

## Bridges.

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Rev. 385.

### An act respecting bridges.

Revision—Approved April 10, 1846.

P. L. 1845, p. 139.

R. S. 525.

Of erecting or repairing bridge when expense over \$500.

1. That when it shall be necessary to erect, rebuild, or repair, any bridge in a township, or between any two townships in the same county, the expense whereof shall exceed five hundred dollars, it shall be the duty of the overseer of the highways, within whose limits or division the same may be, or either of the overseers of the highways of the adjoining townships, to give notice thereof in writing, under his hand, to the director of the board of chosen freeholders of the county, or in case of his absence, inability, or death, to the clerk of such board, who shall thereupon convene, (in the like manner, and under the like penalties, as if such notification had been made and subscribed by any three of the chosen freeholders) the said board or corporation, for the purpose of their considering and deciding upon the utility and necessity of erecting, rebuilding or repairing the said bridge.(a)

(a) The term bridge includes not only the structure across the stream, but its abutments also, so finished that travelers may safely pass thereon, *Freeholders of Sussex v. Strader*, 3 *Harr.* 108. *Newark Lime Co. v. Mayor, &c., of Newark*, 2 *McCart.* 64. Freeholders cannot erect bridges over navigable rivers without a special act of the legislature, *Tucker v. Freeholders of Burlington*, *Sax.* 282. *Attorney General v. Stevens*, *Sax.* 370. *Allen v. Freeholders of Monmouth*, 2 *Beas.* 68. Every erection in a navigable river, which obstructs or hinders navigation is a nuisance which equity will enjoin, *Attorney General v. New Jersey R. R. Co.*, 2 *Gr. Ch.* 136. *Sinnickson v. Johnson*, 2 *Gr. Ch.* 374. *Gilbert v. Morris Canal Co.*, 4 *Hal. Ch.* 495. *Newark Plank Road Co. v. Elmer*, 1 *Stock.* 755. See *Attorney General v. Brown*, 9 *C. E. Gr.* 89. *Morris Canal v. Fagin*, 3 *C. E. Gr.* 215; 7 *C. E. Gr.* 490. But a bridge erected under the authority of an act of the legislature will not be adjudged to be a nuisance, if the terms of the act, as to location, &c., be complied with, *Newark Plank Road Co. v. Elmer*, 4 *Hal. Ch.* 586; 1 *Stock.* 754. *Allen v. Freeholders of Monmouth*, 2 *Beas.* 68. *Pennsylvania R. R. Co. v. New York and Long Branch R. R. Co.*, 8 *C. E. Gr.* 157. *Easton v. New York and Long Branch R. R. Co.*, 9 *C. E. Gr.* 49. See *Stephens and Condit Co. v. Central R. R. Co.*, 4 *Vr.* 229; 5 *Vr.* 280. A viaduct over a river to be used exclusively for the passage of locomotives and cars, is not such a bridge as violates a charter granted by the legislature, conferring the exclusive right of maintaining bridges over said river, *Bridge Co. v. Hoboken Land Co.*, 2 *Beas.* 81, 508. A court of equity refused to enjoin the

erection of another bridge over the river Delaware "within three miles" of one already built, although such a condition existed in the first charter, such first bridge being so far appropriated to the uses of a railroad as to render it dangerous for ordinary travel, *President, Managers, &c. v. Trenton City Bridge Co.*, 2 *Beas.* 46. See *Gifford v. New Jersey R. R. Co.*, 2 *Stock.* 171. The title to all public bridges constructed by a county, is vested in the freeholders, and being public property may be taken for public use, without compensation, *Freeholders of Monmouth v. Red Bank Turnpike Co.*, 3 *C. E. Gr.* 91. Where a turnpike company, whose charter had expired by limitation, sold their roadway, bridges, &c., to an individual, it was held that the surveyors could not lay out a highway over such road bed without making compensation, *Matter of Highway*, 2 *Zab.* 293. *Aliter* where such road-way was simply abandoned, *State v. Snedeker*, 1 *Vr.* 80. See *State v. Demott*, 2 *Gr.* 254. The building or rebuilding of bridges in the county is a discretionary power intrusted with the boards of chosen freeholders, nor will the supreme court interfere by *mandamus* with the lawful exercise of such discretion, *The State v. Freeholders of Essex*, 3 *Zab.* 214. See *Plum v. Morris Canal Co.*, 2 *Stock.* 256. Can the inhabitants of a county be indicted for not repairing bridges over rivers? See *Freeholders of Sussex v. Strader*, 3 *Harr.* 108. *State v. Morris Canal Co.*, 2 *Zab.* 537. *State v. Inhabitants of Hudson*, 1 *Vr.* 137. A private corporation is bound to erect and maintain bridges wherever a canal or railroad made by it, after a road is laid out, crosses

