

## Turnpikes, Bridges, &amp;c.

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## An act concerning bridges and turnpikes.

Approved March 12, 1878.

P. L. 1878, p. 58.

1. That in case any turnpike company in this state, owning a bridge over any stream or river, forming a part of their turnpike road, has heretofore suffered or permitted said bridge to be and remain out of repair, so that public travel thereon has been stopped for the space of four months, it shall be deemed and taken as an abandonment on the part of such turnpike company of its franchises, and the charter of every such turnpike company, with all the rights, privileges and franchises granted thereby, is declared to be revoked and utterly null and void, and all acts and supplements to acts incorporating such turnpike company, are declared to be and the same are hereby repealed.

2. That it shall and may be lawful for the board of chosen freeholders of the county wherein any such bridge and turnpike is situated, or in case such bridge or turnpike is situated in more than one county, it shall be lawful for the boards of chosen freeholders of the several counties wherein such bridge or turnpike, or part thereof, is situate, to purchase and acquire for the public use such bridge and turnpike road for the lowest price for which the same can be obtained, the same in their judgment being reasonable; and whenever any such bridge and turnpike road shall be so purchased, the same shall be forever thereafter free for public travel, and shall

When franchises, &c., of turnpike company are deemed to be abandoned.

Boards of chosen freeholders, authorized to acquire, by purchase, bridge and turnpike road.

be maintained and worked as other county bridges and public roads are or shall be directed to be maintained and worked.

3. [Repealed by Sec. 18, *post.*]

4. That in case the owners of said bridge and turnpike or either of the boards of chosen freeholders shall feel aggrieved or be dissatisfied by the action of the said commissioners, the party so aggrieved may appeal to the circuit court held by the aforesaid justice of the supreme court by whom the said commissioners were appointed, which proceedings shall vest in said circuit court full right and power to direct a proper issue for the trial of the controversy between the said parties, and order a jury, which jury shall assess the value of the said bridge and turnpike road, and the trial thereof shall be conducted as in other cases of trial by jury, and the final judgment of said court, rendered on the verdict of said jury, shall be conclusive as to the said valuation, and as to the amount or proportion to be paid by each county, and the amount already paid or deposited may be increased or diminished accordingly; *provided*, that in case of appeal by more than one of the parties the proceedings shall be consolidated and one jury ordered for the trial of all the matters in controversy; *and provided further*, that the said circuit court may make all necessary and proper rules and orders not inconsistent with this act, for the trial of said appeal and for the regulation of the practice and proceedings under this act, and for the payment of the costs of said appeal and the amount of the verdict of said jury.

5. That before entering upon the duties hereinafter specified, the said commissioners shall take and subscribe an oath, before some person having authority to administer the same, that they will faithfully and impartially perform the duties required of them by this act; and said commissioners shall determine the said valuation and prepare and file their certificate thereof as prescribed in the second section of this act, within thirty days after their appointment or within such further time as the said justice of the supreme court shall direct.

6. That the aforesaid justice of the supreme court shall be entitled to receive the sum of five dollars for the appointment of the said commissioners; and that the said commissioners shall be entitled to receive such reasonable compensation for their services under this act as the said justice shall deem just and proper, to be paid by the said counties in equal portions.

7. That for the purpose of paying the purchase-money or award for such bridge and turnpike road, and the expense of repairing and putting in good order the said bridge, it shall and may be lawful for the boards of chosen freeholders of said counties, or either of them, and they are hereby authorized to borrow such sums as they deem advisable, not exceeding the amounts required for the purpose aforesaid, with the necessary expenses, and to issue therefor the bonds of the county, under the corporate seal of the board and signed by the directors and attested by the clerk of said board and countersigned by the county collector of said county, and of such denominations as said board may deem advisable, bearing legal interest, said interest to be paid semi-annually by the county; *provided*, said bonds shall not be issued or disposed of at less than their par value.

8. That the bonds issued by virtue of this act shall specify the purpose for which they are issued and shall be a lien upon all the property of said corporation, and the faith of the inhabitants of said county shall be pledged for the payment of the principal and interest; the said bonds shall be issued so that one-tenth of the principal shall be payable every year after the date thereof, until the whole sum shall be paid.

9. That for the purpose of paying the said purchase-money or award for said bridge and turnpike road and the expense of repairing and putting in good order the said bridge, and also the principal and interest of the said bonds, if issued, it shall be lawful for the said board of chosen freeholders to raise the amount required by taxation in the same manner as other county taxes are raised.

Appeal from action of commissioners to circuit court.

Proviso.

Proviso.

Commissioners to take and subscribe an oath.

Fees to the justice of supreme court for appointment of commissioners.

Freeholders may borrow money and issue bonds.

Proviso.

Bonds shall specify the purpose for which they are issued.

Payment to be provided for by taxation.

Supplement.

Passed April 17, 1884.

P. L. 1884, p. 203.

10. SEC. 1. That in case any turnpike road within the limits of any county of this state shall lead to or terminate at or near any bridge belonging in whole or in part to the county in which such turnpike road is situated, such turnpike road may be purchased and acquired by the board of chosen freeholders of said county in the manner prescribed by the act to which this is a supplement.

Board of freeholders authorized to purchase certain turnpike roads.

11. SEC. 2. That it shall be lawful for said board of chosen freeholders to extend said road to any point within the limits of said county by the adoption and appropriation of any other public road, the consent therefor having to be first had and obtained from the municipal authorities where such public road may be located.

Board authorized to extend turnpike roads.

Supplement.

Approved April 25, 1884.

P. L. 1884, p. 267.

12. SEC. 1. That in case any county road within the limits of any county of this state shall cross or connect with any bridge on any public highway belonging to or maintained by any incorporated town, borough, city or any other corporation, such bridge may be purchased and acquired by the board of chosen freeholders of said county, in the manner prescribed by the act to which this is a supplement; *provided*, that two-thirds of all the members of said board vote in favor of such purchase and acquisition.

Bridges connecting with any county road or public highway may be purchased by board of chosen freeholders.

Proviso.

