have been made, a part of the land north of Sixth Street and east of Hudson Street were laid out in lots, and streets were marked only on said plan, and without any actual survey or laying out upon the ground; and *Whereas*, The said lands are elevated at a great height above the grade of the other streets of the city, and consist of solid rock, and the streets, as plotted on said plan, can never be opened and graded to any proper city grade, except at a cost that will exceed the value of the lots when graded, and thus destroy the value of the land; and *Whereas*, Other streets can be planned and laid over said lands more adapted to the natural grade of the surface that will greatly add to the value of the said lands; and *Whereas*, No streets have been opened or lots sold in said part of said lands, and no individual has acquired any right in said lands, except the owners of the same, but it is suggested that, by reason of the filing of said map and the sales thereby, the public may have acquired a claim to call for the opening of said streets, and Edwin A. Stevens and the other owners of said lands have applied for a law annulling any right that might exist in the public or any body or person whatever to require said streets to be opened, and authorizing them to lay out other streets, to be laid out in the place of the same, and it appearing that such change will be beneficial to the public and all parties interested; therefore



SECTION 1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That all that part of the street marked out on the said plan of the city of Hoboken next east of Hudson Street and parallel thereto, and north of Seventh Street and all that part of the second street east of Hudson Street, and parallel thereto, and north of Sixth Street, and all that part of Seventh Street east of the street next east of Hudson Street, and all that part of Eighth Street east of Hudson Street are hereby vacated and made void; and it shall not be lawful for any public or municipal authorities, or any person whatever, to open or use the same as public streets, and the lands shall be held by the owners of the fee, free from any easement or right of a street or road over the same.

SEC. 2. *And be it enacted*, That the owners of the lands across and over which said streets are laid out are hereby authorized and required to lay out, in lieu of said streets so vacated, on said lands, and on the lands north of, and adjacent thereto, other streets in such manner as shall be in their judgment most beneficial to the public interest, said new streets to contain as many superficial feet of land as those do that are hereby declared vacant and void, and to file a plan or map, designating such new streets, in the office of the Clerk of the

county of Hudson before the first day of January next; and the filing of such map shall be an agreement to dedicate such new streets so laid out thereon to public use, and they shall be public streets whenever the opening of the same may be called for by the proper municipal authorities of the city of Hoboken.

Approved March 6, 1858.

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## A SUPPLEMENT TO THE ACT ENTITLED "AN ACT TO INCORPORATE THE LONG DOCK COMPANY.

[Approved February twenty-sixth, eighteen hundred and fifty-six.]

SECTION 1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That the time limited for the establishment of the ferry authorized by the eighth section of the act to which this is a supplement be and the same is hereby extended to the twenty-sixth day of February, eighteen hundred and fifty-nine; and that the tunnel and railroad now being constructed under and through the Weehawken or Bergen hill, in the county of Hudson, shall be a public highway, and free for the passage of locomotives with their trains, and all railroad carriages thereon, with passengers and property, upon payment of the tolls prescribed by the tenth section of an act entitled "An Act to Incorporate the Paterson and Hudson River Railroad Company," passed January twenty-first, eighteen hundred and thirty-one.

Approved March 4, 1858.

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## AN ACT TO INCORPORATE THE PATERSON AND HUDSON RIVER RAILROAD COMPANY.

[Passed January twenty-first, eighteen hundred and thirty-one.]

SECTION 10. *And be it enacted*, That the President and directors of the said Company shall have power to have constructed or to purchase with the funds of the Company, and to place on any railroad constructed by them, all machines, engines, wagons, carriages and vehicles for the transportation of persons, or any species of property



thereon that they may think reasonable, expedient and right: *Provided*, They shall not charge more than at the rate of six cents per mile per ton for the transportation of property on the said road or roads, or six cents per mile for carrying each passenger on said railways in the carriages of the Company, or three cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said railways in carriages of others, and three cents per mile for each empty carriage; and that the said Company are hereby authorized to demand and receive money for toll and the transportation of persons and every species of property at the aforesaid or such less rates as they from time to time shall think reasonable and proper; and the railroad or roads, and 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 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.

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## A FURTHER SUPPLEMENT TO THE ACT ENTITLED "AN ACT TO INCORPORATE THE LONG DOCK COMPANY."

[Approved February twenty sixth, eighteen hundred and fifty-six.]

SECTION 1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That the time limited for the establishment of the ferry authorized by the eighth section of the act to which this is a supplement be and the same is hereby extended to the twenty-sixth day of July, eighteen hundred and sixty-one.

SEC. 2. *And be it enacted*, That all locomotives, and their trains and railroad carriages, that may or shall be authorized by law to be placed and run upon the railroad now being constructed, and as the same shall hereafter be constructed in the county of Hudson, by the Long Dock Company, or the New York and Erie Railroad Company, or their or either of their grantees or assignees, partly under and through the Weehawken or Bergen hill, and which locomotives, trains or carriages shall be placeed and run upon said railroad by any other Company or person or persons shall be so regulated, as to the time of starting, running, rates of speed and tonnage, as not to interfere with the

use and occupancy of said railroad by the Long Dock Company, or the New York and Erie Railroad Company, or their or either of their grantees or assignees, and shall also be subject to all lawful municipal regulations.

Approved March 11, 1858.

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## AN ACT TO INCORPORATE THE NEW JERSEY RAILROAD AND TRANSPORTATION COMPANY.

SECTION 6. *And be it enacted,* That the said President and directors of the said corporation shall be, and they are hereby invested with all the rights and powers necessary to the survey, laying out and construction and repair of a railroad not exceeding sixty-six feet in width, with as many sets of tracts as they may deem necessary, from such convenient point in the city of New Brunswick, to be determined on by said Company, by and with the consent of the corporation of said city, through or near the villages of Rahway and Woodbridge, and within one half mile of the market house of Elizabethtown, and through Newark, by the most practicable route, and thence contiguous to or south of the bridges crossing the Hackensack and Passaic rivers, crossing Bergen ridge south of the turnpike road to some convenient point not less than fifty feet from high water mark on the Hudson river opposite to the city of New York: *Provided always,* That it shall be lawful for the said Company to make any branch railroad to any ferry on the Hudson river, opposite to the city of New York aforesaid, to which the main line of said road shall not be located, which branch shall intersect the main line at a suitable point within one hundred yards of the Hackensack river, if the said main line shall cross the said river within one hundred yards of the present bridge; but if the said main line shall cross said river at a greater distance from said bridge, then to such point on said main line west of said river as may be best calculated to give to said ferries equal facilities of communication with Newark. And if the said Company shall not make such branch as soon as the main line shall be made from Newark to the Hudson, then it shall be lawful for any person or persons owning such ferry to construct such branch as aforesaid, and to charge tolls thereon in the same manner and at the same rates as this



corporation is authorized to charge, and for the purpose of constructing said branch railroad, he or they shall be invested with the same privileges and be subject to the same liabilities and reservations as this corporation are entitled and subject to.

Passed March 7, 1832.

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## AN ACT TO AUTHORIZE ANY ASSOCIATION OF PERSONS TO CONSTRUCT ANY OF THE BRANCH ROADS AUTHORIZED BY THE ACT ENTITLED "AN ACT INCORPORATING THE NEW JERSEY RAILROAD AND TRANSPORTATION COMPANY."

[Passed the seventh day of March, eighteen hundred and thirty-two.]

*Whereas,* The use of some of the branch or lateral railroads connecting with the New Jersey railroad, which are now authorized by law, would be beneficial to manufacturers and others who are desirous of constructing and managing the same, independent of the said main road, now therefore,

SECTION. 1. *Be it enacted by the Senate and General Assembly of the State of New Jersey,* That it shall and may be lawful for any association of persons, by such corporate name as they may adopt, and having first caused a certificate thereof to be filed with the Secretary of State, to construct and use any of the branch railroads authorized by an act entitled "An Act Incorporating the New Jersey Railroad and Transportation Company," passed the seventh day of March, eighteen hundred and thirty-two, by and with the consent of said Company; and for the construction and use of said branch roads. Such association may hold separate capital stock and have a separate board of directors, and shall be invested with the same privileges and be subject to the same liabilities and reservations as the said the New Jersey Railroad and Transportation Company are entitled and subject to.

Approved March 18, 1851.

## IN THE ACT TO INCORPORATE THE PATERSON AND HUDSON RIVER RAILROAD COMPANY.

[Passed January twenty-first, eighteen hundred and thirty-one.]

SECTION 11. *And provided also,* That it shall be lawful for any person or persons owning any ferry on the Hudson river, opposite to the city of New York, or any landing on the Passaic river, or manufactory within the corporate limits of the town of Paterson, to which said railroad shall not be laid by this Company, to erect and build a branch railroad to intersect said railroad at such point or points, within the said limits, as may be deemed expedient, and to charge the tolls thereon in the same manner and at the same rates as this corporation is authorized to charge, and for the purpose of constructing said branch railroad, he or they shall be invested with the same privileges and be subject to the same liabilities and reservations as this corporation are entitled and subject to.

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## AN ACT TO CREATE A NEW TOWNSHIP IN THE COUNTY OF HUDSON, TO BE CALLED THE TOWNSHIP OF WEEHAWKEN.

SECTION 1. *Be it enacted by the Senate and General Assembly of the State of New Jersey,* That all that part of the city of Hoboken, and the township of North Bergen, in the county of Hudson, included within the following bounderies, that is to say: commencing on the westerly side of the road leading from Bull's Ferry to Hoboken, formerly known as the Weehawken turnpike, at a point which divides the lands formerly of Mitchel Saunier and John Van Horn, as the said lands are laid down on a map of L. F. Douglass, bearing date eighteen hundred and forty-one, and from said place of beginning, running in a south-easterly direction down the bank of Hudson river, following the same dividing line and a continuation thereof if protracted to the middle of Hudson river, from thence returning to the place of beginning; and from said place of beginning, running southerly and along the westerly side of said road, to the northerly side of the Bergen turnpike road opposite the lands of John Ehlers, and where said



roads intersect thence north-westerly and along the northerly side of the said turnpike road until you reach a point opposite to the intersection of the Palisade Avenue with the Bergen turnpike road aforesaid; thence crossing the said Bergen turnpike, and following along the easterly line of said Avenue, in a south-westerly direction, to lands of Charles Loss, deceased, where the same intersect the said easterly side of Palisade Avenue; from thence along the westerly and northerly boundary of said property, as said lands are actually bounded, to where the boundary-line of said Loss property intersects the said Bergen turnpike road, and across said road, and in a continuation of said last mentioned line to a point one hundred feet easterly from the easterly line of said road; thence southerly and parallel with the said turnpike, and one hundred feet distant therefrom, to a point nine hundred and fifty feet northerly from the northerly line of Eighth Street, in Hoboken, as said street is laid down on Loss' map of Hoboken, filed in the Bergen County Clerk's office; thence easterly, and parallel with Eighth Street, to a point where Tenth Street intersects with the westerly line of Hudson Street, as the same is shown on a map of a part of Hoboken, filed in the Clerk's office of the county of Hudson, December thirty-first, eighteen hundred and fifty-eight; from thence southerly along the easterly line of Hudson Street, as the same is shown on the map last aforesaid, to the north-east corner of Hudson and Seventh Street; thence easterly along the northerly line of Seventh Street to the north-easterly corner of River and Seventh Street; thence southerly, along the easterly side of River Street, to the northerly side of Sixth Street, and thence east along the north line of Sixth Street to the river; and thence in a continuation of said last mentioned line, if protracted to the center of the river, thence up the river, and along the middle thereof, to a point which will reach the line first protracted as aforesaid to the middle of Hudson river, shall be and the same is hereby made a new township, to be called by the name of the township of Weehawken.

SEC. 2. *And be it enacted,* That the inhabitants of the said township of Weehawken are hereby constituted a body politic and corporate in law by the name of "The Inhabitants of the Township of Weehawken," in the county of Hudson and State of New Jersey, and are vested with, and entitled to, all the rights, powers, privileges, authority and advantages, and subject to the same government and liabilities as are prescribed in 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, except that they shall elect but one chosen freeholder, and shall be entitled to a full proportionate estate, share and interest in any public funds and property with other townships in the county of Hudson, in proportion to the taxable property, and as taxed by the assessors, within their respective limits of the last assessment, and subject to like obligations and responsibilities with other townships in the said county in the same manner as if herein particularly enumerated and set forth.

SEC. 3. *And be it enacted*, That the inhabitants of the said township of Weehawken shall hold their first annual town meeting at the house of Joshua Benson, on the second Wednesday of April, eighteen hundred and fifty-nine, and afterwards at such place in the said township of Weehawken as shall be determined by the electors of said township, in the manner prescribed by law.

SEC. 4. *And be it enacted*, That all paupers who have gained a settlement within the territorial limits included in said township of Weehawken, shall, after the passage of this act, be chargeable to the township of Weehawken.

SEC. 5. *And be it enacted*, That Justices of the Peace, Commissioners for taking the acknowledgment and proof of deeds, and other officers residing within the limits of the township of Weehawken, shall hold their offices until the same shall expire by their own limitation.

SEC. 6. *And be it enacted*, That such portion of the lands and property, in the first section of this act described and therein included, as are separated and set off from the city of Hoboken, shall be subject to a proportionate share of any debt or obligation incurred by the city of Hoboken; and also such portion of the lands and property, in the first section of this act described and included therein, as are set off from the township of North Bergen, in the county of Hudson, shall be subject to a proportionate share of any debt or obligation incurred by the inhabitants of the township of North Bergen, in the county of Hudson; and the inhabitants of the township of Weehawken, in the county of Hudson, shall be made liable to the debts and obligations aforesaid, to be enforced at law or in equity upon the lands and property aforesaid, in the proportions and in the principals aforesaid.

