

ACTS

OF THE

ONE HUNDRED, AND THIRTY-SECOND LEGISLATURE

OF THE

STATE OF NEW JERSEY

AND

Sixty-Fourth Under the New Constitution. •



New Jersey State Library

TRENTON, N. J.
MACCRELLISH & QUIGLEY, STATE PRINTERS.

1908.

The following laws, passed by the One Hundred and Thirty-second Legislature, are published in accordance with "An act for the publication of the laws," passed June 13th, 1895, and "A supplement to the act entitled 'An act relative to statutes,' " approved March twenty-seventh, eighteen hundred and seventy-four, which supplement was approved February 4th. 1896.

The proclamations of the Governor follow. An index of all the laws, compiled in accordance with the act of 1895, completes the work.

S. D. DICKINSON,

Secretary of State.

MEMBERS
OF THE
One Hundred and Thirty-Second Legislature
OF NEW JERSEY.

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<i>Bergen,</i>	EDMUND W. WAKELEE.
<i>Burlington,</i>	SAMUEL K. ROBBINS.
<i>Camden,</i>	WILLIAM J. BRADLEY.
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<i>Middlesex,</i>	GEORGE S. SILZER.
<i>Monmouth,</i>	OLIVER H. BROWN.
<i>Morris,</i>	THOMAS J. HILLERY (<i>President</i>).
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<i>Passaic,</i>	JOHN HINCHLIFFE.
<i>Salem,</i>	WILLIAM PLUMMER, JR.
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<i>Warren,</i>	JOHNSTON CORNISH.

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<i>Burlington,</i>	JOHN B. IRICK, GRIFFITH W. LEWIS.
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<i>Cape May,</i>	CORSVILLE E. STILLE.
<i>Cumberland,</i>	B. FRANK BUCK, FRANK B. POTTER.
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<i>Hudson,</i>	MARK A. SULLIVAN, CHARLES P. OLWELL, JOSEPH P. TUMULTY, JAMES BAKER, CHARLES E. HENDRICKSON, JR., CHARLES H. BLOHM, PHILIP DAAB, OSCAR L. AUF DER HEIDE, ALBERT C. EPPINGER, VALENTINE HOLZAPFEL, EDWARD KENNY, AMADEUS VALENTE.
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MEMBERS.

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<i>Middlesex</i> ,	WILLIAM C. VOORHEES, WILLIAM E. RAMSAY, SCHUYLER C. VAN CLEEF.
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<i>Warren</i> ,	JOSEPH H. FIRTH.

New Jersey State Library

LAWS

(9)

ACTS

PASSED BY THE

One Hundred and Thirty-second Legislature.

CHAPTER I.

An Act to amend an act entitled "An act relating to the issuance, sale and delivery of stock and securities by corporations of this State, which have acquired, or may hereafter acquire, authority, permission or a franchise from the State, or any municipality thereof, to use or occupy any street, highway, road, lane or public place within this State," approved August fourteenth, one thousand nine hundred and six.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. That section two of the act to which this is an amendment be amended to read as follows:

Section
amended.

2. No such corporation shall hereafter issue, sell and deliver its bonds, notes, or obligations of any character, except in return for cash, to the extent of at least eighty per centum of the face value of said securities issued, or for property of an actual cash value of at least eighty per centum of the face value of the securities issued in payment therefor; *provided*, that this section shall not apply to any bonds bearing interest at a rate less than five per centum per annum, issued under the provisions of, and intended to be secured by, any deed of trust, indenture of mortgage, or like instrument made and

Minimum
value of
securities.

Proviso.

executed by any corporation, and recorded in any proper office in this State for the recording of such instruments, where such making, execution and also recording was prior to the fourteenth day of August, in the year of our Lord one thousand nine hundred and six, which bonds are a part of the issue provided for in and by said deed of trust, indenture of mortgage or other instrument, and a portion of the issue therein provided for were issued and disposed of by said corporation before the said fourteenth day of August, in the year of our Lord one thousand nine hundred and six.

When
effective.

Proviso.

2. This act shall take effect immediately and shall be subject to all provisions of the act to which this act is an amendment, and, *provided, further*, that no bonds shall be sold and delivered in pursuance of this amendment after the expiration of three years after the approval of this act, and no such bonds shall be sold and delivered at less than seventy per centum (70%) of their face or par value.

Approved February 13, 1908.

JOHN FRANKLIN FORT,
Governor.

CHAPTER 2.

A Supplement to an act entitled "An act to amend an act entitled 'An act relative to the Princeton Battle Monument,' approved April third, one thousand nine hundred and two," which amendatory act was approved March twenty-seventh, one thousand nine hundred and seven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Composition
of monument.

1. The material of the monument or statue erected according to the terms of the act to which this act is amendatory may be bronze, granite, or marble, or a combination of any of them.

2. This act shall take effect immediately.

Approved February 18, 1908.

CHAPTER 3.

A Supplement to an act entitled "An act respecting the Clerk in Chancery and the Clerk of the Supreme Court (Revision of 1902), approved April third, one thousand nine hundred and two." (P. L. 1902, page 497.)

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The clerk in chancery with the approval of the Chancellor, shall provide at the expense of the State a duly furnished room or rooms in the city of Atlantic City for the use of the Chancellor, Vice-Chancellors and advisory masters in the hearing of causes and motions, and that said room or rooms may be rented or leased of such person or corporation as may have rooms or quarters suitable for such purposes to let in said city, and the rent and expenses thereof shall be ascertained and certified by the chancellor and paid by the Treasurer of the State, and shall not exceed in all twelve hundred dollars per annum.

Chancery
chambers at
Atlantic City.

Expenses.

2. This act shall take effect immediately.
Approved March 2, 1908.

CHAPTER 4.

A Supplement to an act entitled "An act making appropriations for the support of the State government and for several public purposes for the fiscal year ending October thirty-first, one thousand nine hundred and eight," approved June fifteenth, one thousand nine hundred and seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The sum of three thousand eight hundred and

Inaugural
expenses.

fifty-three dollars and fifty cents is hereby appropriated to defray the incidental expenses incurred by the joint committee of the Legislature upon the inauguration of the Governor.

How paid.

2. All bills for expenses shall be approved by the committee, or a majority thereof, and when audited by the Comptroller shall be paid out of the Treasury of this State on the warrant of such Comptroller.

3. This act shall take effect immediately.

Approved March 3, 1908.

CHAPTER 5.

An Act to authorize and validate bonds heretofore or hereafter issued pursuant to proceedings taken or which purport to be taken under an act entitled "An act to provide for drainage and sewerage in cities of this State," approved April seventh, one thousand eight hundred and ninety, and acts amendatory thereof and supplemental thereto, and to validate such proceedings.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Bond issue
validated.

1. All bonds heretofore or hereafter issued pursuant to proceedings heretofore taken or which purport to be taken under the act entitled "An act to provide for drainage and sewerage in cities of this State," approved April seventh, one thousand eight hundred and ninety, and acts amendatory thereof and supplemental thereto, are hereby validated, authorized and confirmed as valid and legally binding obligations of the city issuing the same, and all such proceedings are hereby validated and confirmed, notwithstanding any defect, omission or irregularity in the passage, publication or approval of any ordinance or ordinances, resolution or resolutions,

preliminary to the issue of said bonds or with respect to the publication of notice of intention to adopt any said ordinance or resolution or the publication of notice of intention to make the improvements for which said bonds have been issued, or authorized to be issued, whether such passage, publication or approval be prescribed by said act or by any city charter or other act, special or general, or by any local rule or by-law; *pro-* Proviso.
vided that such ordinance or resolution has been passed by a majority vote of all the members of the governing body of said city; *and provided* that said city has in- Proviso.
 curred in good faith the expense or indebtedness to meet which said bonds have been or may be issued; *and pro-* Proviso.
vided further, that nothing in this act shall authorize the issuance of bonds in excess of any limitation prescribed by law.

2. This act shall take effect immediately.

Approved March 4, 1908.

CHAPTER 6.

A Further Supplement to an act entitled "An act to revise and amend 'An act for the taxation of railroad and canal property,' approved April tenth, one thousand eight hundred and eighty-four," which act was approved March twenty-seventh, one thousand eight hundred and eighty-eight.

WHEREAS, The Legislature, by an act approved May Preamble.
 eighteenth, one thousand nine hundred and six, being chapter two hundred and eighty of the laws of one thousand nine hundred and six, did provide that the taxes thereafter to be assessed upon the property of railroad and canal companies, referred to in subdivision two of section three of the act to which this act is a supplement, should be assessed and taxed in each taxing district in this State in the same manner

and at the same rate as other property located in said taxing district is assessed and taxed, and the amount of taxes derived therefrom should be paid to the officer of each of the separate taxing districts of the State as shall be by law entitled to receive the same for the use of said taxing district; and

WHEREAS, Assessments upon the property in said act described were duly made by the local assessors in the several taxing districts of this State for the years one thousand nine hundred and six and one thousand nine hundred and seven; and

WHEREAS, By proceedings taken by certiorari in the Supreme Court, and removed by a writ of error to the Court of Errors and Appeals, it has been determined that said act of the Legislature is unconstitutional, and that the assessments made thereunder are illegal and void; and

WHEREAS, The time in which the State Board of Assessors, under and by virtue of the act to which this is a supplement, may make a proper assessment for said years has expired; now, therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Time for
assessing
railroad
property
extended.

1. That the time within which assessments may be made by the State Board of Assessors, pursuant to law, upon the real estate used for railroad or canal purposes in each taxing district in this State, separately valued and assessed under the provisions of subdivision two (2) of section three (3) of said act, for the years one thousand nine hundred and six and one thousand nine hundred and seven, be and the same is hereby extended for a period of three months from the date of the approval of this act; and said board are hereby authorized and required to make such assessments forthwith; that the said State Board of Assessors shall meet on a day to be fixed by them, not later than twenty days after the making of said assessments, of which immediate notice shall be given by the said board to the companies affected thereby, for the purpose of reviewing their said assessments, and may adjourn from time to time until they have finished the hearing; that not more than

Assessments
made imme-
diately.

Review of
assessments.

twenty days shall be spent by said board in said review, and the amount of taxes payable by each company shall be due and payable into the State treasury on or before the fifteenth day after the time limited for the review by said board of said assessments.

2. The said board shall certify the amount of said assessments to the Comptroller in the manner required by the act to which this is a supplement, and the same remedy shall exist for the collection of said taxes as now exists in reference to assessments made in other years, and it shall the duty of the proper officials forthwith to distribute the taxes so as aforesaid collected to the local municipalities in the manner now required by law.

Comptroller notified.

Remedy for collection of taxes.

3. The State Board, in making said assessments, shall adopt and use the rate of taxation that prevailed for the years one thousand nine hundred and six and one thousand nine hundred and seven, respectively, in the several taxing districts in which said property so to be assessed by them for said years is located.

Rate of taxation.

4. Any company or corporation which shall have paid, before the passage of this act, the tax for either of said years under an assessment made upon said property by the local assessors, pursuant to the provisions of chapter two hundred and eighty of the laws of one thousand nine hundred and six, shall be relieved from liability to pay the assessment herein authorized by proving such payment to have been made to the satisfaction of the State Board of Assessors during the time herein authorized for the review of said assessments.

Relief from assessments.

5. No company or corporation shall be permitted to review any of the assessments herein provided for by certiorari without first paying to the State Treasurer a sum equal to the amount of taxes assessed against said property for the year one thousand nine hundred and five.

Deposit to secure review.

6. Any municipality claiming to be aggrieved by said assessments may have the same remedies to review the same that now exist in favor of such municipalities for similar assessments for other years.

Municipalities have right to review assessments.

7. This act shall take effect immediately.

Approved March 4, 1908.

CHAPTER 7.

An Act to incorporate the borough of Ramsey, in the county of Bergen.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Corporate
name.

1. The inhabitants of that portion of the township of Hohokus, in the county of Bergen, hereinafter set forth are hereby constituted and declared to be a body corporate in fact and in law by the name of "The Borough of Ramsey," and shall be governed by the general laws of this State relating to boroughs.

Boundary of
portion of
Hohokus
township set
off as borough
of Ramsey.

