

- Petition. guardian or next friend; such application shall be by petition, which shall set forth the grounds of the application, and shall be verified by the affidavit of the applicant annexed thereto or endorsed thereon; and notice of such application shall be published at least once in each week for four weeks successively next preceding the time of such application, in some newspaper of said county.
- Notice. 2. That if the court to which such application shall be made, shall be satisfied by such petition, so verified, or by affidavits presented, that there is no reasonable objection that such person should assume another name, such court shall make an order authorizing such applicant to assume such other name, from and after some time, not less than thirty days, to be specified in such order.
- Court on being satisfied there is no objection may make order. 3. That within ten days after granting such order, such applicant shall cause a copy thereof to be published in a public newspaper printed in the county in which he shall reside at the time of making such application; within twenty days from the granting of such order such applicant shall cause such petition, affidavit or affidavits, order, and an affidavit of the publication of such order to be filed and recorded in the county clerk's office of the county in which such applicant shall reside at the time of making such application, and within the same time such applicant shall cause a certified copy of such order to be filed with the secretary of state.
- Within ten days after granting order, copy to be published in paper printed in county, etc. 4. That when the requirements of this act shall be complied with, the applicant shall, from and after the day specified for that purpose in such order, be known by the name which by such order he shall be authorized to assume, and by no other.
- When act complied with applicant to be known by name authorized in order. 5. That if any suit or legal proceeding shall be commenced by his former name, against any person whose name shall have been changed pursuant to this act, such suit or proceeding shall not be abated, nor any relief or recovery sought thereby, be prevented by such misnomer, but the plaintiff or party instituting such suit or proceeding may amend in respect to the name of the person against whom it shall be commenced, at any time and without costs.
- Suits or legal proceedings not to abate—may be amended in respect to name. 6. That this act shall take effect on the first day of April, eighteen hundred and seventy-six.
- When act to take effect.

## Navigation.

### I. REGULATION OF NAVIGATION.

1. Navigation not to be obstructed.
2. Obstructions removed.
3. Bridges and dams heretofore made upheld.
4. Right of action not barred.
5. How certain obstructions removed.
6. Vessels not to anchor in channel of Delaware river between Lambertson and Bloomsbury.
7. Stones not to be thrown in the channel.
8. Apprehension of offenders.
9. Prohibition of erections in the river Delaware.
10. Vessels at anchor in Delaware to show light.
11. Penalty for coming in collision with vessels showing light.
12. Steamboats to show light.
13. Act when to take effect.
14. Vessels sailing in the Raritan and Staten Island Sound to keep to the right.
15. Vessels at anchor at night in said river to show light.
16. Penalty for offending against provisions of act.
17. Rate of speed of steamboats on Raritan river.
18. Penalty for violation of act.
19. Vessels not to come to anchor in channel of Raritan bay.
20. Width of the channel.
21. Penalty for violation of act.
22. Additional penalty.

23. Proceedings to remove stranded or sunken boats, etc., in navigable rivers.
24. On failure of owner to remove may be done by chosen freeholders.
25. Compensation of freeholders.
26. Costs and expenses, how paid.
27. Surplus of sale of wreck to be paid into state treasury.
28. Limitation of cost of removal.

### II. PROTECTION OF BUOYS AND BEACONS.

29. Penalty for mooring any vessel to or destroying any buoy or beacon.
30. Cost of repairing buoy or beacon to be lien on vessel damaging the same.

### III. HARBOR MASTERS.

31. Appointment of harbor masters. Powers, duties.
32. Inspectors of cattle to be appointed by harbor master.
33. Harbor masters to take oath.
34. Jurisdiction extended to certain courts of Hudson.
35. Appointment of harbor master for harbor of Elizabeth.
36. To execute bond.
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38. Fees that he may demand and receive.
39. Penalty for non-payment of fines.
40. Harbor master of Keyport, how appointed.
41. Duties.
42. Penalty for resisting.
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IV. INCORPORATION OF NAVIGATION COMPANIES.

- 44. Navigation companies, how incorporated.
- 45. Powers of company.
- 46. Officers and election.
- 47. No dissolution on failure to hold election.
- 48. Directors to have power to appoint president, etc.
- 49. Subscriptions may be collected on penalty of forfeiture.
- 50. Directors may make by-laws.
- 51. Transfer of stock.
- 52. Certificate may be put in evidence.
- 53. Stockholders liable to creditors, up to amount of subscription.
- 54. Certificate of payment of capital to be filed.
- 55. Limitation of personal liability of stockholders.
- 56. Directors liable for debts in case of fraudulent dividend unless they dissent.
- 57. Persons signing false certificate liable to creditors.
- 58. Guardians, trustees, &c., not personally liable.
- 59. Stockholders liable for workmen's wages.
- 60. Capital may be increased or diminished.
- 61. Notice of meeting thereof to be given.
- 62. Proceedings at meeting.
- 63. Book of registry of stock to be kept.

**An act to preserve the navigation of the rivers and creeks within the state of New Jersey.**

Rev. 22, 23.

Approved April 20, 1846.