SEC. 7. *And be it enacted*, That all acts and parts of acts inconsistent with the creation of said township of Weehawken, and the



boundary and jurisdiction thereof, as in this act contained, are to that extent modified and repealed.

SEC. 8. *And be it enacted*, That the said township of Weehawken shall be included in the third assembly district of the county of Hudson.

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

Approved March 15, 1859.

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## AN ACT TO INCORPORATE THE HOBOKEN AND HUDSON CITY HORSE-CAR RAILROAD COMPANY.

SECTION 1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That Edwin A. Stevens, Cornelius V. Clickener, Charles T. Perry, Edmund Charles, George V. De Mott, George W. Morton, Ebenezer Montague, William W. Shippen, William H. Wood, Henry Newkirk and James Montgomery, and such other persons as may hereafter be associated with them, shall be and they are hereby ordained, constituted and made a body politic and corporate, in fact and in law, by the name of The Hoboken and Hudson City Horse-Car Railroad Company, and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient for the objects of this corporation.

SEC. 2. *And be it enacted*, That the amount of the capital stock of said Company shall be one hundred thousand dollars, with the privilege of increasing the same to three hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall, by their By-Laws, direct.

SEC. 3. *And be it enacted*, That the above named persons, or a majority of them, shall be Commissioners to open books to receive subscriptions to the capital stock of said Company, at such time or times, and place or places as they, or a majority of them, may think proper, giving at least twenty days' notice of the same in two of the newspapers published in the County of Hudson; and if more than one hundred thousand dollars of stock be subscribed, it shall be the duty

of the said Commissioners to make a fair and just apportionment of the stock among the subscribers in such manner as they may think best calculated to secure the speedy construction of said road.

SEC. 4. *And be it enacted*, That at the time of subscribing for said stock, fifteen per centum shall be paid upon the amount subscribed for, to the Commissioners or some one of them, and as soon as the sum of twenty-five thousand dollars of the capital stock is subscribed for, the said Company shall be organized by the said Commsssioners, who shall be the first directors of said Company, and continue as such directors until such time in the year eighteen hundred and sixty as the said Company, by their By-Laws, may appoint for the annual election of directors; and the said directors, as soon as may be convenient after said sum is subscribed and the directors chosen, at every annual election of said Company, shall choose out of their own number a President, who shall be a resident of this State; and in case of the death, resignation or removal of the President or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen by a majority of the said directors; and in the absence of the said President, a majority of the said directors may appoint a President *pro tempore*, who shall have such powers and functions as the By-Laws of the said Company shall provide.

SEC. 5. *And be it enacted*, That the number of the directors of the said Company shall be eleven, and in case it shall happen that an election of the directors should not be made during the day when pursuant to the 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 two of the 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 places.

SEC. 6. *And be it enacted*, That a majority of the directors of said Company shall be competent to transact all business of the said corporation, and shall have power to call in the remaining stock of said Company by such installments and at such times as they may direct, by giving thirty days' previous notice in two newspapers published in the county of Hudson, provided that no installments shall exceed ten dollars on each share, and that no two installments shall be required to be paid within thirty days of each other; and in case of the non-payment of said installments, or any one of them, they shall have



power to forfeit the share or shares upon which said default shall arise to said corporation, and the said directors shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear useful and proper touching the management and regulation of the stock, property, estate, effects and business of the said corporation, and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to them and to the President as to the said directors shall seem proper.

SEC. 7. *And be it enacted*, That the President and directors of said Company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point in the city of Hudson, in the county of Hudson, to some suitable point in or south of Newark or Ferry Streets, in the city of Hoboken, with one or more branches; which railroad and branches shall not run south of the southern boundary of Hoboken city, nor south of the Newark and Hoboken turnpike road in Hudson City, nor north of the northerly line of the city of Hudson, and to locate and construct said railroad not exceeding thirty feet in width, except in such places where, from the depth of excavation or the height of the embankment, it is necessary to take more land for the shape and protection of the side banks of said railroad, in which case so much land as may be necessary for the purpose, and no more, shall be taken; and it shall be lawful for the said President and directors, their agents, engineers, superintendents and others in their employ, to enter at all times upon all lands for the purpose of exploring, levelling, surveying and laying out the route of such railroad, and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary damage to private property; and when the route and location of said railroad shall have been determined upon, and a survey thereof deposited in the office of the Secretary of State, then it shall be lawful for the said Company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy and excavate any such lands, and to erect embankments and all other necessary works thereon, and to lay rails and to do all other things which may be suitable and necessary for the completion or repairs of 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.

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

SEC. 9. *And be it enacted*, That if the said Company, or its agent or agents, cannot agree with the owner or owners of such required land for the use or purchase thereof; or if, by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land so required for the use of the said Company in the construction of the said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of said Company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the Judges of the inferior Court of Common Pleas of the county of Hudson, who shall cause the said Company to give notice thereof to the persons interested, if known and in the State, or if unknown or out of this State, to make publication thereof as he shall direct, for any time not less than ten days, and to assign a particular time and place for the appointment of the Commissioners hereinafter named; at which time and place, upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents in this State, Commissioners to examine and appraise the said lands and assess the damages, upon such notice, not less than ten days, to be given to the persons interested or otherwise, as shall be directed by the Judge making the appointment of Commissioners; and it shall be the duty of said Commissioners, (having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and to proceed to view and examine the said lands, the said Commissioners at the same time taking into consideration all the benefits to be derived from, or in consequence of, said railroad, as the case may be, to the said owner or owners, and to make a just and equitable appraisement of



the value of the same, and an assessment of the damages to be paid by the said Company, which report shall be made in writing under the hands and seals of said Commissioners, or any two of them, and filed within twenty days thereafter, together with the aforesaid description of the lands and the appointments and oaths or affirmations aforesaid, in the Clerk's office of said county, to remain of record therein; which report, or, in case of an appeal, the verdict of a jury and the judgment of the Court, and a copy thereof certified by the Clerk of said county, (the damages and costs assessed and adjudged being first paid as hereinafter mentioned,) shall at all times be considered plenary evidence of the right of said Company to have, hold, use, occupy, possess and enjoy the said lands; and either of the Judges of the said Court shall, on application of either party, on reasonable notice to the other, tax and allow such costs, fees and expenses to the Judges, of the said Court, Commissioners, Clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

SEC. 10. *And be it enacted*, That in case the said Company or owner or owners of the said lands shall be dissatisfied with the report made by the said Commissioners named in the preceding section of this act, the party so aggrieved may appeal to the Circuit Court of the said county of Hudson, at the first term after the filing of the said report, by proceeding in the form of petition to said Court; which proceedings shall vest in said Circuit Court full right and power to direct a proper issue for the trial of the said controversy between the said parties, and order a jury to be 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 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 or the Company have offered to the said owner or owners, then judgment thereon, with costs, shall be entered against the said Company and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the Commissioners awarded or the Company offered, then the said costs shall be paid by the said

applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor as the Court shall direct; but such application shall not prevent the Company from taking the said land upon filing the said report: *Provided*, That in no case whatever shall said Company enter upon, or take possession of, the land of any person or persons for the purpose of actually constructing said railroad, or of making any erections or improvements whatever, or otherwise appropriating said lands to the use of the Company, until they have paid the party or parties entitled to receive the same the amount found by the said Commissioners as the value of the said lands or damages, in case the report of the Commissioners is not appealed from; or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the Commissioners, in case there shall be no appeal, or the amount found by the jury in case of appeal, shall refuse, upon tender thereof being made, to receive the same, or shall be out of this State, or under any legal disability, then payment of the amount assessed or found as aforesaid into the Circuit Court of the county of Hudson shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the Commissioners may, upon tender thereof being made, receive the same without being debarred thereby from an appeal from the report of the Commissioners.

SEC. 11. *And be it enacted*, That in case the said railroad is located on or across any road or highway, the said Company shall restore such road or highway to such state or condition as not to impair its usefulness.

SEC. 12. *And be it enacted*, That the President and directors of said Company shall have power to have constructed, or to purchase with the funds of the Company, and to place and use on said 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 whatever thereon as they from time to time shall think reasonable and proper: *Provided*, That they shall not charge more than five cents per mile for each passenger, and not more than fifteen cents per ton per mile for the transportation of every species of heavy merchandise, and goods usually



weighed by the ton in the carriages of the Company; and for dry goods and packages, such reasonable rates as shall be fixed by the board of directors.

SEC. 13. *And be it enacted*, That the President and directors may, within one year after the said railroad shall have been completed, declare and make such dividends of the net profits thereof among the stockholders as they may deem prudent, and shall in like manner semi-annually thereafter declare such dividends and pay the same to the stockholders, or their legal representatives, in proportion to the amount of stock held by them respectively.

SEC. 14. *And be it enacted*, That the said Company may purchase, have, hold and occupy such real estate at or near the commencement and termination of said road, and at such points along the line of said road, as may be necessary for the convenient transaction of business, not exceeding one acre in each place, and may erect and build thereon depots, warehouses and such other buildings and improvements as they may deem expedient for the safety of their property and the necessary uses appertaining to their business.

SEC. 15. *And be it enacted*, That if any person shall wilfully or maliciously injure the said road, or any buildings, cars, vehicles, animals or works of said corporation, such person or persons shall forfeit and pay 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

SEC. 16. *And be it enacted*, That as soon as the said railroad is finished, the President of the said Company shall file under oath or affirmation a statement of the amount of the costs of the said railroad, including all expenses, in the office of the Secretary of State, and annually thereafter he shall, under oath or affirmation, make a statement to the Legislature of this State of the net proceeds and expenses of said road; and as soon as the said railroad, or any part thereof, shall be put in operation, the said Company shall pay to the treasurer of this State a tax of one half of one per centum on the cost of the said road, to be paid annually on the first Monday in January: *Provided*, That no other tax or impost shall be levied or raised from said corporation by virtue of any law of this State.

SEC. 17. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money from time to time as

shall be necessary to build, construct or repair said road, and furnish the said Company with all necessary rails, buildings, cars, vehicles and animals for the use and object of the said corporation, and to secure the re-payment thereof by bond and mortgage, or otherwise, on the said road, land, franchises and appurtenances of, or belonging to, the said corporation, at a rate of interest not exceeding seven per centum per annum: *Provided, however*, That the said Company shall not plead the statute of usury in consequence thereof.

SEC. 18. *And be it enacted*, That it shall be lawful for the said corporation at any time during the continuance of its charter to make contracts and engagements with any other Company or corporation, or with individuals, for operating said railroad for transporting or conveying any kind of goods, produce, 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 fare and tolls as the said Company are entitled to demand and receive by virtue of this act for transportation and passage over their own road.

SEC. 19. *And be it enacted*, That if the said railroad is not completed and in use within two years from the fourth day of July next, then and in that case this act shall become void.

SEC. 20. *And be it enacted*, That the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled "An Act Concerning Corporations," approved the fourteenth day of February, eighteen hundred and forty-six," and the acts supplementary thereto and amendatory thereof, so far as the same are applicable; and that this act shall go into effect immediately, and shall continue in force for thirty years.

Approved March 18, 1859.

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## AN ACT TO INCORPORATE THE JERSEY CITY AND HOBOKEN HORSE RAILROAD COMPANY.

SECTION 1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That Samuel Westcott, Cornelius V. Clickener, Cornelius V. Traphagen, Edwin A. Stevens, William W. Shippen, Chauncy Rawson, and such other persons as may be hereafter associated with them, their successors and assigns, be and are hereby created a body corporat and politic, in fact and in name, by the name of The Jersey City and Hoboken Horse Railroad Company, and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient for the object of this incorporation.



SEC. 2. *And be it enacted*, That the amount of capital stock of said Company shall be one hundred and 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.

SEC. 3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, giving at least twenty days' notice of the same in some newspaper published in Jersey City; and 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 of a meeting of the stockholders to choose five directors, a majority of whom shall be residents of this State; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of stock entitling the holder thereof to one vote; and the above named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of the directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, and at the annual election of said corporation, shall, as soon as may be after every election, choose out of their number a President; and in case of the death, resignation or removal of the President or any director, such vacancy may be filled for the remainder of the term for which they were elected by the said board of directors, or a majority of them; and in case of the absence of the President, the said

board of directors, or a majority of them, may appoint a President *pro tempore*, who shall have such power as the By-Laws of the corporation shall prescribe.

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

SEC. 5. *And be it enacted*, That in case it shall happen that an election of the directors should not be made during the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, and the directors for the time being shall continue to hold their offices until others shall have been chosen in their stead.