2. The boundaries of said borough shall be as follows: Beginning at the northeast corner of lands of Edward Smith, at the northwest corner of lands of John J. DeBaun, and in the line of the borough of Upper Saddle River, and running from thence (1) along lands of the said John J. DeBaun south fifty-nine degrees and thirty minutes east four hundred and seventy-three and nine-tenths feet to a small brook; thence (2) along said brook upstream to the southwest corners of lands of James Carlough; thence (3) along the lands of the said Carlough and the west line of said borough of Upper Saddle River north fourteen degrees and fifty minutes east eight hundred and one and nine-tenths feet to lands of David H. Pulis; thence (4) along the lands of the said Pulis north sixty-four degrees and forty minutes west eight hundred and twenty-three feet to the centre of the Masonicus road; thence (5) through the same south fourteen degrees west one hundred and fifty-seven and one-tenth feet; thence (6) along lands of said David H. Pulis and others north seventy-two degrees and thirty minutes west sixteen hundred and sixty-three and two-tenths feet to a brook; thence (7) along the same upstream to a stake on lands of David Fisher; thence (8) north sixty-one degrees and thirty minutes west ten hundred and three and

two-tenths feet to a pear tree on lands of the said Fisher on the east side of the public road; thence (9) north fifty-six degrees and thirty minutes west thirteen hundred and fifty-seven and six-tenths feet to the northwest corner of lands of George Ackerson and in the middle of the public road leading from the Franklin turnpike to Airmont; thence (10) over lands of M. B. De Yoe north sixty-nine degrees and fifteen minutes west eleven hundred and twenty-two feet to the northeast corner of lands of D. E. Murphy; thence (11) along the north line of the lands of said Murphy north eighty-eight degrees west three hundred and eighty-six and one-tenth feet; thence (12) still along lands of said Murphy north eighty-six degrees and thirty minutes west four hundred and fifty-four and one-tenth feet to the centre of the Franklin turnpike; thence (13) north eighty-six degrees and thirty minutes west over lands of Jacob Crouter, Thomas Banta, Amos Shuart and James Davidson twenty-two hundred and sixty-three and eight-tenths feet to the centre of the public road known as the Island road; thence (14) north eighty-six degrees and thirty minutes west over lands of Exeter Machine Company and Peter D. Ramsey and along the north side of the barrack on lands of said Ramsey twenty-four hundred and fifty-five and two-tenths feet to a small brook; thence (15) up the stream and along the east bank of said brook to the centre of the public road leading from the residence of Peter D. Ramsey to the Ridge road; thence (16) upstream along the east bank of said brook to its source; thence (17) south nineteen degrees and thirty minutes west two hundred and seventy-five and two-tenths feet over lands formerly of Henry Splinter; thence (18) south fifteen degrees and fifteen minutes west four hundred and forty-six and two-tenths feet over lands of Edwin F. Carpenter; thence (19) over lands of said Carpenter and others south eighty-three degrees and forty-five minutes west twenty-two hundred and ninety-five feet to the point of intersection of the centre line of the Ridge road with the centre line of the public road leading from Ramsey to Darlington; thence (20) through the last mentioned road north

seventy-six degrees west four hundred and seventy-four and five-tenths feet; thence (21) south twelve degrees and thirty minutes west fourteen hundred and eighty-seven and six-tenths feet over lands formerly of William E. Conklin to a point on the east side of a pond known as Conklin's pond; thence (22) along the east side of said pond and brook upstream over the estate of Albert W. Conklin, lands of Robinson, Payne, Sturr and others to the fork of said brook; thence (23) following the east branch of said brook to a spring at its source; thence (24) south fourteen degrees and thirty minutes east three hundred and seventy-two and nine-tenths feet; thence (25) south forty-three degrees and fifteen minutes east five hundred and ninety-four feet; thence (26) south sixty-three degrees and forty-five minutes east one hundred and eighty-two and two-tenths feet; thence (27) south sixty-six degrees and thirty minutes east five hundred and ninety-two feet; thence (28) south sixty-four degrees and fifteen minutes east four hundred and sixty-six feet to the centre line of the public road leading from Ramsey to Campgaw; thence (29) through the same south sixty-nine degrees and forty-five minutes east one hundred and eighty-five and five-tenths feet; thence (30) through the public road leading easterly from the last mentioned road south thirty-four degrees east four hundred and fifty feet; thence (31) through the same south forty-five degrees and forty-five minutes east two hundred and ninety-four and four-tenths feet; thence (32) through the same south twelve degrees and thirty minutes west four hundred and twenty-six and four-tenths feet; thence (33) through the same south sixty-five degrees and thirty minutes east four hundred and sixty-two feet; thence (34) through the same south seventy-two degrees and twenty-five minutes east two hundred and sixty-eight and six-tenths feet; thence (35) through the same south sixty-five degrees and thirty minutes east one hundred and sixty-three feet to the centre of the public road leading from Ramsey to Wyckoff; thence (36) along the south line of lands of Schlehenried and over lands of others south sixty-five

degrees and thirty minutes east thirty-four hundred and forty-eight and five-tenths feet to the middle of the Hohokus brook and the west line of the borough of Allendale; thence (37) upstream through the middle of said brook and along the west line of said borough of Allendale to the northwest corner of the same; thence (38) along the northerly line of said borough of Allendale to a point where the same is intersected by the easterly line of the township of Hohokus; and thence (39) along the said easterly line of the township of Hohokus (being also the westerly line of the township of Orvil, and the westerly and northerly lines of the borough of Upper Saddle River) to the point or place of beginning.

3. This act shall take effect immediately.

Approved March 10, 1908.

CHAPTER 8.

A Supplement to an act entitled "An act making appropriations for the support of the State government, and for several public purposes, for the fiscal year ending October thirty-first, one thousand nine hundred and eight," approved June fifteenth, nineteen hundred and seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The following sum, or so much thereof as may be necessary, be and the same is hereby appropriated out of the State funds for the purpose of making repairs to the buildings of the New Jersey Reformatory, to wit:

Appropriation
for repairs to
Rahway
Reformatory.

To the New Jersey Reformatory, to repair the copper dome, to place the roof of the centre building in a water-tight condition, and to place on the present plaster ceiling of the dome a ceiling of sheet metal, the design

Amount. to be approved by the State Architect, four thousand dollars.

2. This act shall take effect immediately.

Approved March 10, 1908.

CHAPTER 9.

An Act to incorporate the borough of Roseland, in the county of Essex.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Corporate name.

1. The inhabitants of that portion of the township of Livingston, in the county of Essex, contained within the limits hereinafter set forth, are hereby constituted and declared to be a body politic and corporate in fact and in law by the name of the borough of Roseland, and shall be governed by the general laws of this State relating to boroughs.

2. The territorial limits of said borough shall be as follows:

Boundary of portion of Livingston township set off as borough of Roseland.

Beginning at a point at the intersection of Eagle Rock avenue and Canoe brook, known as the northeast corner of Livingston township; thence running westerly along the southerly line of the borough of Essex Fells, and along the southerly line of the borough of West Caldwell, to the Passaic river, a point known as the northwest corner of Livingston township; thence running southerly along the line of the Passaic river to the southerly line of land belonging to Simeon Harrison's estate, a point to be known as the southwest corner of the borough of Roseland; thence running easterly along the southerly line of land of Simeon Harrison's estate to the centre line of Beaufort avenue; thence running southerly along the centre line of Beaufort avenue to the southerly line of Lambert Speer's land; thence running easterly along the southerly line of Lambert Speer's land and along the southerly line of land of Ezra Tomp-

kins' estate to a corner; thence running northerly along the easterly line of Ezra Tompkins' estate to a corner; thence running easterly along the southerly line of John Klem's land and along the southerly line of Eugene Underhill's land to a corner; thence running northerly along the easterly line of Eugene Underhill's land to the centre line of Locust avenue; thence running southerly along the centre line of Locust avenue to North Midway avenue; thence running easterly along the southerly line of John Roll's land and along the southerly line of land of Rufus F. Harrison's estate to a corner; thence running northerly along the easterly line of Rufus F. Harrison's estate to a corner; thence running easterly along the southerly line of Frederick Wolf's land, and along the southerly line of Frederick Sipple's land, along the southerly line of land of Conrad Sipple's estate to the centre line of Laurel avenue; thence running northerly along the centre line of Laurel avenue to the northerly line of land of Henry Heather's estate; thence running easterly along the northerly line of Henry Heather's land to a point in the West Orange line, said point to be known as the southeast corner of the borough of Roseland; thence running northerly along the West Orange line to the place of beginning.

3. This act shall not become operative until the provisions of this act shall be submitted to the voters of the territory comprehended by the aforementioned borough limits at a special election and approved by a majority of the voters voting at such election upon the question of the approval or disapproval of said act, and said act shall be submitted to the voters in accordance with the provision of the general election law regulating the method of submitting legislative acts with other questions at special elections.

Referendum.

4. The first election of officers in and for said borough of Roseland shall be held within thirty days after this act shall have been approved by a majority of the voters voting as aforesaid (if approved), and notice thereof shall be given by the clerk of said township of Livingston, in the county of Essex aforesaid; said notice shall be published in the Newark Evening News eight days prior to said election, and shall also be posted for

Provisions for first election.

the same length of time in five of the most public places in the territory hereinbefore described, and the said election shall be held in the manner now prescribed for the election of borough officials.

5. This act shall take effect immediately.

Approved March 10, 1908.

CHAPTER 10.

A Supplement to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in cities of this State, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subjected to future taxation and assessment," passed March thirtieth, eighteen hundred and eighty-six.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Evidence of
transfer of
land in cases
where records
are destroyed.

1. In case of the destruction by fire or otherwise of the public tax records or of the records in the office of the city clerk of any city, or in case of the loss of the records of both said offices, any certificate of the sale of lands in said city for unpaid taxes or assessments or any deed made by any officer of such city under and by virtue of the act to which this is a supplement and of the various acts amendatory thereof and supplementary thereto, shall be taken as conclusive evidence, in any of the courts of this State, as to the truth of any fact recited therein in regard to the tax or assessment for which said land was sold or said deed given, or in regard to the publication or service of any notice required to be made by the act to which this is a supplement, or by any of the acts amendatory thereof or sup-

plementary thereto; *provided, however,* that such certificate of sale or such deed shall have been made before the destruction of any such record. Proviso.

2. This act shall take effect immediately.

Approved March 10, 1908.

CHAPTER II.

An Act to incorporate the borough of Red Bank in the county of Monmouth.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The inhabitants of that portion of the county of Monmouth hereinafter set forth, are hereby constituted and declared to be a body corporate in fact and in law by the name of "The Borough of Red Bank," and as such shall be governed by the general laws of this State relating to boroughs. Corporate name.

2. The boundaries of said borough shall be as follows:

Beginning at a monument planted at ordinary high water mark on the south shore of the North Shrewsbury river, in the county of Monmouth, which monument is distant one mile easterly in a straight line from the northwest corner of Maple avenue, where it ends at the original shore of the river, near Allen's dock. Said beginning point being north forty-seven degrees and forty minutes east three hundred and twenty-five feet from a marble monument, marking the northwest corner of the division line of lands of Francis White and lands formerly the Boyd estate. Said beginning point being also south thirty-six degrees and forty-five minutes west one hundred and forty-one and six-tenths feet from a marble monument marking the northeast corner of the Boyd estate and Tyson's land. Running thence southerly, westerly and northerly on a curved line, describing a part of a true circle, the Boundaries of borough of Red Bank.

radius of which is one mile, and the pivot or center point thereof is the said northwest corner of Maple avenue; said curved line being now marked by monuments at East Front street, Prospect avenue, Tower Hill avenue, Spring street and Branch avenue, also crossing the center line of the New York and Long Branch railroad in the center of Broad street, also crossing Shrewsbury avenue at a monument standing on the west side thereof at a point two hundred and sixty-three feet northerly from the north side of the Newman Springs road; thence continuing northwesterly still on said curved line, until it intersects the boundary line between Shrewsbury and Middletown townships in the middle of said river at or near the range of the center line of Beach street continued westward; thence northerly and easterly down said river, following the boundary line between said townships to a point where the tangent of said curve from the beginning point, produced northerly, intersects said boundary line; thence from said intersection southerly on said tangent to the place of beginning.

3. This act shall take effect immediately.
Approved March 10, 1908.

CHAPTER 12.

A Supplement to an act entitled "An act making appropriations for the support of the State Government, and for several public purposes for the fiscal year ending October thirty-first, one thousand nine hundred and eight," approved June fifteenth, one thousand nine hundred and seven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Additional
appropriation
for soldiers'
home at
Vineland.

1. The following sum, or so much thereof as may be necessary, be and the same is hereby appropriated out of the State fund for the following purpose:

To the Board of Managers of the New Jersey Home for Disabled Soldiers, Sailors, Marines and their Wives, for the erection of a separate boiler house, and the installation therein of all necessary boilers and machinery for the heating and lighting of all of the buildings of said Home, the sum of twenty thousand dollars. Amount.

2. This act shall take effect immediately.

Approved March 16, 1908.

CHAPTER 13.

An Act to enable boards of chosen freeholders to raise the moneys required for the purchase or improvement of toll or turnpike roads.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Whenever the board of chosen freeholders of any county shall agree or shall have agreed to purchase any toll or turnpike road, or shall take or shall have taken proceedings to condemn the same and to ascertain the price to be paid to the owners thereof, as provided by law, or shall enter or shall have entered into a contract for the resurfacing, or otherwise improving the same, said board may raise the moneys required for said purposes by the issuance and sale of its corporate bonds. Said bonds shall bear interest at a rate of not over five per centum per annum, shall be payable within thirty years, and shall be sold at not less than the par value thereof, and when so issued the full faith and credit of the county shall be pledged for the repayment of the same. Bond issue for purchase and improvement of turnpikes.

Rate; term.

2. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately. Repealer.

Approved March 16, 1908.

CHAPTER 14.

A Supplement to an act entitled "An act making appropriations for the support of the State government and for several public purposes for the fiscal year ending October thirty-first, one thousand nine hundred and eight," approved June fifteenth, one thousand nine hundred and seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Appropriation
for distrib-
ing State
publications.

1. The following sum, or so much thereof as may be necessary, be and the same is hereby appropriated out of the State fund for the following purpose, viz.:

To the State House Commission, for the purpose of carrying out the provisions of chapter one hundred and fifty-four of the laws of one thousand nine hundred and seven, five hundred dollars.

2. This act shall take effect immediately.

Approved March 16, 1908.

CHAPTER 15.

An Act to establish a Department of Inland Waterways.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Department
of waterways.
Objects.

1. There shall hereafter exist a department of the government of this State which shall be known as the Department of Inland Waterways, whose powers and duties shall be as follows:

Routes of
existing
waterways.

(1) To investigate and report annually to the Governor the routes of the existing inland waterways of

this State, the depth of water therein and the use thereof by traffic of business or pleasure, and the advisability and possibility of increasing the use thereof, together with the reasons therefor, by extension or improvement.

(2) To recommend by said report, after such survey as may be rendered possible by appropriation for such purpose, the construction of such additional inland waterways as are best calculated to promote the interests of the people of this State, either by deepening natural streams or channels or the construction of artificial channels or both.

Additional
routes.

(3) To make or have made such surveys as may hereafter be authorized.

Surveys.

(4) To maintain, improve and repair the existing inland waterways of this State and to construct and maintain such additional waterways as may be authorized and constructed, by appropriation hereafter, and make and enforce proper rules and regulations for the use of the same.

Maintain,
construct,
etc.

