

5. That if any person shall lose any money, goods, chattels or other valuable thing, in violation of the first section of this act, and shall pay or deliver the same or any part thereof to the winner, or to any person to his use, or to a stakeholder, it shall be lawful for such person to sue for and recover said money, goods, chattels, or other valuable thing, from said winner, or from said depository, or from said stakeholder, whether the same has been delivered or paid over by said stakeholder or not, with costs of suit, in an action of debt, founded on this act, in any court of this state having cognizance thereof; in which action it shall be sufficient to declare for so much money had and received for the plaintiff's use, without setting forth the special matter; *provided*, that such suit shall be brought within six calendar months after payment or delivery as aforesaid.

Suit for money  
lost.  
Ib. § 4.  
Amended.

6. That if the person who shall lose and pay such money, or lose and deliver such thing or things as aforesaid, shall not, within the time aforesaid, really and *bona fide*, and without connivance or collusion, sue, and with effect prosecute for the money or other thing or things so lost and paid, or delivered, it shall and may be lawful for any other person, by any such action as aforesaid, to sue for and recover the same, with costs of suit, from such winner, depository or stakeholder as aforesaid; the one moiety thereof to the use of the person suing for the same, and the other moiety to the use of the state; *provided*, that such suit shall be instituted within six calendar months from and after the expiration of the time limited in the preceding section for the loser to prosecute for the same.

If the loser does  
not sue within six  
months any other  
person may pros-  
ecute.  
Ib. § 5.

7. That every person who, by virtue of this act, shall or may be liable to be sued for moneys or other things so won, paid or deposited, as aforesaid, shall be obliged and compellable to answer, upon oath or affirmation, such bill or bills as shall be preferred against him in a court of equity, for discovering the money or other things so won, paid or deposited as aforesaid.

Winner com-  
pelled to answer  
bills in equity.  
Ib. § 6.  
Amended.

8. No person shall, within this state, publicly or privately, erect, set up, open, make or draw any lottery prohibited by the laws of this state; and every person who shall offend in the premises shall forfeit, for every such offence, two thousand dollars, to be recovered by action of debt, with costs, by any person who will sue for the same, in any court of record having cognizance thereof; and all penalties recovered under this section shall be appropriated one-half thereof to the use of the county in which the action or actions for the recovery thereof shall have been prosecuted, and the residue to the informer; and in every action instituted under this section, the inhabitants of the county where the same is instituted shall be competent to serve as jurors, and admitted as witnesses in any such action, notwithstanding their liability to taxation, or being interested.

Penalty for open-  
ing or drawing a  
lottery.

R. S. 589, § 2.

9. Every grant, bargain, sale, conveyance, or transfer of any goods, chattels, lands, tenements, hereditaments or real estate, which shall be made in pursuance of any such lottery forbidden by the laws of this state is hereby declared to be invalid and void. (a)

Sales and convey-  
ances by lottery  
invalid.  
Ib. § 4.

(a) See CRIMES, p. 236, § 51, note (a), and *Van Doren v. Staats*, Pen. \*887. *Hutchinson v. Targee*, 2 Gr. 386. *Watson v. Murray*, 8 C. E. Gr. 257.

## Gas Companies.

1. Mode of incorporation. Articles of association to be filed.
2. Articles not to be filed until affidavit is made of compliance with this section.
3. Certified copy to be received in evidence.
4. Directors may receive subscriptions to capital stock.
5. Board of directors to be elected annually.
6. Appointment of officers, etc.
7. Payment of instalments. Forfeiture of stock.
8. Stock may be transferred.
9. Capital stock may be increased.
10. Corporate name to be that named in the articles of association.
11. Liability of stockholders.
12. Certificate of capital stock to be filed in county clerk's office.
13. Annual report shall be made.
14. Dividends.
15. When officers shall be liable for debts, etc.
16. When stockholders liable.
17. Empowered to manufacture and sell gas.
18. Quality of gas prescribed.
19. Meters to be used.
20. Notice to be given where new mains or pipes, etc., are to be laid.
21. Pipes not to interfere with other pipes laid.
22. Time within which company shall lay their main pipe.
23. Penalties for non-compliance with act.
24. Repealer.
25. Corporations under this act to be subject to general laws.
26. Repeal not to affect corporations heretofore organized.