SEC. 6. *And be it enacted*, That the President and directors of said Company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some point at or near the Jersey City ferry, at the foot of Montgomery Street, in Jersey City, and from thence to run to the Hoboken ferry, at the city of Hoboken, with authority to construct one or more branches to run to any ferry between the Jersey City and Hoboken ferries, and to connect with the Hoboken and Hudson City Horse-car Railrroad Company, said road not exceeding sixty feet in width, except in such places where, from the depth of excavation or the height of the embankment, it is necessary to take more land for the slope and protection of the side banks of said railroad, in which case so much land as may be necessary for the purpose, and no more, shall be taken; and it shall be lawful for the said President and directors, their agents, engineers, superintendents or others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, levelling or laying out the route or



routes of such railroad, and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such railroad shall have been determined, and a survey thereof filed in the office of the Clerk of Hudson county, then it shall be lawful for the said Company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, occupy and excavate any such lands, and to erect embankments, bridges and all other works necessary to lay rails, and do all other things which shall be suitable or necessary for the completion or repair of said road, subject to such compensation as is hereinafter provided: *Provided always*, That the payment or tender of payment of all damages for the occupancy of lands through which the said railroad may be laid out be made before the said Company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out of said road, unless the consent of the owner or owners of said lands be first had and obtained: and *Provided also*, That in constructing said railroad or branches through any of the streets or avenues of Jersey City, having first obtained the consent of the Common Council of said city, the said work shall be done under the inspection of the Commissioner of streets, or other proper officers of said city, and shall not unnecessarily interrupt the public travel during the progress of said work, and shall restore the streets or avenues to their former good condition without any unnecessary delay: and *Provided further*, That horse-power and no other shall be used by the Company in running their cars or carriages, unless where the grade of said road may be so steep as to require other power than horse-power, in that case the Company shall have the right to erect stationary engines.

SEC. 7. *And be it enacted*, That nothing in this act shall be construed to authorize said Company to lay down any railroad track or tracks in any of the public streets, lanes or avenues of any of the incorporated cities of Hudson county without the authority of the Common Council of said city or cities, or the city authorities of the same, by whatever name they may be called; and the city authorities shall direct, by ordinance or resolution, through what streets, lanes or avenues said track or tracks shall be laid; and by obtaining the authority as aforesaid, said Company shall be authorized to put down two tracks

in any of the streets, lanes or avenues so designated as aforesaid; and the said city authorities shall designate the number of tracks that shall be laid in any street, lane or avenue of said city or cities.

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

SEC. 9. *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 shall elect; but the price for passengers shall not exceed the sum of six cents for each passenger per mile or less, and after that rate for all distances over a mile.

SEC. 10. *And be it enacted*, That when the Company, or its agents, cannot agree with the owner or owners of such required land or materials for the use or purchase thereof; or when, by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land and materials so required for the use of the said Company in the construction of the said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of the Company, and also the name or names of the occupant or occupants, if any there be, and 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 the State, or if unknown or out of this State, to make publication thereof as he shall direct, for any time not less than six days, and to assign a particular time and place for the appointment of the Commissioners hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, non-residents in the county in which the lands or materials in controversy lie, Commissioners to examine and appraise the said land or materials and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the Justice making such appointments, to be expressed therein not less than six days; and it shall be the



duty of said Commissioners, (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in controversy, and to make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and to proceed to view and examine the said lands or materials, and to make a just and equitable estimate, or of the value of the same, and assessment of damages as shall be paid by the Company, for such land or materials and damages aforesaid, which report shall be made in writing under the hands and seals of 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 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 interests and costs, in an action of debt in any Court of competent jurisdiction, in a suit to be instituted against the Company if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the Company in the nature of a mortgage; and the said Justice of the Supreme Court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the Justice of the Supreme Court, Commissioners, Clerks and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the Company.

SEC. 11. *And be it enacted*, That in case the said Company or the owner or owners of the land or materials shall be dissatisfied with the report of the Commissioners named in the preceding section, and shall apply to the Justice of the Supreme Court at the next term after filing of the said report, the Court shall have power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises or materials to be had, and the said issue to be tried at the next Circuit Court to be holden in the said county, upon the like notice and in the

same manner as other issues in the said Court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if they shall find a greater sum than the said Commissioners shall have awarded in favor of the said owner or owners, then judgment thereon with costs shall be entered against the said Company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the Company offered, or the said Commissioners awarded, then the said costs to be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the Court shall direct; but such application shall not prevent the Company from taking the said land upon filing the aforesaid report, the value and damages being first paid; or upon a refusal to receive the same upon a tender thereof, or the owner or owners thereof being under any legal disability, the same being first paid into the Court of Chancery.

SEC. 12. *And be it enacted*, That the said Company may purchase, have and hold real estate, at the commencement and termini of their road, and the different intermediate depots upon the line of the same, not exceeding one acre at each place, and may erect and build thereon houses, warehouses, stables, and such other buildings and improvements as they may deem expedient for the safety of the property and the construction of the carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof; and shall have the privilege and authority to erect, build and maintain over such streams as the road may cross, such piers, bridges and other facilities, as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act.

SEC. 13. *And be it enacted*, That the President and directors of said Company shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the net profits of said railroad.

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



SEC. 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.

SEC. 16. *And be it enacted*, That if the said railroad shall not be commenced within two years from the fourth day of July next ensuing, and finished in four years, that then, and in that case, this act shall be void.

SEC. 17. *And be it enacted*, That on the first day of January after the railroad and its appendages, or any part thereof, shall be finished, so as to be used, the President and treasurer of said Company shall file, under oath or affirmation, a statement of the amount of the costs of said road, including all expenses, and the amount of all purchases made by virtue of this act, in the office of the Secretary of this State, and annually thereafter, a like statement of all further costs and expenses from year to year; and the President and treasurer of said Company shall also, under oath or affirmation, make a statement to the Legislature of this State of the proceeds of said road, on the first day of January after it shall be used, and annually thereafter; and as soon as the said railroad or any part thereof shall be put into operation, the said corporation shall pay to the Treasurer of this State a tax of one-half of one per centum on the amount expended by said Company for said road, which shall, in like manner, be paid annually thereafter on the first Monday in January of each year: *Provided*, That no other tax or other impost shall be levied or assessed upon the said Company.

SEC. 18. *And be it enacted*, That it shall be lawful for the said Company to purchase any plank road or roads, within the limits aforesaid, and to manage and conduct the same; and in case they do not purchase the said roads, then they shall not construct their said road within fifty feet of any such plank road, without their consent, except to cross the same, and in doing so they shall cross at right angles as near as possible.

SEC. 19. *And be it enacted*, That this act shall continue in force for and during the term of twenty years, and that the Legislature may at any time alter, modify or repeal the same.

Approved March 23, 1859.

# HOBOKEN.

THIS tract of land was originally granted by Gov. Peter Stuyvesant to Nicholas Varlet, by patent, dated February 5th, 1663, which grant was confirmed to said Varlet by Gov. Carteret, by patent, dated May 12th, 1668.

Nicholas Varlet some time after died intestate, leaving only two children, Abraham and Susanna, about the year 1675. Abraham, being a bachelor, departed from the province of New Jersey and the dominions of the crown of England, going in the service of the Dutch East India Company, for the East Indies—in whose service he continued until his death. Susanna Varlet married one John De Frest, and afterwards died, leaving an only daughter, Susanna. This daughter married one Robert Hickman, who it seems resided at Hoboken with his wife. By deeds dated June 19th, 1711, and recorded in Liber 14 or II. of deeds, for East Jersey, in the office of the Secretary of State, at Trenton, p. 474 to 476, from which deed the foregoing facts are gathered, the said Robert Hickman and Susanna his wife (daughter of Susanna De Frest) conveyed the said Hoboken, as it is called, containing 138 Dutch Morgan, (which was, according to the English surveys, 276 acres, English measure,) to Samuel Bayard, of the City of New York, merchant. It was found and described by the commissioners of 1764, as beginning at the mouth of the creek to a stake at the foot of the hill, N. 52½° W., $18\frac{63}{100}$ chains from the beginning; thence westerly, along the foot of the hill, 113½ chains, on a straight line, to a stake by a creek, which parts Hoboken from the meadows lying north of Harsimus, and so down the creek to the Hudson, and thence up the Hudson to the beginning. Nothing further respecting this tract being found on the record until the report of the commissioners, it probably remained in the Bayard family during the whole period. It is supposed that Abraham Varlet conveyed to Nicholas Bayard.

An act of the Legislature of the province of New Jersey, passed December 7th, 1763, entitled "An Act appointing Commissioners for finally settling and determining the several rights, titles and claims to the common lands of the township of Bergen, and for making a partition thereof, in just and equitable proportions, among those who shall be adjudged by the said commissioners to be entitled to the same." The proceedings of the commissioners under this act are recorded with great care and particularity in their Field Book or survey, in the Hudson County Clerk's office.

The said Commissioners, as appears by the said Field Book, found and decided, that lots 1, 2 and 144, viz: Weekawken, Hoboken and Weehawken ferry belonged at that time (1764) to William Bayard.

The lands owned by William Bayard were confiscated by his joining the army of the king of Great Britain, under the laws of the State of New Jersey, passed December 11th, 1778. (Paterson's Laws, pp. 40, 43—Wilson's Laws, pp. 67, 75.) Dec. 20th, 1781. Wilson's Laws, pp. 234, 235, substituting one agent in each county for the commissioners of forfeited estates, and December 16th, 1783, requiring said agents to proceed to sell, as directed by the law of 1778.

THE STATE OF NEW JERSEY
*vs.*
WILLIAM BAYARD.
} *Bergen Common Pleas, 27th of January, in January Term*, 1780.

Final judgment on second call and default. Inquisition for joining the army of the king of Great Britain, and process ordered. See Court minutes of 1780, p. 175. By this judgment, all the real estate of said Bayard, in New Jersey, became forfeited to and vested in said State.

STATE OF NEW JERSEY
*to*
CORNELIUS HARING, Agent of forfeited estates for Bergen County.
} *Bergen Common Pleas, January Term*, 1784.

Process on the above judgment, (in pursuance of said laws,) commanding the said agent to sell and dispose of all and singular, the



lands, tenements and hereditaments, held in fee or for life, and generally all the real estate of what nature or kind soever, belonging or lately belonging to William Bayard within the county of Bergen.

CORNELIUS HARING, Agent, &c.
*to*
JOHN STEVENS.
} *Sale at vendue, March* 16, 1784. *Deed dated July* 26, 1784. *Recorded in Book D of Deeds for Bergen Co., p.* 437, *Feb.* 7, 1787.

Consideration £18,360. This Deed conveys on said Commissioners' Map, No. 1, 564 acres, including the patent of Hoboken, No. 2 on foregoing Map, and the lot No. 233 on said Map.

SAME
*to*
JACOBUS J. BOGERT.
} *Deed dated May* 11, 1784. *Recorded in Book E, p.* 153.

This Deed conveys the Weehawken patent.

JACOBUS J. BOGERT, and wife,
*to*
JOHN STEVENS.
} *Deed dated May* 1, 1788. *Recorded in R.* 2, *p.* 479.

Conveys Weehawken patent.

The Hoboken Land and Improvement Company was incorporated by an act of the Legislature of New Jersey passed February 21st, 1838, (Pamphlet Laws, p. 92,) with power to purchase, improve, mortgage and dispose of lands and other estate in and about Hobo-

ken, for the purpose of grading and laying out streets and squares, erecting wharfs, etc.

EDWIN A. STEVENS, and MARY his wife, JOHN C. STEVENS, and MARIA his wife, ROBERT L. STEVENS, JAMES A. STEVENS, and MARIA his wife, JOSHUA R. SANDS, and HARRIET his wife. THOMAS A. CONOVER and ELIZABETH J. his wife, ESTHER B. STEVENS and SOPHIA C. V. C. STEVENS, children of JOHN STEVENS, late of Hoboken, deceased, of the first part, RACHEL STEVENS, widow of the said JOHN STEVENS, of the second part,

*to*

THE HOBOKEN LAND AND IMPROVEMENT COMPANY, of the third part.

*Deed dated May* 6, 1839. *Recorded Aug.* 24, 1839, *in Lib.* 4 *of Deeds of Bergen County, p.* 287.

*Consideration* $1, *and also* $1,500,000, *in* 15,000 *Shares of the Capital Stock of said Company.*

The Hoboken tract as conveyed to John Stevens by Cornelius Haring, agent, is described as follows: Beginning by the mouth of the creek that parts Weehawken from Hoboken, thence as follows: north fifty-two and one half degrees west, thirty-three chains and thirty-five hundredths; south thirty-three degrees west, twenty-eight chains on the top of the hill; south fifty-seven degrees east, two chains; south thirty-three degrees west, thirty chains to a heap of stones by a dogwood tree blazed; south fifty-seven degrees east, one chain; south thirty-three degrees west, ten chains; south fifty-seven degrees east, two chains; south thirty-three degrees west, eleven chains and thirty hundredths to a heap of stones in a path that goes down the hill towards Hoboken; north fifty-seven degrees west, one chain; south thirty-three degrees west, nineteen chains and twelve hundredths; south fifteen degrees west, eight chains and thirty hundredths; south fifty-five degrees west, three chains; south thirty-five degrees west, six chains to a large heap of stones near the top of the hill; then south-easterly down the hill to the edge of the meadow where the creek that parts Hoboken and Harsimus runs near the upland; thence easterly all along said creek as it runs to Hudson or North river;



thence northerly along said river as it runs to the beginning; being the tract on Douglass' map included between the Hudson and the blue line running along the top of the hill and between the two creeks called Hoboken, including the narrow strip of land along the hill, the Swartwout meadows and the village of Hoboken as designated on said map.

This map is a map exhibiting the town of Hoboken, together with the entire lands which were in the possession of the late John Stevens, drawn from actual survey by L. F. Douglass, dated January, 1839, in the possession of the Company.

Archives 2013.001.0060

[1]

AN ACT TO INCORPORATE THE HOBOKEN LAND AND IMPROVEMENT CO.

SUPPLEMENTS AND OTHER ACTS,

HOBOKEN, N. J.
HUDSON COUNTY DEMOCRAT PRINT,
35 WASHINGTON STREET.
1859.