2. The Department of Inland Waterways shall consist of a Commissioner of Inland Waterways, who shall be appointed by the Governor, with the advice and consent of the Senate, and who shall hold office for a term of five years and until his successor shall qualify. He shall receive an annual salary of two thousand dollars, payable monthly. He shall be allowed such clerical force and assistants as may be proper and necessary, to be appointed by himself, with the approval of the Governor, and paid by appropriation for such purpose.

Commis-
sioner.

Salary.
Assistance.

3. The Department of Inland Waterways shall have offices allotted for its use in the Capitol building at Trenton.

Office.

4. This act shall take effect immediately.
Approved March 17, 1908.

CHAPTER 16.

A Supplement to an act entitled "An act to regulate elections" (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Registers
kept five
years and
then sold as
waste.

1. All register of voters or register books which are required to be filed with the county clerks of the various counties of this State, by and under the above-stated act, shall be preserved by such county clerks for a period of five years after the holding of the general election at which they were used, and thereafter shall be sold by such county clerks as waste paper, the proceeds to be paid into the county treasury.

Sale of past
files.

2. This act shall also authorize the several county clerks to sell all register books, or register of voters, which have been on file five years previous to the passage of this act, the proceeds to be paid into the county treasury.

3. This act shall take effect immediately.

Approved March 17, 1908.

CHAPTER 17.

An Act to amend an act entitled "A supplement to an act entitled 'An act for the punishment of crimes (Revision of 1898),' approved June fourteenth, one thousand eight hundred and ninety-eight," approved March twenty-ninth, one thousand nine hundred and four.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Section
amended.

1. Section one of an act entitled "A supplement to an act entitled 'An act for the punishment of crimes (Re-

vision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight," approved March twenty-ninth, one thousand nine hundred and four, be and the same hereby is amended so as to read as follows:

1. Hereafter no person shall furnish cigarettes or cigarette paper, or tobacco in the form commonly known as cigarettes, by sale, gift, acting as agent, or otherwise, to any minor under the age of eighteen years, and any person so offending shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding fifty dollars (\$50), or imprisonment in the jail of the county where said violation was committed for a term not exceeding three months, or both, at the discretion of the court before which such offender or offenders shall be convicted.
 2. All acts and parts of acts inconsistent herewith are hereby repealed.
 3. This act shall take effect immediately.
- Approved March 17, 1908.

Furnishing cigarettes to minors a misdemeanor.

CHAPTER 18.

An Act to provide for the equipment and furnishing of the Armory of the First Troop Cavalry National Guard of New Jersey, and making an appropriation therefor.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The sum of four thousand dollars (\$4,000) or so much thereof as may be necessary, is hereby appropriated for the equipment and furnishing of the Armory of the First Troop Cavalry National Guard of New Jersey, situated at Newark, the said sum or so much thereof as may be necessary for the said purpose to be disbursed by and under the direction of the State Mil-

Appropriation for furnishing cavalry armory in Newark.

itary Board, and the said sum of money or so much thereof as may be necessary for the purpose aforesaid, to be paid by the State Treasurer out of any funds in his hands not otherwise appropriated on the warrant of the Comptroller, upon requisition of the State Military Board, approved by the Governor.

2. This act shall take effect immediately.

Approved March 18, 1908.

CHAPTER 19.

An Act to authorize counties, cities, towns, townships, boroughs, villages, school districts, committees, commissions, and all other municipalities of this State to fix the rate of interest on bonds hereafter issued pursuant to the authority of any general or special law or laws of this State at not exceeding five per centum per annum.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Rate of interest on bonds.

1. The rate of interest on bonds hereafter issued by counties, cities, towns, townships, boroughs, villages, school districts, committees, commissions, and all other municipalities of this State, pursuant to the authority of any general or special law or laws of this State, shall be such rate as may be determined by the board or body issuing the same not exceeding five per centum per annum, anything in any special or general law to the contrary notwithstanding; *provided, however,* that nothing in this act contained shall be taken to repeal, amend or otherwise effect any law or laws of this State authorizing counties, cities, towns, townships, boroughs, villages, school districts, committees, commissions, or other municipalities to issue bonds bearing interest at a higher rate than five (5) per centum per annum.

Proviso.

2. All acts and parts of acts, general or special, inconsistent with the provisions of this act are hereby repealed. Repealer.
 3. This act shall take effect immediately.
- Approved March 18, 1908.

CHAPTER 20.

A Supplement to an act entitled "An act relating to the Court of Common Pleas (Revision of 1900)," approved March twenty-third, nineteen hundred.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. In any county now or hereafter having by any State or Federal census, four hundred thousand or more inhabitants, the Governor is authorized whenever in his judgment the public interest shall so require, to appoint by and with the advice and consent of the Senate, an additional judge of the court of common pleas, who shall serve for the same term and receive the same salary as is now provided by law for the judge of said court in the county in and for which he is so appointed. Additional judge in first-class counties.
2. Whenever there shall be two judges of the court of common pleas in any county, said judges sitting together, or either of them sitting alone, or each of them sitting separately at the same time shall constitute and may hold the court of common pleas, the orphans' court, the court of quarter sessions, the court of special sessions and the court for the trial of juvenile offenders; and said judges when sitting together, or either of them when sitting alone, or each of them when sitting separately at the same time shall have and possess the same powers, authority and jurisdiction as is now vested in the existing judge of said courts; each of said judges shall have the same power to hold the court of oyer and terminer and circuit court as is now conferred by statute on the existing judge of the court of common pleas; Term; salary.

Judges may sit together or separately.

Powers, etc.

President
judge.

whenever the said judges shall sit together, the senior judge in service shall be the president judge of said court; and any power or authority now conferred by statute on the judge of the court of common pleas in any proceeding or matter, may be exercised by either of said judges.

Statutes
applicable.

3. All existing statutes relating to the court of common pleas, the orphans' court, court of quarter sessions, court of special sessions and court for the trial of juvenile offenders shall apply to each of said courts when so held at the same time by said judges sitting separately, and the duties of the clerk, the sheriff, constables and other officers shall be the same in each of said courts so held at the same time as now provided by law in the existing courts when held by the existing judge of the court of common pleas.

State to pay
county when
circuit court
held.

4. Whenever the said judges, or either of them, shall hold the circuit court of any county, they shall not receive for such service any compensation or allowance in addition to their annual salary, but the Treasurer of the State shall pay to the collector of the county in and for which they were appointed for the use of the county, the sum of twenty dollars for each day either of them shall hold any circuit court.

5. This act shall take effect immediately.

Approved March 20, 1908.

CHAPTER 21.

An Act to amend an act entitled, "An act respecting the Court of Chancery (Revision of 1902)."

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Section 92
amended.

1. Section 92 of the act to which this is amendatory is hereby amended so as to read as follows:

Fees for
searches in
partition.

92. It shall be lawful in any action in the Court of Chancery for the partition and sale of lands, or for the

foreclosure of any mortgage, for the Clerk to tax as a part of the taxable costs in favor of the complainant in said action any and all such legal fees and charges as may have been necessarily paid or incurred for or in behalf of said party in procuring searches against or in relation to the title of the mortgaged premises or lands sought to be partitioned or sold in said action, which fees or charges shall be ascertained in such way as the Chancellor may direct, and in said taxed bill of costs there shall be included all such legal fees and charges as may have been necessarily incurred for searches for unpaid taxes or municipal liens, and other searches required to enable the officer making public sale of any property to insert in his notices and advertisements of sale required by law and in his conditions of sale a description of the estate or interest to be sold and of the defects in title and liens or encumbrances thereon, as authorized by law.

Included in
taxed bill of
costs.

2. This act shall take effect immediately.
Passed March 20, 1908,

CHAPTER 22.

An Act to amend an act approved March fourteenth, eighteen hundred and ninety-five, entitled "A further supplement to an act entitled 'An act regulating the expenses for the observance of Decoration Day,' approved April twenty-eighth, one thousand eight hundred and eighty-six."

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

I. Section one of the act to which this is an amendment is hereby amended so as to read as follows:

Section
amended.

I. The township committee, board of finance or other governing body of any township, town, village or bor-

Governing
body may
make appro-
priation.

ough in this State having control of the finances of said township, town, village or borough, are hereby empowered to appropriate a sum not exceeding one hundred dollars for the observance of Decoration Day, said appropriation to be paid by the disbursing officer of such municipality to the Grand Army Post having jurisdiction over the territory of such township, town, village or borough.

2. This act shall take effect immediately.

Approved March 24, 1908.

CHAPTER 23.

An Act to amend an act entitled "A Supplement to an act entitled 'An Act for the punishment of crimes (Revision of 1898)', approved the fourteenth day of June, one thousand eight hundred and ninety-eight," which supplement was approved October twenty-eight, one thousand nine hundred and seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Section
amended.

1. Section One of the act of which this is amendatory is hereby amended to read as follows:

Expenditures
over \$1,000
by contract.

1. Save when otherwise ordered, in writing, by the State House Commission, no contract or agreement for the construction of any building or buildings, for the making of any alterations, extensions or repairs thereto for the doing of any work or labor, or for the furnishing of any goods, chattels, supplies or materials of any kind whatsoever, the cost or contract price whereof is to be paid with State funds and shall exceed the sum of one thousand dollars, shall be awarded, made or entered into by the board of managers or board of trustees of any State institution, or by any State department or commission, or by any person or per-

sons whomsoever acting for or on behalf of the State, without first having publicly advertised for bids upon the same, according to the specifications to be furnished to, or for the inspection of prospective bidders, by the board of managers or board of trustees of any State institution, or by the State department or commission, or by the person or persons acting for or on behalf of the State, authorized to procure the same; which advertisement shall be inserted in three or more newspapers once each week for at least three weeks successively next before the time fixed for receiving bids, two of which newspapers shall be printed and published in the county wherein such building or buildings are to be built, such alterations, extensions or repairs made, such work or labor done, or such goods, chattels, supplies or materials furnished, and one of which newspapers shall be printed and published in the City of Trenton, in this State, and which advertisements shall designate the time and place when and where sealed proposals, which shall be required to be accompanied in each case with cash or a certified check for at least ten per centum of the amount of the bid, will be received and publicly opened and read; at which time and place the contract shall be awarded to the lowest responsible bidder, subject to the execution by him of a proper contract or agreement and the furnishing by him, within a reasonable time, of a bond to the State of New Jersey in double the amount of his bid, with satisfactory security, conditioned for the faithful performance of his contract or agreement; any person or persons authorizing, consenting to, making, or procuring to be made, any contract or agreement in violation of any of the provisions hereof, or making or procuring to be made any payment of State funds for or on account of any contract or agreement made or entered into in violation of any of the provisions hereof, shall be guilty of a misdemeanor.

Advertisement.

Bond for performance of contract.

2. This act shall take effect immediately.

Approved March 25, 1908.

CHAPTER 24.

A Supplement to an act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary, and the orphans' court and surrogates. (Revision one thousand eight hundred and ninety-eight.)" Approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Fee for probating will and filing inventory.

Proviso.

Filing inventory only on request.

1. Whenever it shall appear that the estate, real and personal, of any testator, intestate, minor or ward, does not exceed two hundred dollars the fees upon proceedings for probate of a will, administration or guardianship up to and including the letters issued and copies of said letters, as well as the fees of filing and recording an inventory, shall be one-half of the fees heretofore allowed by law, and, whenever it shall appear that such estate does not exceed one hundred dollars, then such fees shall be one-third of those heretofore allowed; *provided, however*, if it shall afterwards appear in any case that the value of the estate, real and personal, exceeds or exceeded two hundred dollars, then the said estate shall be liable for and pay the balance of the fees that would have been collected had no deduction been made under the provisions of this act.

2. The surrogate in such cases shall not be required, except upon the written request of some person interested in the estate, to report to the orphans' court the failure of any executor, administrator, guardian or trustee, to file an inventory, or to make an accounting of the state which has come to his hands, within the time and in the manner directed by the act to which this is a supplement.

3. This act shall take effect immediately.

Approved March 25, 1908.

CHAPTER 25.

An Act to repeal an act entitled "An act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employes, and to authorize the creation of a State board of arbitration," approved March twenty-fourth, one thousand eight hundred and ninety-two.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The act entitled "An act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employes, and to authorize the creation of a State board of arbitration," approved March twenty-fourth, one thousand eight hundred and ninety-two, and all acts amendatory thereof and supplementary thereto, be and the same are hereby repealed.

State board
of arbitration
abolished.

2. This act shall take effect immediately.

Approved March 25, 1908.

CHAPTER 26.

Supplement to an act entitled "An act providing for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five, providing for the sprinkling of the streets, avenues, highways and public places, or portions thereof, with water, oil or other liquids to preserve the same and to lay the dust.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The town council of every town organized under the act to which this is a supplement is hereby authorized

Towns may
sprinkle
streets, etc.

and empowered by ordinance to provide for the sprinkling with water, oil or other liquid the surface of any street, avenue, highway or public place in such town or portion thereof, for the purpose of preserving the surface of said street, avenue, highway and public place, and of laying the dust thereof.

Proviso. *Provided, however,* that before the final passage of any such ordinance public notice shall be given of the consideration thereof on final passage by publication in the official paper of the town by at least one insertion one week before the meeting at which said ordinance shall be finally considered and adopted.

Proviso. *And provided further,* that if at such meeting there shall be presented a protest in writing, signed by the owners of at least fifty per centum (50%) of the real estate fronting on such street, avenue, highway or public street, or portion thereof to be sprinkled, such ordinance shall not be adopted by the town council.

Sprinkling done by contract. 2. The sprinkling of any street, avenue, highway or public place, or portion thereof, authorized by ordinance passed under the provisions of this act shall be done by contract and the cost thereof shall be ascertained and certified by the town council by resolution to the board of assessment of such town on or before the first day of November in each year, which board of assessment shall assess upon the land and real estate fronting on such street, avenue, highway or public place, or portion thereof, such part of the cost of such sprinkling as may represent the special benefits conferred upon such land and real estate by said work.