R. S. 544.

1. That if any person or persons, without first obtaining an act of the legislature for that purpose, shall erect any dam, bank, sluice, or other thing, which shall obstruct or prevent the free and uninterrupted navigation of any river, creek, or stream of water, within this state, which is now used for the navigation of boats or flats, or for the transportation of hay, plank, boards or timber, or shall fall any trees across such creek, or throw brush or other filth in any part thereof, between the mouth thereof and the uppermost place thereon, now or of late used as a landing, he, she, or they so offending, shall severally forfeit the sum of fifteen dollars, to be recovered by action of debt, before any one justice of the peace of the said state, at the suit of any person who will prosecute the same to effect, to the sole use of the prosecutor, with costs of suit; and the person or persons, so offending, shall also, at his or their proper costs and charge, immediately remove the bank, dam, sluice, or other thing so erected, or the trees so fell across such branch, or brush or other rubbish thrown into the same; and the continuance of such dam, bank, sluice, or other thing so erected or obstructing the navigation as aforesaid, after a request made to such person or persons, who erected the same, to remove the same; and, on neglect or refusal, it shall be esteemed a public nuisance. Navigation not to be obstructed.
2. That it shall be lawful for any person or persons, to enter into the said creek, river or stream of water, and to lay on shore on the banks, all such rubbish as shall obstruct the navigation thereof, to the least damage to the owner of the land, that may be. What esteemed a nuisance.
3. That it shall and may be lawful to keep up and repair any bridge or bridges on public highways, and also all dams or banks erected and finished before the publication of this act, where the said dam or bank does not raise the water so as to overflow the lands of any other person or persons, except those who so erected or own the said dam, and does not injure or damage any other person or persons whatsoever, by any ways or means whatever; and to build such other bridges where public highways are, or shall be hereafter laid out, as are or shall be hereafter necessary to be laid out, over any river, creek or brook, as a public highway; and there be left in the channel thereof, a vacancy not less than eighteen feet between the piers or piles of the said bridges hereafter to be erected; and that all rafts and floats of hay, boards, planks and timber shall have free passage through the milldams now erected, where they have usually had that liberty and conveniency. Obstructions removed.
4. That nothing in this act shall extend to deprive any person of his right of action, for any damage accruing to such person, by the keeping up or erecting any dam or bank, or to justify any person in repairing or keeping up any dam that shall raise the water so much as to overflow the lands of, or any ways endamage any other person or persons than him, her or them, who hath so built, or shall own the said dam. Bridges and dams heretofore made upheld.
5. That it shall and may be lawful for any person or persons whomsoever, to cut down and remove from the banks of any river or creek, within this state, all such trunks and limbs of trees, and such like obstructions, which shall hang over, or any ways interrupt the navigation of the same, so as such obstructions be removed, with as little detriment to the owners Other bridges built.

But right of action not barred.

How certain obstructions removed.

of the lands where the same may happen, as the nature of the case will admit, for the benefit of the navigation.

Rev. 571.

R. S. 546.

Vessels not to anchor in the channel.

**An act to preserve the free navigation of the river Delaware, near the head of the tide waters thereof.**

Passed February 2, 1815.

Penalty.

6. SEC. 1. That from and after the first day of May next, it shall not be lawful for any schooner, sloop, shallop, or other vessel, to ride at anchor in the channel of the river, at any place between Lamberton and the head of the sloop navigation at Bloomsbury, so as in any way to impede, obstruct or endanger the free navigation of all vessels, coming to or departing from any of the landings or wharves, situated at the two places above mentioned; and all such schooners, sloops, shallops, or other vessels which ride at anchor, are required so to arrange themselves on each side of the river, as at all times to leave a space of not less than two hundred feet of the said channel, open and clear for the free ingress and regress of all vessels plying to or from any of the said landings or wharves; and the captain, master, owner, or other person having the command of any such schooner, sloop, shallop, or other vessel, who shall wilfully contravene the provisions of this act, by continuing to ride at anchor in any part of the said channel, so required to be left free and open, when he might have with safety removed from the same, shall forfeit and pay, for each and every such offence, the sum of ten dollars, to be prosecuted for and recovered by action of debt, before any justice of the peace, with costs of suit, by any person or persons who may think themselves aggrieved thereby, the one half to the use of the poor of the township of Nottingham, and the other half to the use of the person or persons who shall sue for and prosecute the same to effect.

Preamble.

Stones, etc., not to be thrown in the channel.

7. SEC. 2. *And whereas*, it has been represented that the persons on board of certain vessels employed in the collection and transporting of paving stones, are in the practice of throwing overboard into the river, such irregular or offal stones, as are not deemed fit for the purposes of paving, thereby obstructing and filling up from time to time the bed of the river; for remedy whereof *be it further enacted*, that such practice is hereby declared injurious and unlawful, and all and every such person or persons, who shall hereafter be guilty of throwing overboard into the river, stones, gravel, sand, or any other substance which may have a tendency to fill up the bed of the said river, and shall be convicted thereof, shall forfeit and pay for each and every such offence the sum of twenty-five dollars, to be prosecuted for, recovered and applied, as is directed in the preceding section.

Penalty.

Apprehension of offenders.

8. SEC. 3. That it shall be the duty of every justice of the peace, upon his own view, or the representation or information of any person on oath or affirmation, to issue his warrant to one or more constable or constables in his county, commanding him or them to require such and so many persons as he or they shall deem necessary to aid and assist him or them in apprehending every person offending against the provisions contained in the preceding sections, and forthwith to bring such offender, when apprehended, before the said justice, or any other justice of the peace, to be proceeded against in the manner hereinbefore directed; *provided*, that this act shall not extend to, impair or in any way infringe on the mutual arrangements entered into by this state and the state of Pennsylvania.

Proviso.

Rev. 708.

R. S. 547.

Prohibition of erections in the river Delaware.

Manner of proceeding on application to erect.

**An act to prevent obstructions to the navigation of the river Delaware.**

Passed March 1, 1820.