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[2]

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STATE OF NEW JERSEY.
AN ACT TO INCORPORATE THE HOBOKEN LAND AND IMPROVEMENT COMPANY.

SECTION 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That John C. Stevens, Robert L. Stevens, James A. Stevens, Edwin A. Stevens, Thos. A. Conover, Joshua R. Sands, and all and every other person or persons hereafter becoming members of the Hoboken Land and Improvement Company, in the manner hereinafter mentioned, their successors and assigns, shall be and they are hereby created and made a body politic and corporate, by the name of the Hoboken Land and Improvement Company, and by that name shall and may have perpetual succession and be capable in law of purchasing, using, holding, letting, improving and disposing of such real and personal property only as may be necessary for the objects of this incorporation, clearly indicated by this act; and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all costs of law and equity, and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever, necessary for the said purposes, and may have and use a common seal, which they shall have power to renew or alter at pleasure; and generally may do every other act or thing necessary to carry into effect the

provisions of this act, and promote the objects and designs of said Company, as authorised by this act: *Provided,* that nothing herein contained shall authorise said Company to hold more than one thousand acres of land at any one time.

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SEC. 2. *And be it enacted,* That the said John C. Stevens, Robert L. Stevens, James A. Stevens, Edwin A. Stevens, Thos. A. Conover, and Joshua E. Sands, may receive subscriptions from time to time to the capital stock of the said Company, in shares of one hundred dollars each, to any amount not exceeding twenty thousand shares; and for the purpose of obtaining any subscription, they shall give at least ten days public notice, by advertisement in any one of the newspapers in the county of Bergen or Essex, of the time and place of subscribing; and every person who shall become a holder or entitled to one or more shares of the said stock, shall thereupon become a member of the Hoboken Land and Improvement Company hereby incorporated; and every person, on being divested of all shares of said stock, by transfer or otherwise, shall thereupon cease to be a member of the said Company.

SEC. 3. *And be it enacted,* That when ten thousand shares of said stock shall be subscribed, the members of the said Company shall proceed to elect, after having given ten days' notice in one of the newspapers aforesaid of the time and place of such election, seven directors, who shall continue in office until the first Monday in May then next ensuing; and the members of the said Company shall annually thereafter, on the first Monday in May, elect from the stockholders of said Company, seven directors, to serve for the term of twelve months, and until others shall be chosen; and the election of directors shall be conducted in such manner as by the By-Laws or Regulations, hereafter to be made by the directors, shall be appointed and shall be made by such of the stockholders of said Company as shall attend for that purpose, either in person or by proxy ; and all elections shall be by ballot; each share of stock, on which all instalments due have been paid, shall entitle the holder thereof to one vote, and the seven persons who shall receive the greatest number of votes, shall be the directors, which said directors, during their term of service, shall have the sole management and direction of the stock, property, affiairs[sic – affairs] and concerns of said Company. And if it shall happen, at any election, that two or more persons shall have an equal number of votes, so that no choice shall have been made as to such persons, then the stockholders herein authorised to vote at such election, shall proceed by ballot a second time, and by a plurality of votes determine which of the persons so having an equal number of votes shall be the director or directors, so as to complete the number required; and the

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said directors so chosen shall elect one of their number to be the President of the said Company, who may preside at the meetings of the directors ; and if any vacancy shall be occasioned in the board of directors, by death, resignation or otherwise, the same shall be filled for the remainder of the term in which it may happen by such person or persons among the stockholders as the remainder of the directors may appoint; and 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 reason or for any non-user, be deemed dissolved ; but it shall and may be lawful on any other day to hold an election of directors, as the By-Laws shall provide, or the directors last elected, or a majority of them, shall authorise.

SEC. 4. *And be it enacted,* That the said Company be, and they are hereby empowered, to improve all such lands as they are hereby authorised to own or purchase, by laying out that portion of the same which lies north of Fourth Street, in the village of Hoboken, into lots, streets, squares, lanes, alleys and other divisions; of leveling, raising and grading the same, or making thereon all such wharves, workshops, factories, warehouses, stores, dwellings, and such other buildings and improvements as may be found or deemed necessary, ornamental or convenient, and constructing on the lands of the said Company aqueducts or reservoir, for conveying, collecting and providing pure and wholesome water; and letting, renting, leasing, mortgaging, selling or changing the same, or using any lot or other portion of any of the said lands for depots, and for agricultural, mining or manufacturing purposes; and they shall have power to purchase, fill up, occupy, possess and enjoy all land covered with water fronting and adjoining the lands that may be owned by them; and they may construct thereon wharves, harbors, piers and slips, and all other structures requisite or proper for commercial and shipping purposes; and when they shall have purchased the ferry right from the owners thereof, they may enjoy the same, and purchase and build steamboats: *Provided,* It shall not be lawful for the said Company to fill up any such land covered with water, nor to construct any dock, pier or wharf, immediately in front of the lands of any other person or persons owning down to the water, without the consent of such person or persons so owning first had in writing and obtained.

SEC. 5. *And be it enacted,* That a majority of the directors shall

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form a board for the transaction of business, and stall have full power to make By-Laws, Ordinances and Regulations, and to appoint all officers and agents, as they may think proper, and fix their compensation; to declare the forfeiture of stock, in case of non-payment of instalments;

to declare and provide for the payment of dividends to the stockholders, and in general to transact, plan and superintend the business and concerns of the Company: *Provided,* Such By-Laws, Ordinances and Regulations are not repugnant to the Constitution or Laws of the "United States, or of this State.

SEC. 6. *And be it enacted,* That the capital stock of said Company shall be deemed personal property, and transferable only on the books of the Company, in such manner as the By-Laws shall direct; and any of the owners of the lands hereby authorised to be purchased by the said Company, may take stock to the amount of the whole or any part of his, her or their interest therein. And nothing herein contained shall be construed to restrict the Legislature from imposing any tax upon the property of the Company.

SEC. 7. *And be it enacted,* That the said Company shall be at liberty to subscribe for and take stock in any canal, railroad, turnpike, or other highways, 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.

SEC. 8. *And be it enacted,* That nothing herein contained shall be taken or construed, so as to authorise the said Company to establish a banking institution, or to issue at any time any note in the style or nature of a bank note, or to use any part of its capital for banking, trust or any other purpose not plainly indicated by this act.

SEC. 9. *And, be it enacted,* That all the corporate powers, rights and privileges hereby granted, shall cease and determine at the expiration of ninety-nine years from the date of this act, and that the Legislature of this State may at any time hereafter alter, amend, modify or repeal this act, as the public good may require.

Passed February 21, A. D. 1838.

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A SUPPLEMENT TO THE ACT ENTITLED AN ACT TO INCORPORATE THE HOBOKEN LAND AND IMPROVEMENT COMPANY.

[Passed February twenty-first, eighteen hundred and thirty-eight]

SECTION 1. *Be it enacted by the Council and General Assembly of tliis State, and it is liereby enacted by the authority of the same,* That whenever, at a meeting of the stockholders of the

Hoboken Land and Improvement Company, convened at their office, at Hoboken, for that purpose, upon ten days' notice by advertising in one of the newspapers published in the county of Hudson or Essex, of the time and place, it shall and may be lawful for the stockholders holding seven-eighths of all the stock of said Company, by a resolution to be adopted at such meeting, to alter and reduce the par value of the shares of the capital stock of said Company from one hundred dollars to thirty dollars each share.

Passed February 22, 1843.

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A SUPPLEMENT TO THE ACT ENTITLED AN ACT TO INCORPORATE THE HOBOKEN LAND AND IMPROVEMENT COMPANY.

[Passed February twenty-first eighteen hundred and thirty-eight.]

SECTION 1. *Be it enacted by the Senate and General Assembly of the State of New Jersey,* That the said Company be, and they are hereby authorised to survey, lay out and construct a railroad, from some point at or near the Hoboken Ferry, in the county of Hudson, to a point at or near the old Weehawken Ferry, in the same county, and to place and run engines and cars thereon, and to demand and take fare for carrying passengers and merchandise, not to exceed twelve and a half cents for each passenger, and fifty cents per ton for the transportation thereon of every species of heavy merchandise, produce, property and freight, the loading and unloading thereof inclusive; and for the transportation of dry goods and packages, the Company may charge such reasonable rates as the board of directors of said Company shall fix for the same. Said road not to exceed sixty feet in width, and where the same shall cross any public highway, the crossing shall be made and maintained in good repair

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by said Company, so as not to impede the travel, or interfere with the public convenience.

SEC. 2. *And be it enacted,* That if said road shall cross the lands of any other person than the said Company, 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, 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 of such road, upon taking such proceedings in reference thereto as are prescribed in similar cases, in and by the

eighth and ninth sections of the act entitled "An Act to incorporate the Paterson and Hackensack Railroad Company," passed February six, eighteen hundred and fifty.

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

Approved March 13th, 1851.

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A SUPPLEMENT TO THE ACT ENTITLED AN ACT TO INCORPORATE THE HOBOKEN LAND AND IMPROVEMENT COMPANY.

[Passed the twenty-first day of February Anno Domini eighteen hundred and thirty-eight.]

SECTION. 1 *Be it enacted by the Senate and General Assembly of the State of New Jersey,* That the Hoboken Land and Improvement Company be and they are hereby authorised to construct works for the supply of the inhabitants of Hoboken with pure and wholesome water, and to make contracts with any persons or corporations for that purpose.

SEC. 2. *And be it enacted,* that said Company may take and hold any lands or other real estate necessary for the construction of any canals, aqueducts, reservoirs, or other works for conveying or conducting water, or for the erection of any building or machinery, or for laying pipes or conduits for carrying such water, and to do any other act convenient or necessary for such purpose, and may distribute such water throughout Hoboken.

SEC. 3. *And be it enacted,* That in case of any disagreement between said Company and the owner of lands which may be required for said purpose, or affected by any operation connected therewith, as to the amount to be paid to such owner, or in case such owner

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shall be an infant, or married woman, or insane, or absent from this State, the Circuit Court in and for the county of Hudson shall, on the application of either party, nominate and appoint three disinterested persons commissioners to examine such property and estimates the value thereof, or the damage sustained thereby, who shall, upon reasonable notice to the parties of the time and place where they will be heard in relation to the matter, proceed, without delay, and make their report thereon to said Court, at the next term thereof; and in case the owners of such lands are unknown, or cannot be found, or reside out of this State, said Court may direct notice of the

application and meeting of commissioners to be given, by advertisement or otherwise, in such manner as they may deem proper.

SEC. 4. *And be it enacted,* That whenever such report shall be confirmed by said Court, said Company shall, within sixty days thereafter, pay to said owner, or to such person as the Court shall direct, the sum mentioned in said report; and in case such owner be an infant, feme-covert, an idiot, or insane, or shall not be known, or shall reside out of the State, or his residence not be known, the Court may direct the same to be paid into Court for his use, which shall be in full compensation for the property so required, or the damages sustained, as the case may be; and upon such payment, said Company shall become seized in fee of said property so required, and shall be discharged from all claim by reason of such damage, but no claim shall be made or allowed after the expiration of three years from the time when the land is taken or the damage suffered.

SEC. 5. *And be it enacted,* That said Company may lay their pipes and construct their works under any highway, river, road, railroad, street, alley, lane or court, on condition that they cause the surface of such highway, road, railroad, street, alley, lane, or court to be restored to its original state, and all damages done thereto to be repaired under the direction and to the satisfaction of the officer or authority having charge or supervision of the same.

SEC. 6. *And be it enacted,* That if any person shall, without authority from said Company, maliciously or wilfully divert the water, or any part thereof, from said works, or corrupt or pollute the same, or shall injure or destroy any part of said works, such person, and his aiders and abettors, shall be guilty of a misdemenor, and on conviction, shall be punished by fine, not exceeding one thousand dollars, and imprisonment, not exceeding one year, or both, at the discretion of

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the Court; and said Company may likewise sue for the damage caused thereby, and shall recover three times the amount of damages actually sustained, as found by the Court or jury, with costs. Approved March 17,1855.

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AN ACT TO INCORPORATE THE PATERSON AND HACKENSACK RAILROAD COMPANY.

SECTION 8, *And be it enacted*, That if the said Company, or its agent or agents, cannot agree with the owner or owners of such required lands for the use or purchase thereof, or if, by 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 the said Company in the construction of said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of said Company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the inferior Court of Common Pleas of the county in which the lands are situate, who shall cause the said Company to give notice thereof to the persons interested, if known and in this State, or if unknown or out of the State, to make publication thereof as he shall direct for any term not less than twenty days, and to assign a particular time and place for the appointment of 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 this State, Commissioners to examine and appraise the said lands and assess the damages, upon such notice, not less than twenty days, to be given to the persons interested, or otherwise, as shall be directed by the Judge making the appointment of Commissioners; and it shall be the duty of said Commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands, and to make a just and equitable appraisement or estimate of the value of the same, and an assessment

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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 county to remain of record therein; which report, or, in case of an appeal, the verdict of the jury and the judgment of the Court thereon, or a copy thereof, certified by the Clerk of said county, the damages found or assessed with the cost adjudged being first paid, as hereinafter mentioned, shall at all times be considered as plenary evidence of the right of said Company to have, hold, use, occupy, possess and enjoy the said land; and either of the Judges of the said Court shall, on application of either party, on reasonable notice to the others, tax and allow such cost, 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 order and direct by whom the same shall be paid.