Notice of intended assessment. It shall be the duty of the board of assessment to give notice by publication in the official newspaper of the town by at least one insertion one week before their meeting of the time and place at which they will meet, consider and determine the assessments to be made hereunder, which meeting may be adjourned from time to time but not beyond the first day of December in each year.

Notification of, and collection by, town collector. The board of assessment shall on or before the first day of December in each year certify to the collector of the town the amounts assessed against the lands and real

estate benefited by such street sprinkling, and which amount shall be payable on the twentieth day of December of each year and shall be collected by the town collector in the same manner as the taxes for the current year shall be collected by him, and shall be and remain a lien upon such lands and real estate until paid.

3. To defray the cost of such street sprinkling, the town council is authorized to appropriate any moneys raised for the purpose of the maintenance and repair of streets, or any unexpended balances, and if no such money is available is authorized to borrow the necessary money upon temporary obligations of the town.

Town may
borrow tem-
porarily.

4. This act shall take effect immediately.

Approved March 25, 1908.

CHAPTER 27.

Supplement to an act entitled "An act providing for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five, and providing for the licensing and regulating of junkmen, rag pickers and distributors of advertisements and circulars.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. No person shall conduct the business of a junkman, rag picker or distributor of advertisements or circulars in towns organized under the act to which this is a supplement, without first having obtained a license therefor.

Junkmen,
etc., licensed.

2. The license herein provided for shall be issued under such conditions and regulations as the Town Council may from time to time by ordinance prescribe, and upon payment of a license fee, to be fixed by ordinance, not exceeding ten dollars (\$10.00) per annum.

Fee.

3. This act shall take effect immediately.

Approved March 25, 1908.

CHAPTER 28.

An Act to amend an act entitled "An act for the construction, maintenance and operation of water works for the purpose of supplying cities, towns and villages of this State with water," approved April twenty-first one thousand eight hundred and seventy-six.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Section 10
amended.

1. The tenth section of the act entitled "An act for the construction, maintenance and operation of water works for the purpose of supplying cities, towns and villages of this State with water," approved April twenty-first, one thousand eight hundred and seventy-six, be and hereby is amended so as to read as follows:

Capital may
be increased.

10. The amount of the capital stock shall be fixed by the company, but may be increased by a vote of the stockholders at any annual meeting, or at any special meeting; *provided*, that notice in writing of such special meeting and the object thereof shall be mailed to each stockholder of record at his post-office address at least ten days prior to the holding of such special meeting, and such capital stock shall be divided into shares of not more than one hundred dollars each.

Proviso;
notice to
stockholders.

2. This act shall take effect immediately.

Approved March 25, 1908.

CHAPTER 29.

An Act to amend an act entitled "A further supplement to the act entitled 'An act for the construction, maintenance and operation of water works, for the purpose of supplying cities, towns and villages with water,' " approved April twenty-first, one thousand eight hundred and seventy-six, which further supplement was approved March twenty-third, one thousand eight hundred and eighty-three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section one of the act to which this is an amendment is hereby amended so as to read as follows:

Section 1
amended.

1. Every company organized under the act to which this is a supplement may make and issue bonds, with or without coupons attached, bearing interest not exceeding six per centum per annum, to borrow money or to secure any indebtedness created by them, and sell, exchange or otherwise dispose of the same; and such bonds and the interest thereon may be secured by mortgage or mortgages given or executed to a trustee or trustees for the use of the bondholders, upon the corporate franchises, real and personal estate, and all other property of such company or any part thereof; *provided, however*, that no such corporation shall issue, sell and deliver its bonds, notes or obligations of any character, except in return for cash, to the extent of at least eighty per centum of the face value of said securities issued, or for property of an actual cash value of at least eighty per centum of the face value of the securities issued in payment thereof.

May issue
bonds.

Proviso.

2. This act shall take effect immediately.

Approved March 25, 1908.

CHAPTER 30.

A Supplement to an act entitled "An act making appropriations for the support of the State government and for several public purposes for the fiscal year ending October twenty-first, one thousand nine hundred and eight," approved June fifteenth, one thousand nine hundred and seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Appropriation relative to fish in Delaware river, and pollution of river.

1. The following sum, or so much thereof as may be necessary, be and the same is hereby appropriated out of the State fund for the following purpose:

To the commission created by the joint resolution entitled "Joint resolution providing for the creation of a commission to co-operate with the authorities of the States of Pennsylvania and New York in regard to the propagation, protection and catching of fish in the Delaware river, and to inquire into any causes of pollution of the waters of said river, and to recommend legislation in regard to such propagation, protection and catching of fish in the Delaware river, and to obviate the pollution thereof," in order to enable said commission to carry out the object and purpose of said resolution, two thousand dollars.

Amount.

2. This act shall take effect immediately.

Approved March 25, 1908.

CHAPTER 31.

A Supplement to an act entitled "A general act relating to boroughs (Revision of 1897.)"

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. It shall be lawful for the borough council to issue a certificate or certificates of indebtedness to run for a period not exceeding five years, to bear interest at a rate not exceeding six per centum per annum, and to an amount not exceeding ten thousand dollars for making repairs to the borough hall or municipal building, and to an amount not exceeding twelve thousand dollars for the purchase of a building or for the purchase of land and the erection of a suitable building thereon, for the use of the borough fire department.

Council may
issue certi-
ficates of
indebtedness.

Amount.

Purpose.

2. This act shall take effect immediately.

Approved March 25, 1908.

CHAPTER 32.

An Act to further amend an act entitled "An act relating to the Court of Common Pleas (Revision of 1900)," approved March twenty-third, one thousand nine hundred, which act was amended by an act approved March thirty-first, one thousand nine hundred and two, and further amended by an act approved June twenty-second, one thousand nine hundred and six, and further amended by an act approved June eleventh, one thousand nine hundred and seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Section sixteen of the act to which this is an amendment be and the same is hereby amended so as to read as follows:

Section 16
amended.

Salary of
county
judges.

How paid.

Proviso.

Proviso.

Act how
construed.

16. The annual salary of the judges of said court in counties containing more than two hundred thousand inhabitants shall be seven thousand five hundred dollars; in counties having between one hundred and fifty thousand and two hundred thousand inhabitants, six thousand five hundred dollars; in counties having between one hundred thousand and one hundred and fifty thousand inhabitants, six thousand dollars; in counties having between eighty thousand and one hundred thousand inhabitants, four thousand dollars; in counties having between seventy thousand and eighty thousand inhabitants, three thousand five hundred dollars; in counties having between thirty-five thousand and seventy thousand inhabitants, three thousand dollars; in counties having less than thirty-five thousand inhabitants, one thousand eight hundred dollars. Such salaries shall be paid by the collector, or treasurer of the respective counties in equal monthly payments, and shall be in lieu of all fees and compensations whatsoever for the service of said judges in the Courts of Common Pleas, Orphans' Court, Courts of Oyer and Terminer, Quarter Sessions, and all other services required to be performed by said judges by virtue of their offices. Such salaries shall be determined and paid upon the basis of population shown by the latest State or national census promulgated, without regard to the date of appointment of such judge; *provided*, such judge shall consent thereto in writing, filed in the office of the county clerk; and *provided*, that this act shall only apply to those judges of the Court of Common Pleas whose term of office shall hereafter commence, or to those now in office, who shall file their assent in writing, under their hands, to this act in the office of the county clerk of the county for which they are appointed; and all fees which at any time heretofore were paid to or divided among the judges, or paid to any judge of the Court of Common Pleas, are hereby abolished, and shall not hereafter be taxed or collected.

2. This act shall not be interpreted or construed as repealing or affecting the provisions of chapter one hundred and forty-nine of the laws of one thousand nine hundred, or of chapter two hundred and forty-two of

the laws of one thousand nine hundred and three, or of chapter one hundred and eight of the laws of one thousand nine hundred and four, or of chapter one hundred and forty-one of the laws of one thousand nine hundred and five.

3. This act shall take effect immediately.

Approved March 25, 1908.

CHAPTER 33.

An act to repeal acts authorizing cities of this State to purchase lands and erect suitable buildings for city purposes, and to sell lands and buildings now used for such purposes; and to preserve, continue and validate obligations contracted under said acts.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The act entitled "An act to authorize cities in this State to purchase lands and erect suitable buildings for city purposes, and to sell lands and buildings now used for such purposes," approved April seventeenth, one thousand nine hundred and three, is hereby repealed. Act repealed.

2. An act entitled "A supplement to an act entitled 'An act to authorize cities in this State to purchase lands and erect suitable buildings for city purposes, and to sell lands and buildings now used for such purposes,' which supplement was approved March fourteenth, one thousand nine hundred and seven," is hereby repealed. Act repealed.

3. All bonds which have been issued and sold, and all debts, contracts and obligations which, in the exercise of authority conferred by the acts hereby repealed or either of them have been made or entered into in the corporate name, or in behalf of, any city of this State, shall be and continue valid and binding and are hereby fully validated against such city in its proper corporate capacity. Certain bonds and obligations validated.

4. This act shall take effect immediately.

Approved March 27, 1908.

CHAPTER 34.

An Act to authorize cities in this State to acquire lands, by agreement with the owner or owners or by condemnation, and erect and furnish suitable buildings, for city purposes, and to provide the methods, means and funds therefor, including the right to sell lands and buildings now used for such purposes, the proceeds of such sale to be used toward paying for the lands so acquired and erecting and furnishing such new buildings.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Council may
provide by
resolution
for city hall.

Building
commission.

Bond.

Vacancies.

1. Whenever in any city in this State the common council, board of aldermen, or other governing body having charge or control of the finances of said city, shall adopt a resolution declaring the city hall in use for city offices of said city to be inadequate and unsuitable for city purposes, or in any city in which there is no city hall, a resolution declaring that the public good requires that a city hall should be provided, a city building commission shall be constituted in such city, consisting of three commissioners, residents of said city, who shall be selected and appointed by such common council, board of aldermen or other governing body having charge of the finances of said city, and said commissioners, when so appointed shall continue in office until the city hall herein provided for shall have been completed and furnished ready for occupancy; and each of said commissioners before entering upon his duties, shall give bond for the proper performance of his duties in the penal sum of ten thousand dollars. If any vacancy shall occur by death, resignation, removal from the city, or other cause, such vacancy shall be filled by the appointment of a new commis-

sioner by the said common council, board of aldermen or other governing body having charge of the finances of said city. Each of said commissioners shall receive compensation for his services at the rate of one hundred dollars per month during his term of service.

Compensation.

2. The said commission shall have power to acquire for and in the proper corporate name of said city by good and sufficient deeds, lands which in the judgment of said commission are, either alone or with such lands as may have been heretofore acquired for the same purpose, suitable for, and to erect upon the lands acquired or lands to be acquired, or on both, such building or buildings as in its judgment would be adequate and suitable for the use of the city officers and for the transaction of the public business of the said city, and to furnish the same ready for occupancy and use by said city officers. Such power to acquire lands shall include the right to purchase in each instance at such price as is agreed to by the owner or owners of the land or interest or interests therein and, in the judgment of the commission, is fair and reasonable, and, if the commission cannot agree with such owner or owners the power to acquire shall include the right to condemn and take in the proper corporate name of said city such land or lands and all interests therein for the uses herein prescribed upon compensation therefor ascertained and paid or tendered, as provided in an act of the Legislature of this State entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use," (Revision of 1900), approved March twentieth, one thousand nine hundred. Said commission shall have the power to employ counsel and architects and incur any proper and necessary expenses in carrying out the provisions of this act.

Acquire land by purchase or condemnation.

Assistants and expenses.

3. All money required for the payment of the cost of said lands and for the cost of labor and materials for the construction and furnishing of said building or buildings, and for all other proper and necessary expenses, shall be paid on the order of the said commission to its treasurer by the city treasurer, out of any

Payments.

funds, which shall be raised in the manner hereinafter authorized.

Bond issue.

Amount.

Time.

Rate.

Sinking fund.

Issue of temporary loan bonds on property not needed.

Amount.

4. It shall be lawful for the common council, board of aldermen or other governing body having charge of the finances of such city, by resolution, to appropriate such sum of money, which shall not exceed six hundred thousand dollars, as they, the said governing body, in their discretion shall determine, for the payment for said lands and the erection and furnishing of said city hall, and said necessary expenses, and to borrow the money so appropriated, pursuant to the provisions of this act, and may issue bonds of such city to the amount so appropriated and may negotiate and sell the same at any sum not less than par; and the money so raised by the sale of the said bonds shall be turned over to the treasurer of said commission upon the order of said commission as aforesaid, to be used by it for the purposes provided for in this act, and for no other purpose whatever; said bonds so to be issued shall be made payable in not less than twenty nor more than thirty years, shall bear interest at a rate not greater than four and a half per centum per annum payable semi-annually, and may be registered or coupon bonds, or may be registered and coupon bonds combined, at the option of the said city, and there shall be raised by taxes each year, the interest on the whole amount of the bonds so issued, together with at least three per centum per annum for the purpose of a sinking fund, to be paid to the commissioners of the sinking fund of said city, for the purpose of meeting the said bonds as they become due.

5. For the purposes of this act when the governing body having charge of the finances of said city determines that any public ground or grounds and building or buildings thereon, belonging to the said city, may safely be spared, or are not needed for public use, it shall be lawful for said governing body, upon the request of said commission, to issue temporary loan bonds (bearing interest at a rate not greater than five per centum per annum), to an amount not exceeding ninety per centum of the appraised value of such public ground or grounds and building or buildings, or any part thereof,

the proceeds from which shall be paid into the treasury of said city and by said city treasurer paid to the treasurer of said commission upon its order to be used by it as herein provided.

Proceeds.