2. That when the expense of erecting, rebuilding, or repairing such bridge shall exceed fifty dollars, and be less than five hundred dollars, it shall be the duty of the overseer of the highways within whose limits or division the same may be, or of either of the overseers of the highways of the adjoining townships, to give notice thereof in writing, under his hand, to the chosen freeholders of such township and of the two next adjacent townships, and in such notice to appoint the time and place of their meeting, for the purpose of taking the same under their consideration; and the said chosen freeholders, or a majority of them, are hereby authorized to order, if they think proper, the said bridge to be built, rebuilt, or repaired, and to superintend or contract for the doing thereof; and for defraying the expense thereby incurred, the director of the board of chosen freeholders shall draw upon the county collector, who is hereby empowered and required forthwith to pay the same out of any county money in his hands.

Same, when expense over \$50, and under \$500.

3. That when the expense of erecting, rebuilding, or repairing such bridge shall not exceed fifty dollars, inclusive of the necessary materials, it shall and may be lawful for the overseer of the highways within whose limits and division the same may be, and the two chosen freeholders of the said township, or the major part of them, to direct such bridge to be built, rebuilt, or repaired, and to superintend or contract for the doing thereof; and for defraying the amount of the said expense, not exceeding the sum aforesaid, the director of the said board of chosen freeholders shall draw on the county collector, who is hereby authorized and directed to pay such order out of any county moneys in his hands.

Same, when expense less than \$50.

4. That every small bridge, to be built by virtue of this or any other act, shall be at least twelve feet in breadth, have four or more good sleepers, and be covered with sound and substantial logs, poles, or plank, well squared and fixed down, and as closely joined as the nature of such materials will admit.

Small bridge, how built.

5. That the expense of building, rebuilding, or repairing any bridge between two counties shall be equally borne by such counties.

Bridge between counties.

6. That this act shall not extend to or affect any toll bridge, being private property, or any bridge for which any township receives toll, unless the inhabitants of such township shall, at their annual or other meeting, relinquish and for ever forego their right to such toll, or any bridge, which private individuals are bound by law or contract to make and keep in repair, or to contribute thereto in any degree above their ordinary and ratable proportion in the way of taxation, except so far as such contribution shall be inadequate; *provided always*, that no toll bridge, or any other bridge, being private or incorporated property, shall become a county charge, until a majority of the chosen freeholders of the said county shall consent and agree to the same.

Not to extend to toll bridges, unless, etc.

Proviso.

### Supplement.

Approved March 13, 1851.

P. L. 1851, p. 241.

7. Sec. 1. When it shall be necessary to erect, repair, or rebuild any bridge, in a township in the counties of Monmouth and Hunterdon, or between any two townships in said counties, the expense whereof shall exceed fifty dollars, and be less than five hundred dollars, it shall be the duty of the overseer of the highways, within whose limits or division the same may be, or of either of the overseers of the highways of the adjoining townships, to give notice thereof in writing under his hand, to three chosen freeholders of said counties nearest said bridge, or proposed bridge; *provided*, the chosen freeholders of the township, or the chosen freeholders of the townships, in which said bridge is proposed to be erected

Proceedings in Monmouth and Hunterdon counties to erect, repair or rebuild a bridge when expense shall exceed \$50 and be under \$500.

such road, *In re Trenton Water Power Co.*, *Spen.* 659. But not where such public road is laid out after such canal is constructed, *Morris Canal Co. v. State*, 4 *Zab.* 62. Nor for the accommodation of an owner whose land is intersected by it, *Breatley v. Delaware and Raritan Canal Co.*, *Spen.* 236. *Green v. Morris and Essex R. R. Co.*, 4 *Zab.* 486. *Carpenter v. Easton and Amboy R. R. Co.*, 9 *C. E. Gr.* 249. Unless required by the charter, *Green v. Morris and Essex R. R. Co.*, 4 *Zab.* 486. *Ellsworth v. Central R. R. of N. J.*, 5 *Vr.* 98. A turnpike company is liable for damages for not keeping their bridges in repair, *Ward v. Newark, &c., Co.*, *Spen.* 323; and no notice is

necessary, *Morris Canal Co. v. Ryerson*, 3 *Dutch.* 458; or liable to indictment, *The State v. The Morris Turnpike Co.*, 1 *South.* \*165(a). *Central R. R. Co. ads. The State*, 3 *Vr.* 220. The franchise of taking tolls upon bridges is part of the sovereign prerogative, and can only be obtained by grant from the state, *Camden and Amboy R. R. Co. v. Briggs*, 2 *Zab.* 623. *Pennsylvania R. R. Co. v. National Railway Co.*, 8 *C. E. Gr.* 441. Construction of a charter granted for a limited time with reversion to the state, *Bridge Proprietors ads. The State*, 1 *Zab.* 384; 2 *Zab.* 593.