Supplement.

Approved March 30, 1887.

P. L. 1887, p. 74.

13. SEC. 1. That whenever any turnpike or other public road, or any part thereof, shall have been purchased or acquired for public use the same, or the part thereof lying in any township, shall, if so directed by the board of chosen freeholders of the county wherein such road lies, be graded, regulated, worked, repaired, maintained and kept up at the expense of the township in which it lies, and not at the expense of the county; and if deemed proper by the inhabitants of any township, the same, or any part thereof, may be macadamized at the expense of said township, such grading, regulating, working, repairing, maintaining, keeping up, and macadamizing shall be done by such person or persons as may be employed by the town committee of the township (or road board, if there be a road board), in such manner as said town committee or road board shall direct; the amount of money necessary to defray the expenses aforesaid shall be determined by the legal voters of said township authorized to vote money for road purposes, and shall be raised by taxation, in the same manner as other amounts authorized by law to be raised for road purposes are determined and raised.

Turnpikes or public roads purchased or acquired to be graded, worked, maintained, &c., at expense of townships.

Amount of money to be determined by legal voters.

14. SEC. 2. That if such road, or any portion thereof, forms the division line between two or more townships, specific portions thereof shall be allowed to each of such townships, to be graded, regulated, worked, repaired, maintained, kept up, and if deemed proper as aforesaid, macadamized, at the expense of the township to which such part is allotted; and the inhabitants of any township shall not be held responsible for not grading, regulating, working, repairing or keeping up any portion of said road allotted to or assigned to another township, but shall be responsible therefor as to any portion of said road allotted to such township.

When road forms division line, how and by whom graded and worked.

15. SEC. 3. That at any town meeting at which it may be lawful to vote, grant or raise money for making, repairing or working roads, or for other road purposes, the amount of money necessary to be expended by such township on any road so purchased or acquired, shall be specifically voted and appropriated.

Amount necessary to be expended to be specifically voted and appropriated.

16. SEC. 4. That the amount to be expended on any such road, by any township, shall be assessed and collected by the assessor and collector, or other proper officer or officers of said township, in the manner and at the

Amount expended, how assessed and collected.

time prescribed by law for the assessment and collection of other township taxes.

Act, how applied. **17. SEC. 5.** That this act shall not apply to, or be in force, in any county having a county public road board. (a)

An act to repeal section three of an act entitled "An act concerning bridges and turnpikes," approved March twelfth, one thousand eight hundred and seventy-eight.

P. L. 1890, p. 436.  
Repealer.

Approved June 10, 1890.

**18. SEC. 1.** That section three of the act entitled "An act concerning bridges and turnpikes," approved March twelfth, one thousand eight hundred and seventy-eight, be and the same is hereby repealed.

An act to authorize the formation of turnpike corporations, and regulate the same.

P. L. 1890, p. 181.

Approved March 10, 1890.

Formation of  
turnpike  
company.

**19. SEC. 1.** That any number of persons, not less than seven, may form a company for the purposes of constructing, maintaining and operating a turnpike for the public use, and for that purpose may make and sign articles of association, in which shall be stated the name of the company, the number of years the same is to continue, the places from and to which the same is to be constructed or maintained and operated, the length of such road as near as may be, and the name of each county and the townships through or into which it is made or intended to be made; the amount of the capital stock of the company, which shall not be less than five hundred dollars for every mile of road constructed or proposed to be constructed, and the number of shares of which said capital stock shall consist, and the names and places of residence of the said seven directors of the company, the majority of whom shall be residents of this state, who shall manage its affairs for the first year, and until others are chosen in their places; each subscriber of such association shall subscribe thereto his place of residence, and the number of shares of stock he agrees to take in said company; said articles of association shall be filed in the office of the secretary of state, who shall indorse thereon the day they are filed, and record the same in a book to be provided by him for that purpose; and upon tendering the said articles to the secretary of state to be filed, the persons who have so subscribed such articles of association, and all persons who shall become stockholders in such company, shall be a corporation by the name specified by such articles of association; every corporation formed under this act, in addition to the general powers set forth in an act entitled "An act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, and the several supplements thereto, shall have power—

Amount of  
capital stock.

Articles of asso-  
ciation to be filed  
in office of secre-  
tary of state.

Power to cause  
surveys to be  
made, to enter  
on lands, &c.

To take and hold  
voluntary grants.

To purchase,  
hold and use  
real estate.

To lay out  
and construct  
road, &c.

Other powers.

I. To cause such examination and surveys for its proposed turnpike to be made as may be necessary to the selection of the most advantageous route, and for such purposes by its officers and servants to enter upon the lands or waters of any person, but subject to the responsibility for all damages which shall be done thereto;

II. To take and hold such voluntary grants of real estate and other property as may be necessary for the construction and maintenance and accommodation of its turnpike; but the real estate received as a voluntary grant shall be held and used for the purposes of such grant only;

III. To purchase, hold and use all such real estate or other property as may be necessary to accomplish the objects of its incorporation;

IV. To lay out its road as hereby provided, and to construct the same, and for the purposes of cuttings and embankments, to take as much more land as may be necessary for the proper construction and security of said turnpike;

V. To exercise all other powers hereby granted.

(a) This supplement, which, by its fifth section, declares that it shall not be in force in any county having a public road board, is special and local and therefore unconstitutional. *Township of Lodi v. State*, 22 Vr. 402.

**20. SEC. 2.** That such articles of association shall not be filed and recorded in the office of the secretary of state until at least three hundred dollars of stock for every mile of turnpike proposed to be made is subscribed thereto, and ten per centum paid thereon in good faith, to the directors named in said articles of association, nor until there is indorsed thereon or annexed thereto an affidavit made by at least five of the directors, named in said articles, that the amount of stock required by this section has been in good faith subscribed, and ten per centum paid thereon as aforesaid, and that it is intended in good faith to construct or maintain and operate the turnpike mentioned in such articles of association, which affidavit shall be recorded with the articles of association as aforesaid.

When articles  
may be filed.