6. Before the issuing of any of the bonds mentioned in section five of this act, the said commission shall ascertain the value of such ground or grounds and building or buildings thereon, and shall fix the same by resolution, which valuation, when so fixed, shall be the appraised value, referred to in the preceding section of this act, of such ground or grounds and building or buildings, and upon such appraised valuation the said last mentioned bonds shall be issued as aforesaid.

Commission to ascertain value of property.

7. For the purpose of this act, the said commission shall have power to sell at public sale, after due advertisement of not less than two weeks in the official papers of said city, and after such adjournments of the sale as the bidding thereof shall in the judgment of the commission require for the best interests of said city, such public ground or grounds and any building or buildings thereon or connected therewith, the property of the said city, as the said governing body shall by resolution have determined as aforesaid may safely be spared or not needed for public use, and the mayor or common council, board of aldermen or other governing body having charge of the finances of the said city, shall, in case of such sale, give a good and sufficient title therefor, or such title as the city may possess; and if any bonds have been issued pursuant to section five of this act the proceeds of such sale shall be used only for the redemption thereof until all of them have been paid and retired; and in case no bonds have been issued as provided in said section five hereof then the proceeds of such sale shall be paid by the city treasurer to the treasurer of said commission as provided in section four hereof for the proceeds of bonds; and with the proceeds of bonds, or of bonds and properties, paid to the commission as aforesaid, it shall acquire the lands and erect and furnish the city hall building or buildings as herein provided.

Sale of property not needed.

Proceeds of sale.

Proceeds of bonds and properties.

8. This act shall take effect immediately.

Approved March 27, 1908.

CHAPTER 35.

An act to amend an act entitled "An Act to authorize the formation of canal companies and to regulate the same," approved March ninth, one thousand eight hundred and seventy-seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Section 1
amended.

1. Section one of the act entitled "An act to authorize the formation of canal companies and to regulate the same," approved March ninth, one thousand eight hundred and seventy-seven, shall be amended so the same shall read:

Formation
of canal
company.

1. That any person or persons, not less than seven, may form a company for the purpose of constructing, maintaining and operating a canal for the purpose of transportation of goods, merchandise or passengers upon water; 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 or points from and to which the said canal is to be constructed, and the name of the county or counties in this State through or in or into which it is made or intended to be made, the amount of capital stock of the company, which shall not be less than ten thousand dollars for every mile, or fraction thereof, of said canal 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 seven directors of the company, a 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 to said capital stock shall subscribe 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

Capital per
mile.

Subscribers.

section and section five of this act, such articles of association may 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 subscribed such articles of association shall be a corporation by the name specified in 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" (Revision of 1896), and the several supplements thereto, shall have power:

Powers of
corporation.

I. To cause such examination and surveys for its proposed canal 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 responsibility for all damages which shall be done thereto;

Surveys.

II. To purchase, hold and use all such real estate and other property as may be necessary in the construction, operation and maintenance of said canal, necessary for the full and free enjoyment of said canal;

Acquire
property.

III. To construct said canal, as hereby provided, and to take such land as may be necessary therefor within the limits hereinafter provided;

Construct
canal.

IV. To use and let to others to use said canal and to charge tolls;

Use; tolls.

V. To do any other act necessary for the full and free use and enjoyment by any such canal company of the franchises hereby granted.

Other rights.

2. This act shall take effect immediately.

Approved March 27, 1908.

CHAPTER 36.

An Act to amend an act entitled "An act to authorize the formation of canal companies and to regulate the same," approved March ninth, one thousand eight hundred and seventy-seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Section 10
amended.

I. Section ten of the act entitled "An act to authorize the formation of canal companies and to regulate the same," approved March ninth, one thousand eight hundred and seventy-seven, be amended so the same shall read:

Width.

10. That any canal constructed under the provisions of this act shall not exceed two hundred and fifty feet in width, unless more land shall be required for the slopes of cuts and embankments; and it shall be lawful for 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 said canal and of locating the same, doing no unnecessary injury to private or other property, and within such limitations as have been hereinbefore provided. And when the route or routes of such canal shall have been determined upon, and survey of such route or routes, location or locations deposited in the office of the Secretary of State, then it shall be lawful for every corporation formed under this act, upon payment or tender of such compensation as is hereinafter provided, by its officers, agents, engineers, superintendents, workmen and other persons in their employ, to construct, maintain and operate a canal between the points named in the articles of association, commencing at or within and extending within, to or into any town or village named as the place of the termini of such canal, and for that purpose to enter upon, take possession of,

Right of
entry on
lands, etc.,
for exploring,
etc.

Routes and
surveys filed
with Secretary
of State.

have, hold, use, occupy, possess and enjoy, and to excavate and dig out any lands and dredge out any waters, 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, repairs or management of said canal; and the construction, completion, repairs and management of said works, buildings and structures hereinbefore mentioned, and for the conveyance of freight and passengers to and from the terminus of said canal, and on the land of said company adjacent to said canal by steam or other motive power; and for the construction, completion and repairs of such other works as may be hereinafter mentioned; and it shall be lawful for said company, its officers, agents, engineers, superintendents, workmen and other persons in their employ at any time to enter upon and take possession of, have, hold, use and occupy all and singular such waters and streams as may be useful for said canal, subject to such compensation as is hereafter directed; *provided, however*, that no property now used by canals already constructed and in operation in this State shall be taken, nor shall any canal be cut into or in any way interfered with, unless the consent of the companies by whom said canals are maintained and operated shall be first had and obtained; *and provided also*, that the payment or tender of payment of all damages for the occupancy of all lands, whether covered by water or not, through, under or upon which the said canal and its conveniences, appurtenances, appendages, works and structures adjacent to said canal may be laid out or located or constructed, 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 purpose of surveying and laying out said canal and its conveniences, appurtenances and appendages, and the works and structures on lands of the company adjacent to said canal, and of locating the same unless the consent of the owner or owners of such land be first had and obtained.

Excavations,
embank-
ments, etc.

Right of
entry for
possession.

Proviso.

Proviso.

2. This act shall take effect immediately.
Approved, March 27, 1908.

CHAPTER 37.

An Act to provide for the purchase of a digest of certain law and Chancery reports of this State.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Purchase of
digest.

1. The State House Commission be and it is hereby directed, authorized and empowered to purchase of Mackay and Newman, the authors thereof, five hundred copies of Mackay & Newman's New Jersey Digest," and upon their being delivered to said State House Commission, well bound in good law sheep, shall pay therefor seven dollars and fifty cents (\$7.50) per copy, and the State Treasurer shall be and is hereby authorized to pay for the said copies, upon proper warrant of the State Comptroller.

Price.

Disposition
of copies.

2. That said copies shall be distributed in the same manner as the law and equity reports are now required to be distributed, and one copy to each member of the present Legislature.

Passed March 30, 1908.

CHAPTER 38.

An Act to amend an act entitled "An act relative to the State house and adjacent public grounds," passed May twenty-fifth, one thousand eight hundred and ninety-four.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Section
amended.

1. Section one of the act of which this act is amendatory be and the same is hereby amended to read as follows:

1. It shall be the duty of the Governor, Treasurer and Comptroller of this State to take general charge of the care and safekeeping of the State Capitol, the property contained therein and the adjacent public grounds; and for this purpose they shall have power to appoint a custodian of the Capitol and adjacent grounds, who shall hold his appointment at the pleasure of the said Governor, Treasurer and Comptroller, and who shall be paid monthly such compensation as the said Governor, Treasurer and Comptroller shall fix; *provided*, that such compensation shall not exceed three thousand five hundred dollars per annum. Custodian of capitol.
Compensation.
2. This act shall take effect immediately.
Passed March 30, 1908.

CHAPTER 39.

An Act to amend an act entitled "An act concerning savings banks," approved May second, one thousand nine hundred and six.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Section two of the act entitled "An act concerning savings banks," approved May second, one thousand nine hundred and six, be and is hereby amended so as to read as follows: Section 2 amended.
2. Any number of persons not less than nine, may associate themselves for the purpose of organizing a savings bank, in accordance with the provisions of this act; but at least a majority of such persons shall reside in the county where the proposed bank is to be located, and shall be freeholders in this State. How formed.
2. Section seventeen of said act entitled "An act concerning savings banks," approved May second, one thousand nine hundred and six, be and is hereby amended so as to read as follows: Section 17 amended.

Increase or
decrease of
number of
managers.

17. Any savings bank may, from time to time, by resolution of its board of managers, increase the number of its managers to any number not more than fifteen, or reduce the same to any number not less than nine, of whom at least a majority shall reside in the county where said bank is located, and shall be freeholders in this State.

3. This act shall take effect immediately.
Approved March 30, 1908.

CHAPTER 40.

An Act to amend an act entitled "An act to amend an act entitled 'An act to regulate elections' (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight," approved April fifteenth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section 178
amended.

1. Section one hundred and seventy-eight of the above entitled act shall be and the same is hereby amended to read as follows:

Compensation
of election
officers in
cities exceed-
ing 30,000.

178. The compensation of each member of the boards of registry and election for all services performed by them under the provisions of this act shall be as follows: In cities having a population exceeding thirty thousand, for each registry day five dollars, and for each election day, including the counting of the votes and the delivery of the returns and ballot-box with the contents to the municipal clerk, ten dollars; in all other cities, towns and other municipalities the compensation for such members shall be as follows: for each registry day three dollars, and for the election day, including the counting of the votes and the delivery of the returns and the ballot-box, seven dollars; and for all such services in connection with the general election or any special election held in and for the whole county, such compensation shall be twenty dollars in districts where the number of registered voters is not more than one

Other mu-
nicipalities.

hundred and fifty, twenty-five dollars in districts where the number of registered voters is more than one hundred and fifty and not more than three hundred, and thirty dollars in districts where the number of registered voters is more than three hundred, the said sum to be paid by the county collector; *provided, however,* that whenever the registration of voters for any local or charter election shall be held at the same time, in the same place, and by the same board of registration and election as that for any general or special election in and for the whole county, and whenever any such local or charter election shall be held at the same time, in the same place and by the same board of registration and election as that for any general or special election held in and for the whole county, then and in that case the members of the said board of registration and election shall not be entitled to the compensation first above provided for, but shall only be entitled to the compensation as is provided for in connection with the general election or any special election in and for the whole county; said sum to be paid by the county collector, which is to be in lieu of all other fees and charges whatsoever.

Proviso.

2. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Repealer.

Passed March 31, 1908.

CHAPTER 41.

A Supplement to an act entitled "An act regulating the receipt and disbursements of State moneys in certain cases," approved October thirty-first, nineteen hundred and seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. All moneys heretofore or hereafter paid into the State Treasury by the several State institutions and commissions under the provisions of an act entitled "An act regulating the receipt and disbursements of State

Moneys paid into treasury by State institutions to be used for such institutions.

moneys in certain cases," approved October thirty-first, nineteen hundred and seven, are hereby appropriated for the maintenance of the institutions and commissions so paying; and the same may be withdrawn from the Treasury of the State in the manner prescribed by the act to which this act is supplementary, and all moneys heretofore withdrawn for such purpose, and in such manner, are hereby approved, and no payment herein authorized need be inserted in any general appropriation bill.

Repealer.

2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect immediately.

Approved March 31, 1908.

CHAPTER 42

An Act to amend an act entitled "A supplement to an act entitled 'An act relative to the compensation of prosecutors of the pleas in certain counties in this State,' approved March sixth, one thousand nine hundred," which supplementary act was approved March second, one thousand nine hundred and four.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Section amended.

1. Section one of the act to which this is an amendment, be amended and read as follows:

Salary of prosecutor in certain counties.

1. Wherever the population of any county bordering on the Atlantic Ocean in this State, as ascertained by any State or federal census, is more than fifty thousand, and not more than sixty-five thousand, the prosecutor of the pleas of such county shall receive an annual salary of four thousand dollars; such salary shall be payable in monthly instalments in lieu of all fees and allowances, which fees shall be paid into the county treasury.

Repealer.

2. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect immediately.

Approved March 31, 1908.

CHAPTER 43.

An Act to amend an act entitled "An act concerning railroads," approved April fourteenth, one thousand nine hundred and three.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Section forty be and the same is hereby amended to read as follows:

Section 40
amended.

40. The Governor, Chancellor, Vice-Chancellors, the Justices of the Supreme Court and the judges of the Court of Errors and Appeals, judges of the Circuit Court, Attorney-General, Secretary of State, State Treasurer, Deputy State Treasurer, State Comptroller, Deputy State Comptroller, clerk in Chancery, deputy clerk in Chancery, clerk of the Supreme Court, deputy clerk of the Supreme Court, Adjutant-General, Quartermaster-General, the secretary to the Governor, the executive clerk, clerk to the school fund, State Librarian, Custodian and Assistant Custodian of the State Capitol, State Prison Keeper, Supervisor of State Prison, State Superintendent of Public Schools, Commissioner of Banking and Insurance, Commissioner of Charities and Corrections, State Geologist, Commissioner of Public Roads, Commissioner of Motor Vehicles, Chief of the Bureau of Labor Statistics, Deputy Chief of the Bureau of Labor Statistics, Commissioner of Labor, the members and clerk of the State Board of Equalization of Taxes, the members and secretaries of the State Board of Assessors, and the Board of Railroad Commissioners, its secretary and inspectors (when appointed), the members of the State Water Supply Commission, its secretary and engineer; the members of the Public Utilities Commission, its secretary and inspectors (when appointed); the members of the Civil Service

State officials
entitled to
free transportation.

Commission (when appointed), the members and officers of both houses of the Legislature of this State, and the members of Congress and United States Senators, during their various respective terms of office, shall pass and re-pass free of charge on all railroads now or hereafter operated in this State.

2. This act shall take effect immediately.

Approved April 1, 1908.

CHAPTER 44.

A Further Supplement to an act entitled "An act relative to the government and management of the insane asylums or hospitals owned by the State of New Jersey," approved March eleventh, one thousand eight hundred and ninety-three, which supplement was approved April ninth, one thousand nine hundred and two.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Appropriations available monthly.