**An act to authorize the formation of gas light corporations  
and regulate the same.**

P. L. 1876, p. 309.

Approved April 21, 1876.

Mode of incorporation.

1. That any number of persons, not less than thirteen, may form a company for the purpose of constructing, maintaining and operating gas works, 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 village, town, or city, in which it is proposed to supply and distribute illuminating gas, construct, maintain, and operate the works, the amount of the capital stock of the company, and the number of shares of which said capital stock shall consist, and the names and places of residence of thirteen directors of the company, all of whom shall be residents of this state, and two-thirds, at least, of whom shall be residents in the particular place where the works are to be erected, who shall manage its affairs for the first year, and until others are chosen in their places; each subscriber to such articles of association shall subscribe thereto his name, place of residence, and the number of shares of stock he agrees to take in said company; on compliance with the provisions of the next section, such articles of association shall be filed in the office of the secretary of state, who shall endorse 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 in such articles of association.

Articles of association to be filed and recorded in the office of the secretary of state.

Articles not to be filed until affidavit is made of compliance with this section.

2. That such articles of association shall not be filed and recorded in the office of the secretary of state until at least one-half the amount of the entire capital stock is subscribed thereto, and twenty per centum paid thereon in good faith, and in cash, to the directors named in said articles of association, nor until there is endorsed thereon, or annexed thereto, an affidavit, made by at least seven of the directors named in said articles, that the amount of stock required by this section has been in good faith subscribed, and twenty per centum paid in cash thereon as aforesaid, and that it is intended in good faith to erect gas works and manufacture and sell gas to the city, village or town as specified in the articles of association, which affidavit shall be recorded with the articles of association as aforesaid.

Certified copy to be received in evidence.

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

Directors may receive subscriptions to capital stock.

4. That when such articles of association and affidavit are filed and recorded in the office of the secretary of state, the directors named in such articles of association may, in case the whole of the capital stock is not before subscribed, continue to receive subscriptions until the whole capital stock is subscribed; the capital stock of any corporation organized under this act shall not be less than five thousand dollars for every one thousand of the population of the village, town or city in which it is proposed to erect the works or to lay pipes in order to supply said village, town or city with illuminating gas, the number of the population to be taken from the latest census of the population, whether the same was made by the general or state government; at the time of subscribing every subscriber shall pay to the directors twenty per centum on the amount subscribed by him, in money, and no subscriptions shall be received or taken without such payment.

Amount of capital stock.

Board of directors to be elected annually.

5. That there shall be a board of thirteen directors of every corporation formed under this act, to manage its affairs; said directors shall be chosen annually by a majority of the votes of the stockholders voting at such election, in such manner as may be prescribed in the by-laws of the corporation, and they may and shall continue to be directors until others are elected in their places; in the election of directors, each stockholder shall be entitled to one vote for each share of stock held by him; vacancies in

Who may vote.

the board of directors shall be filled in such manner as shall be prescribed by the by-laws of the corporation; the inspectors of the first election of directors shall be appointed by the board of directors named in the articles of association; no person shall be a director unless he shall be a stockholder, owning stock absolutely in his own right, and qualified to vote for directors at the election at which he shall be chosen; at every election of directors, the books and papers of such company shall be exhibited to the meeting; *provided*, a majority of the stockholders present shall require it.

Vacancies how filled.

Inspectors of first election.

Director must be a stockholder.

Proviso.

6. That the directors shall appoint one of their number president; they may also appoint a treasurer and secretary, and such other officers and agents as shall be prescribed by the by-laws, and shall establish and fix such salaries to them and to the president as to said board of directors shall appear proper.

Appointment of officers, &c.