repaired, or rebuilt, be of the number; and, in such notice, to appoint the time and place of their meeting, for the purpose of taking the same under their consideration; and the said chosen freeholders, or a majority of them, are hereby authorized to order, if they think proper, the said bridge to be built, repaired, or rebuilt, and to superintend or contract for the doing thereof; and for defraying the expense thereby incurred, the director of the board of chosen freeholders shall draw upon the county collector, who is hereby empowered and required forthwith to pay the same out of any moneys in his hands.

Proceedings when the expense shall not exceed \$50.

8. SEC. 2. When it shall be necessary to erect, rebuild, or repair any bridge in a township in the counties of Monmouth or Hunterdon, or between any two townships in said county, the expense whereof shall not exceed fifty dollars, inclusive of the necessary materials, it shall and may be lawful for the chosen freeholder within whose limits and division the same may be, and the chosen freeholder of one of the adjoining townships, or in case of a vacancy, two chosen freeholders of the adjoining townships nearest the location of said bridge or proposed bridge, to direct such bridge to be built, rebuilt, or repaired, and to superintend and contract for the doing thereof; and for defraying the amount of said expense, not exceeding the sum aforesaid, the director of the board of chosen freeholders shall draw on the county collector, who is hereby authorized and directed to pay such order out of any moneys in his hands.

#### Supplement.

P. L. 1860, p. 285.

Approved March 15, 1860.

Action may be brought against township or board of freeholders for neglect to repair bridge.

9. SEC. 1. In all cases where a township or the board of chosen freeholders of a county are chargeable by law with the erection, rebuilding, or repair of any bridge or bridges, and the said township or board of chosen freeholders shall wrongfully neglect to erect, rebuild, or repair the same, by reason whereof any person or persons shall receive injury or damage in his or their persons or property, he or they may bring his or their action of trespass on the case against said township or said board of chosen freeholders, as the case may be, and recover judgment against them to the extent of all such damage sustained as aforesaid, which said judgment shall be paid by the township or county, as the case may be. (1)

#### Supplement.

P. L. 1873, p. 651.

Approved April 4, 1873.

Proceedings in Sussex county to erect, rebuild or repair any bridge when expense shall exceed \$500.

10. SEC. 1. That the director of the board of chosen freeholders of the county of Sussex, for the time being, upon receiving such notice in writing from any overseer of the highways as is provided by the first section of the act to which this is a supplement (when it shall be necessary to erect, rebuild or repair any bridge the expense whereof shall exceed five hundred dollars), he and he is hereby authorized, if he shall think fit, instead of convening the board of chosen freeholders of said county, to appoint, not less than five nor more than nine, a committee for the purpose of considering and deciding upon the necessity and utility of erecting, rebuilding or repairing said bridge, and such committee so appointed shall have power to order, if they think proper, the said bridge to be built, rebuilt or repaired, and to superintend or contract for the erection, rebuilding or repairing of any such bridge as is mentioned in said first section of the act to which this is a supplement, and any contract made by said committee (of whom for the purpose of their appointment a majority shall constitute a quorum) shall be as binding in law upon the said county of Sussex and upon the other contracting party as if made in pursuance of a resolution of the board of chosen freeholders of the county of Sussex, for that purpose adopted.

Appointment of committee to be in writing and designate time and place of meeting.

11. SEC. 2. That the appointment of the committee provided for in the first section of this act shall be made by said director in writing and shall designate the time and place at which said committee shall meet to discharge the duties of their appointment; and said appointment shall be filed by the said director with the clerk of the said board, whose duty

(1) See ROADS, § 99. Supplement of March 23, 1859, to act concerning roads, (P. L. 1859, p. 626).

it shall be forthwith to notify the persons named therein of their said appointment by writing under his hand, directed to said persons, and left at their respective places of abode at least fourteen days prior to the day of meeting, mentioning therein the time, place and purpose of such meeting.