SEC. 9. *And be it enacted,* That in case the said Company or owner or owners of the said land shall be dissatisfied with the report made by the Commissioners named in the preceding section, the party so aggrieved may appeal to the Circuit Court of the county in which the lands lie, at the first term after the filing of the said report, by proceeding in form of petition to the said Court, which proceeding shall vest in said Circuit Court full right and power to direct a proper issue for the trial of the said controversy between the said parties, and to order a jury to be empanelled and sworn in as in other cases, and a view of the premises to be had, if either of the parties desire it, and the issue to be tried at the next term of said Court to be holden in said county, upon like notice and in the same manner as other issues in the said Court are tried ; and it shall be the duty of the jury to assess the value of the said land and the damages sustained, and if they shall find a greater sum than the said Commissioners have awarded or the Company have offered to the said owner or owners, then judgment thereon, with costs, shall be entered against the said Company and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same, or a less sum, than the Commissioners awarded or the Company offered, then the said costs shall be paid by the said appli-

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cant 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; 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 in which the said lands are situated; and from the owner or owners of the land not in controversy they shall obtain consent, in writing, before they enter upon or break ground on the premises, except for surveying and laying out said road: *Provided,* that the party or parties entitled to receive the amount assessed by the Commissioners may, upon tender thereof, receive the same without being thereby debarred from the appeal hereby provided for.

Approved February 6, 1850.

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AN ACT FOR GRADING THE STREETS OF HOBOKEN, IN THE COUNTY OF HUDSON.

SECTION 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the Governor of this State for the time being be authorized and empowered to appoint three persons Commissioners, with power to establish and fix the grades of the several streets in that portion of Hoboken, Bergen Township, New Jersey, situated south of Fourth Street, in said village, and east of the east line of a tract of salt meadow conveyed by the late Col. John Stevens, of Hoboken aforesaid, to Samuel Swartwout, in 1814; which Commissioners so appointed shall proceed with all convenient dispatch, after their appointment, to Hoboken, and cause such surveys and examinations to be made as may be necessary to enable them to decide upon the grade best suited to the several streets situated as above described: *Provided,* that the grade-line of Washington Street, at its intersection with First Street, shall not be placed at a greater depth below the present surface than six feet, and that the decision of the Commissioners, when made and signed and sealed by at least two of their number, shall be filed in the County Clerk's office of the county of
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Hudson, and the grades thus established to be and for ever remain as the grades of said streets.

SEC. 2. *And be it enacted,* That the Commissioners so to be appointed as aforesaid shall be disinterested, reputable freeholders, residing in this State, and without the county of Hudson, and one at least of their number shall be a practical engineer; and they shall, previous to entering upon the duties assigned them by this act, severally take and subscribe an oath or affirmation before some Justice of the Peace of the county of Hudson that they will act honestly and impartially, which oath or affirmation shall be filed in the office of the County Clerk as aforesaid.

SEC. 3. *And be it enacted,* That said Commissioners, while employed in the discharge of their duties as aforesaid, shall receive each three dollars per day and six cents per mile for travel; which said expenses, as also all the expenses of the surveys and examinations and fixing monuments, shall be defrayed by the property holders embraced within the tract in which the grades of the streets are to be established.

SEC. 4. *And be it enacted,* That said Commissioners shall not be required to enter upon the discharge of the duties of their commission until they shall have received from the property holders above named a satisfactory guarantee that all the necessary expenses of the commission, including surveys, examinations and fixing monuments, will be defrayed.

SEC. 5. *And be it enacted,* That in no part of Washington Street, between First and Fourth Streets, in Hoboken aforesaid, shall the grade-line to be established by this act be placed more than six feet below the present surface.

SEC. 6. *And be it enacted,* That no grade or cutting or removal of earth in any of the streets south of Fourth Street, in Hoboken aforesaid, except only by unanimous consent of the land owners in such street, shall hereafter be made at any time without a previous equitable assessment of benefits and losses from making such grade or grades, and award and payment of damages to the losers thereby as is hereinafter provided; and that when three-fourths of the persons owning real estate upon any street within said limits shall file their consent, in writing, to grade such street, pursuant to the provisions of this act, with any Justice of the Supreme Court of this State, it shall be lawful for the said Justice to appoint, in writing, three Commissioners, who

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shall be disinterested, reputable freeholders, residing without the county of Hudson and in this State, whose duty it shall be, as soon thereafter as they shall have received notice of such appointment, to view said street so intended to be graded, and to make just and true and equitable assessments of the damages and benefits to happen from making such grade, and of the cost of removal and distribution of any surplus earth in grading the same, which assessments shall be confined to all the lots and other real estate only lying upon such street so to be graded as aforesaid; and in making such assessments, the said Commissioners shall have due regard to the value of the property to be affected by such grade, and to the injury and benefit, or injury or benefit to the owners thereof by making such grade. The Commissioners, previous to entering upon the duties of their office, shall severally be sworn before some Justice of the Peace of Hudson county to make the said assessments and estimates submitted to them fairly and impartially, to the best of their skill and judgment ; and when the said Commissioners shall have made and completed their estimates and assessments, they shall sign and send the same to the said Justice, and the same being approved by him, shall be binding and conclusive upon the owner or owners of any Such lands or other real estate, with the appurtenances, lying on such street so to be graded, subject only to an appeal to the Supreme Court of this State, if demanded within thirty clays after the filing thereof, as hereinafter provided for; which appeal shall be tried by a jury ordered by said Court as in all other cases of assessment of damages and trial by jury; the said Commissioners shall, for their services, receive the same fees, to be paid in the same manner, as is directed in the third and fourth sections of this act.

SEC. 7. *And be it enacted,* That the said consent, appointment, oath, estimate, assessment and approval shall, within twenty days after such approval, be filed in the office of the Clerk of the

county of Hudson, and that at any time after the expiration of thirty days from the filing thereof, a certified copy of such assessment and estimate, under the official seal of the said Clerk, may be placed in the hands of a freeholder to be selected by the freeholders upon such street, at a public meeting to be held for that purpose, who is hereby authorized and required to demand and receive, all payments upon such assessments to the use of the freeholders upon such street so to be graded, which may be demanded by him and paid to him, and in case of non-payment, the said freeholder shall,

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in his own name and to the use of the said freeholders as aforesaid, sue for and recover any and all assessments made under this act, by action of debt in any Court of competent jurisdiction, with costs, against any person or persons so assessed, and apply the same, when collected and received, within thirty days thereafter, to the payment of all damages awarded *pro rata* by the said appraisements or assessments, and such certified copy as aforesaid, upon the trial of any such cause, shall be received as conclusive evidence of such indebtedness: *Provided, however,* That such freeholder shall retain in his hands all such moneys as shall have been assessed, levied and collected by him as aforesaid for the purpose of defraying the expense of removal and distribution of any surplus earth in grading such street, and shall use the same, or any part thereof, only upon the order or orders of a majority of the freeholders of such, street, which-may from time to time be made in grading said street pursuant to this act; and the said freeholder shall, if required, before he enter upon the discharge of his duties, give bond with sufficient surety or sureties, to be approved of by the said freeholders, to the said freeholders jointly for the faithful performance of his said duties.

SEC. 8. *And be it enacted,* That no person owning less than twenty feet of land fronting upon any street within the limits aforesaid, shall be deemed competent to give a vote under the sixth section of this act.

SEC. 9. *And be it enacted,* That this act shall not go into effect unless the assent, in writing, of three-fourths of the present freeholders within the limits hereinbefore prescribed, whether resident or non-resident, shall be first obtained and filed in the office of the Clerk of the Court of Common Pleas of the county of Hudson, on or before the fourth Tuesday of October next, and that the Legislature may at any time hereafter amend, alter or repeal this act.

Passed February 28, 1840.

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AN ACT TO REGULATE THE RATES OF FERRIAGE AT THE HOBOKEN AND JERSEY CITY FERRIES.

SECTION. 1. *Be it enacted by the. Senate and General Assembly of the State of New Jersey,* That from and after the first day of May next, it shall and may be lawful for the proprietors of the ferries at

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16

Hoboken and Jersey City to charge the following tolls or rates of ferriage and no more :
Every person on foot, above ten years old, three cents; under ten years and above five years old, two cents.
Man and horse, or horse only, nine cents.
Ordinary four-wheeled trucks, loaded, two horses and one person, thirty-seven and a half cents.
Ordinary four-wheeled truck, light, two horses and one person, twenty-five cents.
Ordinary wagons, or market wagons, including loads of green clover and grass, two horses and one person, twenty-five cents. For every additional person, three cents.
Ordinary wagons, or market wagons, including loads of green clover or grass, one horse and one person, twelve and a half cents. For every additional person, three cents.
A coach, coachee, chariot, barouche, phaeton, pleasure wagon or sleigh with more than one seat, two horses, one person, thirty cents. For every additional person, three cents.
A light pleasure carriage, barouche or pleasure wagon, two horses, one person, twenty-five cents. For every additional person, three cents.
A light pleasure carriage, barouche or pleasure wagon, one horse, one person, twelve and a half cents. For every additional person, three cents.
A cart with driver, one horse, loaded or empty, twelve and a half cents.
A wagon load of straw or hay, with two horses and one person, fifty cents.
A wagon or cart load of hay or straw, with one horse and one person, thirty-seven and a half cents.
Any kind of carriage or sleigh without horse, half price.
A wheelbarrow and one person, loaded or empty, six cents.
A hand cart and one person, loaded or empty, eight cents.
Cattle, single or in droves, each, fifteen cents.
Calves and hogs, dead or alive, each, three cents.
Sheep, lambs and shoats, dead or alive, each, three cents.
Sucking Pigs, do., each, two cents.
Raw hides, each, three cents.

Skins, each, half a cent.

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17

Dry hides, each, one cent.
Bundles of sole and upper leather, per side, each, one cent.
Bundles of hay, each, nine cents.
Paper in bundles, per ream, half a cent.
Wheat, corn and other grain, per bushel, half a cent.
Oats, green peas and beans, per bushel, one cent.
Potatoes, per bushel, one and a half cents.
Barrels containing apples and vegetables, each, six and a quarter cents.
Boxes of oranges and lemons, each, five cents.
Baskets containing fruit or vegetables, each, three cents.
Oysters, per bushel, three cents.
Horse feed, per bushel, one cent.
Meal, flour or coffee in bags, each, three cents.
Large boxes containing live fowls for market, each, twelve and a half cents.
Small boxes and large baskets containing live fowls, in proportion.
Salt in bags, per bushel, two cents.
Sugar, per cwt., five cents.
Pipe, hogshead of spirits or wine, each, fifty cents. When empty, eight cents.
Tierce of spirits or wine, each, thirty-seven and a half cents. When empty, six and a quarter cents.
Barrels of spirits or wine, each, eighteen and three quarter cents. When empty, three cents.
Hogsheads of molasses or sugar, each, thirty-seven and a half cents. When empty, six and a quarter cents.
Tierce of molasses or sugar, each, twenty-five cents. When empty, five cents.
Barrels of molasses, sugar, beer, beef, pork and oil, each, ten cents.
Barrels of flour and lime, each, five cents. When empty, two cents each, except flour barrels, one cent.
Baskets of wine, each, six and a quarter cents.
Crate, hogshead, tierce, &c., containing earthen ware or glass, each, twelve and a half cents. And when empty, tierce or crate, each, four cents.
Large size firkins, each, five cents.
Second size firkins, each, three cents.
Pails of butter, each, one cent.

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Cheese, ham, codfish, &c., per cwt., five cents.
Chests of tea, each, four cents.
Half chests of tea, each, two cents.
Tobacco in kegs, each, four cents.
Churns containing milk, each, six and a quarter cents.
Iron, steel, lead, paints and other metals, per cwt., five cents.
Boxes of window glass, each, two cents.
Boxes of soap and candles, each, three cents.
Kegs of nails, each, five cents.
Specie in large kegs or boxes, each, twenty-five cents. For less size, and for every one thousand dollars, twelve and a half cents.
For fancy chairs, each, two cents.
For common chairs, each, one cent.
Sofas and pianos, each, twenty-five cents.
Bureas [sic – bureaus], each, twelve and a half cents.
Bedsteads, beds, tables, writing desks and small bureaus, each, six and a quarter cents.
Tool chests, ploughs and corn machines, each, six and a quarter cents.
Stoves and grates, large size, each, twelve and a half cents. Small size, in proportion.
Joists and boards, each, one cent.
Lumber and timber, per thousand feet, one dollar.
And all animals and things not herein enumerated, shall be charged proportionably to the foregoing rates.

SEC. 2. *And be it enacted,* That the Legislature may at any time hereafter alter and modify the rates of ferriage at the ferries aforesaid, and that this act shall go into effect immediately.

Approved March 10, 1853.

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AN ACT TO AUTHORIZE CERTAIN STREETS, MARKED OUT ON A PLAN OF THE CITY OP HOBOKEN, TO BE CHANGED.