1. All moneys appropriated for the maintenance of the indigent and convict insane, and for the State Home for Boys, the State Home for Girls and the Home for Feeble-Minded Women at Vineland, in this State, in accordance with said acts, shall be available monthly for the payment of the bills of said insane asylums or hospitals and homes.

Repealer.

2. All acts and parts of act inconsistent with the provisions of this act are hereby repealed.

3. This act shall take effect immediately.

Approved April 1, 1908.

CHAPTER 45.

A Further Supplement to an act entitled "An act for the punishment of crimes (Revision of 1898)," approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Any person who shall, in public or private, advocate, by speech, writing, printing, drawing, or by any other method, the death of any person, or who shall, in public or private, by speech, writing, printing, drawing, or by any other method, threaten to take or to procure the taking of the life of any person, shall be guilty of a high misdemeanor, and punished by imprisonment at hard labor for a term of not exceeding fifteen years or by a fine not exceeding five thousand dollars, or both, at the discretion of the court.

Penalty for threatening to take life.

2. Nothing herein contained shall be construed to repeal or limit any of the provisions of an act entitled "A supplement to an act entitled 'An act for the punishment of crimes (Revision of 1898),' approved June fourteenth, one thousand eight hundred and ninety-eight," which said supplement was approved April third, one thousand nine hundred and two.

Construction of act.

3. This act shall take effect immediately.

Approved April 1, 1908.

CHAPTER 46.

A Supplement to an act entitled "A General Act relating to boroughs" (Revision of 1897), approved April twenty-fourth, one thousand eight hundred and ninety-seven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Providing for
surface drain-
ing improved
roads and
streets.

1. Whenever, in the judgment of the council of any borough of this State, it is necessary to construct a drain for surface water for the joint purpose of draining one or more improved roads of the county in which such borough is situate, and one or more roads or streets of said borough, and the Board of Chosen Freeholders of the said county in which said borough is situate shall have approved the plans for such proposed drain and shall have appropriated a specific sum towards the construction of such drain, with the proviso that such drain shall be constructed by said borough, and that said borough shall pay the balance of the cost of the same, then and in such case the said council may, by ordinance or resolution, cause such drain for surface water to be constructed, and may provide for the payment of the balance of the cost of the same by the appropriation of any money remaining in the borough treasury unpledged at the end of the preceding fiscal year; provided that the amount of money in the borough treasury unpledged at the end of such preceding fiscal year shall be sufficient for such purpose.

2. This act shall take effect immediately.

Approved April 1, 1908.

CHAPTER 47.

A Further Supplement to an act entitled "An act for the government and regulation of the State Prison," passed April twenty-first, one thousand eight hundred and seventy-six.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Upon the examination for removal of any prisoner from the State Prison to either of the State hospitals for the insane, there shall be paid out of the Treasury of the State, on the warrant of the Comptroller, on bills approved by the judge of the circuit court of Mercer county, to each physician called to give evidence concerning the insanity of said prisoner, the sum of ten dollars.
 2. This act shall take effect immediately.
- Approved April 1, 1908.

Physician's
compensa-
tion for ex-
amining
insane
convicts.

CHAPTER 48.

An Act to enable villages to construct or purchase suitable plants, works, and machinery for supplying gas or electric lights for public and private use and for the maintenance and operation thereof.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Any village in this State be and it is hereby authorized to construct or purchase suitable plants, works and machinery for supplying gas or electric lights for public and private use and for the maintenance thereof.

Village light-
ing plants.

Recommend
to voters the
raising
money.

2. For the purpose of carrying out the provisions of this act the governing body of any village shall have power by resolution to recommend to the electors thereof that the money be raised which may be necessary to purchase any existing gas or electric light plant established and in operation within its limits; or, in the same manner, to recommend that the money be raised which may be necessary to construct a gas or electric light plant, including the purchase of the necessary land for a site and the machinery for the proper installation of the plant.

May acquire
existing light-
ing plants.

3. It shall be lawful for such governing body to purchase of any person or persons or corporation owning a gas or electric light plant within such village, which said person or persons or corporation is hereby authorized to sell and convey, all the real estate, personal property and works, and all the corporate rights, powers, franchises and privileges of such person or persons or corporations for such sum, not exceeding the fair value thereof, as may be mutually agreed upon between the said village and the said person or persons or corporation owning the same, and upon due execution of the conveyance therefor the said real estate, personal property, works, corporate rights, powers, franchises and privileges shall pass to and vest in the said village in as full and ample manner as the same theretofore have been held and enjoyed by the said person or persons or corporation. Said governing body may, in the name of the village, purchase, take, hold, enjoy, convey and dispose of all real and personal estate connected therewith as may be necessary for the purpose of carrying out the provisions of this act, and may construct and maintain buildings, works, conduits, pole lines, machinery and appliances of every kind that may be necessary and useful for such purposes, and may construct conduits, set poles, string wires and set lights on any avenue, road, railroad, highway, street, lane or alley within the said village.

May purchase
or dispose as
necessary.

Work done
by contract
after due
notice.

4. The building and construction of a gas or electric light plant for the use of any village adopting the provisions of this act shall be by contract wherever the expenditure for any particular work and material shall

exceed the sum of one thousand dollars, and notice shall be given by the village clerk, by public advertisement in some newspaper published in such village, if a newspaper be published therein, and if not, then in some newspaper published in the county wherein such village is situate, so that ample time may be given for the reception of proposals therefor. Each contractor shall give bond, with ample security, to be approved by such governing body, for the faithful performance of the contract. All such bonds shall be executed to the village in its corporate name and deposited for safe keeping with the clerk of said village.

Contractor's
bond.

5. Such village shall have authority to furnish gas and electric light and power from the plant so owned by said village to individuals and corporations, and to other municipalities, and shall by ordinance establish such general rates of price and times of payment therefor as it may deem proper, and prescribe such rules, regulations, conditions and restrictions as to the use of the same as may, in its opinion, be necessary to prevent abuse and secure the village from any loss or damage by reason of the non-payment of its bills rendered or for any violation of the due observance of the rules, regulations, conditions and restrictions so prescribed as aforesaid.

May furnish
light and
power.

Rates and
regulations.

6. The village, upon such terms as it may deem reasonable and just, shall have power to employ proper persons in the management of the plant aforesaid and in the collection of the bills from private or other consumers of the product thereof.

Manage-
ment.

7. If any person or persons shall wilfully do, or cause to be done, any act whatsoever whereby the said plant or any of the machinery, poles, pole lines, lights or any other appliance or thing appertaining to the same shall be stopped, obstructed or injured, the person or persons so offending shall, upon conviction thereof, be punished by a fine not exceeding fifty dollars or imprisonment not exceeding ten days, at the discretion of the magistrate, justice of the peace or other officer before whom such conviction shall be had; and, in addition to the fine or imprisonment herein authorized, such officer may further try and determine, in the same manner and

Penalty for
damaging
plant.

Suit to recover
damage done.

under the same rules, laws and procedure fixed for the trial of civil causes, the issue of the damage sustained by said village by reason of injury, loss or damage so caused as aforesaid, and may give judgment against such offending person or persons liable for such loss or damage, and issue execution thereon as in other cases of damage before such magistrate, justice of the peace or other officer.

Bond issue.

Rate.

Time.

"Village
lighting
loan."

Village
treasurer to
keep "light
fund."

Balance over
expenses, how
used.

Sinking fund.

Commis-
sioners of
sinking fund.

8. To provide moneys necessary to carry this act into effect the governing body of such village may, from time to time, issue bonds of said village. These bonds shall bear a rate of interest not exceeding five per centum per annum, payable semi-annually, the principal thereof to be payable in thirty years from the date thereof, or sooner, at the option of the said village. It shall be the duty of the village to make sale of the bonds so issued as aforesaid at not less than their par value. The loan hereby authorized shall be called "the village lighting loan" of said village.

9. All moneys received from the sale of light and power shall be promptly paid over to the village treasurer, and be kept by him in a separate fund, to be known as the "light fund," and after the payment of all the expenses of the operation, management, maintenance, extension and repairs of the said plant, the balance shall be applied first to the payment of the interest upon the debt created for the purchase or construction of the said plant, and next for the purchase of the bonds issued therefor, if the same can be obtained at reasonable rates, or, if that cannot be effected, then to be safely invested and to remain as a sinking fund to be applied to the payment of the bonds at maturity.

The commissioners of said sinking fund shall be composed of the head officer of the village, the village treasurer and two commissioners who shall be appointed by the governing body of said village, and shall have the sole control and custody of such sinking fund. After the payment of all such bonds and interest the net proceeds of such plant shall be appropriated by such governing body to any purpose for which money may be raised by taxation in such village.

10. If the receipts derived from the plant are not sufficient to operate, manage, extend and keep the same in repair and pay the interest on the bonds issued therefor, the deficiency so arising shall be raised by taxation as other taxes are assessed, levied and collected; and it shall be the duty of the proper officers so to assess, levy and collect the same.

Any deficiency raised by taxation.

11. This act shall take effect immediately, but its provisions shall remain inoperative in any village in this State until assented to by a majority of the legal electors thereof voting at an election to be held in said village at any time, to be fixed by the governing body thereof, of which election the village clerk shall cause public notice of the time and place of holding the same, to be given by advertisements signed by himself, and set up in at least five public places in said village, and published in one or more newspapers of the village, or, if there be none, then of the county, at least ten days previous to the day of such election; and said clerk shall provide for each elector voting at such election, ballots, to be printed or written, or partly printed and partly written, on which shall be either the words "for the adoption for this village of the provisions of an act entitled 'An act to enable villages to construct or purchase suitable plants, works and machinery for supplying gas or electric lights for public and private use and for the maintenance and operation thereof;'" or the words "against the adoption for this village of the provisions of an act entitled 'An act to enable villages to construct or purchase suitable plants, works and machinery for supplying gas or electric lights for public and private use and for the maintenance and operation thereof.'" The polls for such election shall be held at the usual places of holding the annual charter election in said village, and shall be opened at one o'clock in the afternoon and closed at seven o'clock in the evening, and such election shall be conducted by the proper election officers of said village for the time then being, and such officers shall return to the governing body of said village a true and correct statement, in writing, under their hands, of the result of said election, the same to be entered at large upon the minutes of said body.

Referendum.

Notice of election.

Ballots.

Polling places.

Election, how conducted.

No official
interested in
contracts.

12. No member of the governing body of such village shall be interested, directly or indirectly, in any contract made by the village in pursuance of any of the provisions of this act.

Repealer.

13. All acts and parts of acts inconsistent with this act or any of the provisions hereof, be and the same are hereby repealed.

Approved April 1, 1908.

CHAPTER 49.

An Act to amend an act entitled "An act concerning District Courts (Revision of 1898)," approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section 1
amended.

1. Section one of the act to which this is an amendment is hereby amended so as to read as follows:

Present
District
Courts
to continue.

1. All District Courts now constituted and established by, under or in pursuance of any law of this State, shall continue in existence under the provisions of this act, and there shall hereafter be District Courts in the several cities and judicial districts of this State, as follows:

Apportion-
ment.

In cities having one hundred and fifty thousand inhabitants or over, two District Courts, to be called, respectively, the first and second District Courts of such cities; in cities having over seventeen thousand inhabitants and less than one hundred and fifty thousand inhabitants, one District Court, to be called the District Court of such city. In any judicial district, comprising one or more municipalities in the same county, other than cities entitled to a District Court or courts as above provided, and containing a combined population of not less than seventeen thousand inhabitants, which district shall be created and established only by a special act of the Leg-

Joint
municipal or
judicial Dis-
trict Courts.

islature, one District Court, to be called the District Court of the (number of district) judicial district of the county of (name of county), numbering the judicial districts of each county consecutively, as each may be incorporated as aforesaid.

2. Section six of the act to which this is an amendment is hereby amended so as to read as follows:

Section 6
amended.

6. The salaries of the judges of said courts shall be fixed as follows: In cities having two hundred thousand inhabitants or over, an annual salary of four thousand dollars; in cities having one hundred thousand inhabitants or over, an annual salary of three thousand dollars; in cities having between twenty-five thousand and one hundred thousand inhabitants, an annual salary of two thousand five hundred dollars; in cities having between twenty-three thousand and twenty-five thousand inhabitants, an annual salary of two thousand dollars, and in cities having between seventeen thousand and twenty-three thousand inhabitants, and in such judicial districts as may hereafter be established, an annual salary of twelve hundred dollars.

Salaries of
judges.

3. Section eight of the act to which this is an amendment is hereby amended so as to read as follows:

Section 8
amended.

8. The salaries of the clerks of said courts shall be fixed as follows: In cities having two hundred thousand inhabitants or over, an annual salary of two thousand dollars; in cities having one hundred thousand inhabitants or over, an annual salary of fifteen hundred dollars; in cities having between thirty-five thousand and one hundred thousand inhabitants, an annual salary of twelve hundred and fifty dollars; in cities having between twenty-three thousand and thirty-five thousand inhabitants, an annual salary of nine hundred dollars; in cities having between seventeen thousand and twenty-three thousand inhabitants, and in such judicial districts as may hereafter be established, an annual salary of six hundred dollars, which salaries of such clerks shall be in lieu of all other fees whatsoever.

Salaries of
clerks.

4. Section nine of the act to which this is an amendment is hereby amended so as to read as follows:

Section 9
amended.

9. The salaries of the judges and clerks of said courts shall be paid by the cities in which such courts are estab-

Payment of
salaries.

lished, and by the county collector of the counties in which any judicial district may be incorporated, in monthly installments, to be computed from the date of the appointment of such officers.

Section 10
amended.

5. Section ten of the act to which this is an amendment is hereby amended so as to read as follows:

Compensation
of
constables.