7. That the directors may require the subscribers to the capital stock of the company to pay the amount by them respectively subscribed, in such manner and in such instalments as they may deem proper; if any stockholder shall neglect to pay any instalment as required by a resolution of the board of directors, the said board shall be authorized to declare his stock, and all previous payments thereon, forfeited for the use of the company; but they shall not declare it so forfeited until they shall have caused a notice in writing to be served on him personally, or by 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 thereon 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 said company shall not declare such stock forfeited, then such neglecting stockholder shall be individually liable to said company 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 the company.

Payment of instalments.

Stock forfeited for non-payment.

Notice to be given.

Proviso.

8. 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 may be transferred.

9. That in case the capital stock of any company formed under this act is found to be insufficient, in the erection of the works and the operating of the same, such company may with the concurrence of two-thirds in amount of all its stockholders, increase its capital stock from time to time, to any amount required for the purpose of constructing, maintaining and operating its gas works; such increase may be sanctioned by a vote in person or by proxy of two-thirds in amount of all the stockholders of the company, at a meeting of such stockholders called by the directors of the company for that purpose, by a notice in writing to each stockholder, to be served on him personally, or by depositing the same, properly folded and directed to him, at the post office nearest his usual place of residence, at least twenty days prior to such meeting; such notice must state the time and place of the meeting, and its object, and the amount to which it is proposed to increase the capital stock; the proceedings of such meeting must be entered on the minutes of the proceedings of the company; and, thereupon, the capital stock of the company may be increased to the amount sanctioned by a vote of two-thirds in amount of all the stockholders of the company as aforesaid.

Capital stock may be increased.

Proceedings for increasing capital stock.

10. That any company organized under this act shall be a body politic and corporate, in fact and in name, by the name stated in the articles of association, and by that name have succession, and shall be capable of suing and being sued in any court of law or equity in this state; 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 and conveying any real and personal estate whatever, which may be necessary to enable the said company to

Corporate name to be that named in the articles of association.

Liability of stockholders.	carry on the operations named in said articles of association, but shall not mortgage the same or give any lien thereon.
Certificate of amount of capital fixed and paid in to be filed in the office of county clerk.	11. That all the stockholders incorporated under this act shall be severally, individually liable to the creditors of the company in which they are stockholders to an amount equal to the amount of stock held by them respectively, for all debts and contracts made by 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, one-half thereof in one year and the other half within eighteen months from the incorporation of said company, or such corporation shall be dissolved.
Annual report shall be made.	12. That the president and a majority of the directors, within thirty days after the payment of the last instalment of the capital stock so fixed and limited by the company, shall make a certificate stating the amount of the capital so fixed and paid in, which certificate shall be signed and sworn to by the president and a majority of the directors, and they shall, within the said thirty days, file the same in the office of the county clerk of the county wherein the business of the said company is carried on.
Dividend.	13. That every such company shall make a report annually, within twenty days from the first day of January, which shall be published in some newspaper published in the city, village or town where the business of said company is carried on, of the amount of capital and of the proportion actually paid in, and the amount of its existing debt, which report shall be signed by the president and a majority of the directors, verified by the oath of the president and secretary of the company; and if any company organized under this act shall fail so to do, all the directors of the company failing so to do shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be contracted before such report shall be made.
Proviso.	14. That if the directors of any such company shall declare and pay any dividend when the company is insolvent, or any dividend, the payment of which would render it insolvent, or which would reduce the amount of their capital, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be thereafter contracted so long as they shall respectively continue in office; <i>provided</i> , that if any of the directors shall at any time before the time fixed for the payment of such dividend object thereto, and shall, within thirty days thereafter, file a certificate of their objection in writing with the clerk of the company and with the clerk of the county, they shall be exempt from such liability.
When officers shall be liable for debts, &c.	15. That if any certificate report made or public notice given by the officers of any such company, in pursuance of the provisions of this act, shall be false in any material representation, all the officers who shall have signed the same, knowing it to be false, shall be jointly and severally liable for all the debts of the said company, contracted while they are stockholders or officers thereof.
Stockholders individually liable for debts due laborers, &c.	16. That the stockholders of any company organized under the provisions of this act, shall be jointly and severally individually liable for debts that may be due and owing to all their laborers, servants and apprentices for services performed for such corporation.
Empowered to manufacture and sell gas, lay conductors, &c.	17. That any corporation formed under this act shall have full power to manufacture and sell and to furnish such quantities of illuminating gas as may be required in the city, town or village where the same shall be located for lighting the streets and public and private buildings, and such corporation shall have power to lay conductors for conducting gas through the streets, lanes, alleys and squares in such city, village or town, having first obtained the written consent of the municipal authorities of said city, village or town and under such regulations as they may prescribe.
Quality of gas prescribed.	18. That the quality of gas supplied by any company organized under this act, shall be, with respect to its illuminating power, such as to produce from an English parliamentary standard Argand burner, known as the London burner for sixteen candle gas, consuming five cubic feet of gas an hour, a light equal in intensity to the light produced by not less than