**21. SEC. 3.** That a copy of any of the articles of the association filed and recorded in pursuance of this act, or of the record thereof with the copy of the affidavit aforesaid indorsed thereon, or annexed thereto and certified to be a copy by the secretary of state, shall be presumptive evidence of the incorporation of such company, and of the facts therein stated.

Copy of articles,  
&c., to be  
evidence.

**22. SEC. 4.** That there shall be a board of seven directors of every corporation formed under this act, and they shall be chosen annually by the stockholders at such time and place as shall be provided by the by-laws of the corporation, and shall hold their office for one year and until others are chosen and qualified in their stead; and one of the directors shall be chosen president, either by the directors or by the stockholders, as the by-laws of said corporation shall direct.

Board of directors  
to be elected  
annually, &c.

**23. SEC. 5.** That the secretary and treasurer shall also be chosen by the directors or stockholders, as the by-laws may direct, and shall hold their offices until others are chosen and qualified in their stead; the secretary shall be sworn to the faithful discharge of his duties, and the treasurer shall give bond in such sum and with such sureties as shall be required by the by-laws, for the faithful discharge of his duties.

Election and  
duties of secretary  
and treasurer.

**24. SEC. 6.** That the directors may require the subscribers to the capital stock of the corporation to pay the amount by them respectively subscribed in such manner and in such installments as they may deem proper; if any stockholder shall neglect to pay any installment as required by a resolution of said board of directors, the said board shall be authorized to declare his stock and all previous payments thereon forfeited for the use of the corporation; but they shall not declare it so forfeited until they shall have caused notice in writing to be served on him personally, or depositing the same in the post-office properly directed to him, at the post-office nearest his usual place of residence, stating that he is required to make such payments at the time and place specified in said notice, and that if he fails to make the same his stock and all previous payments will be forfeited for the use of the company, which notice shall be served as aforesaid at least thirty days previous to the day on which such payment is required to be made; *provided*, that if such company shall not declare such stock forfeited, then such neglecting stockholder shall be individually liable to said corporation for the amount unpaid upon the stock so held by him until the whole amount of the capital stock so held by him shall have been paid to said company.

Subscription to  
capital stock  
may be paid in  
installments.

Neglect to pay  
installments,  
stock may be  
declared forfeited.

Proviso.

**25. SEC. 7.** That the stock of every company formed under this act shall be deemed personal estate, and be transferable in the manner prescribed by the by-laws of the company, but no shares shall be transferable until all previous calls thereon shall have been fully paid in.

Stock deemed  
personal prop-  
erty, and how  
transferred.

**26. SEC. 8.** That any turnpike constructed under the provisions of this act shall not exceed fifty feet in width, unless more land shall be required for the slopes of cuts and embankments; and it shall be lawful for the said company, its agents, engineers, superintendents or others in its employ to enter at all times upon all lands or waters for the purpose of exploring, surveying, leveling and laying out the route or routes of such turnpike, and of locating the same, and to locate all necessary buildings, bridges and conveniences, doing no unnecessary injury to private or other property, and when the route or routes of such turnpike, and the location of such buildings, bridges and conveniences shall have been determined upon, and a survey of such route or routes, location or locations deposited in the office

Width of road.

Agents, engineers,  
&c., may enter  
lands and locate  
route, &c.

of the clerk of the court of common pleas of said county through which the proposed turnpike is to be built, then it shall be lawful for every corporation formed under this act, upon payment or tender of such compensation as is hereafter provided by its officers, agents, engineers, superintendents, workmen and other persons in their employ, to construct, maintain and operate a turnpike between the points named in the articles of association, commencing at or within and extending to or into any town, city or village named as the place of the termini of such road, and for that purpose may enter upon, take possession of, hold, have, use and excavate any lands, and to erect embankments, bridges and all other necessary works, and to do all other things which may be suitable or necessary for the completion, repair or management of said company, and for the convenience of travelers to and from the terminus thereof; *provided always*, that the payment or tender of the payment of all damages for the occupancy of all lands through, under or upon which the said turnpike, its conveniences, appurtenances and appendages may be laid out or located, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purposes of surveying and laying out said turnpike and of locating the same, unless the consent of the owner or owners of such lands be first had and obtained.

May erect embankments, bridges, &c.

Proviso.

Proceedings in case the company cannot agree with the owner or owners of lands.

Justice of the supreme court to appoint commissioners.

Commissioners to take oath.

Report to be made and filed.

Upon payment of amount awarded, company empowered to enter upon and take possession of land.

**27. SEC. 9.** That when any company incorporated under this act, or its agents, cannot agree with the owner or owners of such required lands for materials, or the use or purchase thereof, or when by the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of such company incorporated under this act, in the construction of said turnpike, shall be given in writing under 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 any company incorporated under this act to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county in which the land or material in controversy lie or the owners reside, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially, to examine the matter in question and to make a true report according to the best of their skill and understanding), to meet at the time and place appointed, and proceed to view and examine the said lands or materials, and to make a just and equitable estimate or appraisal of the value of the same, and an assessment of damages to be paid by the company for such lands or materials and damages aforesaid, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the lands or materials are situate, to remain of record therein, and thereupon and on payment or tender of payment of the amount awarded, as hereinafter provided, the said company is hereby empowered to enter upon and take possession of the said lands and materials, for the purposes aforesaid, and the said report or a copy thereof, certified by the clerk of said county, and proof of payment or tender of

the amount awarded, shall, at all times, be considered as plenary evidence of the right of any company incorporated under this act to have, hold, use, occupy, possess and enjoy the said land or materials, or of the said owner or owners, to recover the amount of said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer; and the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section as he shall think equitable and right, which shall be paid by the company; *provided always*, that should any company incorporated under this act, or the owner or owners of any of the land or materials, feel aggrieved by the decision of the said commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said land or material may be.

Proviso.