10. For their services the several constables shall receive from the clerk of the court the fees hereinafter provided, and one dollar per day for every day's actual attendance upon the sessions of the court, to be paid monthly by the cities in which such courts are established, or by the county collector of any county in which any judicial district may be established, unless a sergeant-at-arms, as hereinafter provided, be appointed by the judge, when no per diem fees shall be paid as above, to any constable of any such court having a sergeant-at-arms.

Section 12
amended.

6. Section twelve of the act to which this is an amendment is hereby amended so as to read as follows:

Term and
bond of ser-
geant-at-
arms.

12. Sergeant-at-arms so appointed shall hold office during the pleasure of the judges appointing them; before entering upon the discharge of their duties each sergeant-at-arms shall file in the office of the city clerk of the city, in which the District Court to which he is attached is located, or in the office of the clerk of the Board of Chosen Freeholders of the county in which the judicial district is located, a bond, with like condition, surety and penal sum as is required by law to be filed by constables, which bond shall, before being so filed, be approved as to form and sufficiency of surety by the judge making said appointment; *provided*, that nothing herein shall affect the term of office or any bond heretofore filed by any sergeant-at-arms, nor require any sergeant-at-arms heretofore appointed to file any new or additional bond.

Proviso.

Section 14
amended.

7. Section fourteen of the act to which this is an amendment is hereby amended so as to read as follows:

Suitable
accommoda-
tions.

14. The mayor and common council of each city where said courts may be established and in counties where any judicial district is established the Board of Chosen Freeholders of said county shall provide suitable rooms for the transaction of the business of said court or

courts and procure suitable furniture therefor, and such books, stationery, fuel and supplies as may be necessary.

The Board of Chosen Freeholders at the time required by law for making appropriations shall appropriate a sum sufficient to maintain each District Court in the judicial districts within the limits of the county for the fiscal year, and shall assess and collect a special tax in each judicial district established by law in said county, sufficient to meet and pay for the appropriation made by the said Board of Chosen Freeholders for that judicial district, in the same manner as other county taxes are assessed and collected in the municipalities comprising the district. All moneys paid under this act to the Board of Chosen Freeholders from any judicial district shall be placed to the credit of such district.

Special tax
levied for
maintenance.

8. Section fifteen of the act to which this is an amendment is hereby amended so as to read as follows:

Section 15
amended.

15. The judge of any District Court shall, before he enters on the execution of his office, take and subscribe the following oath, to wit:

Oath of
judge.

"I (A. B.) do solemnly promise and swear that I will administer justice without respect to persons, and faithfully and impartially perform all the duties incumbent on me as judge of District Court of the City of , (or of the judicial district of the county of), according to the best of my abilities and understanding, agreeably to the constitution and laws of the State of New Jersey, so help me God; and I do sincerely profess and swear that I do and will bear true faith and allegiance to the government established in this State, under the authority of the people, so help me God."

Which oath shall be administered by the clerk of the Inferior Court of Common Pleas of the county in which said courts may be established, or in his absence or refusal by any person authorized to administer an oath in this State, and same shall be filed in said clerk's office.

By whom
administered.

9. Section sixteen of the act to which this is an amendment is hereby amended to read as follows:

Section 16
amended.

16. The judges of said District Courts shall make such rules as may be necessary for the orderly conduct

Rules and
sittings of
court.

and business and proceedings of their said courts, respectively; the rules of said court shall be uniform in each county, and the judge of the District Court of any judicial district incorporated by act of the Legislature shall sit for the transaction of business of the said court at such places as may be established, and if more than one place shall be established, the said judge shall, before the first day of January in each year, make a calendar of the following year of the court days for the trial of causes at the several places so established, and shall publish the same before the said first day of each year for two weeks at least, once a week, in a newspaper printed and circulating in the judicial district.

Section 23
amended.

10. Section twenty-three of the act to which this is an amendment is hereby amended so as to read as follows:

Oath of
clerks.

23. The clerks of said courts shall, before they enter upon the execution of their respective offices, take and subscribe the following oath, to wit:

"I (A. B.) being appointed clerk of the District Court, of the city of _____, (or the judicial district of the county of _____), do solemnly promise and swear that I will truly and faithfully enter and record all the orders, judgments and proceedings of the said court; that I will justly and honestly keep the records, parchments, papers, writings and books to me committed and to be committed by virtue of my said office, and that I will faithfully and impartially perform all the duties of the said office according to the best of my abilities and understanding, so help me God," which oath shall be administered by the judge of the District Court appointing such clerk.

Section 24
amended.

11. Section twenty-four of the act to which this is an amendment is hereby amended to read as follows:

Bond of
clerks.

24. The clerk of each of said courts shall enter into bond to the State of New Jersey, with at least two good and sufficient sureties, being freeholders in the county where said court or courts may be established, in the sum of three thousand dollars, which bond, with the condition thereof, shall be in the form following, that is to say:

"Know all men by these presents, that we, A. B., C. D. and E. F., of the county of _____, are held and firmly bound unto the State of New Jersey in the sum of three thousand dollars, to be paid unto the State of New Jersey, to which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents; sealed with our seals and dated the _____ day of _____, in the year of our Lord one thousand nine hundred and _____. The condition of this obligation is such that if the above bounden A. B. shall well and truly execute the office of clerk of the District Court of the city of _____, in the county of _____, (or the judicial district of the county of _____), and in all things touching and concerning said office shall well and truly, faithfully and impartially execute and perform the same according to law, as well with respect to all persons concerned, as the State of New Jersey, and at the expiration of his said office shall deliver to his successor in office all the books, papers, records, writings remaining in the same, seal, moneys on deposit and other property of the court, or appertaining thereto, then this obligation to be void, otherwise to be and remain in full force and virtue." Such bond shall be approved by the judge of the Court of Common Pleas of the county where said courts may be established, and when so executed and approved shall, together with the oath or affirmation of office, duly taken and subscribed, be recorded in the office of the Secretary of State and filed in the same, to be by the said Secretary of State kept among the public papers of his office; and in case any person appointed clerk as aforesaid, before he shall enter into the security aforesaid, shall perform any of the duties required of him by law in said office, he shall, for such offense, forfeit and pay, for the use of the State, one hundred dollars, to be sued for and recovered in the name of the State, with costs of suit.

Form of
bond.Approval of
bond.Filed with
Secretary of
State.

12. Section twenty-six of the act to which this is an amendment is hereby amended to read as follows:

Section 26
amended.

26. The clerk of every District Court shall keep an accurate account of all fees, costs and moneys received by him, and of all fees, costs and moneys paid by him,

Duties of dis-
trict clerk.

in cases where he is required by this act to pay any moneys, and to whom paid, and he shall render detailed monthly statements to the treasurer of the city where said court may be established, or to the Board of Chosen Freeholders of any county in which the judicial district may be established, of such fees, costs, receipts and disbursements, and pay over to such treasurer or county collector of the county in which a judicial district is located, and in case of judicial districts the moneys received by the county collector shall be placed to the credit of the judicial district in which the same is collected, monthly, the balance remaining in his hands, except moneys held by him on deposit under the order of the court, and on the appointment and qualification of his successor turn over to him all writings, books, records, papers, moneys held on deposit, seal, and property in his custody pertaining to said court; and every clerk of said court, and his legal representatives, shall and may at all times after the said docket or dockets are delivered to his successor in office as aforesaid, have free access to the same without payment of any fees to the clerk therefor, to enable him to recover any costs which may be due the said city or county, as the case may be, thereon, and if any clerk of any District Court shall neglect or refuse to deliver his docket or dockets to his successors in office, in the manner by this act directed, he shall forfeit and pay the sum of three hundred dollars, to be recovered with costs, in any court of competent jurisdiction, which suit shall be brought by the city treasurer in the name and for the use of the city, or by the Board of Chosen Freeholders of the county in which any judicial district may be located, on the direction of the judge of said District Court.

Penalty for
not delivering
docket to
successor.

Section 29
amended.

Territorial
limits.

Section 31
amended.

13. Section twenty-nine of the act to which this is an amendment is hereby amended to read as follows:

29. The territorial jurisdiction of every District Court shall be coextensive with the limits of the county wherein the city or judicial district is situated, in which such District Court is established.

14. Section thirty-one of the act to which this is an amendment be hereby amended to read as follows:

31. No justice of the peace or small cause court shall have jurisdiction over any cause or proceedings cognizable before a District Court, where the defendant or defendants reside within any city or judicial district where a District Court is established, nor shall any justice of the peace, resident within the limits of any city or judicial district where a District Court is or may be established, exercise any civil jurisdiction whatever.

When justice of peace has no jurisdiction.

15. Section fifty-one of the act to which this is an amendment is hereby amended to read as follows:

Section 51 amended.

51. The warrant commanding the defendant to be arrested shall be returnable forthwith after service thereof; and the officer serving said warrant shall, according to the tenor thereof, forthwith convey the said defendant before the judge who issued the same, who shall thereupon, at his discretion, either cause the said defendant to enter into recognizance in the manner hereinafter mentioned, or, on neglect or refusal, shall command the said officer to convey the said defendant to the jail of the county, to be there detained in custody until time may be had for the hearing or trial of the cause, not exceeding three days from the time of the return of the said warrant, or such judge may direct the said officer to hold the said defendant in custody until the plaintiff shall be notified and have time to appear and proceed to such hearing or trial; and the officer who served the said warrant as aforesaid shall, on the oath of his office, endorse thereon the execution of the same and sign his name thereto; *provided*, if any person whatsoever shall be arrested by virtue of such warrant, it shall be lawful for the officer who served the same to permit the defendant to enter into bond to the plaintiff, with a good and sufficient freeholder, resident in the county, to the amount of the debt or damages and costs endorsed on the warrant, for his appearance on the day and hour mentioned in the bond, not more than eight days (excluding Sundays) from the service of the warrant; the bond to be entered into by the defendant shall be in the form and to the effect following, to wit:

Warrants returnable forthwith.

Defendant may enter recognizance.

Duty of officer.

Proviso.

"We, A. B. and C. D., do hereby acknowledge ourselves indebted to E. F. in the sum of to be paid

Form of bond.

to said E. F. on the following conditions: That if the said A. B. shall be and appear before the , the judge of the District Court of the city of , in the county of , (or the judicial district of the county of), on the day or , at o'clock noon, at the District Court in the city of , or of the judicial district of the county of aforesaid, and answer unto the complainant of the said E. F., then this bond to be void, or else to be and remain in full force and virtue. In witness whereof, we have hereunto set our hands and seals the day of , in the year of our Lord one thousand hundred and ; sealed and delivered in the presence of G. H.; signed A. B. and C. D.;" which bond the said officer is hereby ordered and directed, when taken, to deliver to the clerk, on the return of the warrant, to be by him filed for the use of the plaintiff, for which service the officer shall be entitled to thirty-five cents costs, to be paid by the defendant and not recoverable by him from the plaintiff; and in all cases the said officer shall attend at the said District Court on the day and hour mentioned in said bond, to be there and then ready to secure and take into his custody the said defendant, and if the said judge shall not be present at the usual place of holding trials, the said defendant shall be permitted to renew his bond, with sureties as aforesaid, for his appearance at some future day, not exceeding ten.

Bond filed.

Officer's fee.

Renewal of bond.

Section 52 amended.

Nature of recognizance.

Form of recognizances.

16. Section fifty-two of the act to which this is an amendment is hereby amended to read as follows:

52. The recognizance directed in the preceding section of this act shall be entered into by the defendant with at least one surety, having sufficient freehold and residing in the county, to the plaintiff in the said action, in the amount of the demand specified in the warrant, according to the effect and meaning of the following form:

"City of (or judicial district);
County of ;

"Whereas, A. B. hath been arrested and is now in custody, by virtue of a warrant issued out of the

District Court of the city of _____ (or the judicial district of the county of _____), at the suit of E. F., in an action of _____ for the sum of _____; now, be it remembered, that on the _____ day of _____, in the year of our Lord one thousand eight hundred and _____, the said A. B. and G. H., of the _____ of _____, in the county of _____, and State of New Jersey personally appeared before me, and jointly and severally acknowledged themselves to owe to the said E. F. the sum of _____, to be made and levied of their several goods and chattels, upon condition that if the said A. B. shall not appear on _____ day of _____ next, before the said court, or if he does appear and judgment is rendered against him in the said action, he shall pay the said judgment and the costs of said action, or surrender himself to the constable or sergeant-at-arms on the execution to be thereafter issued against him, and if he fails so to do, that he, the said G. H., will pay the said judgment and costs for him, or, in default thereof, suffer judgment to be rendered against him for the same.

"Acknowledged the day and year last above said, before me, C. D., the judge of the _____ District Court in and for the said city of _____, (or for the judicial district of the county of _____);" which recognizance shall be filed with the clerk of said court; and in case the judge of said court shall not attend or be present to take such recognizance, another judge of any District Court attending is hereby empowered to take the same for the benefit of the plaintiff in the suit.

Any judge of District Court may take recognizance.

17. Section fifty-four of the act to which this is an amendment is hereby amended to read as follows:

Section 54 amended.

54. Any clerk of said District Courts who shall sign his name to any blank summons or warrant, and allow any constable or other person to fill up the blank or blanks in the said process, without the special direction of the said clerk and in his presence, and shall afterwards issue the said process or suffer the same to be served, such clerk shall be deemed guilty of misbehavior in office, and shall forfeit and pay the sum of fifty dollars to be recovered in an action on contract by any person who shall prosecute for the same in any court having

Signing blank warrants or summons misbehavior.

Penalty.

New Jersey State Library

jurisdiction of the case, one-half for the use of the person suing and the other half for the city in which such court is established, or the Board of Chosen Freeholders of the county in which the judicial district may be located, and the service of any such process and any judgment or other proceedings afterwards had or taken thereon shall be void.

Section 56
amended.

18. Section fifty-six of the act to which this is an amendment is hereby amended to read as follows:

Failure to
obey sum-
mons.