*Whereas,* On a plan of the city of Hoboken, filed in Bergen county Clerk's office, on the eighth day of April, eighteen hundred and five, and by which sales of lots have been made, a part of the

land north of Sixth Street and east of Hudson Street were laid out in lots, and streets were marked only on said plan, and without any actual sur-

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vey or laying out upon the ground ; and *Whereas,* The said lands are elevated at a great height above the grade of the other streets of the city, and consist of solid rock, and the streets, as plotted on said plan, can never be opened and graded to any proper city grade, except at a cost that will exceed the value of the lots when graded, and thus destroy the value of the land; and *Whereas,* Other streets can be planned and laid over said lands more adapted to the natural grade of the surface that will greatly add to the value of the said lands; and *Whereas,* No streets have been opened or lots sold in said part of said lands, and no individual has acquired any right in said lands, except the owners of the same, but it is suggested that, by reason of the filing of said map and the sales thereby, the public may have acquired a claim to call for the opening of said streets, and Edwin A. Stevens and the other owners of said lands have applied for a law annulling any right that might exist in the public or any body or person whatever to require said streets to be opened, and authorizing them to lay out other streets, to be laid out in the place of the same, and it appearing that such change will be beneficial to the public and all parties interested; therefore

SECTION 1. *Be it enacted, by the Senate and General Assembly of the State of New Jersey,* That all that part of the street marked out on the said plan of the city of Hoboken next east of Hudson Street, and parallel thereto, and north of Seventh Street and all that part of the second street east of Hudson Street, and parallel thereto, and north of Sixth Street, and all that part of Seventh Street east of the street next east of Hudson Street, and all that part of Eighth Street east of Hudson Street are hereby vacated and made void; and it shall not be lawful for any public or municipal authorities, or any person whatever, to open or use the same as public streets, and the lands shall be held by the owners of the fee, free from any easement or right of a street or road over the same.

SEC. 2. *And be it enacted,* That the owners of the lands across and over which said streets are laid out are hereby authorized and required to lay out, in lieu of said streets so vacated, on said lands, and on the lands north of, and adjacent thereto, other streets in such manner as shall be in their judgment most beneficial to the public interest, said new streets to contain as many superficial feet of land as those do that are hereby declared vacant and void, and to file a plan or map, designating such new streets, in the office of the Clerk of the

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county of Hudson before the first day of January next; and the filing of such map shall be an agreement to dedicate such new streets so laid out thereon to public use, and they shall be public streets whenever the opening of the same may be called for by the proper municipal authorities of the city of Hoboken.

Approved March 6, 1858.

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A SUPPLEMENT TO THE ACT ENTITLED " AN ACT TO INCORPORATE THE LONG DOCK COMPANY.

[Approved February twenty-sixth, eighteen hundred and fifty-six.]

SECTION 1. *Be it enacted by the Senate and General Assembly of the State of New Jersey,* That the time limited for the establishment of the ferry authorized by the eighth section of the act to which this is a supplement be and the same is hereby extended to the twenty-sixth day of February, eighteen hundred and fifty-nine ; and that the tunnel and railroad now being constructed under and through the Weehawken or Bergen hill, in the county of Hudson, shall be a public highway, and free for the passage of locomotives with their trains, and all railroad carriages thereon, with passengers and property, upon payment of the tolls prescribed by the tenth section of an act entitled " An Act to Incorporate the Paterson and Hudson River Railroad Company," passed January twenty-first, eighteen hundred and thirty-one.

Approved March 4, 1858.

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AN ACT TO INCORPORATE THE PATERSON AND HUDSON RIVER RAILROAD COMPANY.

[Passed January twenty-first, eighteen hundred and thirty-one.]

SECTION 10. *And be it enacted,* That the President and directors of the said Company shall have power to have constructed or to purchase with the funds of the Company, and to place on any railroad constructed by them, all machines, engines, wagons, carriages and vehicles for the transportation of persons, or any species of property

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thereon that they may think reasonable, expedient and right: *Provided,* They shall not charge more than at the rate of six cents per mile per ton for the transportation of property on the said road or roads, or six cents per mile for carrying each passenger on said railways in the carriages of the Company, or three cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said railways in carriages of others, and three cents per mile for each empty carriage ; and that the said Company are hereby authorized to demand and receive money for toll and the transportation of persons and every species of property at the aforesaid or such less rates as they from time to time shall think reasonable and proper; and the railroad or roads, and 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 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.

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A FURTHER SUPPLEMENT TO THE ACT ENTITLED " AN ACT TO INCORPORATE THE LONG DOCK COMPANY."

[Approved February twenty-sixth, eighteen hundred and fifty-six.]

SECTION 1. *Be it enacted by the Senate and General Assembly of the State of New Jersey,* That the time limited for the establishment of the ferry authorized by the eighth section of the act to which this is a supplement be and the same is hereby extended to the twenty-sixth day of July, eighteen hundred and sixty-one.

SEC. 2. *And be it enacted,* That all locomotives, and their trains and railroad carriages, that may or shall be authorized bylaw to be placed and run upon the railroad now being constructed, and as the same shall hereafter be constructed in the .county of Hudson, by the Long Dock Company, or the New York and Erie Railroad Company, or their or either of their grantees or assignees, partly under and through the Weehawken or Bergen hill, and which locomotives, trains or carriages shall be placed and run upon said railroad by any other Company or person or persons shall be so regulated, as to the time of starting, running, rates of speed and tonnage, as not to interfere with the

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use and occupancy of said railroad by the Long Dock Company, or the New York and Erie Railroad Company, or their or either of their grantees or assignees, and shall also be subject to all lawful municipal regulations.

Approved March 11, 1858.

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AN ACT TO INCORPORATE THE NEW JERSEY RAILROAD AND TRANSPORTATION COMPANY.

SECTION 6. *And be it enacted*, That the said President and directors of the said corporation shall be, and they are hereby invested with all the rights and powers necessary to the survey, laying out and construction and repair of a railroad not exceeding sixty-six feet in width, with as many sets of tracts as they may deem necessary, from such convenient point in the city of New Brunswick, to be determined on by said Company, by and with the consent of the corporation of said city, through or near the villages of Rahway and Woodbridge, and within one half mile of the market house of Elizabethtown, and through Newark, by the most practicable route, and thence contiguous to or south of the bridges crossing the Hackensack and Passaic rivers, crossing Bergen ridge south of the turnpike road to some convenient point not less than fifty feet from high water mark on the Hudson river opposite to the city of New York: *Provided always*, That it shall be lawful for the said Company to make any branch railroad to any ferry on the Hudson river, opposite to the city of New York aforesaid, to which the main line of said road shall not be located, which branch shall intersect the main line at a suitable point within one hundred yards of the Hackensack river, if the said main line shall cross the said river within one hundred yards of the present bridge; but if the said main, line shall cross said river at a greater distance from said bridge, then to such point on said main line west of said river as may be best calculated to give to said ferries equal facilities of communication with Newark. And if the said Company shall not make such branch as soon as the main line shall be made from Newark to the Hudson, then it shall be lawful for any person or persons owning such ferry to construct such branch as aforesaid, and to charge tolls thereon in the same manner and at the same rates as this

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corporation is authorized to charge, and for the purpose of constructing said branch railroad, he or they shall be invested with the same privileges and be subject to the same liabilities and reservations as this corporation are entitled and subject to.

Passed March 7, 1832.

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AN ACT TO AUTHORIZE ANY ASSOCIATION OF PERSONS TO CONSTRUCT ANY OF THE BRANCH ROADS AUTHORIZED BY THE ACT ENTITLED "AN ACT INCORPORATING THE NEW JERSEY RAILROAD AND TRANSPORTATION COMPANY."

[Passed the seventh day of March, eighteen hundred and thirty-two.]

*Whereas,* The use of some of the branch or lateral railroads connecting with the New Jersey railroad, which are now authorized by law, would be beneficial to manufacturers and others who are desirous of constructing and managing the same, independent of the said main road, now therefore,

SECTION. 1. *Be it enacted by the Senate and General Assembly of the State of New Jersey,* That it shall and may be lawful for any association of persons, by such corporate name as they may adopt, and having first caused a certificate thereof to be filed with the Secretary of State, to construct and use any of the branch railroads authorized by an act entitled " An Act Incorporating the New Jersey Railroad and Transportation Company," passed the seventh day of March, eighteen hundred and thirty-two, by and with the consent of said Company; and for the construction and use of said branch roads. Such association may hold separate capital stock and have a separate board of directors, and shall be invested with the same privileges and be subject to the same liabilities and reservations as the said the New Jersey Railroad and Transportation Company are entitled and subject to.

Approved March 18, 1851.

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24

IN THE ACT TO INCORPORATE THE PATERSON AND HUDSON RIVER RAILROAD COMPANY.

[Passed January twenty-first, eighteen hundred and thirty-one.]

SECTION 11. *And provided also,* That it shall be lawful for any person or persons owning any ferry on the Hudson river, opposite to the city of New York, or any landing on the Passaic river, or manufactory within the corporate limits of the town of Paterson, to which said railroad shall not be laid by this Company, to erect and build a branch railroad to intersect said railroad at such point or points, within the said limits, as may be deemed expedient, and to charge the tolls thereon in the same manner and at the same rates as this corporation is authorized to charge, and for the purpose of constructing said branch railroad, he or they shall be invested with the same privileges and be subject to the same liabilities and reservations as this corporation are entitled and subject to.

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AN ACT TO CREATE A NEW TOWNSHIP IN THE COUNTY OF HUDSON, TO BE CALLED THE TOWNSHIP OF WEEHAWKEN.

SECTION 1. *Be it enacted by the Senate and General Assembly of the State of New Jersey,* That all that part of the city of Hoboken, and the township of North Bergen, in the county of Hudson, included within the following bounderies, that is to say: commencing on the westerly side of the road leading from Bull's Ferry to Hoboken, formerly known as the Weehawken turnpike, at a point which divides the lands formerly of Mitchel Saunier and John Van Horn, as the said lands are laid down on a map of L. F. Douglass, bearing date eighteen hundred and forty-one, and from said place of beginning, running in a south-easterly direction down the bank of Hudson river, following the same dividing line and a continuation thereof if protracted to the middle of Hudson river, from thence returning to the place of beginning ; and from said place of beginning, running southerly and along the westerly side of said road, to the northerly side of the Bergen turnpike road opposite the lands of John Ehlers, and where said

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roads intersect thence north-westerly and along the northerly side of the said turnpike road until you reach a point opposite to the intersection of the Palisade Avenue with the Bergen turnpike road aforesaid; thence crossing the said Bergen turnpike, and following along the easterly line of said Avenue, in a south-westerly direction, to lands of Charles Loss, deceased, where the same intersect the said easterly side of Palisade Avenue; from thence along the westerly and northerly boundary of said property, as said lands are actually bounded, to where the boundary-line of said Loss property intersects the said Bergen turnpike road, and across said road, and in a

continuation of said last mentioned line to a point one hundred feet easterly from the easterly line of said road; thence southerly and parallel with the said turnpike, and one hundred feet distant therefrom, to a point nine hundred and fifty feet northerly from the northerly line of Eighth Street, in Hoboken, as said street is laid down on Loss' map of Hoboken, filed in the Bergen County Clerk's office; thence easterly, and parallel with Eighth Street, to a point where Tenth Street intersects with the westerly line of Hudson Street, as the same is shown on a map of a part of Hoboken, filed in the Clerk's office of the county of Hudson, December thirty-first, eighteen hundred and fifty-eight; from thence southerly along the easterly line of Hudson Street, as the same is shown on the map last aforesaid, to the north-east corner of Hudson and Seventh Street; thence easterly along the northerly line of Seventh Street to the north-easterly corner of River and Seventh Street; thence southerly, along the easterly side of River Street, to the northerly side of Sixth Street, and thence east along the north line of Sixth Street to the river; and thence, in a continuation of said last mentioned line, if protracted to the center of the river, thence up the river, and along the middle thereof, to a point which will reach the line first protracted as aforesaid to the middle of Hudson river, shall be and the same is hereby made a new township, to be called by the name of the township of Weehawken.

SEC. 2. *And be it enacted*, That the inhabitants of the said township of Weehawken are hereby constituted a body politic and corporate in law by the name of " The Inhabitants of the Township of Weehawken," in the county of Hudson and State of New Jersey, and are vested with, and entitled to, all the rights, powers, privileges, authority and advantages, and subject to the same government and liabilities as are prescribed in the act entitled " An Act incorporating

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the inhabitants of townships, designating their powers, and regulating their meetings," approved April fourteenth, eighteen hundred and forty-six, except that they shall elect but one chosen freeholder, and shall be entitled to a full proportionate estate, share and interest in any public funds and property with other townships in the county of Hudson, in proportion to the taxable property, and as taxed by the assessors, within their respective limits of the last assessment, and subject to like obligations and responsibilities with other townships in the said county in the same manner as if herein particularly enumerated and set forth.

SEC. 3. *And be it enacted*, That the inhabitants of the said township of Weehawken shall hold their first annual town meeting at the house of Joshua Benson, on the second Wednesday of April, eighteen hundred and fifty-nine, and afterwards at such place in the said township of Weehawken as shall be determined by the electors of said township, in the manner prescribed by law.

SEC. 4. *And be it enacted,* That all paupers who have gained a settlement within the territorial limits included in said township of Weehawken, shall, after the passage of this act, be chargeable to the township of Weehawken.

SEC. *5. And be it enacted,* That Justices of the Peace, Commissioners for taking the acknowledgment and proof of deeds, and other officers rssiding within the limits of the township of Weehawken, shall hold their offices until the same shall expire by their own limitation.

SEC. 6. *And be it enacted,* That such portion of the lands and property, in the first section of this act described and therein included, as are separated and set off from the city of Hoboken, shall be subject to a proportionate share of any debt or obligation incurred by the city of Hoboken; and also such portion of the lands and property, in the first section of this act described and included therein, as are set off from the township of North Bergen, in the county of Hudson, shall be subject to a proportionate share of any debt or obligation incurred by the inhabitants of the township of North Bergen, in the county of Hudson; and the inhabitants of the township of Weehawken, in the county of Hudson, shall be made liable to the debts and obligations aforesaid, to be enforced at law or in equity upon the lands and property aforesaid, in the proportions and in the principals aforesaid.