**28. SEC. 10.** That every appeal from the decision of the commissioners appointed under the preceding section shall be made in writing, and in the form of a petition to said court, and filed with the clerk of said circuit court of the county wherein the land or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy, to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of said court, to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against any company incorporated under this act, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the said company shall have offered, or the said commissioners shall have awarded, then costs shall be paid by the said applicant or applicants, and either deducted out of said sum found by the jury or execution awarded therefor, as the court shall direct; but such application shall not prevent the company from taking the said lands upon filing the report aforesaid; *provided*, that in no case whatever shall said company incorporated under this act, enter upon or take possession of any land of any person or persons for the purpose of actually constructing said turnpike, or of making any erection or improvements whatever, until they have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners as the value of such land 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, and in case of appeal the amount found by the jury, shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state or under any legal disability, then the payment of the amount assessed or found as aforesaid into the circuit court of the county wherein the said lands lie, shall be deemed as valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners, may, upon tender thereof being made, receive the same without being barred thereby from his or her appeal from the report of the commissioners; and on such tender or payment of the money into court, in case it be refused as aforesaid, or in case the said company incorporated under this act shall appeal from the finding of the said commissioners, then the said company on payment of the amount assessed or found as aforesaid, into said circuit court, shall be empowered to enter upon and take possession of said lands, and proceed with the work of constructing its turnpike.

Proceedings in case of appeal from decision of commissioners.

Proviso.

Rates of toll  
that may be  
demanded.

**29. SEC. 11.** That it shall and may be lawful for said company incorporated under this act, at all times to take, demand and receive of and from every person or persons who shall pass over the said turnpike, when they shall enter upon the same, the following rates of toll, and no more, per mile :

For every person on horse or mule, ten cents ;

For all wagons, carts, sleighs or sleds drawn by one horse, mule or ox, each, fifteen cents ;

For all one-horse pleasure carriages, each, twenty cents ;

For all two-horse pleasure carriages or stages, each, twenty-five cents ;

For all two-horse mule or ox wagons, carts, sleighs or sleds, each, twenty cents ;

For all horned cattle or horses, each, six cents ;

For all hogs, calves or sheep, each, two cents ;

and all other articles and things not herein enumerated, to be in equitable proportion ; *provided, always,* that said directors may, in their discretion, reduce the rates.

Proviso.

Powers of toll-  
gatherers.

**30. SEC. 12.** That it shall be lawful for any toll-gatherer of any company incorporated under this act, to stop any person or persons with wagons, carts, sleighs or sleds, all pleasure wagons and all horned cattle, horses, hogs, calves and sheep, from passing over said turnpike until the toll before mentioned shall have been paid ; *provided,* that the provisions of this act shall not apply to or be enforced against any funeral procession, or any person, who may, upon the first day of the week, commonly called Sunday, desire to pass over said turnpike in going to or returning from divine service at the place where they usually attend the same.

Proviso.

Time of com-  
mencement and  
completion.

Proviso.

**31. SEC. 13.** That the said company shall commence the proposed turnpike within six months from the date of their organization, and complete the same in two years from the date of commencement as aforesaid ; *provided,* that any company now or hereafter organized under said entitled act, has been or shall be restrained, prevented or enjoined by the order of any court or judge thereof, or by any proceedings whatever at law or in equity, from prosecuting the work on its turnpike, or from opening or completing its said turnpike, the time which any such company has been or shall be restrained, prevented or enjoined shall not be taken or computed as any part of the time allowed and limited in said section for the opening and completion of said turnpike or any section thereof.

To what  
counties act  
shall not apply.  
Construction of  
drawbridges.

**32. SEC. 14.** That this act shall not apply to any county which may be separate from the sea-beach, and any company incorporated under this act shall have the power to construct sufficient drawbridges over thoroughfares and small creeks which are navigable for fishing boats and small vessels only, which may separate any sea inland beach from the main land.

Company may  
borrow money  
and issue bonds.

**33. SEC. 15.** That any company incorporated under this act shall have power to borrow such sum or sums of money from time to time, not to exceed in the whole its paid-up capital stock, as shall be necessary to build and repair said turnpike and to secure the repayment thereof, by the execution, negotiation and sale of any bond or bonds, and secured by mortgage on said lands, privileges, franchises and appurtenances of and belonging to said company.

**An act concerning the sale of turnpike, bridge, plank road, gas, water, or gas and water companies, and providing for the re-organization thereof after such sale.**

Approved February 17, 1881.

P. L. 1881, p. 33.

Purchasers of  
franchises of  
turnpike, gas  
and water com-  
panies to be body  
politic, &c.

**34. SEC. 1.** That whenever the property, rights, powers, immunities, privileges and franchises of any turnpike, bridge, plank road, gas, water, or gas and water corporation created by or under any law of this state, shall be or has been sold and conveyed under and by virtue of any process or decree of any court of this state, or of the circuit court of the United States, the person or persons for or on whose account such property, rights, powers, immunities, privileges and franchises may be purchased shall be

and they are hereby constituted a body politic and corporate, and shall be and they are vested with all the right, title, interest, property, possession, claim and demand in law and equity of, in and to such turnpike, bridge, plank road, gas, water, or gas and water company, with its appurtenances and with all the rights, powers, immunities, privileges and franchises of the corporation as whose the same may have been sold, and which may have been granted to or conferred thereupon by any law of this state in force at the time of such sale or conveyance, and the persons for or on whose account any such property, rights, powers, immunities, privileges and franchises of such corporation which may or shall have been purchased under and by virtue of any process or decree of any court of this state or of the circuit court of the United States, may organize said new corporation by the election of such officers and directors, issue such certificates of stock, create and issue such preferred stock, and from time to time issue such bonds and secure the same as was authorized by the act or acts under and by which said former corporation was created.

**35. SEC. 2.** That it shall be the duty of such new corporation within one calendar month after its organization, to make a certificate thereof under its common seal, attested by the signature of its president, specifying the date of such organization, the name, the amount of capital stock, and the names of its president and directors, and transmit the said certificate to the secretary of state, to be filed in his office and there remain of record, and a certified copy of such certificate so filed shall be evidence of the corporate existence of said new corporation.

Certificate of organization to be filed and recorded.

#### An act relating to turnpike companies.

Approved February 24, 1882.