12. Sec. 3. That for defraying the expense of building, rebuilding or repairing any such bridge as is hereinbefore mentioned, the said director shall draw upon the county collector, who is hereby empowered and required forthwith to pay the same out of any county moneys in his hands; *provided*, that no such order from the director of said board shall be paid by said collector unless the same shall be accompanied by a copy of the appointment of said committee, certified by the clerk of said board, and by a certificate addressed to said director and signed by a majority of said committee, showing the nature of the work done, the expense thereof and the name of the person or persons entitled to be paid therefor, which said copy of appointment and certificate shall be retained by said collector as vouchers.

Expenses, how defrayed.

Proviso.

P. L. 1874, 90.

### Supplement.

Approved March 24, 1874.

13. Sec. 1. That whenever it shall be necessary to repair or rebuild any bridge or viaduct in this state, over any navigable river or water, the public authorities, corporation or persons so repairing or rebuilding such bridge or viaduct, shall not be liable for damages occasioned by obstructing or stopping navigation thereby; *provided*, the said repairs or rebuilding or obstructing or stopping of navigation be done between the first day of January and the first day of March; *and provided further*, that said repairs or rebuilding be prosecuted with all practicable dispatch; *and provided further*, that notice of such intended repairs or rebuilding be given at least three weeks prior to commencing the same, by publishing a notice thereof in some newspaper circulating in the county adjacent to such bridge or viaduct; *provided, however*, that nothing in this act contained shall apply to the county of Monmouth.

When necessary to repair bridges over navigable waters public authorities, &c. shall not be liable for obstructing navigation.

Proviso.

Proviso.

Proviso.

Act not to apply to Monmouth co.

Rev. 600, 672.

### An act relative to toll and chain bridges.

Revision—Approved April 10, 1846.

R. S. 536.

14. Sec. 1. That it shall not be lawful for any person or persons to drive any kind of carriage, wagon, cart, sled or sleigh, drawn by more than one horse, over any of the toll bridges in this state, or any kind of carriage, wagon, cart, sled or sleigh whatever, or ride any horse or mule, over any of the toll bridges built over the river Delaware, at a faster gait than a walk, and every person wilfully so offending, shall forfeit and pay to the proprietor or proprietors of such bridge or bridges the sum of one dollar, to be recovered by action of debt, with costs of suit, in any court of competent jurisdiction.

Not to drive faster than a walk over toll bridge.

Penalty.

15. Sec. 2. That it shall not be lawful for any person or persons to drive any kind of carriage, wagon, cart, sled or sleigh, or ride any horse or mule, over any free chain bridge in this state, at a faster gait than a walk, and every person so offending, shall forfeit and pay the sum of one dollar, to be recovered by action of debt, with costs of suit, in any court of competent jurisdiction, by any person who will sue for the same, one moiety to the prosecutor, the other to the collector of the county, for the benefit of the same; *provided always*, that this act shall not be construed to prevent any physician or midwife, or person or persons going for such physician or midwife, or returning from said errand, riding express by order of any public officer of this state or of the United States, or pursuing a fugitive from justice, runaway servant or apprentice, from driving or riding over any toll or chain bridge at a faster gait than a walk; *provided also*, that the said proprietor or proprietors of such toll bridge, and the board of chosen freeholders of such county where any free chain bridge now is or may be erected, shall cause to be fixed and always kept up at each end of the bridge aforesaid in some conspicuous place, a board on which shall be painted in large letters, "One dollar fine for travelling over this bridge at

Nor over free chain bridge.

Penalty.

Proviso.

Notice to be put up.

a faster gait than a walk;" and on neglect of such notice, the aforesaid fine shall not be incurred.

Penalty for destroying boards.

16. SEC. 3. That if any person or persons shall maliciously break down or deface such board or boards as aforesaid, he, she or they so offending, shall forfeit and pay to the proprietor or proprietors, if on a toll bridge, and to the county collector, if on a free chain bridge, twenty dollars, to be recovered by action of debt, with costs of suit, by any person who will sue for the same.

Harr. 458.

**An act for the protection of bridges in this state.**

R. S. 541.

Passed February 27, 1833.

Manner of vessels passing draw bridge.