9. SEC. 1. That no bridge, floating stage, or other device in the nature of a bridge, no dam, wing, or other device, creating, drawing off, or using a water power, or taking fish, shall hereafter be erected, placed or dug in any part of the river Delaware, between New Jersey and Pennsylvania, without a view first had by three skilful and respectable freeholders in each state, residing near the spot where it may be intended to erect such bridge, stage, dam, wing or device, appointed by the court of quarter sessions, and a specific report by them or a majority of them, respectively, in each state, to the court of quarter sessions of the county by whom

appointed, showing distinctly the bridge, stage, dam, wing or device intended, and stating that it will not impede or injure the navigation of the said river, and such report being approved of and confirmed by each court of quarter sessions, and unappealed from to the supreme court of either state, during one year after it shall have been approved of, shall be final; but if on such appeal the supreme court of either state should reverse such approval and confirmation, the same shall be set aside; and any person or persons offending against the provisions of this act, shall, on conviction thereof, before the court of quarter sessions of the next adjoining county, forfeit and pay for each offence, such sum not less than five hundred, nor more than one thousand dollars, as such court shall adjudge, one-half to the informer or informers, and the other half to the use of the poor of the proper county.(a)

Penalty on offenders.

[Sec. 2 and 3. Obsolete].

**An act to prevent the collision of vessels navigating the river Delaware.**

Approved April 8, 1846. P. L. 1846, p. 149.

10. SEC. 1. That every master or other officer having charge of any vessel lying at anchor in the river Delaware, shall hoist or show from sundown, and continue to sunrise, a light at some conspicuous part of said vessel, at least ten feet above the deck; and for each and every neglect such master or other officer having charge of such vessel shall forfeit and pay the sum of ten dollars, to any person who shall sue for the same.

Vessels at anchor to show light.

11. SEC. 2. That when any vessel navigating the river Delaware shall come into collision with any vessel lying at anchor, having a light on board as aforesaid, the master or other officer having charge of such vessel so navigating the river Delaware, shall forfeit and pay to the master, owner, or owners of such vessel so lying at anchor, the amount of all damages sustained by means of such collision, the same to be sued for by the officer, owner, or owners of such vessel having such light on board as aforesaid, and shall be debarred from recovering any damage he may have sustained from such collision; and it shall and may be lawful for the officer serving the summons or other process to seize and keep in custody the vessel so coming in collision as aforesaid, to abide the judgment of the court before which the suit under this act may be brought, at the costs and charges of the party offending; *provided*, this act shall not be so construed as to prevent the party so offending from having said vessel released, upon giving satisfactory security to the court before whom the said action may be brought.

Penalty for coming into collision with vessels showing light.

12. SEC. 3. That every master or other officer having charge of any steamboat navigating the river Delaware, shall show from sundown, and continue to sunrise, a light suspended by a staff or pole, in the extreme forward part of said steamboat, at least ten feet above the deck, and also, a light suspended as aforesaid at the extreme after part of said steamboat, at least twenty feet above the deck; and for each and every neglect, such master or other officer having charge of such steamboat, shall forfeit and pay the sum of twenty dollars, to any person who shall sue for the same.

Steamboats to show a light.

13. SEC. 4. That this act shall go into full effect and operation, so soon as the legislature of Pennsylvania shall pass a concurrent law.

Act, when to take effect.

**An act to regulate the navigation of the river Raritan and Staten Island sound.**

Passed March 7, 1837. R. S. 549.

14. SEC. 1. That all captains, owners, or other persons in charge of vessels in the river Raritan and sound between this state and Staten Island, sailing with a fair or free wind, when met by another vessel, shall keep to the right, and when overtaken by another vessel they shall likewise keep to the right.

Vessels sailing in the Raritan and Staten Island sound to keep to the right.

15. SEC. 2. That all captains, owners, or other persons in charge of vessels navigating the river Raritan and sound between this state and Staten Island, when they shall come to anchor at night, shall keep or

Vessels at anchor at night in said river and sound to keep light hoisted.

(a) This act does not prohibit the erection of all dams—its prohibition is limited to a dam, wing or other device creating, drawing off or using a water power, or for taking fish, *Lair v. Killmer*, 1 *Dutch*. 522. An information must specify the purpose for which the dam, &c., was erected. *Ibid.*

cause to be kept, a lantern lighted, or other light that may be seen, hoisted at least twenty feet above the deck of such vessel.

Penalty for offending against provisions of this act.

16. SEC. 3. That if any person shall offend against the provisions of this act, or either of them, such person shall forfeit and pay for every such offence the sum of twenty dollars, to any person who may sue for the same; and shall be further subject to an action for all damages occasioned by such offence, to be recovered, with costs of suit, in any court having jurisdiction thereof.

**An act to regulate the speed of steamboats and other vessels propelled by steam on the Raritan river.**

P. L. 1865, p. 120.

Approved February 26, 1855.

Rate of speed of steamboats on Raritan river.

17. SEC. 1. That it shall not be lawful for any steamboat, or other vessel propelled by steam, to pass any of the wharves on either side of the Raritan river, between New Brunswick and a point two hundred yards below French's or Wood's landing, at a greater speed than four miles per hour while any vessel is laying thereto, nor pass up and down the said river between said points at a greater speed than seven miles per hour.

Penalty for violation of act.

18. SEC. 2. That if any steamboat or other vessel propelled by steam shall violate this law, the person in command, or owners of said vessel, being duly convicted thereof in any court of competent jurisdiction, shall pay one hundred dollars, one-half to the person who shall prosecute the same to effect, and the other half to the county treasurer, and shall also be liable to full damages to the person whose property shall be injured thereby.

**An act to regulate the navigation of Raritan bay.**

P. L. 1869, p. 1180.

Approved April 1, 1869.

Vessels may not come to anchor in the channel of the bay.

19. SEC. 1. That it shall not be lawful for any captain, owner or other person or persons in charge of vessels navigating that part of Raritan bay northwesterly from Keyport dock, in Monmouth county, for the distance of six hundred yards, knowingly and wilfully to come to or lay at anchor in the channel of said bay, between the limits aforesaid, and hereafter defined.

Width of the channel.

20. SEC. 2. That said channel shall be and is hereby declared to be three hundred feet in width, and shall be marked by stakes or buoys in the middle or on either side of said channel before any penalty or damages can be recovered as hereinafter provided.