P. L. 1882, p. 29.

**36. SEC. 1.** [Amended by Sec. 42, *post.*]

**37. SEC. 2.** That where any public road shall have been vacated for the purpose of constructing a turnpike road thereon, it shall be lawful for such turnpike company to occupy the whole width of such public road, if it shall be necessary so to do; and that if any person shall place, or cause to be placed, any obstruction in or along any turnpike road that shall interfere with the travel or with the drains, or in anywise damage said road or roads, every such person shall be liable to a penalty of five dollars, to be recovered in an action of debt, with costs of suit, and if such person shall allow such obstruction to remain, he shall be liable for an additional penalty of five dollars for each week he shall allow such obstruction to remain in or along such road after receiving notice, in writing, from such turnpike company to remove the same, which penalties are to be recovered by such turnpike company in an action or actions of debt, with costs of suit.

Turnpike companies may occupy whole width of public road that has been vacated.

Penalty for placing obstruction on turnpike road.

**38. SEC. 3.** That all acts and parts of acts, whether private or public, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

#### Supplement.

Approved February 13, 1884.

P. L. 1884, p. 14.

**39. SEC. 1.** That whenever any turnpike company of this state shall execute to any city, township or other municipality of this state, a deed of cession and transfer of all or any part of any turnpike road lying within the limits of any such city, township or other municipality, and shall have the same duly proven in the manner required for the proof of deeds or conveyances of lands, and shall deliver the same, together with a map or survey of the road, or of the part of road so ceded and transferred to the common council, township committee, or other governing board of such city, township or other municipality, and the said common council, township committee or other governing board shall accept the said deed of cession and transfer, by a writing indorsed thereon, the said deed, proof, map or survey and acceptance shall then be recorded in the office of the

Deed of cession and transfer of turnpike road, how executed and filed.

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clerk of the county in which the road so ceded and transferred lies, in the book containing the records of public roads for said county, and after being so recorded shall be filed in the office of the secretary of state; *provided*, that where the charter or act of incorporation of any city or other municipality prescribes the manner in which deeds of dedication of lands for public highways or streets shall be accepted, the proceedings for the acceptance of any deed of cession and transfer by a turnpike company as aforesaid shall, in any such city or other municipality, be the same as is required for the acceptance of a deed of dedication of lands for a public highway or street.

Company released from control, &c., of part of road ceded, when deed is filed in office of secretary of state.

**40. SEC. 2.** That any turnpike company making a cession and transfer of any part of their turnpike road in the manner aforesaid, shall from the date of filing the deed of cession and transfer in the office of the secretary of state, be released and discharged from all authority and control over the part or parts of their road so ceded and transferred, and from all liability on account of the same, and the same shall thereafter be to all intents and purposes a public road or highway in such city, township or other municipality, and be subject to the same jurisdiction, authority and control by such city, township or other municipality, as it has over other public roads or highways within the limits thereof.

Company may collect toll upon part of road not ceded.

**41. SEC. 3.** That nothing in this act contained shall be so construed as to prevent any turnpike company, which shall cede and transfer any part of its turnpike road in the manner aforesaid, from charging and collecting toll in accordance with the provisions of its charter, upon the part or parts not so ceded and transferred; but no toll-gate shall be erected or used upon the part or parts so ceded and transferred.

#### Amendatory act.

P. L. 1892, p. 194.

Approved March 23, 1892.

**42. SEC. 1.** That section one of an act entitled "An act relating to turnpike companies," approved February twenty-fourth, one thousand eight hundred and eighty-two [see Sec. 36, *ante*], be and the same is hereby amended so as to read as follows:

Proceedings on failure of company to keep road or bridges in repair.

[That if any turnpike company shall not keep its road and bridges in repair, it shall be the duty of any judge of the court of common pleas of the county in which said road or the part thereof complained of, or bridge, is situated, upon complaint being made to him, in writing, signed by ten freeholders, residents on the line of said road, within said county, stating the bridge or part of the road that is out of repair, and specifying the particular defect, and after five days' notice in writing to said company, specifying the particular part of the road or bridge, and the particular defect complained of, and after hearing the parties, if the said company shall have continued to take toll on that part of the road so out of repair, after being notified as aforesaid, without having first amended or repaired the bridge or part of the road complained of, to appoint under his hand and seal, three judicious, disinterested freeholders of the county in which said road, or the part thereof complained of, or bridge, is situated, not residing in any township, borough, or ward through which said road passes, who, having been duly qualified according to law, to act impartially in the case, shall proceed to view and examine the said part of the turnpike road or bridge so complained of, and report to the said judge, in writing under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the law requires it to be kept, and if the report be unfavorable to said road, the said judge shall immediately in writing under his hand and seal, order the keeper or keepers of the gates or turnpikes to keep open the same until otherwise ordered; and if said keeper or keepers shall, notwithstanding the order of the said judge to open said gates or turnpikes, exact toll of travelers, the said company shall for each offense forfeit and pay ten dollars, to be sued for by any person who shall prosecute for the same, in an action of debt, with costs of suit; and the said judge shall be allowed for his services one dollar, and the persons appointed one dollar each, to be paid by the com-

pany ; and upon satisfactory proof before the said judge, that said company shall have repaired or amended said road or bridge in the particular complained of, he shall, by license, under his hand and seal, directed to the toll-gatherers, permit the gates or turnpikes to be shut, and the toll collected as before, and the said fee shall be allowed and paid as before directed, but if, on the view before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and be paid by the persons making the complaint.]

**An act concerning turnpikes.**

Approved March 24, 1882.