17. SEC. 1. That if any person or persons, having the command of any vessel, shall come within ten rods of any drawbridge, without first lowering his sails, so as to prevent the vessel from coming up against the bridge, as is frequently the case, until it is hoisted, so that they can pass gently through, without doing any damage to said bridge, or shall hoist any draw, and keep it up more than fifteen minutes, when the same is not absolutely necessary for the passage of some vessel or boat through the same; or if any person or persons shall cut, remove or destroy any piece or pieces of timber, or any plank or planks, belonging thereto, or a part of said bridge, draw, posts or piles, or shall remove any stone work belonging to said bridge, or otherwise wilfully damage or do any act which may have a tendency to injure said bridge, or shall at any time lay his vessel alongside of said bridge, for the purpose of loading or unloading any hay, straw, bricks or lumber of any kind whatsoever, he or they so offending, for each and every offence, shall forfeit and pay the sum of ten dollars, besides all damage that may be done to said bridge, to be recovered, in an action of debt, before any court having competent jurisdiction, with costs of suit, by any person who shall sue for the same, one-half of said sum to be for the use of the prosecutor, and the other half to be paid into the hands of the county collector, for the use of said county where such damage may have been done.

Penalty for injuring bridge or leaving draw open.

Bridge may be put in special care of person appointed.

18. SEC. 2. That in case it should become necessary for the protection of any bridge, and the accommodation of persons passing over or through any bridge, to have the same put in the special care of some person suitable for said purpose, then and in that case, it shall and may be lawful for the board of chosen freeholders of said county for the time being, where such bridge may be, to make such regulations as they shall deem necessary for the better protection and accommodation of the same; *provided*, they shall be in accordance with the preceding section of this act.

Proviso.

**Supplement.**

P. L. 1852, p. 206.

Approved March 12, 1852.

Penalty for making vessel fast to or in the draw of any bridge.

19. SEC. 1. From and after the passage hereof, it shall not be lawful for any person, having the command of any steamboat or other vessel, to make fast to or lay the same alongside or in the draw of any bridge in this state, for the purpose of loading or unloading any marketing, produce or merchandise, of any kind whatever, from off said bridge; and any person so offending shall be subject to the same fines and penalties as are prescribed in said act, to which this is a supplement.

Construction of words "hoist or hoisted."

20. SEC. 2. The words "hoist or hoisted," in said act, shall be construed to mean "open or opened."

P. L. 1833-4, p. 92.  
P. L. 1842-3, p. 39.

**An act relative to bridges in the counties of Somerset, Burlington, Salem and Cumberland.**

Revision—Approved April 10, 1846.

R. S. 538.

Rate of traveling over.

21. SEC. 1. That it shall not be lawful for any person or persons to drive any wagon, cart, sled or sleigh, or any other kind of carriage or vehicle, or ride, lead or drive any horse or horses, mule or mules, or any description of cattle, over or upon any truss, lattice or drawbridge, or any bridge the arch of which is constructed of wood, at a faster gait than a walk, such bridge or bridges being in the counties of Somerset, Burlington, Salem or Cumberland; and every person or persons so offending shall

forfeit and pay the sum of five dollars for each and every offence so committed, to be sued for and recovered by action of debt with costs of suit, in any court of competent jurisdiction, by any member of the board of chosen freeholders of the county in which such bridge or bridges may be, in the corporate name of said board for the use of said county; *provided always*, that this act shall not apply to any physician, or person going for any physician, or to any person riding express by order of any public officer of this state or of the United States, or to any person pursuing a fugitive from justice; *and provided further*, that the boards of chosen freeholders of said counties shall cause to be fixed up, at each end of such bridge or bridges in said counties, in some conspicuous place, in plain letters, "Five dollars fine for travelling over this bridge at a faster gait than a walk," and on neglect of such notice, the fine aforesaid shall not be incurred.

Penalty.

Proviso.

Notice to be put up.

22. SEC. 2. That if any person or persons shall wilfully deface such letters, or any of them, he, she, or they so offending shall forfeit and pay five dollars, to be recovered in the manner directed by the first section of this act, for the use of said county.

Penalty for defacing.

#### Supplement.

P. L. 1868, p. 840.

Approved April 7, 1868.

23. SEC. 1. That the provisions of the act entitled "An act relative to bridges in the counties of Somerset, Burlington, Salem and Cumberland," approved April tenth, eighteen hundred and forty-six, be and the same are hereby extended to the counties of Bergen and Passaic.

Provisions of the act extended to the counties of Bergen and Passaic.

24. SEC. 2. That the declaration in any such action may be general, stating that the demand is for a penalty incurred under this act, and the act to which this is a supplement, and that the special matters may be given in evidence under it.

Declaration may be general and special matters given in evidence under it.

25. SEC. 3. That in default of the payment of the fine or penalty thereby imposed, the offender shall be punished by imprisonment in the county jail for a period not exceeding two months.