Penalty for violation of act.

21. SEC. 3. That if any person shall offend against the provisions of this act or either of them, such person shall forfeit and pay for every such offence the sum of twenty dollars, one-half to the person or corporation who shall prosecute the same to effect, and the other half to the county treasury, and shall also be liable to any damages named by the person or corporation injured thereby.

Additional penalty.

22. SEC. 4. That for every twenty-four hours any vessel shall lay at anchor as aforesaid in said channel, an additional penalty of twenty dollars may be recovered in manner as aforesaid.

**An act to remove obstructions to navigation.**

P. L. 1867, p. 609.

Approved April 3, 1867.

Whereas, the navigation of some of the rivers of this state is occasionally obstructed by sunken barges, or boats laden with stone or other heavy material, which are abandoned by their owners, and for the removal of which no law exists, and which obstructions, if permitted to remain, may cause serious injury to the navigation of such rivers; therefore,

Proceedings to remove stranded or sunk boats, etc., in navigable rivers.

23. SEC. 1. That whenever any boat, barge or scow shall be stranded or sunk in any of the navigable rivers of this state, and left remaining by the owners, or persons having the same in charge, for a period of thirty days, it shall be the duty of the chosen freeholders or freeholder of the county, living in the township or ward within whose bounds the said boat, barge or scow shall be sunken or stranded, on written notice to them of six freeholders residing in the county, that the said boat, barge or scow is

obstructing the free navigation of such river, to make investigation of the same, and if in their opinion the same does or is likely to obstruct the navigation, they shall give notice to the owner or owners, or persons having the same last in charge (if their residence is known to them), that the said boat, barge or scow is a nuisance, and must be removed within thirty days thereafter; and if the residence of such owner or owners, or persons last in charge of said boat, barge or scow, be unknown, the said chosen freeholders shall cause public notice to be given to the like effect, by advertising the same in any newspaper published and circulating in the county where such boat, barge or scow may lie.

Notice to owners.

24. SEC. 2. That if the said boat, barge or scow shall not have been removed at the expiration of the said thirty days, it shall be lawful for the said chosen freeholders, and they are hereby empowered to declare the said boat, barge or scow a public nuisance, and forfeited to the state, and may cause the same to be removed, either by contract or otherwise, as they shall deem best, and with the least delay, and shall sell, by public auction or otherwise, the said wreck and cargo to defray the expenses of removal; *provided*, the said chosen freeholders may, in their discretion, in contracting for the removal of said boat, barge or scow, agree with the contractor that the same, together with the cargo, may form the whole, or a part of the compensation to be received by the contractors for the removal thereof.

On failure of owner to remove may be done by chosen freeholders.

Proviso.

25. SEC. 3. That the chosen freeholders shall be entitled to such compensation for their services as they are now entitled to receive for attending to repairs of county bridges.

Compensation of freeholders.

26. SEC. 4. That the cost of removing such obstructions as aforesaid, with the incidental expenses and charges connected therewith shall be made up and certified to by the said chosen freeholders, and upon such certified account the collector of the county shall pay the same out of any money not otherwise appropriated, which amount so paid shall be reimbursed to the said county out of the treasury of the state.

Costs and expenses, how paid.

27. SEC. 5. That in the event of there being any surplus obtained by the sale of the wreck and cargo over and above the costs and charges of removal as aforesaid, in any one instance, the same shall be paid into the treasury of the state.

Surplus of sale of wreck to be paid to state treasurer.

28. SEC. 6. That the amount to be paid out, under and by the provisions of this act, either by the county or state, for the removal of any one obstruction of the character aforesaid, shall not exceed [one thousand] dollars.

Limitation of cost of removal. [P. L. 1871, p. 39].

II. Protection of buoys and beacons.

An act for the protection of buoys and beacons.

Approved April 3, 1873. P. L. 1873, p. 123.

29. SEC. 1. That any person or persons who shall moor any vessel or vessels of any kind or name whatsoever, or any raft or part of a raft to any buoy or beacon placed in the waters of New Jersey by the authority of the United States Light House Board, or shall in any manner hang on with any vessel or raft or part of a raft to any such buoy or beacon, or shall wilfully remove, damage or destroy any such buoy or beacon, or shall cut down, remove, damage or destroy any beacon or beacons erected on land in this state by the authority of the said United States Light House Board, shall for every such offence be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine not to exceed two hundred dollars, or by imprisonment not to exceed three months; one-third of the fine in each case shall be paid to the informer and two-thirds thereof to the light house board, to be used in the repairing the said buoys and beacons.

Penalty for mooring vessel to or damaging or destroying any buoy or beacon.

30. SEC. 2. That the cost of repairing or replacing any such buoy or beacon which may have been misplaced, damaged or destroyed by any vessel or raft whatsoever having been made fast to any such buoy or beacon, shall, when the same shall be legally ascertained, be a lien upon such vessel or raft, and may be recovered against said vessel or raft and the owner or owners thereof in an action of debt in any court of competent jurisdiction in this state.

Cost of repairing buoy or beacon to be a lien upon the vessel damaging the same.

## III. Harbor masters.

## An act to appoint harbor masters and inspectors.

P. L. 1869, p. 1038.

Approved March 31, 1869.

Appointment of harbor masters.

Powers of harbor masters.