SEC. 7. *And be it enacted,* That all acts and parts of acts inconsistent with the creation of said township of Weehawken, and the

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boundary and jurisdiction thereof, as in this act contained, are to that extent modified and repealed.

SEC. 8. *And be it enacted,* That the said township of Weehawken shall be included in the third assembly district of the county of Hudson.

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

Approved March 15, 1859.

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AN ACT TO INCORPORATE THE HOBOKEN AND HUDSON CITY HORSE-CAR RAILROAD COMPANY.

SECTION 1. *Be it enacted by the Senate and General Assembly of the State of New Jersey,* That Edwin A. Stevens, Cornelius V. Clickener, Charles T. Perry, Edmund Charles, George V. De Mott, George W. Morton, Ebenezer Montague, William W. Shippen, William H. Wood, Henry Newkirk and James Montgomery, and such other persons as may hereafter be associated with them, shall be and they are hereby ordained, constituted and made a body politic and corporate, in fact and in law, by the name of The Hoboken and Hudson City Horse-Car Railroad Company, and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient for the objects of this corporation.

SEC. 2. *And be it enacted,* That the amount of the capital stock of said Company shall be one hundred thousand dollars, with the privilege of increasing the same to three hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall, by their By-Laws, direct.

SEC. 3. *And be it enacted,* That the above named persons, or a majority of them, shall be Commissioners to open books to receive subscriptions to the capital stock of said Company, at such time or times, and place or places as they, or a majority of them, may think proper, giving at least twenty days' notice of the same in two of the newspapers published in the County of Hudson; and if more than one hundred thousand dollars of stock be subscribed, it shall be the duty

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of the said Commissioners to make a fair and just apportionment of the stock among the subscribers in such manner as they may think best calculated to secure the speedy construction of said road.

SEC. 4. *And be it enacted,* That at the time of subscribing for said stock, fifteen per centum shall be paid upon the amount subscribed for, to the Commissioners or some one of them, and as soon as the sum of twenty-five thousand dollars of the capital stock is subscribed for, the said Company shall be organized by the said Commissioners, who shall be the first directors of said Company, and continue as such directors until such time in the year eighteen hundred and sixty as the said Company, by their By-Laws, may appoint for the annual election of directors; and the said directors, as soon as may be convenient after said sum is subscribed and the directors

chosen, at every annual election of said Company, shall choose out of their own number a President, who shall be a resident of this State; and in case of the death, resignation or removal of the President or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen by a majority of the said directors; and in the absence of the said President, a majority of the said directors may appoint a President *pro tempore*, who shall have such powers and functions as the By-Laws of the said Company shall provide.

SEC. 5. *And be it enacted*, That the number of the directors of the said Company shall be eleven, and in case it shall happen that an election of the directors should not be made during the day when pursuant to the 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 clays' notice in two of the 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 places.

SEC. 6. *And be it enacted*, That a majority of the directors of said Company shall be competent to transact all business of the said corporation, and shall have power to call in the remaining stock of said Company by such installments and at such times as they may direct, by giving thirty days' previous notice in two newspapers published in the county of Hudson, provided that no installments 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 nonpayment of said installments, or any one of them, they shall have

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power to forfeit the share or shares upon which said default shall arise to said corporation, and the said directors shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear useful and proper touching the management and regulation of the stock, property, estate, effects and business of the said corporation, and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to them and to the President as to the said directors shall seem proper.

SEC. 7. *And be it enacted*, That the President and directors of said Company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point in the city of Hudson, in the county of Hudson, to some suitable point in or south of Newark or Ferry Streets, in the city of Hoboken, with one or more branches; which railroad and branches shall not run south of the southern boundary of Hoboken city, nor south of the Newark and Hoboken turnpike road in

Hudson City, nor north of the northerly line of the city of Hudson, and to locate and construct said railroad not exceeding thirty feet in width, except in such places where, from the depth of excavation or the height of the embankment, it is necessary to take more land for the shape and protection of the side banks of said railroad, in which case so much land as may be necessary for the purpose, and no more, shall be taken; and it shall be lawful for the said President and directors, their agents, engineers, superintendents and others in their employ, to enter at all times upon all lands for the purpose of exploring, levelling, surveying and laying out the route of such railroad, and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary damage to private property ; and when the route and location of said railroad shall have been determined upon, and a survey thereof deposited in the office of the Secretary of State, then it shall be lawful for the said Company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy and excavate any such lands, and to erect embankments and all other necessary works thereon, and to lay rails and to do all other things which may be suitable and necessary for the completion or repairs of said railroad,

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and to carry into full effect the objects of this act, subject to such compensation and upon such terms as are hereinafter provided for.

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

SEC. 9. *And be it enacted,* That if the said Company, or its agent or agents, cannot agree with the owner or owners of such required land for the use or purchase thereof; or if, by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land so required for the use of the said Company in the construction of the said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of said Company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the Judges of the inferior Court of Common Pleas of the county of Hudson, who shall cause the said Company to give notice thereof to the persons interested, if known and in the State, or if unknown or out of this State, to make publication thereof as he shall direct, for any time not less than ten days, and to assign a particular time and place for the appointment of the Commissioners hereinafter named ; at which time and place, upon satisfactory evidence to him

of the service or publication of such notice as aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents in this State, Commissioners to examine and appraise the said lands and assess the damages, upon such notice, not less than ten days, to be given to the persons interested or otherwise, as shall be directed by the Judge making the appointment of Commissioners ; and it shall be the duty of said Commissioners, (having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and to proceed to view and examine the said lands, the said Commissioners at the same time taking into consideration all the benefits to be derived from, or in consequence of, said railroad, as the case may be, to the said owner or owners, and to make a just and equitable appraisement of

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the value of the same, and an assessment of the damages to be paid by the said Company, which report shall be made in writing under the hands and seals of said Commissioners, or any two of them, and filed within twenty days thereafter, together with the aforesaid description of the lands and the appointments and oaths or affirmations aforesaid, in the Clerk's office of said county, to remain of record therein; which report, or, in case of an appeal, the verdict of a jury and the judgment of the Court, and a copy thereof certified by the Clerk of said county, (the damages and costs assessed and adjudged being first paid as here in after mentioned,)shall at all times be considered plenary evidence of the right of said Company to have, hold, use, occupy, possess and enjoy the said lands; and either of the Judges of the said Court shall, on application of either party, on reasonable notice to the other, tax and allow such costs, fees and expenses to the Judges, of the said Court, Commissioners, Clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

SEC. 10. *And be it enacted,* That in case the said Company or owner or owners of the said lands shall be dissatisfied with the report made by the said Commissioners named in the preceding section of this act, the party so aggrieved may appeal to the Circuit Court of the said county of Hudson, at the first term after the filing of the said report, by proceeding in the form of petition to said Court; which proceedings shall vest in said Circuit Court full right and power to direct a proper issue for the trial of the said controversy between the said parties, and order a jury to be 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 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 or the Company have offered to the said owner or owners, then judgment thereon, with costs, shall be entered against the said Company and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the Commissioners awarded or the Company offered, then the said costs shall be paid by the said

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applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor as the Court shall direct; but such application shall not prevent the Company from taking the said land upon filing the said report: *Provided,* That in no case whatever shall said Company enter upon, or take possession of, the land of any person or persons for the purpose of actually constructing said railroad, or of making any erections or improvements whatever, or otherwise appropriating said lands to the use of the Company, until they have paid the party or parties entitled to receive the same the amount found by the said Commissioners as the value of the said lands or damages, in case the report of the Commissioners is not appealed from; or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried ; but in case the party or parties entitled to receive the amount assessed by the Commissioners, in case there shall be no appeal, or the amount found by the jury in case of appeal, shall refuse, upon tender thereof being made, to receive the same, or shall be out of this State, or under any legal disability, then payment of the amount assessed or found as aforesaid into the Circuit Court of the county of Hudson shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the Commissioners may, upon tender thereof being made, receive the same without being debarred thereby from an appeal from the report of the Commissioners.

SEC. 11. *And be it enacted,* That in case the said railroad is located on or across any road or highway, the said Company shall restore such road or highway to such state or condition as not to impair its usefulness.

SEC. 12. *And be it enacted,* That the President and directors of said Company shall have power to have constructed, or to purchase with the funds of the Company, and to place and use on said 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 whatever thereon as they from time to time shall think reasonable and proper: *Provided,* That they shall not charge more than five

cents per mile for each passenger, and not more than fifteen cents per ton per mile for the transportation of every species of heavy merchandise, and goods usually

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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.

SEC. 13. *And be it enacted,* That the President and directors may, within one year after the said railroad shall have been completed, declare and make such dividends of the net profits thereof among the stockholders as they may deem prudent, and shall in like manner semi-annually thereafter declare such dividends and pay the same to the stockholders, or their legal representatives, in proportion to the amount of stock held by them respectively.

SEC. 14. *And be it enacted,* That the said Company may purchase, have, hold and occupy such real estate at or near the commencement and termination of said road, and at such points along the line of said road, as may be necessary for the convenient transaction of business, not exceeding one acre in each place, and may erect and build thereon depots, warehouses and such other buildings and improvements as they may deem expedient for the safety of their property and the necessary uses appertaining to their business.

SEC. 15. *And be it enacted,* That if any person shall wilfully or maliciously injure the said road, or any buildings, cars, vehicles, animals or works of said corporation, such person or persons shall forfeit and pay 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

SEC. 16. *And be it enacted,* That as soon as the said railroad is finished, the President of the said Company shall file under oath or affirmation a statement of the amount of the costs of the said railroad, including all expenses, in the office of the Secretary of State, and annually thereafter he shall, under oath or affirmation, make a statement to the Legislature of this State of the net proceeds and expenses of said road; and as soon as the said railroad, or any part thereof, shall be put in operation, the said Company shall pay to the treasurer of this State a tax of one half of one per centum on the cost of the said road, to be paid annually on the first Monday in January : *Provided,* That no other tax or impost shall be levied or raised from said corporation by virtue of any law of this State.

SEC. 17. *And be it enacted,* That the said corporation shall have power to borrow such sum or sums of money from time to time as

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hall be necessary to build, construct or repair said road, and furnish the said Company with all necessary rails, buildings, cars, vehicles and animals for the use and object of the said corporation, and to secure the re-payment thereof by bond and mortgage, or otherwise, on the said road, land, franchises and appurtenances of, or belonging to, the said corporation, at a rate of interest not exceeding seven per centum per annum : *Provided, however,* That the said Company shall not plead the statute of usury in consequence thereof.

SEC. 18. *And be it enacted,* That it shall be lawful for the said corporation at any time during the continuance of its charter to make contracts and engagements with any other Company or corporation, or with individuals, for operating said railroad for transporting or conveying any kind of goods, produce, 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 fare and tolls as the said Company are entitled to demand and receive by virtue of this act for transportation and passage over their own road.

SEC. 19. *And be it enacted,* That if the said railroad is not completed and in use within two years from the fourth day of July next, then and in that case this act shall become void.

SEC. 20. *And be it enacted,* That the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled " An Act Concerning Corporations," approved the fourteenth day of February, eighteen hundred and forty- six," and the acts supplementary thereto and amendatory thereof, so far as the same are applicable; and that this act shall go into effect immediately, and shall continue in force for thirty years.

Approved March 18, 1859.

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AN ACT TO INCORPORATE THE JERSEY CITY AND HOBOKEN HORSE RAILROAD COMPANY.

SECTION 1. *Be it enacted by the Senate and General Assembly of the State of New Jersey,* That Samuel Westcott, Cornelius V. Clickener, Cornelius V. Traphagen, Edwin A. Stevens, William W. Shippen,

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35

Chauncy Rawson, and such other persons as may be hereafter associated with them, their successors and assigns, be and are hereby created a body corporat[e] and politic, in fact and in name, by the name of The Jersey City and Hoboken Horse Railroad Company, and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever necessary or expedient for the object of this incorporation.

SEC. 2. *And be it enacted,* That the amount of capital stock of said Company shall be one hundred and 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.

SEC. 3. *And be it enacted,* That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, giving at least twenty days' notice of the same in some newspaper published in Jersey City; and 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 of a meeting of the stockholders to choose five directors, a majority of whom shall be residents of this State; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of stock entitling the holder thereof to one vote; and the above named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of the directors shall be fixed by the said persons named in the first section of this act, or a majority of them ; and the directors chosen at such meeting, and at the annual election of said corporation, shall, as soon as may be after every election, choose out of their number a President; and in case of the death, resignation or removal of the President or any director, such vacancy may be filled for the remainder of the term for which they were elected by the said board of directors, or a majority of them ; and in case of the absence of the President, the said

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36

board of directors, or a majority of them, may appoint a President *pro tempore*, who shall have such power as the By-Laws of the corporation shall prescribe.

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

SEC. 5. *And be it enacted*, That in case it shall happen that an election of the directors should not be made during the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, and the directors for the time being shall continue to hold their offices until others shall have been chosen in their stead.