In default of payment of fine, offender may be imprisoned

#### An act respecting bridges in the county of Hudson.

P. L. 1871, p. 506.

Approved March 14, 1871.

26. SEC. 1. That when it shall be necessary to erect, rebuild, or repair any bridge in the county of Hudson, it shall be lawful for the board of chosen freeholders of the county of Hudson, if they think proper, to erect, rebuild or repair any such bridge or bridges, and to contract for the same, in such manner as the said board may elect; and for defraying the expense thereby incurred, the said board may order a requisition or warrant drawn upon the county collector for such sum or sums as they may require, from time to time, for such purpose, and the said county collector is hereby empowered and required to pay the same out of any county moneys in his hands.

Board of freeholders in county of Hudson may erect, rebuild or repair bridges.

27. SEC. 2. That all bridges erected, rebuilt or repaired by the said board shall from the time of such erection, rebuilding or repairing, become the property of the county of Hudson, and be under the control of the said board of chosen freeholders of the county of Hudson.

All bridges erected, rebuilt or repaired become property of county.

#### An act relating to the repair of bridges owned by railroad, canal or other private corporations and their lessees, in the county of Hudson.

P. L. 1873, p. 254.

Approved March 5, 1873.

28. SEC. 1. That where any railroad, canal or other private corporation or their lessees has erected any bridge for roads or streets over their works, for the use of the public, in the county of Hudson, and said corporations and their lessees are liable to repair and maintain said bridge; and if said corporation or their lessees being so liable to repair and maintain said bridge, shall neglect the same, and said bridge shall become unsafe and dangerous, it shall be lawful for the committee on bridges of the board of chosen freeholders of Hudson county, to give notice to the president of said corporation or their lessees liable to repair said bridge, to the effect that said bridge must be put in a good state of

Proceedings when corporations neglect to maintain and keep bridges in county of Hudson.

repair in thirty days from the service of said notice, and if said corporation or their lessees fail to repair said bridge within said thirty days, it shall be the duty of the said committee on bridges, to report their action to the board of chosen freeholders of said county, who shall have authority to order said bridge to be put in a good state of repair, under the direction of said committee on bridges, and when the expense thereof shall be ascertained it shall be lawful for the county collector to pay the same; and it shall be the duty of said board of chosen freeholders, to serve on the president of said company or their lessees, a certified copy of the cost of said repairs, and said corporation or their lessees shall be liable to pay the same to the county collector, within thirty days after service of said certified bill; and if said corporation or their lessees shall fail to make said payment within said thirty days, it shall be lawful for the board of chosen freeholders to sue and recover from said corporation or their lessees in any of the courts of this state having jurisdiction of the same, in an action of assumpsit, the money so paid out and expended for the use of said corporation or their lessees in making said repairs, with costs of suit.

Bridges to be under the supervision of committee of board of freeholders.

29. SEC. 2. That for the purpose of ascertaining and deciding whether any bridge owned by a railroad, canal or other private corporation or their lessees is fit and safe for public use, all such bridges are hereby put under the supervision of the committee on bridges of the board of chosen freeholders of said county; and when any corporation owning or leasing the franchises of any such corporation owning said bridges is a foreign corporation, and the president of said corporation does not reside in this state, it shall be lawful to serve the notice and certified copy of the bill of repairs mentioned in the first section of this act, on such president by mailing the same, postage paid, directed to the chief or head office of such corporation, and to publish the same for four weeks, once a week, in one of the daily papers of Jersey City; *provided*, that the notice and certified copy of the bill of repairs under the first section of this act may be served upon the president of any corporation of this state, personally, or by leaving the same at his place of residence, with any member of his family, or upon the secretary of the company at their chief office in this state.

Proviso.

Act to apply to all bridges hereafter erected.

30. SEC. 3. That this act shall apply to all bridges hereafter erected by any railroad, canal or other private corporation or their lessees.

#### Supplement.

Approved April 4, 1873.

P. L. 1873, p. 685.

Provisions of act extended to Essex county.

31. SEC. 1. That the act to which this is a supplement and the provisions thereof, be and the same are hereby extended to the county of Essex, and said act is hereby made as fully applicable to the said county of Essex as if the said county of Essex had been named in said act, in the same manner and connection that the county of Hudson is therein named; *provided*, *nevertheless*, that the publication required by the second section of said act shall be made in one of the daily papers of the city of Newark.

#### An act relative to bridges in and for the county of Morris in the state of New Jersey.

Approved April 4, 1873.