fourteen sperm candles of six to the pound, each burning one hundred and twenty grains an hour; and such gas shall, with respect to its purity, be so far free from sulphuretted hydrogen that it shall not discolor paper imbued with acetate of lead, when these tests are exposed to a current of gas, issuing for thirty seconds, under a pressure of five-tenths of water.

19. That the meters used by any company, organized under this act, shall register accurately the quantity of gas passing through them, and shall register the quantity of gas passing through them in cubic feet, so that the number of cubic feet of gas consumed can be easily ascertained by the consumer of such gas; and no meter shall be used that may confuse or deceive the consumer as to the number of cubic feet of gas he has consumed, or as to the price he pays for the same, per thousand cubic feet; and it shall not be lawful for any company organized under this act to charge rent on its meters.

Meters to be used.

20. That whenever any corporation formed under this act, or their servants, agents or workmen, shall dig or sink any trench for laying any new mains or pipes for the conveyance of gas, or other apparatus, near to which any pipe belonging to any water or gas company, owned either by the public or private individuals, for conveying water or gas, or any branch or service pipe for the supply of water or gas to any dwelling house or buildings, shall be laid, such gas company, their servants, agents or workmen, shall give twenty-four hours previous notice thereof, in writing, to the president or chief clerk or secretary, or engineer of such water or gas company owned either by the public or private individuals, such notice to be delivered to the principal office of the company, between the hours of ten in the morning and four in the afternoon, and shall, under the inspection of the president or chief clerk, secretary or engineer, or such agent as may be appointed for the time being, of such water or gas company, protect and secure every such water or gas pipe from any injury, and shall also repair any damage that shall be done to such pipe, and in default of repairing such damage, the gas company shall, for each such default, forfeit and pay to the secretary for the time being, of such water or gas company, for the use of such water or gas company, any sum not exceeding twenty-five dollars, and also the costs and expenses which shall have been incurred by the said water or gas company in protecting or securing any such water or gas pipe, or in repairing or making good any injury that may have been done thereto by the means aforesaid, such costs and expenses to be ascertained by any justice, and to be recovered in the same manner as any expenses or penalty under this act may be recovered.

Notice to be given where new mains or pipes, &c., are to be laid.

21. That all pipes that may be laid by any corporation formed under this act, for the conveyance of gas, shall be laid at the greatest practicable distance from the nearest part of any pipe there laid down by or by order of any water or gas company, owned by the public or private individuals, for the conveyance of water or gas, and shall be laid at a horizontal distance of four feet at least from the nearest part of any such water or gas pipe, unless in cases where it shall be unavoidably necessary to lay the gas pipe across or nearer to any water or gas pipe, in which case the said gas pipe shall be laid under the said water or gas pipe, at the greatest practicable distance therefrom, this distance in no case to be less than twelve inches, and shall form therewith a right angle, or as near thereto as the situation will admit, and in no case shall any pipe be laid, or apparatus used that will interfere in any way either with the present or future supply pipes of any water or gas company, or that may interfere with or increase the expense of replacing, removing or repairing the supply pipes or apparatus of any water or gas company; *provided*, that all gas light companies now in operation shall have the same rights and privileges of laying their mains and pipes, and making and supplying gas, that their present charters and contracts now give them.