31. SEC. 1. That the governor, by and with the advice and consent of the senate, shall appoint two harbor masters, who shall hold their offices, respectively, for three years, and in case any harbor master so appointed shall die or resign, or in any other way be disqualified to act, it shall be the duty of the governor forthwith to fill such vacancy, and the person so appointed shall hold such office until the next session of the legislature; and such harbor masters shall have authority to regulate and station all ships and vessels in the bay of New York, or in the North river, within the limits of Jersey City and Hoboken, and the wharves thereof, and to remove from time to time, such ships and vessels as are not employed in receiving and discharging their cargoes, to make room for such others as require to be more immediately accommodated, for the purpose of receiving and discharging cargoes; as to the fact of their being fairly and *bona fide* employed in receiving and discharging their cargoes, the said harbor masters, or either of them is hereby constituted the sole judge; the said harbor masters, or either of them, shall have authority to determine how far, and in what instances, it is the duty of masters and others, having charge of ships and vessels, to accommodate each other in their respective situations, and if any master or other person, having charge of any ship or vessel, shall refuse or neglect to obey the directions of the said harbor masters, or either of them, in matters within their authority to direct, or if any person shall resist or oppose the said harbor masters, or either of them, in the execution of the duties of their office, such master or other person having charge of any ship or vessel, or other person whatsoever, shall for every such offence, forfeit and pay the sum of fifty dollars, to be recovered with costs of suit, in the name of the treasurer of the state, before any court having cognizance thereof; all which fines, when collected, shall be paid to said treasurer; and the said harbor masters shall have power to demand and receive from the commanders, owners and consignees, or either of them, on all ships or vessels of the United States, and on all ships or vessels of any foreign nation that are permitted by the laws of the United States to enter on the same terms as vessels of the United States, and which shall enter the bay of New York or in the North river, within the limits of Jersey City or Hoboken aforesaid, and load or unload, or make fast to any wharf therein, one-half of one per centum per ton, to be computed from the tonnage expressed in the register or enrollments of such ships and vessels respectively, and no more; and also on all other foreign ships or vessels which shall arrive at and enter the said port, and load, unload, or make fast to any wharf therein, double the amount of fees above specified, according to the rate of tonnage or burthen of said ships or vessels respectively, to be ascertained by their respective registers or other documents on board the same; but no compensation shall be demanded by the said harbor masters for the entrance into the said limits of Jersey City or Hoboken, any ship or schooner employed in the coasting trade within the United States, unless upon application of the master or persons having charge of any such vessel employed in the coasting trade as aforesaid; the said harbor masters, or either of them, shall interfere and adjust any difference which may happen respecting the situation or position of any such coasting vessel, which difference said harbor masters, or either of them, are hereby authorized and required to hear and determine; in which case the said harbor masters, or either of them, may demand from the party in default, in the premises, the sum of two dollars, excepting canal barges and canal boats, for which he may receive one dollar each, and no more, for any difference so by him adjusted, to be sued for and recovered in the names and for the use of said harbor masters, in any court having cognizance thereof; the master, owner and consignees of any ship or vessel subject to the payment of the fees to harbor masters as aforesaid, shall, within forty-eight hours after the arrival of such ship or vessel, pay the fees so due thereon, at the office of the said harbor masters, or one of them, and in default of such payment,

if the same shall have been first duly demanded, such master, owner or consignee on whom such demand shall have been previously made shall forfeit and pay double the amount of such fees, to be sued for and recovered in the names and for the use of the said harbor masters, in any court having cognizance thereof; it shall be the duty of the said harbor masters to superintend and enforce the execution of all laws of this state for cleaning the wharves and docks, and for preventing and removing all nuisances in or upon them, or either of them; and if the person or persons whose duty it shall be to remove such nuisance, shall refuse or neglect to remove the same within forty-eight hours after notice from the said harbor masters, or one of them, requiring such person or persons to remove the same, the said harbor masters may therefor demand and receive from such person or persons so neglecting or refusing, the sum of two dollars and fifty cents; and in case of non-payment thereof on demand, the same may be sued for and recovered in the names of and for the use of the said harbor masters, in any court having cognizance thereof; and it shall be the duty of the said harbor masters, whenever required by the captain, owner or consignee of any vessel, to give a copy of this act to such captain, owner or consignee, and no person shall be fined for a violation of this act until that has been done; and it shall hereafter be the duty of said harbor masters to report to the governor of the state, under oath, the whole amount of fees received to the thirty-first of December, inclusive, in each year.

32. SEC. 2. That the said harbor masters shall appoint inspectors, whose duty it shall be to inspect all hogs, sheep and cattle, live or dressed, and said inspectors shall be appointed and commissioned by the governor, and shall have power to inspect the same at any place where the same shall be for sale, and the said inspectors shall hold their office for three years. Inspectors of cattle to be appointed.

33. SEC. 3. That the said harbor masters shall take and file in the office of the secretary of the state, an oath, well, truly and faithfully to perform the duties of their appointment, before entering upon their said duties; and the said inspectors shall take and file in the office of the said harbor masters, an oath, well, truly and faithfully to perform the duties of their appointment before entering upon said duties.<sup>(a)</sup> Must take an oath.

**Supplement.**

Approved March 30, 1875. P. L. 1875, p. 409.

34. SEC. 1. That from and after the passage of this act, the jurisdiction of the harbor masters appointed under this act, shall be extended so as to apply to the entire county of Hudson, instead of the cities of Jersey City and Hoboken, as now provided for in said act. Jurisdiction extended.

**An act to provide for the appointment of a harbor master for the harbor of Elizabeth and Elizabeth creek, in this state.**

Approved March 17, 1870. P. L. 1870, p. 1282.

35. SEC. 1. That there shall be appointed on the nomination of the governor, by and with the advice and consent of the senate, a harbor master for the harbor of Elizabeth and Elizabeth creek; said harbor master shall hold his office for two years or until another shall be appointed in his place. Appointment of harbor master.

36. SEC. 2. That said harbor master before entering upon the duties of his office shall execute a bond to the state of New Jersey in the penal sum of one thousand dollars, with two sufficient sureties, to be approved by the mayor of the city of Elizabeth, conditioned for the faithful performance of his duties and said harbor master shall perform all the duties, exercise all the powers and derive all the emoluments imposed and authorized by this act. Harbor master to execute bond.