P. L. 1873, p. 691.

Proceedings when necessary to erect, rebuild or repair bridge in county of Morris when expense shall exceed \$1,000.

32. SEC. 1. That when it shall be necessary to erect, rebuild or repair any bridge in a township in the county of Morris, or between any two townships in the said county, the expense whereof shall exceed one thousand dollars, it shall be the duty of the overseer of the highways within whose limits or division the same may be, or either of the overseers of the highways of the adjoining townships, to give notice thereof in writing under his hand to the director of the board of chosen freeholders of said county or in case of his absence, inability or death, to the clerk of said board, who shall thereupon convene (in the like manner and under the like penalties as if such notification had been made and subscribed by any three of the chosen freeholders of said county) the said board or corporation for the purpose of their considering and deciding upon the utility and necessity of erecting, rebuilding or repairing the said bridge.

33. SEC. 2. That when the expense of erecting, rebuilding or repairing such bridge shall exceed two hundred and fifty dollars, and be less than one thousand dollars, it shall be the duty of the overseer of the highways within whose limits or division the same may be, or of either of the overseers of the adjoining townships, to give notice thereof in writing, under his hand, to the chosen freeholders of such township and of the two next adjacent townships in said county, and in such notice to appoint the time and place of their meeting, for the purpose of taking the same under their consideration; and the said chosen freeholders, or a majority of them, are hereby authorized to order if they think proper, the said bridge to be built, rebuilt or repaired, and to superintend or contract for the doing thereof; and for defraying the expense thereby incurred, the director of the board of chosen freeholders of said county shall draw upon the county collector, who is hereby empowered and required forthwith to pay the same out of any county moneys in his hands.

Proceedings when the expense of erecting, rebuilding or repairing shall exceed \$250 and be less than \$1,000.

34. SEC. 3. That when the expense of erecting, rebuilding or repairing such bridge shall not exceed two hundred and fifty dollars, inclusive of the necessary materials, it shall and may be lawful for the overseer of the highways within whose limits or division the same may be, and the two chosen freeholders of the said township, or the major part of them, to direct such bridge to be built, rebuilt or repaired, and to superintend or contract for the doing thereof; and for defraying the amount of said expense not exceeding the sum aforesaid, the director of the said board of chosen freeholders of said county shall draw on the county collector, who is hereby authorized and directed to pay such order out of any county moneys in his hands.

Proceedings when the expenses will not exceed \$250.

#### An act for the protection of bridges over the river Delaware.

Approved February 28, 1872.

P. L. 1872, p. 16.

35. SEC. 1. That if any person or persons shall wilfully cut, destroy, break or remove from any bridge over the river Delaware, between this state and the state of Pennsylvania, any pieces of timber, planks, stones, chains, rods, bolts, screws or any other materials whatsoever, belonging to said bridge, or shall remove or take away, from within the space of thirty feet from above or below any of the piers or abutments of any such bridge, or from alongside thereof, any sand, gravel or stones, or other materials used for ripraps, or breakers, or protection of said piers or abutments; or otherwise wilfully, maliciously or voluntarily damage the same, he or they shall forfeit and pay for every such offence, over and above the damages done, the sum of thirty dollars, with costs of suit, to be recovered by the corporation so injured, before any court having cognizance of that sum, in either of the counties of this state, or of the state of Pennsylvania, where the said bridge may be situated.

Penalty for destroying or removing any timber or other material from bridges over the river Delaware.

36. SEC. 2. That if any person or persons shall ride or drive any horse, mule or wagon over any of the toll bridges over the river Delaware, as aforesaid, at a faster gait than a walk, he or they shall forfeit and pay for every such offence, the sum of ten dollars, with costs of suit, to be recovered in the same manner as the penalty in the preceding section; *provided*, that this act shall not be construed to prevent any physician or midwife, or persons going for the same and returning from said errand, or riding express, by order of any public officer of these two states, or carrying the mail of the United States, from riding or driving over any of such toll bridges at a faster gait than a walk.

Penalty for riding or driving at a faster gait than a walk.

Proviso.

37. SEC. 3. That it shall not be lawful for any person or persons passing, riding or driving over any toll bridge, as aforesaid, to carry any lighted cigar or pipe, or to carry fire in any form, or to light any match, or cigar, or pipe, or to fire off any gun, or other fire arms, or to explode any fire works of any description, on said bridge, or within its enclosures; or to engage in any game with cards or other device for money, or the value of money, or for pleasure, or to engage in any foot racing, or other racing; or to congregate upon such bridge so as, in any wise, to interfere or annoy persons travelling over the same, under the penalty of ten dollars for each and every such offence, to be recovered as aforesaid, with costs of suit against each and every person so offending.