P. L. 1882, p. 177.

**43. SEC. 1.** That any turnpike road, or any part thereof, in any county of this state, the title to and right of possession of which has been or shall be acquired by, or has or shall become vested in any board of chosen freeholders of any county in this state for public use, shall be graded, regulated, worked, repaired, maintained and kept up at the cost and expense of said county, and as the board of freeholders of said county shall order and direct, and the sum necessary therefor shall be fixed or appropriated by said board of chosen freeholders in the same manner as amounts to pay county expenses are now fixed or appropriated in said county, and it shall be lawful for said board of freeholders to raise said amount of taxation in the same manner as other county taxes are raised ; *provided, however,* that in any county in this state where the custody, rule, keeping and charge of the jail of such county, and of the prisoners in such jail, has been or shall be assumed by the board of chosen freeholders of such county, it shall be lawful for such board to grade, regulate, work, repair, maintain and keep up such turnpike road, and to put and keep at work thereon such prisoners detained in the county jail as may be lawfully required to work at hard labor, which prisoners may be taken from and returned to the custody of the warden or keeper of the county jail each day, under such rules and regulations as said board may prescribe ; and an escape from the custody of the person in charge of such prisoners shall be deemed an escape from jail, and said board may employ such agents and provide such implements as may be needed for the purpose ; *provided,* the wages of such agents be paid by the township or city where the work is done.

Turnpike roads, titles of which are vested in board of freeholders, to be graded, &c., at cost and expense of county.

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**44. SEC. 2.** That the supplements to an act entitled "An act concerning bridges and turnpikes," approved March twelfth, eighteen hundred and seventy-eight, which supplements were approved March fourteenth, eighteen hundred and seventy-nine [see P. L. 1879, p. 200], March fourth, eighteen hundred and eighty [see P. L. 1880, p. 114], and March twenty-fifth, eighteen hundred and eighty-one [see P. L. 1881, p. 291], be and the same are hereby repealed:

Repealer.

**An act to authorize turnpike companies to issue bonds, and to secure the same by mortgaging their franchises.**

Passed March 2, 1885.

P. L. 1885, p. 53.

**45. SEC. 1.** [Amended by Sec. 47, *post.*]

**46. SEC. 2.** That any turnpike company that shall issue bonds by virtue of this act shall not pay dividends amounting to more than five per cent. of its capital stock per annum, until all the bonds that shall have been issued by such company shall have been redeemed and canceled.

Dividends, when not to exceed five per cent. of capital.

**Supplement.**

Approved April 25, 1894.

P. L. 1894, p. 133.

**47. SEC. 1.** That section one of said act be amended so as to read as follows :

[That any turnpike company heretofore incorporated under the laws of this state by special act of incorporation, shall have power to borrow such sum or sums of money, from time to time, not to exceed in the whole double the amount of its authorized capital stock, as shall be needed to pay existing floating indebtedness, and to improve, maintain or

Companies authorized to borrow money to pay debts, &c.

repair said turnpike, and to secure the repayment thereof by the execution, negotiation and sale of any bond or bonds secured by mortgage on the corporate franchises, real and personal estate, and all other property of such company, or any part thereof.]

Repealer.

**48. SEC. 2.** That all acts, general or special, inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

An act authorizing turnpike companies to vacate or dispose of a portion of its road and property.

P. L. 1885, p. 256.

Approved April 20, 1885.

When turnpike company may vacate or dispose of portion of road.

**49. SEC. 1.** That when any turnpike company in this state may deem it advisable to dispose or vacate any portion of their road not in excess of one-half of its entire length, they shall hereby have the power and privilege of so doing at any time when the same may be favored by a vote represented by those owning two-thirds of the capital stock of said company, to be voted at a special meeting of said stockholders called by the officers of said company, and the notice of said meeting being published in at least one newspaper in each county where said road is located, for the space of thirty days, once in each week, said notice to state the time and object of said meeting; the said stockholders may by a vote represented by those owning two-thirds of the capital stock of said company authorize and empower their president and secretary to sell or vacate to the freeholders of the county or counties the portion so desired; and if vacated without compensation, a committee of the board of freeholders of the county or counties may view the same and report to the said board upon what terms they have agreed to take said road, and the action of a majority of said board of freeholders in accepting or rejecting said report shall be final.

An act to authorize turnpike companies to dispose of the whole or a portion of their roads and property to another turnpike company.

P. L. 1886, p. 229.

Passed April 16, 1886.

Turnpike companies may sell roads.  
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**50. SEC. 1.** That any incorporated turnpike company of this state may sell, transfer and convey the whole or any portion of its road to any other incorporated turnpike company of this state; *provided*, the consent of the owners of two-thirds in value of the capital stock of such company be obtained, in writing, for that purpose.

Rights and powers of purchasers.

**51. SEC. 2.** That the company acquiring such property shall have and exercise all the rights, powers and privileges, and be subject to all the duties, liabilities and restrictions of the turnpike company disposing of the same.

An act concerning turnpike roads and bridges connected with the same.

P. L. 1886, p. 347.

Passed May 11, 1886.

Board of freeholders authorized to purchase turnpike roads and bridges, and maintain the same.

**52. SEC. 1.** That whenever a majority of the board of chosen freeholders of any county of this state shall agree, by and with the consent of the presiding officer, upon the utility of maintaining any turnpike road and bridges connected with said road, being private or incorporated property, as a free public road and bridge, it shall be lawful for said chosen freeholders, at the expense of the county, to purchase said road and bridges and maintain the same free for public use; *provided*, not more than fifty thousand dollars shall be expended by any county in the purchase of any turnpike or turnpikes under this act.

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Repealer.

**53. SEC. 2.** That so much of the act of incorporation of any turnpike road and bridge company heretofore incorporated as is incompatible with this act be and the same is hereby repealed.

An act to authorize turnpike companies to abandon a portion of their roads and property.

Passed June 1, 1886. P. L. 1886, p. 390.

54. SEC. 1. That any turnpike company in this state may abandon any portion of their road not exceeding two-thirds of the entire length of the road, when the same may be favored by a vote of those owning a majority of the capital stock of said company; the resolution to abandon a portion of said turnpike shall describe the part so abandoned, and shall be signed by the president and secretary of said turnpike company, duly acknowledged before an officer authorized to take the acknowledgment of deeds in this state, and shall thereupon be recorded in the office of the clerk of the county wherein such turnpike company is situated; *provided*, that the part of said turnpike so abandoned shall be in all respects in as good repair as when the said company began operating the same.

