

- 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and towns of this state," approved March twenty-seventh, eighteen hundred and seventy-four, be and the same is hereby repealed.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

age of twenty-one years or any less time, to any person or persons in possession or remainder; *provided*, that the mother if living, consent to such appointment, which consent shall be in writing, and signed and acknowledged by the mother in the presence of two witnesses present at the same time, who shall subscribe their names thereto as witnesses in the presence of the mother, and such consent shall be proved to have been so given and acknowledged at the time the will appointing the testamentary guardian shall be admitted to probate; and such disposition of the custody of such child or children so made as aforesaid, shall be good and effectual against all and every person or persons claiming the custody or tuition of such child or children, as guardian in socage or otherwise; and such person or persons to whom the custody of such child or children hath been or shall be so disposed or devised as aforesaid, may maintain an action of ravishment of ward or trespass against any person or persons who shall wrongfully take away or detain such child or children, for the recovery of such child or children; and may recover damages for the same in the said action, for the use and benefit of such child or children; and may take into his, her or their custody, for the use of such child or children, the profits of all lands, tenements and hereditaments of such child or children; and also the custody and management of the goods, chattels and personal estate of such child or children, till his or her or their respective age of twenty-one years or any less time, according to such disposition aforesaid; and may bring such action or actions in relation thereto, as by law a guardian in common socage might do(a).

*Provided*, mother, if living, consent in writing. \_\_\_\_\_

P. L. 1871, p. 23.

Consent acknowledged and proved.

Such guardian entitled to custody and tuition of minor. \_\_\_\_\_

R. S. 366, § 9.

And the profits of minors' lands and custody of goods and chattels.

Ib. § 10.

2. The mother of any minor child or children, being a widow, may by her last will and testament made and published, and proved and recorded according to law, appoint a guardian for her minor children in all cases in which the father is authorized to make such appointment; and such guardian shall have the same power and authority in all respects as a guardian appointed by the father of a minor child; *provided*, that no guardian shall have been appointed by the father under the last preceding section(b).

Mother being a widow may appoint guardian of her minor child if no guardian has been appointed by father.

[For proceedings for the appointment of guardians in other cases—Bond and Inventory and Duties—see Title ORPHANS' COURT].

II. Sale of lands, etc., of ward.

3. If the personal estate and the rents, issues and profits of the real estate of the ward be not sufficient for his maintenance, the orphans' court of the proper county, on full investigation thereof, may from time to time order the guardian to sell so much of the timber growing or being upon the lands of said ward or such parts of the ward's lands, tenements, hereditaments and real estate as they shall direct and judge adequate for his or her maintenance and education(c).

Court may order sale of timber or lands for maintenance of ward.

R. S. 374, § 6.

4. After the lands, tenements, hereditaments and real estate of the ward so ordered to be sold, shall be sold, the guardian shall make report thereof in writing to the said orphans' court, and if said court shall approve of such sale, it shall confirm the same as valid and effectual in law, and shall by rule of court direct the said guardian or guardians to execute good and sufficient conveyances in the law, to the purchaser or purchasers for the tract or tracts of land or real estate so sold.

If sale is of lands, report to be made to court. Ib. § 7. Amended.

5. The guardian shall make a deed or deeds to the purchaser or purchasers, for the lands, tenements, hereditaments and real estate so sold; which deeds shall set forth that the same was made by virtue of an order of the orphans' court by which the sale shall be authorized, the term of the court in which it was granted, and the date of the order; which conveyances, duly executed as aforesaid, shall vest in the purchaser or purchasers all the estate therein that the ward was seized of or entitled to at the time of making the said order.

Deed made, form and effect of. Ib. § 7, § 8.

(a) Such guardian supersedes one appointed by the orphans' court, *In re Van Houten*, 2 Gr. Ch. 220.  
 (b) See *In re Turner*, 4 C. E. Gr. 433, 436.  
 (c) The father who is guardian by nature only, and not

appointed by any court or competent authority is not within this section, *Graham v. Houghtalin*, 1 Vr. 552. If the parent of the orphan is of sufficient ability to support him such order cannot be made, *Morris v. Morris*, 2 McCart. 239.

### III. Removal of property of minor out of this state.

May be made when guardian and ward are both non-residents.

P. L. 1847, p. 143.  
 " 1868, p. 122.  
 " 1871, p. 10.  
 Amended.

Ordinary or orphans' court may order.

Delivery of property, or payment in obedience to such order a legal discharge.

Before order made proof to be made.

In what manner.

Of appointment of guardian and security given.

Additional security may be required.

Notice of application.

Order may be refused.

And shall not be made if conflicts with limitation of minor's title, or prejudices interests of citizens of this state.

6. In case any guardian and his ward are both residents of another state or of a foreign country, and such ward is entitled to any property, real or personal, in which shall be included property or money in the hands of any resident guardian, any legacy or distributive share in the hands of any executor or administrator in this state, moneys in the hands of any commissioner, officer or other person, being the proceeds of the sale of lands under any judicial proceedings, or awarded as damages for the taking of lands under any legislative authority, or deposited in any court of this state, arising from the sale of any property of such ward or otherwise, and moneys or funds under the direction or control of the chancellor, it shall be lawful for the ordinary or the orphans' court of the proper county to make an order that such guardian may receive the rents, issues and profits of such real estate, and demand, sue for, collect and receive such legacy, distributive share, moneys or other personal property, and remove the same to the place of the residence of himself and ward; and the delivery, transfer or payment of such property or money to such guardian after the making of such order shall be a legal discharge and acquittance for the same.

7. Before any such order as is mentioned in the last section shall be made, proof to the satisfaction of the ordinary or orphans' court shall be made, by certificate, according to the acts of congress, in case the guardian and ward reside in another state, or by attestation under the seal of the court wherein, or officer before whom the proceedings were had, if their residence be in a foreign country, of the appointment of such guardian, and that he has given adequate security as such guardian in double the amount in value of such property, over and above the value of the property of such ward in the place of his residence; and in case the ordinary or orphans' court shall not be satisfied with the sufficiency of such security, additional security, to be given in this state, may be required in such form as the ordinary or court shall direct.

8. Twenty days' notice of an application for the removal of property under the preceding section shall be given to the resident guardian or the executor or administrator in whose custody such property shall be, and the ordinary or orphans' court may direct notice of such intended application to be given to other persons interested; *provided nevertheless*, that the ordinary or orphans' court may reject such application and refuse such order whenever it shall appear that it is for the interest of the ward that such removal shall not take place; and no order shall be made in any case where such removal will conflict with the terms or limitations attending the right by which the ward owns or is entitled to such property, or the interests of any citizen of this state in such property may be prejudiced.

## Gunpowder.

1. Manufactory, where not to be erected.
2. Magazine, where not to be erected.

3. Fire-proof magazines, where they may be erected.

Rev. 549.

### An act to regulate gunpowder manufactories and magazines within this state.

R. S. 574.

Passed February 7, 1811.

Manufactory, where not to be erected.

1. That from and after the first day of May next, no person or persons whatsoever, shall be permitted within this state to erect or establish, or cause to be erected or established, any manufactory which shall be actually employed in manufacturing gunpowder, either by himself or any other person, either on his own land or the land of another, within the distance of a quarter of a mile from any town or village, or house of public worship; or within the distance of a quarter of a mile from any dwelling house, barn or out-house, without the consent, under hand and seal, of all and every, the owner or owners of such dwelling house, barn or out-house.