SEC. 6. *And be it enacted*, That the President and directors of said Company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some point at or near the Jersey City ferry, at the foot of Montgomery Street, in Jersey City, and from thence to run to the Hoboken ferry, at the city of Hoboken, with authority to construct one or more branches Jo run to any ferry between the Jersey City and Hoboken ferries, and to connect with the Hoboken and Hudson City Horse-car Railrroad[sic] Company, said road not exceeding sixty feet in width, except in such places where, from the depth of excavation or the height of the embankment, it is necessary to take more land for the slope and protection of the side banks of said railroad, in which case so much land as may be necessary for the purpose, and no more, shall be taken; and it shall be lawful for the said President and directors, their agents, engineers, superintendents or others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, levelling or laying out the route or

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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 railroad shall have been determined, and a survey thereof filed in the office of the Clerk of Hudson county, then it shall be lawful for the said Company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, occupy and excavate any such lands, and to erect embankments, bridges and all other works necessary to lay rails, and do all other things which shall be suitable or necessary for the completion or repair ot said road, subject to such compensation as is hereinafter provided : *Provided always,* That the payment or tender of payment of all damages for the occupancy of lands through which the said railroad may be laid out be made before the said Company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out of said road, unless the consent of the owner or owners of said lands be first had and obtained : and *Provided also,* That in constructing said railroad or branches through any of the streets or avenues of Jersey City, having first obtained the consent of the Common Council of said city, the said work shall be done under the inspection of the Commissioner of streets, or other proper officers of said city, and shall not unnecessarily interrupt the public travel during the progress of said work, and shall restore the streets or avenues to their former good condition without any unnecessary delay : and *Provided further,* That horse-power and no other shall be used by the Company in running their cars or carriages, unless where the grade of said road may be so steep as to require other power than horse-power, in that case the Company shall have the right to erect stationary engines.

SEC. 7. *And be it enacted,* That nothing in this act shall be construed to authorize said Company to lay down any railroad track or tracks in any of the public streets, lanes or avenues of any of the incorporated cities of Hudson county without the authority of the Common Council of said city or cities, or the city authorities of the same, by whatever name they may be called ; and the city authorities shall direct, by ordinance or resolution, through what streets, lanes or avenues said track or tracks shall be laid ; and by obtaining the authority as aforesaid, said Company shall be authorized to put down two tracks

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in any of the streets, lanes or avenues so designated as aforesaid; and the said city authorities shall designate the number of tracks that shall be laid in any street, lane or avenue of said city or cities.

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

SEC. 9. *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 shall elect; but the price for passengers shall not exceed the sum of six cents for each passenger per mile or less, and after that rate for all distances over a mile.

SEC. 10. *And be it enacted,* That when the Company, or its agents, cannot agree with the owner or owners of such required land or materials for the use or purchase thereof; or when, by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land and materials so required for the use of the said Company in the construction of the said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of the Company, and also the name or names of the occupant or occupants, if any there be, and 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 the State, or if unknown or out of this State, to make publication thereof as he shall direct, for any time not less than six days, and to assign a particular time and place for the appointment of the Commissioners hereinafter named ; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, non-residents in the county in which the lands or materials in controversy lie, Commissioners to examine and appraise the said land or materials and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the Justice making such appointments, to be expressed therein not less than six days; and it shall be the

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duty of said Commissioners, (having first taken and subscribed all oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in controversy, and to make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and to proceed to view and examine the said lands or materials, and to make a just and equitable estimate, or of the value of the same, and assessment of damages as shall be paid by the Company, for such land or materials and

damages aforesaid, which report shall be made in writing under the hands and seals of 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 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 interests and costs, in an action of debt in any Court of competent jurisdiction, in a suit to be instituted against the Company if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the Company in the nature of a mortgage; and the said Justice of the Supreme Court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the Justice of the Supreme Court, Commissioners, Clerks and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the Company.

SEC. 11. *And be it enacted,* That in case the said Company or the owner or owners of the land or materials shall be dissatisfied with the report of the Commissioners named in the preceding section, and shall apply to the Justice of the Supreme Court at the next term after filing of the said report, the Court shall have power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck and a view of the premises or materials to be had, and the said issue to be tried at the next Circuit Court to be holden in the said county, upon the like notice and in the

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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 offered, or the said Commissioners awarded, then the said costs to be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the Court shall direct ; but such application shall not prevent the Company from taking the said land upon filing the aforesaid report, the value and damages being first paid ; or upon a refusal to receive the

same upon a tender thereof, or the owner or owners thereof being under any legal disability, the same being first paid into the Court of Chancery.

SEC. 12. *And be it enacted,* That the said Company may purchase, have and hold real estate, at the commencement and termini of their road, and the different intermediate depots upon the line of the same, not exceeding one acre at each place, and may erect and build thereon houses, warehouses, stables, and such other buildings and improvements as they may deem expedient for the safety of the property and the construction of the carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof; and shall have the privilege and authority to erect, build and maintain over such streams as the road may cross, such piers, bridges and other facilities, as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act.

SEC. 13. *And be it enacted,* That the President and directors of said Company shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the net profits of said railroad.

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

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SEC. 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.

SEC. 16. *And be it enacted,* That if the said railroad shall not be commenced within two years from the fourth clay of July next ensuing, and finished in four years, that then, and in that case, this act shall be void.

SEC. 17. *And be it enacted,* That on the first day of January after the railroad and its appendages, or any part thereof, shall be finished, so as to be used, the President and treasurer of said Company shall file, under oath or affirmation, a statement of the amount of the costs of said road, including all expenses, and the amount of all purchases made by virtue of this act, in the office of the Secretary of this State, and annually thereafter, a like statement of all further costs

and expenses from year to year; and the President and treasurer of said Company shall also, under oath or affirmation, make a statement to the Legislature of this State of the proceeds of said road, on the first day of January after it shall be used, and annually thereafter; and as soon as the said railroad or any part thereof shall be put into operation, the said corporation shall pay to the Treasurer of this State a tax of one-half of one per centum on the amount expended by said Company for said road, which shall, in like manner, be paid annually thereafter on the first Monday in January of each year: *Provided*, That no other tax or other impost shall be levied or assessed upon the said Company.

SEC. 18. *And be it enacted*, That it shall be lawful for the said Company to purchase any plank road or roads, within the limits aforesaid, and to manage and conduct the same; and in case they do not purchase the said roads, then they shall not construct their said road within fifty feet of any such plank road, without their consent, except to cross the same, and in doing so they shall cross at right angles as near as possible.

SEC. 19. *And be it enacted*, That this act shall continue in force for and during the term of twenty years, and that the Legislature may at any time alter, modify or repeal the same.

Approved March 23, 1859.

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HOBOKEN.

THIS tract of land was originally granted by Gov. Peter Stuyvesant to Nicholas Varlet, by patent, dated February 5th, 1663, which grant was confirmed to said Varlet by Gov. Carteret, by patent, dated May 12th, 1668. Nicholas Varlet some time after died intestate, leaving only two children, Abraham and Susanna, about the year 1675. Abraham, being a bachelor, departed from the province of New Jersey and the dominions of the crown of England, going in the service of the Dutch East India Company, for the East Indies — in whose service he continued until his death.

Susanna Varlet married one John De Frest, and afterwards died, leaving an only daughter, Susanna. This daughter married one Robert Hickman, who it seems resided at Hoboken with his wife. By deeds dated June 19th, 1711, and recorded in Liber 14 or II. of deeds, for East Jersey, in the office of the Secretary of State, at Trenton, p. 474 to 476, from which deed the foregoing facts are gathered, the said Robert Hickman and Susanna his wife (daughter of Susanna De Frest) conveyed the said Hoboken, as it is called, containing 138 Dutch Morgan, (which was, according to the English surveys, 276 acres, English measure,) to Samuel Bayard, of the City of New York, merchant. It was found and described by the commissioners of 1764, as beginning at the mouth of the creek to a stake at the foot of the hill, N. 52 1/2° W., 18 63/100 chains from the beginning; thence westerly, along the foot of the hill, 113 1/2 chains, on a straight line, to a stake by a creek, which parts Hoboken from the meadows lying north of Harsimus, and so down the creek to the Hudson, and thence up the Hudson to the beginning. Nothing further respecting this tract being found on the record until the report of the commissioners, it probably remained in the Bayard family during the whole period. It is supposed that Abraham Varlet conveyed to Nicholas Bayard.

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An act of the Legislature of the province of New Jersey, passed December 7th, 1763, entitled "An Act appointing Commissioners for finally settling and determining the several rights, titles and claims to the common lands of the township of Bergen, and for making a partition thereof, in just and equitable proportions, among those who shall be adjudged by the said commissioners to be entitled to the same." The proceedings of the commissioners under this act are recorded with great care and particularity in their Field Book or survey, in the Hudson County Clerk's office.

The said Commissioners, as appears by the said Field Book, found and decided, that lots 1, 2 and 144, viz : Weekawken[sic], Hoboken and Weehawken ferry belonged at that time (1764) to William Bayard.

The lands owned by William Bayard were confiscated by his joining the army of the king of Great Britain, under the laws of the State of New Jersey, passed December 11th, 1778. (Paterson's Laws, pp. 40, 43—Wilson's Laws, pp. 67, 75.) Dec. 20th, 1781. Wilson's Laws, pp. 234, 235, substituting one agent in each county for the commissioners of forfeited estates, and December 16th, 1783, requiring said agents to proceed to sell, as directed by the law of 1778.

THE STATE OF NEW JERSEY

VS

WILLIAM BAYARD.

*Bergen Common Pleas,*
27*th of January, in January Term,*
1780.

Final judgment on second call and default. Inquisition for joining the army of the king of Great Britain, and process ordered. See Court minutes of 1780, p. 175. By this judgment, all the real estate of said Bayard, in New Jersey, became forfeited to and vested in said State.

STATE OF NEW JERSEY

*to*

CORNELIUS HARING, Agent of forfeited estates for Bergen County.

*Bergen Common Pleas,*
*January Term,* 1784.

Process on the above judgment, (in pursuance of said laws,) commanding the said agent to sell and dispose of all and singular, the

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lands, tenements and hereditaments, held in fee or tor life, and generally all the real estate of what nature or kind so ever, belonging or lately belonging to William Bayard within the county of Bergen.

CORNELIUS HARING, Agent, &c.

TO

JOHN STEVENS

*Sale at vendue, March, 16, 1784*

*Deed dated July* 26,1784.
*Recorded in Book D of*
DEEDS OF BERGEN COUNTY
*p.* 437, *Feb.* 7, 1787.

Consideration £18,360. This Deed conveys on said Commissioners' Map, No. 1, 564 acres, including the patent of Hoboken, No. 2 on foregoing Map, and the lot No. 233 on said Map.

SA M E

*Deed dated May 11,* 1784
*Recorded in Book E, p. 153*

To
JACOBUS J. BOGERT.

This Deed conveys the Weehawken patent.

JACOBUS J. BOGERT, and wife,

to

*Deed dated May* 1, 1788. *Recorded in R.* 2, p. 479.

JOHN STEVENS.

Conveys Weehawken patent.

The Hoboken Land and Improvement Company was incorporated by an act of the Legislature of New Jersey passed February 21st, 1838, (Pamphlet Laws, p. 92,) with power to purchase, improve, mortgage and dispose of lands and other estate in and about Hobo-

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ken, for the purpose of grading and laying out streets and squares, erecting wharfs, etc.

EDWIN A. STEVENS, and MARY his wife, JOHN C. STEVENS, and MARIA his wife, ROBERT L. STEVENS, JAMES A. STEVENS, and MARIA his wife, JOSHUA R. SANDS, and HARRIET his wife, THOMAS A. CONOVER and ELIZABETH J. his wife, ESTHER B. STEVENS and SOPHIA C. V. C. STEVENS, children of JOHN STEVENS, late of Hoboken, deceased, of the first part, RACHEL STEVENS, widow of the said JOHN STEVENS, of the second part,

*Deed dated May* 6, 1839. *Recorded Aug.* 24, 1839, *in Lib.* 4 *of Deeds of Bergen County, p.* 287.

*Consideration $1, and also* $1,500,000, *in* 15,000 *Shares of the Capital Stock of said Company.*

To

THE HOBOKEN LAND AND IMPROVEMENT COMPANY, of the third part.

The Hoboken tract as conveyed to John Stevens by Cornelius Haring, agent, is described as follows: Beginning by the mouth of the creek that parts Weehawken from Hoboken, thence as follows : north fifty-two and one half degrees west, thirty-three chains and thirty-five hundredths; south thirty-three degrees west, twenty-eight chains on the top of the hill; south fifty-seven degrees east, two chains; south thirty-three degrees west, thirty chains to a heap of stones by a dogwood tree blazed; south fifty-seven degrees east, one chain; south thirty-three degrees west, ten chains; south fifty-seven degrees east, two chains; south thirty-three degrees west, eleven chains and thirty hundredths to a heap of stones in a path that goes down the hill towards Hoboken; north fifty-seven degrees west, one chain; south thirty-three degrees west, nineteen chains and twelve hundredths; south fifteen degrees west, eight chains and thirty hundredths ; south fifty-five degrees west, three chains; south thirty-five degrees west, six chains to a large heap of stones near the top of the hill; then south-easterly clown the hill to the edge of the meadow where the creek that parts Hoboken and Harsimus runs near the upland; thence easterly all along said creek as it runs to Hudson or North river;

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thence northerly along said river as it runs to the beginning; being the tract on Douglass' map included between the Hudson and the blue line running along the top of the hill and between the two creeks called Hoboken, including the narrow strip of land along the hill, the Swartwout meadows and the village of Hoboken as designated on said map.

This map is a map exhibiting the town of Hoboken, together with the entire lands which were in the possession of the late John Stevens, drawn from actual survey by L. F. Douglass, dated January, 1839, in the possession of the Company.

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