Penalty for carrying fire on the bridges or exploding fire-works, &c.



- Shall keep to the right. 38. SEC. 4. That every person passing with horses, mules, cattle or wagons over any of said bridges, shall keep to the right hand side of the roadway thereof, under forfeiture and penalty of five dollars, with costs of suit, for each and every violation of this section, to be recovered as aforesaid.
- Notices to be kept up. 39. SEC. 5. That the several toll bridge companies over the river Delaware, shall cause to be placed, and kept up, upon each end of said several bridges, a painted notice, specifying the offences, in this act mentioned, and the penalties therefor, excepting those stated in the first section hereof.
- When act shall take effect. 40. SEC. 6. That this act shall go into effect so soon as the same shall be ratified by the legislature of the state of Pennsylvania.

## Building and Loan Associations.

1. Association for incorporation authorized.
2. Formation by certificate filed with county clerk.
3. Clerk to file and record. Fee of clerk.
4. Parents and guardians may hold shares.
5. Right of membership.
6. Investment of funds.
7. Married women and minors may hold shares.
8. Constitution and articles of government.
9. Annual statement, if required.
10. Lands may be sold to any one whether members or not.
11. Original associates and assigns the only members.
12. Deeds valid with restrictions against nuisances.
13. By-laws, &c., to regulate.
14. Powers reserved to repeal.
15. Partition by lot authorized.
16. Association for formation of building companies. Certificate where recorded and filed.
17. Supplemental certificate may be executed, recorded and filed.
18. Real and personal estate liable to taxation.

- P. L. 1849, p. 227.  
 " 1852, p. 83.  
 " 1855, p. 423.  
 " 1869, p. 40.

### An act to encourage the establishment of mutual loan, homestead and building associations.

Revision—Approved April 9, 1875.

Association for incorporation authorized.

1. That any number of persons, not less than five, may associate and form an incorporated company for the purpose of assisting each other, and all who may afterwards become associated with them in acquiring real estate, making improvements thereon, and removing incumbrances therefrom, by the payment of periodical instalments; and for the further purpose of accumulating a fund to be returned to its members who do not obtain advances, for purposes above mentioned, when the funds of such association shall amount to a certain sum per share, to be specified in the articles of association.(a)

Formation by certificate filed with county clerk.

2. Any such persons who shall sign a certificate, setting forth that they have formed such an association under the provisions of this act, and the name adopted for such association, and the city, borough or township where it is to be located and its business transacted, and who shall cause the same to be delivered to the clerk of the county which embraces the place of its location, thereupon, together with all who may afterwards become members, their successors and assigns, shall be a body corporate and politic in law, with all the powers mentioned in the first section of the act entitled "An act concerning corporations."

Clerk to file and record. Fee of clerk.

3. The said clerk shall immediately file said certificate, and record the same in a book to be kept for that purpose, for which he shall be entitled to receive the sum of twenty-five cents.

(a) If a shareholder, by the purchase of a loan at a discount, pays more than legal interest for the money he borrows, it is not usurious. *Franklin Building Association v. Marsh*, 5 *Dutch*, 225. *Hoboken Building Association v. Martin*, 2 *Beas*, 428. Where the penalty of the obligation was "to pay three dollars per month during the existence of the association, and all fines incurred during said time, and to comply with all covenants, promises and agreements entered into according to the articles of association," the payments were held to be on account of the principal of the bond, *Savings Association v. Vanderveere*, 3 *Stock*, 382. Nor can any deductions be made for any monthly instalments paid on the stock, where the mortgagor was a shareholder, nor for the premium on the loan, nor for fines paid by him. *Mechanics Building Association v. Conover*, 1 *McCart* 219. Where the mortgagor also transferred to the associa-

tion some of its shares as additional security, and afterwards executed a second mortgage on the same lot, such second mortgagee can require the amount realized from a sale of such shares to be applied to the payment of the first mortgage, nor can this equity be affected by subsequent judgment creditors, *Ibid.* See S. C. on appeal, 2 *C. E. Gr.* 497. It is no defence to such a mortgage that the other shareholders have failed to pay their dues. An agreement to wind up the association by paying the owners of the unredeemed shares the sums they had advanced, with interest, and that the owners of the redeemed shares who had given mortgages for the price of redemption should be discharged upon paying the amount of their mortgages with interest, is valid, and will be enforced, *Hoboken Building Association v. Martin*, 2 *Beas*, 428.