Turnpike companies may abandon portion of road.

Description to be recorded, &c.

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55. SEC. 2. That if any turnpike company in this state shall abandon any portion of their road, it shall not impair their right to collect toll on the unabandoned portion of said turnpike; *provided*, that said company shall collect only such proportion of the toll previously allowed as the length of the portion of the turnpike not abandoned bears to the abandoned portion; and said turnpike company shall, of the portion of road retained by said company, have all the rights, powers and privileges, and be subject to all the duties, liabilities and restrictions which said turnpike company had under its charter.

Right to collect toll on unabandoned portion of road not impaired.

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An act to provide for the purchase of turnpike and macadamized toll roads.

Approved June 19, 1886. P. L. 1886, p. 406.

56. SEC. 1. [Amended by Secs. 61 and 62, *post*.]

57. SEC. 2. That as soon as the commissioners, or any two of them, have made such valuation, they shall prepare and sign a certificate thereof and file the same in the office of the clerk of such county; and thereupon it shall become the duty of the board of chosen freeholders, within thirty days from the date of such filing and of service upon the director of a copy of said certificate, unless an appeal be taken, to pay said corporation the amount of the said valuation, if it will receive the same, or in case it will not receive the same, to deposit the said amount with the clerk of said county; and upon such payment or deposit the title to and right of possession of said road, or part thereof, and the franchise of said corporation to operate the same, shall become vested in the board of chosen freeholders of said county, for free public use, and shall be worked and maintained by the inhabitants of the township or townships through which the said road or part thereof shall run.

Commissioners to file certificate of valuation in county clerk's office.

58. SEC. 3. That in case the said corporation or the board of chosen freeholders shall conceive themselves aggrieved by the award of the commissioners, they may appeal therefrom to the circuit court of such county at any time within thirty days from the date of filing such certificate and service upon them of a copy thereof; and the said court shall order a jury to assess the value of said road, or part thereof, and said franchise, the trial whereof shall be conducted, as in other cases of trial by jury, upon an issue to be framed under the direction of the court as to the value of said road, or part thereof, and franchise, and the final judgment of said court shall be conclusive as to said valuation, and the amount therefor paid or deposited shall be increased or diminished accordingly.

Appeal from award of commissioners may be taken, &c.

59. SEC. 4. That the amount finally awarded for said road, or part thereof, and franchise as aforesaid, with the expenses attendant upon said determination, shall be paid by the board of chosen freeholders out of any money not required to meet other expenses for which the same shall have been heretofore appropriated; and in case there be not sufficient funds on hand not otherwise appropriated or required, the said board may borrow the same by temporary loan, and provide for the payment thereof in the next annual appropriation and tax levy.

Amount awarded how paid.

Compensation of  
commissioners.

**60. SEC. 5.** That such commissioners shall be entitled to receive for their services the sum of five dollars a day, respectively, for each day engaged in such service.

**Amendatory act.**

P. L. 1890, p. 134.

Approved March 23, 1890.

**61. SEC. 1.** [This section, amending Sec. 56, *ante*, is again amended by Sec. 62, *post*.]

A supplement to an act entitled "An act to amend an act entitled 'An act to provide for the purchase of turnpike and macadamized toll roads,' approved June nineteenth, one thousand eight hundred and eighty-six," approved March twenty-eighth, one thousand eight hundred and ninety.

P. L. 1892, p. 338.

Approved March 29, 1892.

**62. SEC. 1.** That section one of the act entitled "An act to provide for the purchase of turnpike and macadamized toll roads," approved June nineteenth, one thousand eight hundred and eighty-six, be and the same is hereby amended so that the same shall read as follows :

Proceedings on  
application to  
justice of  
supreme court.

[That whenever an application in writing as hereinafter specified, shall be presented to the justice of the supreme court holding the circuit court of any county in this state wherein any turnpike or macadamized toll road is wholly or partially located, asking for the condemnation and purchase of said road or part thereof, and the acquirement thereof for free public use, such justice may, if he deem it a proper case. upon such notice to the board of chosen freeholders of said county and to the corporation owning, leasing or operating such road, as he may direct, appoint three commissioners from the counties composing such circuit, not more than two being from the same county ; the said application shall be made by at least ten freeholders owning lands along or through which said road, or part thereof runs ; the said commissioners, when appointed, shall take an oath of affirmation faithfully and fairly to perform their duties, and shall thereupon proceed to estimate and determine the fair and just value of the said road or part thereof to be taken, and of the franchise of the corporation owning, leasing or operating the same, having first given ten days' notice of the time and place when and where they will meet to hear any representations in behalf of said corporation, of the board of chosen freeholders of such county, or of said ten applying freeholders, in relation to the matter ; such notice shall be served upon the president or other chief officer of such corporation, and also upon the director or clerk of the board of chosen freeholders, and shall be published in one newspaper published in such county at least one week prior to the time of such meeting ; such meeting may be adjourned from time to time, at the discretion of the commissioners ; *provided*, that the provisions of this section shall not apply to turnpikes or macadamized toll roads over three miles in length ; *but further provided*, that any part thereof may be so condemned and purchased and acquired for free public use extending not exceeding three miles from any county seat or incorporated city.]

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**An act to authorize turnpike companies to straighten portions  
of their roads.**

P. L. 1890, p. 133.

Approved March 27, 1890.

Turnpike com-  
panies authorized  
to straighten por-  
tions of their  
roads.

**63. SEC. 1.** That whenever any alteration shall be made of any portion of any public road in this state by vacating such portion and relaying it in another place in order to straighten the same, and there shall have been constructed on such portion so vacated any portion of any turnpike road of any company organized by virtue of any special or general act of incorporation, such company shall have the same rights in the portion of said public road so relaid as it had in the portion thereof vacated, and may construct and maintain such portion of their said turnpike upon the said portion of said public road so relaid in such other place, in order to straighten such portion of such turnpike ; *provided*, that the making of

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any such alteration shall be deemed and taken as an abandonment of that portion of said turnpike so constructed upon said portion of said public road so vacated as aforesaid.