37. SEC. 3. That said harbor master shall have authority to regulate and station all ships, vessels and boats in the harbor of Elizabeth and Elizabeth creek and to remove from time to time such ships, vessels or boats as are not employed in receiving and discharging their cargoes; to make room for such others as require to be immediately accommodated Powers and duties.

<sup>(a)</sup> This act held unconstitutional so far as it imposes a tonnage duty, *Hackley v. Geraghty*, 5 Vr. 332, 7 Vr. 459 *Geraghty v. McMicker*, 8 Vr. 530.

for the purpose of receiving or discharging cargoes; and as to the fact of their being fairly and *bona fide* employed in receiving or discharging their cargoes, the said harbor master is hereby constituted sole judge; the said harbor master shall have authority to determine how far and in what instances it is the duty of masters and others having charge of ships, vessels and boats to accommodate each other in their respective situations, and if any master or other person having charge of any ship, vessel or boat shall refuse or neglect to obey the direction of said harbor master in matters within his authority to direct, or if any person shall resist or oppose the said harbor master in the execution of the duties of his office, such master or other person having charge of any ship, vessel or boat or other person whatsoever shall for every such offence forfeit and pay the sum of fifty dollars, to be recovered with costs of suit, in the name of the state of New Jersey, before any court having cognizance thereof; all which fines when collected shall be paid to the treasurer of this state and shall be subject to the disposition of the legislature thereof.

Fees that may be demanded and received.

38. SEC. 4. That the said harbor master shall have power to demand and receive from the commanders, owners and consignees, or either of them, on all domestic ships, vessels or boats, and on all ships, vessels or boats of any foreign nations that are permitted by the laws of the United States to enter on the same terms as said domestic vessels of the United States, and which shall enter the said harbor of Elizabeth and Elizabeth creek, and load or unload, or make fast to any wharf therein, one and one-half of one per centum per ton, to be computed from the tonnage expressed in the register or enrolments of such ships, vessels or boats, respectively, and no more, and also on all other foreign ships, vessels or boats, which shall arrive at and enter the said harbor or creek, and load, unload or make fast to any wharf therein, double the amount of fees above specified, according to the rates of tonnage or burden of said ships, vessels or boats, respectively, to be ascertained by their respective registers or other documents on board the same.

Penalty for non-payment of fees.

39. SEC. 5. That the master, owner or consignee of any ship, vessel or boat, subject to the payment of fees to the harbor master as aforesaid, shall within forty-eight hours, after the arrival such ship, vessel or boat, pay the fees so due thereon, at the office of the said harbor master, and in default of such payment, such master, owner or consignee, shall forfeit and pay double the amount of such fees, to be sued for and recovered by the said harbor master, and for his use, in any court having cognizance thereof.

**An act to create the office of harbor master for the town of Keyport, Monmouth county.**

P. L. 1874, p. 408.

Approved March 21, 1874.

Harbor master, when and by whom appointed.

40. SEC. 1. That it shall be the duty of the board of commissioners of the town of Keyport whenever application shall be made to them by any director or directors of any incorporated company or companies owning and running a boat or boats to and from said town, or near said town, to appoint some suitable person as harbor master at said town.

Duties, &c.

41. SEC. 2. That the duties of said harbor master shall be the same as those of harbor masters at any of the cities of this state, and particularly said harbor master shall remove or cause to be removed any vessel or vessels which shall anchor in the channel in the bay near said town or in the usual track of the steam vessels running to and from said town.

Penalty for resisting, &c.

42. SEC. 3. That if any person shall resist said harbor master in the discharge of his duties, such person so resisting shall be guilty of a misdemeanor and shall be fined not exceeding one hundred dollars, or be imprisoned in the county jail not exceeding three months or both.

Compensation.

43. SEC. 4. That the compensation of said harbor master shall not exceed two hundred dollars per annum, which sum shall be paid by the company or companies making application as aforesaid.

IV. Incorporation of navigation companies.

An act for the incorporation of companies to navigate lakes, ocean, and inland waters.

Revision—Approved April 9, 1875. P. L. 1854, p. 470.

44. SEC. 1. That at any time hereafter, any five or more persons, who may desire to form a company for the purpose of building for their own use, equipping, furnishing, fitting, purchasing, chartering, or owning steam, sail, or other boats, ships, or vessels, or property to be used in lawful business, commerce, trade, or navigation upon ocean or inland waters, and for the carriage, transportation, storing, or lading of freight, mails, property, or passengers, may make, sign, and acknowledge before some officer competent to take the acknowledgment of deeds, and file in the office of the clerk of the county in which the principal office for the management of the business of the company shall be situated, and a duplicate thereof in the office of the secretary of state, a certificate in writing, in which shall be stated the corporate name of such company, and the specific objects for which the company shall be formed, stating particularly the amount of capital stock of said company, which shall not be more than one million dollars, nor less than ten thousand dollars; the term of its existence not to exceed twenty years; the number of shares of which the said stock shall consist, the number of directors and their names, who shall manage the affairs of such company for the first year, and the name of the city or town and county in which the principal office for managing the affairs of such company is to be situated.

Navigation companies, how incorporated.

P. L. 1854, p. 470, § 1.

Certificate to be filed.

45. SEC. 2. When the certificate shall have been filed as aforesaid, and twenty per centum of the capital named paid in, the persons who shall have signed and acknowledged such certificate, and all others who thereafter may be holders of any share or shares of the capital stock, and their successors, shall be a body politic and corporate, in fact and in name, by the name stated in such certificate, and by that name shall have succession, and shall be capable of suing and being sued in any court of law or equity; and they and their successors may have a common seal, and may make and alter the same at pleasure; and they shall by their corporate name be capable in law of purchasing, holding, owning, hiring, leasing and conveying any real or personal estate or property whatever, which may be necessary to enable such company to carry on the operations and business mentioned in such certificate, and all other real or personal estate or property which shall have been *bona fide* mortgaged or pledged to such company, by way of security, or conveyed to such company in satisfaction or part satisfaction of any debt or debts previously contracted in the course of the transaction of the business of such company, and all other real or personal estate or property which shall be purchased by such company at sales upon judgments, orders or decrees which shall be obtained for such debts, or in the course of the prosecution thereof.