Pipes to be laid so that they will not interfere with present or future supply pipes of any water or gas company.

Proviso.

22. That any company organized under this act, that is to supply any city, town or village that is already supplied with gas, shall, within one year after their articles of association have been endorsed by the secretary of state, as provided for in the first section of this act, lay not less than five miles of main pipe, and furnish upon application, to those residing

Time within which the company shall lay their main pipe.

- on the streets, lanes or alleys in which the said main pipes may be laid, a full supply of gas, and after the expiration of said year, said company shall, within one hundred and twenty days after a written application has been received from any person or persons residing on any of the streets, lanes or alleys of the city, town or village to be supplied by said company, extend their main pipes so as to reach and supply said person or persons with gas, and the said company shall supply such person or persons with gas, in order that all may enjoy the benefits of competition; *provided*, that no company organized under this act shall be compelled to lay more than three hundred lineal feet of pipe for each and every person making a written application for gas.
- Proviso.
- Penalty for non-compliance or violation of certain provisions of this act.
23. That any company, association, person or persons, violating or neglecting to comply with any of the provisions of the first or second sections of this act, shall be liable to a penalty of two hundred and fifty dollars for each and every offence, to be sued for and recovered in the name of the state of New Jersey, one-half of which fine, when recovered, shall be paid to the informer, and the other half into the county treasury, where the action shall be tried and conviction had.
- Repealer.
24. That the act entitled "An act to authorize the establishment and to prescribe the duties of corporations for manufacturing and selling gas in any of the cities and towns of this state," approved March twenty-seventh, eighteen hundred and seventy-four, be and the same is hereby repealed.
- Corporations under this act to be subject to general laws, &c.
25. That no exclusive privilege heretofore granted in the charter of any company to construct and operate a gas works, shall hereafter continue to be, or be construed to remain exclusive, and that no like franchise hereafter granted shall be or be construed to be exclusive, unless in such grant heretofore made or hereafter to be made it be so expressly provided; all corporations organized under this act shall be subject to all general laws now or hereafter to be passed, regulating gas companies and their operations.
- Repeal not to affect corporations heretofore organized.
26. That this act shall be deemed a public act, and shall take effect immediately, and the legislature may alter, amend and repeal the same, but such repeal or alterations shall not affect any corporations heretofore organized, unless the act making such repeal or alteration shall so expressly declare.

## Guardians.

### I. TESTAMENTARY GUARDIANS.

1. Father may appoint with mother's consent.
2. Widowed mother may appoint, when.

### II. SALE OF LANDS, ETC., OF WARD.

3. Court may order sale of timber and lands.
4. Report of sale to be made to court.
5. Deed, form and effect of.

### III. REMOVAL OF PROPERTY OF MINOR OUT OF THIS STATE.

6. May be made by order of court when guardian and ward are both non-residents.
7. Before such order proof of appointment necessary; court may require additional security.
8. Notice of application to be given; court may refuse order.

R. S. 366, 374.

P. L. 1847, p. 143.

" 1868, p. 122.

" 1871, p. 10, 23.

Father may by will or deed appoint guardian of his minor child.

R. S. 366, § 9.

## An act relative to guardians and the estates of minors.

Revision—Approved March 27, 1874.

### I. Testamentary guardians.

1. That when any person hath or shall have any child or children under the age of twenty-one years, and not married at the time of his death, it shall be lawful for the father of such child or children, whether born at the time of the decease of the father or at that time in *ventre sa mere*, or whether such father be within the age of twenty-one years, or of full age, by his deed executed in his lifetime or by his last will and testament in writing, made and published by such father according to law, and proved and recorded in the manner prescribed by the laws of this state, to dispose of the custody and tuition of such child or children for and during such time as he, she or they shall respectively remain under the