**64. SEC. 2.** That any such turnpike company shall have all the rights, privileges and franchises, and be subject to the same duties with respect to the portion of their said turnpike so constructed upon the said portion of said public road relaid, as if the same had been a portion of their original turnpike. Rights and privileges.

**An act to authorize turnpike companies to straighten portions of their turnpike roads.**

Approved April 7, 1891. P. L. 1891, p. 336.

**65. SEC. 1.** That whenever the board of directors of any turnpike company of this state, organized by virtue of any general or special act of incorporation, shall desire to alter any portion of its turnpike road by having such portion not exceeding one thousand yards in length, vacated, and relaying it in any other place, in order to straighten the same, it shall be lawful for such board of directors to make such alteration, provided the owners of the lands on both sides of the portion vacated, and the owners of the lands on which it is proposed to relay such portion shall consent to such alteration; *and provided further*, that the portion shall be built in the manner prescribed for the building of the original turnpike road of such company by the act under which the company may be incorporated. Turnpike companies authorized to straighten portions of their roads.

**66. SEC. 2.** That when such alteration shall have been made, it shall be the duty of the said turnpike company to file in the office of the clerk or register of deeds of the county in which such turnpike road may be situate the consent of the owners of lands hereinbefore mentioned, duly acknowledged or proven as in the case of deeds of conveyance of lands, and a certificate of the board of directors of the turnpike company setting forth a description of the portion of such turnpike road vacated and where the same has been relaid, which certificate shall be executed under the common seal of the turnpike company and the hand of its president attested by its secretary and be proven as in the case of deeds of conveyance of lands by corporations. Proviso.  
Company to file consent of owners of lands and a description of the portion vacated.

**67. SEC. 3.** That in any case where a turnpike road may run through a public park belonging to any city, the consent hereinbefore mentioned shall, on behalf of said city and upon request by resolution of the common council or other governing body of such city, be executed by the mayor thereof under the common seal of the city. Consent to run through a public park to be executed by the mayor of the city.

**68. SEC. 4.** That the certificate and consent, when filed as aforesaid, shall be recorded by the clerk or register of the county in the book containing the record of public roads, and from the date of such record the portion of turnpike road described in such record as being vacated shall forthwith become vacated, and as to the new portion of said road described in such record the said turnpike company shall forthwith become vested with all the rights, privileges and franchises, and subject to all the duties and obligations granted and imposed by the act under which it is incorporated. Certificate and consent to be filed with county clerk.

**69. SEC. 5.** That the said certificate and consent, and the record thereof, or a copy of such record certified under the hand and official seal of the clerk or register of the county, shall be received in all courts as evidence of the facts therein set forth. Certificate and consent received as evidence.

**An act for the encouragement of the building of stone roads and fixing the rates of tolls on turnpike roads that have or shall be faced with stone.**

Approved March 23, 1892. P. L. 1892, p. 299.

**70. SEC. 1.** That any turnpike company incorporated under the laws of the state which has or shall improve its turnpike road by coating or facing the same or any part thereof with stone, is hereby authorized to charge and collect tolls not to exceed the following rates: for every vehicle drawn by one beast, two cents per mile; for every additional beast drawing a vehicle, two cents per mile; for every led horse or horse and rider, one cent per Rates of toll on turnpike roads that have or shall be faced with stone.

- Proviso. mile ; for every bicycle or tricycle, one cent per mile ; fractional parts of a mile to be charged for at proportionate rates ; *provided*, that the above rates shall be charged only for so much of the said road as is so coated with stone ; *and provided*, that for beasts drawing vehicles having a tire of four inches or more in width the charge shall not be more than one and one-half cents per mile for each beast ; *and provided, further*, that the said rates of toll shall not be collected until the turnpike company desiring to collect the same shall have filed in the office of the secretary of state, at Trenton, a certificate, under the seal of the company, signed by the president and attested by the secretary of the said company, certifying the name of the company, the length of the road and the number of miles so faced with stone ; *provided*, that before any company shall pay more than six per centum per annum in dividends to stockholders the tolls shall be reduced to the following rates : for every vehicle drawn by one beast, one and a half cents per mile, and for every additional beast drawing a vehicle, one and a half cents per mile.
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### Union Soldiers.

1. Veterans of the war shall not be removed from office or position except for cause.
2. After charges made, a hearing given, &c.
3. Governing body shall not abolish office or decrease salary in order to oust veterans.
4. Repealer.

#### An act regarding honorably-discharged Union soldiers, sailors and marines.

P. L. 1895, p. 317.

Approved March 14, 1895.

Veterans of the war shall not be removed from office or position except for cause.

1. That no person now holding a position or office under the government of this state, or the government of any city or county of this state, or who may hereafter be appointed to any such position whose term of office is not now fixed by law, and receiving a salary from such city, county or the state, who is an honorably-discharged Union soldier, sailor or marine, having served in the war of the rebellion, shall be removed from such position or office except for good cause shown, after a fair and impartial hearing, but such honorably-discharged Union soldier, sailor or marine shall hold his position or office during good behavior, and shall not be removed for political reasons.

After charges made, a hearing given, &c.

2. That before any honorably-discharged Union soldier, sailor or marine shall be dismissed from any position or office held by him in any department of the government of this state, or of any department of the government of any county or city of this state, charges shall be preferred against him, a copy of which must be served upon him, and a time set for the hearing of the same, at which the honorably-discharged Union soldier, sailor or marine so accused shall have the right to be represented by counsel, if he so elect, and to produce witnesses and testimony in his own behalf.

Governing body shall not abolish office nor decrease salary in order to oust veterans.

3. That it shall not be lawful for any board of commissioners, mayor, aldermen, common council or other governing body in any municipality in this state, or of any county in this state, or of any department of the state government, to abolish any position or office held by any honorably-discharged Union soldier, sailor or marine, or to change the title of any such office or position, or reduce the emoluments thereof for the purpose of terminating the service of any such employe.

Repealer.

4. That all acts or parts of acts inconsistent with this act are hereby repealed, and that this act shall take effect immediately.