Powers of company. Ib. § 2.

46. SEC. 3. The stock, property, affairs and concerns of such company shall be managed by not less than three or more than thirteen directors, who shall respectively be stockholders of such company, a majority of whom shall be residents of this state, and who shall, except those for the first year, be annually elected by the stockholders of such company, at such time and place as shall be directed by the by-laws of such company; public notice of the time and place of holding such election shall be published not less than thirty days previous thereto, in a newspaper printed in the city or town in which the principal office for the management of the affairs of such company shall be situated; and if there be no newspaper published in such city or town, then in the newspaper the principal office of publication of which is nearest to such principal office of such company; such elections shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and such elections shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of stock in such company; and the persons receiving the greatest number of votes shall be directors; and when any vacancy shall happen among the directors, occasioned by death, incapacity, resignation, the sale of stock or otherwise, it shall be filled for the remainder of the year in such manner as may be provided for by the by-

Officers and election. Ib. § 3.

laws of such company; the directors named in the certificate aforesaid shall appoint inspectors of the first election from among stockholders who are not directors.

No dissolution on failure to hold election.  
Ib. § 4.

47. SEC. 4. In case it shall happen at any time that an election of directors shall not be made on the day designated by the by-laws of such company, when it ought to have been made, the company for that reason shall not be dissolved, but it shall be lawful on any other day to hold an election for directors in such manner as shall be provided for by the said by-laws; and all acts of directors shall be valid and binding as against such company until their successors shall be elected.

Directors to have power to appoint officers.  
Ib. § 5.

48. SEC. 5. The directors of such company shall have power to appoint a president, and to appoint or employ such other subordinate officers as the by-laws of such company may designate, and to require any or all of such president and other officers to give such security for the faithful performance of their respective duties as such directors may require; and the directors shall have power to remove such president and other officers respectively at pleasure; such officers shall respectively, have such powers and perform such duties in the management of the property, affairs, and concerns of such company, subject to the control of the directors, as the by-laws of such company shall prescribe; a majority of the directors for the time being shall constitute a quorum for the transaction of business.

Subscriptions may be collected on penalty of forfeiture.  
Ib. § 6.

49. SEC. 6. It shall be lawful for the directors to call in and demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such payments or instalments as the directors shall deem proper, under the penalty of forfeiting the shares of stock subscribed for, and all previous payments made thereon, if payment shall not be made by stockholders within sixty days after demand or notice requiring such payment shall have been published three successive weeks, as is prescribed in section three; but the collection by action of any instalment shall preclude the company from forfeiting any stock by reason of the non-payment of such instalment.

Directors may make by-laws.  
Ib. § 7.

50. SEC. 7. The directors shall have power to make such reasonable by-laws, not inconsistent with the laws of this state or of the United States as they shall deem proper for the management and disposition of the property, affairs, and concerns of such company, for prescribing the powers and duties of the officers of such company, for the appointment of such officers, and for the transaction and carrying on the business of such company.

Transfer of stock.  
Ib. § 8.

51. SEC. 8. The stock of such company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of such company, but no shares shall be transferable until all previous calls thereon shall have been fully paid in; and it shall not be lawful for any such company to use any of its funds in the purchase of any stock in any other corporation formed under the laws of this state, or to hold the same, unless the same shall have been *bona fide* pledged, hypothecated or transferred to such company by way of security for, or in satisfaction or part satisfaction of a debt or of debts previously contracted in the course of the transaction of the business of such company, or unless the same shall be purchased by such company at sales upon judgments, orders or decrees which shall be obtained for such debts, or in the course of the prosecution thereof.

Certificate may be put in evidence.  
Ib. § 9.

52. SEC. 9. The copy of any certificate of incorporation filed in pursuance of this act, certified by the county clerk in whose office the same is filed, under his official seal, to be a true copy of and of the whole of such certificate, shall be received in all courts and places as presumptive legal evidence of the matters therein stated.

Stockholders liable to creditors, up to amount of subscription.  
Ib. § 10.

53. SEC. 10. The stockholders of such company shall be jointly, severally and individually liable to the creditors of such company to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by such company, and for all claims and demands against such company, until the whole amount of capital stock fixed and limited by such company shall have been paid in, and a certificate thereof shall have been made and recorded as prescribed in the following section; and the capital stock so fixed and limited shall all be paid in, at least one-half

thereof within one year, and the remainder within two years from the incorporation of such company, or such company shall be dissolved.

54. SEC. 11. The president and a majority of the directors of such company, within thirty days after payment of the last instalment of the capital stock so fixed and limited by such company, shall make a certificate stating the amount of the capital stock of such company so fixed, limited and paid in, which certificate shall be signed and sworn to by the president and a majority of the directors of such company; and they shall within the said thirty days procure the same to be recorded in the office of the clerk of the county in which is located the principal office of such company.

Certificate of payment of capital to be filed.  
Ib. § 11.

55. SEC. 12. No stockholder shall in any case be personally liable for the payment of any debt contracted by, or claim or demand against such company, unless an action for the collection of such debt, claim or demand shall be brought against such company within two years after the same shall have become due or shall have accrued; and no action or proceeding shall be brought or maintained against any stockholder in such company for any such debt, claim or demand, until an execution against the property of such company therefor shall have been returned unsatisfied in whole or in part.

Limitation of personal liability of stockholders.  
Ib. § 12.

56. SEC. 13. If the directors of any such company shall declare and pay any dividend when such company is insolvent, or any dividend, the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of such company then existing, and for all claims and demands against such company then existing, and for all debts, claims and demands thereafter contracted or incurred while they shall respectively continue in office; *provided*, that if any of the directors shall object to the declaring of such dividend, or to the payment of the same, and shall at any time before the time fixed for the payment thereof, or within thirty days after such dividend is declared, file a certificate of his or their objection in writing, with the secretary of such company, if there be such an officer, and if not, then with the president thereof, and with the clerk of the county in which the principal office of such company shall be situated, the director or directors so objecting, and so filing such objection, shall be exempt from such liability.

Directors liable for debts in case of fraudulent dividend, unless they dissent.  
Ib. § 13.

57. SEC. 14. If any certificate made in pursuance of the provisions of this act shall be false in any material representation, all the officers who shall have signed the same shall be jointly and severally liable for all the debts and liabilities of the company, contracted or incurred while they are stockholders or officers thereof.

Persons signing false certificate liable to creditors.  
Ib. § 14.

58. SEC. 15. No person holding stock in any such company, as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as stockholder of such company, but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estate and funds in the hands of such executor, administrator, guardian or trustee shall be liable in like manner and to the same extent as the testator or intestate, or the ward or person interested in such trust fund would have been if he had been living and competent to hold the same stock in his own name.

Guardians, trustees, &c., not liable personally.  
Ib. § 15.

59. SEC. 16. The stockholders of such company shall be jointly, severally and individually liable for all debts that may be due and owing to all the laborers and mechanics of such company for services performed for such company; which debts so due shall be paid out of the first assets realized from said company or said stockholders; but no action or proceeding shall be brought or maintained against any stockholder for any such debt until an execution against the property of such company shall have been returned unsatisfied, in whole or in part.

Stockholders liable for workmen's wages.  
Ib. § 16.

60. SEC. 17. Any company which may be formed under this act may increase or diminish its capital stock by complying with the provisions of this act, but such increase shall not be a sum more than the larger sum specified in the first section, and such diminution shall not be to a sum less than the smaller sum specified in said first section; before such company shall be entitled to diminish the amount of its capital stock, if the amount

Capital may be increased or diminished.  
Ib. § 17.

of its debts and liabilities shall exceed the amount of capital stock to which it is proposed to be reduced, such amount of debts and liabilities shall be satisfied and reduced so as not to exceed such diminished amount of capital stock.

Notice of meeting thereof to be given.  
Ib. § 18.

61. SEC. 18. Whenever any such company shall desire to call a meeting for the purpose of increasing or diminishing the amount of its capital stock, it shall be the duty of the directors to publish a notice signed by at least a majority of them, at least six successive weeks, as is prescribed in section three, previous to the day fixed upon for holding such meeting, specifying the object of such meeting, the time and place when and where such meeting shall be held, and the amount to which it shall be proposed to increase or diminish the capital stock; a vote of at least two-thirds of all the shares of stock shall be necessary to an increase or diminution of the amount of the capital stock.

Proceedings at meeting.

62. SEC. 19. If at any time and place specified in the notice provided for in the last preceding section, stockholders shall appear in person or by proxy, in numbers representing not less than two-thirds of all the shares of the stock of the company, they shall organize by choosing one of the directors chairman of the meeting, and also a suitable person for secretary, and proceed to a vote of those present, in person or by proxy, and if on canvassing the votes it shall appear that a sufficient number of votes has been given in favor of increasing or diminishing the amount of capital, a certificate of the proceeding, showing a compliance with the provisions of this act, the amount of capital actually paid in, the whole amount of debts and liabilities of the company, and the amount to which the capital stock shall be increased or diminished, shall be made out, signed, verified by the affidavit of the chairman, and be countersigned by the secretary, and such certificate shall be acknowledged by the chairman and filed as required by the first section of this act; and when so filed, the capital stock of such company shall be increased or diminished to the amount specified in said certificate.

Book of registry of stock to be kept.  
Ib. § 20.

Registry books.

63. SEC. 20. It shall be the duty of the directors of every such company to cause a book to be kept by the treasurer or secretary thereof, containing the names of all persons, alphabetically arranged, who are or shall, within six years, have been stockholders of such company, and showing their places of residence, the number of shares of stock held by them respectively, and the time when they respectively became owners of such shares, and the amount of stock actually paid in; which book shall, during the usual business hours of the day, on every day except Sunday, the fourth day of July, the twenty-fifth day of December, and the first of January, be open for the inspection of stockholders and creditors of the company and their personal representatives, at the principal office of such company; and any and every such stockholder, creditor, or representative shall have a right to make extracts from such book; and no transfer of stock shall be valid for any purpose whatever, except to render the person to whom it shall be transferred liable for the debts and liabilities of the company, according to the provisions of this act, until it shall have been entered therein as required by this section, by an entry showing to and from whom transferred; such book shall be presumptive evidence of the matters therein stated in favor of the plaintiff, in any action or proceeding against such company, or against any one or more stockholder; every officer or agent of such company whose duty it shall be to keep such book, who shall neglect any proper entry in such book, or shall refuse or neglect to exhibit the same, or allow the same to be inspected, or extracts to be taken therefrom, as provided by this section, shall be deemed guilty of a misdemeanor, and the company shall forfeit and pay to the party injured a penalty of fifty dollars for every such neglect or refusal, and all damages resulting therefrom; and every company that shall neglect to keep such book open for inspection as aforesaid, shall forfeit and pay the sum of fifty dollars for every day it shall so neglect, to be sued for and recovered in the name of the collector of the county in which the principal office for the transaction of the business of such company shall be located, and when so recovered, the amount shall be paid into the treasury of such county for the use thereof.