56. Every person summoned as a juror, or subpoenaed as a witness, who shall not appear, or, appearing, shall refuse to serve or give evidence in any such action, shall forfeit and pay for every such default or refusal, unless some reasonable cause be assigned, such fine not exceeding fifty dollars, nor less than one dollar, as the judge shall think proper to impose, and in default of the payment of such fine shall be committed to the county jail of the county in which said court is established until such fine is paid, unless sooner discharged by order of the court, which fine, when collected, shall be paid over to the treasurer of the city, or county collector of the county in case of a judicial district, in which such court is established.

Penalty.

Section 67
amended.

19. Section sixty-seven of the act to which this is an amendment is hereby amended so as to read as follows:

References
may be
ordered upon
certain con-
ditions.

67. In every suit to be instituted before any judge of any District Court by virtue of this act, and in every appeal to be made before any Circuit Court, it shall and may be lawful for any judge of any District Court or Circuit Court, as the case may be, with the assent and at the request of the parties, to enter rules of reference of the matters in difference, to such person or persons as the parties shall choose, and to insert their agreement in their submission, or the condition of the bond or promise, whereby they oblige themselves respectively to submit to the award or umpirage of any person or persons; which agreement being so made and inserted in their submission or promise, or condition of their respective bonds, shall or may, upon producing an affidavit thereof, made by the witnesses thereunto, or any one of them, and reading and filing the said affidavit

Affidavit of
agreement
entered of
record.

in court, be entered of record in said court, and a rule shall thereupon be made by said court that the parties shall submit to and finally be concluded by the arbitration or umpirage which shall be made concerning them by the arbitrators or umpire pursuant to such submission; and in case of disobedience to such arbitration or umpirage, the party refusing or neglecting to perform and execute the same, or any part thereof, shall be subject to all the penalties of contemning a rule of court, when he is a suitor or defendant in such court, and the court, on motion, shall issue process accordingly, which process shall not be stopped or delayed in its execution by any order, rule, command or process of any other court, either of law or equity, unless it shall be made to appear, on oath or affirmation to such court, that such arbitrators or umpire misbehaved themselves, and that such award, arbitration or umpirage was procured by corruption or other undue means.

In case of disobedience to arbitration.

I. Any arbitration or umpirage procured by corruption or undue means shall be judged and esteemed void and of no effect, and accordingly be set aside by the court, so as complaint of such corruption or undue practice be made in the court where the rule is made for submission to such arbitration or umpirage.

When arbitration void.

II. Whenever a cause shall be referred by rule of court to referees, the report or award of such referees, or of the major part of them, if confirmed by the court, shall be final and conclude the parties; and if any sum be thereby found for the plaintiff or plaintiffs, judgment shall be entered and execution issued for the same with costs; and if the referees, or the major part of them report any sum to be due to the defendant or defendants, and the report be confirmed, then judgment shall be entered, and execution against the plaintiff or plaintiffs for the sum so reported to be due to such defendant or defendants, with costs.

Confirmed report of referee final.

III. In every cause referred by rule of court, each referee shall, before he proceeds to the business of the reference, take an oath of affirmation faithfully and fairly to hear and examine the cause in question, and

Oath of referee.

make a just and true report according to the best of his skill and understanding; which oath or affirmation any judge of any court of record of this state is hereby authorized and required to administer.

Oath of
arbitrator.

IV. In all cases of arbitration, every arbitrator shall, before he proceeds to the business submitted to him, take an oath or affirmation of the like nature with that hereinbefore prescribed to be taken by referees and to be administered in like manner.

Referee may
examine wit-
nesses under
oath.

V. In every cause referred by rule of court, process of subpoena may issue out of said court to convene witnesses before the referees, and the said witnesses shall be examined on oath or affirmation; which oath or affirmation the referees in the said cause are hereby authorized to administer; and there shall be allowed to every such referee one dollar for every day necessarily spent in the business of the reference, besides a reasonable allowance for his expenses, which in the first instance shall be paid by the prevailing party, and shall afterward be allowed to such party in the taxation of costs where costs are recoverable.

Compensa-
tion.

Subpoenas.

VI. In all cases of arbitration, it shall be lawful for any judge of any district court within the county wherein such arbitration may be to issue subpoena for witnesses, to appear before the arbitrator or arbitrators and for him or such arbitrator or arbitrators to swear or affirm such or any other witnesses before the same; and if any such witness does not appear when so subpoenaed or, if appearing, shall refuse to be subpoenaed or, if appearing, shall refuse to be sworn or affirmed and give evidence, he shall be liable to the same fines and penalties as he would be by laws for such default or refusal if committed in any court of record of this State.

Section 69
amended.

20. Section 69 of the act to which this is an amendment is hereby amended so as to read as follows:

Attachment
may issue
against ab-
sconding or
non-resident
debtor for
\$300.

69. If any creditor, his agent or attorney, shall make oath or affirmation either that he verily believes that his debtor absconds from his creditors, and is not to his knowledge or belief resident in this State at the time, or that the person against whose estate an attachment

is about to be issued, is not to the knowledge or belief of said creditor resident in this State at the time, and that he owes to said creditor a certain sum of money, specifying as nearly as he can the amount of the debt or balance, the clerk of any District Court of this State shall, and he is hereby required to, issue out of said District Court an attachment under his hand and the seal of said court, for any sum not exceeding three hundred dollars, directed to a constable, or a sergeant-at-arms, who shall execute the same in the following manner, that is to say: the officer to whom it is directed shall go to the house or lands of the defendant, or to the person or house of the person in whose custody or possession the defendant's property or estate may be, and then and there declare, in the presence of one credible person, at the least, that he attaches the rights and credits, moneys and effects, goods and chattels of such defendant, at the suit of the plaintiff in the said writ named; the property attached shall be inventoried, and appraised by the officer with the assistance of one disinterested person—and safely kept by the officer, and his inventory and appraisal shall be annexed to and returned with the writ, and such writ shall bind the property attached from the time of executing the same; and upon the return of such attachment the said judge of the District Court shall appoint a day for the hearing of the said cause, not less than twenty days from the issuing of the said writ; on or before which day so appointed the plaintiff in the said attachment shall file a copy of his account or state of demand, and if the creditor shall make sufficient proof of the debt due to him, the said court shall give judgment therein for the plaintiff and award execution thereon to the constable against the effects of the defendant, as in other cases cognizable before said court, but the effects of the defendant thereon taken shall not be sold in less than one month (unless the same are perishable) to the end that the debtor or his friend may redeem the same, and in the meantime the same shall be safely kept in such manner as the court shall direct, or the same may be disposed of if the situation of the property, the expenses

Writ, how
executed.

Property in-
ventoried.

Hearing.

State of
demand filed.

Sale of
effects.

of its care, or its nature shall require, whereupon, on the written order of the court, on application for that purpose, and filed with the clerk, execution shall issue immediately for the sale of the property attached.

Section 81
amended.

21. Section 81 of the act to which this is an amendment is hereby amended so as to read as follows :

Motion to
quash without
filing bond.

81. In all cases of an attachment hereafter issued by any District Court, when an affidavit shall be filed on behalf of the defendant, setting forth facts which would render said attachment illegal or void, it shall be the duty of said District Court, upon a motion to quash the writ of attachment, to try said facts without requiring the defendant to file a bond according to the requirements of this act, and to give judgment on said motion, provided notice of such motion, and a copy of the affidavit filed, shall have been served on the plaintiff in attachment, or his attorney.

Section 100
amended.

22. Section one hundred of the act to which this is an amendment is hereby amended to read as follows :

Clerk to
issue precept
on complaint
of lands, etc.,
forcibly de-
tained.

100. When complaint to any judge of any District Court in any county wherein the lands lie shall be made in writing and signed by the party grieved, his agent or attorney specifying the lands, tenements or other possessions so forcibly entered upon and detained, or forcibly or unlawfully detained, by whom and when done, and the estate therein, and shall be filed with the clerk of any District Court, it shall be the duty of such clerk to issue a precept, under his hand and the seal of said court, directed to any constable of the county wherein said District Court may be established, or any sergeant-at-arms of the court out of which the writ shall issue, commanding him to cause to come before the said court twelve good and lawful men of the said county, qualified to serve as petit jurors in the Court of General Quarter Sessions of the Peace, to inquire into and try such forcible entry and detainer, or forcible and unlawful detainer; which precepts shall be in the form or to the effect following, that is to say:

Form of
precept.

"City of (or judicial district), county of , to wit: The State of New Jersey to any constable of our county of , Greeting:

"Whereas, complaint in writing is made to A. B., judge of District Court in and for our said city (or judicial district of the county of), of a certain forcible entry and detainer (or if detainer only, then say of a forcible detainer, or of a certain unlawful detainer), made by E. F. into the messuage (or upon the lands) of C. D., in the county aforesaid; we therefore command you that you cause to come before the said court at , in the county aforesaid, at the hour of in the noon of the day, twelve good and lawful men of the body of your county, being citizens of this State and resident within the county, above the age of twenty-one and under the age of sixty-five years, and who are in nowise of kin to the said C. D. or E. F., to make a jury of the county, to inquire of and try the said forcible entry and detainer (or forcible or unlawful detainer); witness judge of said court, and the seal of said court, at the day of , in the year of our Lord one thousand

Clerk."

23. Section one hundred and one of the act to which this is an amendment is hereby amended to read as follows: Section 101 amended.

101. The said clerk shall issue a summons out of said court to the party complained against, in the words or to the effect following, that is to say: Form of summons.

"City of (or judicial district), county of , to wit: The State of New Jersey to any constable of our county of , Greeting:

"We command you that you summon E. F., of to appear before the District Court in and for the said city (or judicial district), at , in the county aforesaid, at the hour of in the noon of the day of , to answer to and make defense against the complaint of C. D., of a forcible entry and detainer (or if detainer only, then say of a forcible detainer, or of an unlawful detainer), made by the said E. F., into the messuage (or upon the lands) of the said C. D., in the county aforesaid; and have you then and there this writ, with a return of your proceedings thereon; witness

judge of the said court, and the seal of said court, at , on the day of , in the year of our Lord one thousand

Clerk."

Section 107
amended.

24. Section one hundred and seven of the act to which this is an amendment is hereby amended to read as follows:

When tenants
may be
removed.

107. Any tenant or lessee at will or at sufferance, or for part of a year, or for one or more years, of any houses, lands or tenements, and the assignees, under-tenants or legal representatives of such tenant or lessees, may be removed from such premises by any District Court of any city or judicial district within the limits of the county within which such premises are situated in the manner hereinafter prescribed, in the following cases:

Possession
after expira-
tion of term.

I. Where any such person shall hold over and continue in possession of the demised premises, or any part thereof, after the expiration of his or her term, and after demand made and notice in writing given for delivering the possession thereof by the landlord or his agent for that purpose, which notice shall be served either personally upon the tenant or such person in possession, by giving him a copy thereof, or by leaving a copy thereof at his usual place of abode with some member of his family above the age of fourteen years.

Default in
payment of
rent.

II. Where such person shall hold over after any default in the payment of the rent, pursuant to the agreement under which such premises are held.

Section 108
amended.

25. Section 108 of the act to which this is an amendment is hereby amended so as to read as follows:

Affidavit of
landlord or
lessor.

108. Any landlord or lessor, his legal representatives, agents or assigns, may make oath in writing of the facts which, according to the preceding section, authorize such proceedings against a tenant and describing therein the premises claimed, and if proceedings are begun under the provisions of subdivision II. of section one hundred and seven of this act, then said oath shall state the amount of rent claimed to be in default and may file the same with any clerk of any District Court within the limits of the county in which the premises are situated;

and on filing such affidavit the clerk shall issue a summons, describing the premises, in respect of which such proceeding is had, and requiring such tenant or any person in possession of said premises or claiming the possession thereof, forthwith to remove from or surrender the same, or to show cause before the said court, at a certain place and time to be therein specified, not less than five nor more than fifteen days from the date of such summons, why possession of such premises should not be delivered to such claimant, which summons shall be served in the same manner as other writs of summons issued out of said court, and either party may demand and have a trial by jury of twelve men; *provided*, that if proceedings shall be instituted under the provision of subdivision II. of section one hundred and seven of this act, then, if the tenant or person in possession of the demised premises shall at any time on or before the return day of the said summons pay to the clerk of the court out of which said summons has issued, the rent claimed to be in default by the oath filed with said clerk, together with the accrued costs of the proceedings, all proceedings shall be stopped and the receipt of said clerk shall be evidence of such payment, and the said clerk shall forthwith pay all moneys so received to the landlord or to the person making oath for him.

Clerk to
issue sum-
mons.

How served.

Proviso.

26. This act shall take effect immediately.

Approved April 1, 1908.

CHAPTER 50.

An Act validating and confirming ordinances heretofore granted by any municipality to any sewerage corporation, vesting in such corporation the right to lay pipes beneath the surface of the streets and highways of such municipality, and validating the acts and proceedings of such corporation thereunder.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Where any sewerage corporation has heretofore laid pipes beneath the surface of the streets and high-

Validating
ordinance
relating to
sewerage cor-
porations.

Proviso.

ways of any municipality and constructed and operated its plant therein, under and by virtue of an ordinance of such municipality, which ordinance may be invalid as a grant by reason of defective incorporation or lack of power in said corporation to receive, or said municipality to pass such ordinance, such ordinance and all acts and proceedings thereunder are hereby validated and confirmed; *provided, however*, that this act is not to affect any pending litigation, if any, attacking the validity of such ordinance.

2. This act shall take effect immediately.

Approved April 1, 1908.

CHAPTER 51.

An Act validating and confirming the incorporation of all corporations incorporated under the act entitled "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five, or under the act entitled "An act concerning corporations (Revision of 1896)," approved April twenty-fifth, one thousand eight hundred and ninety-six, for the purpose of constructing and maintaining a sewerage plant in any municipality of the State, and which have constructed and maintained such plant under and in pursuance of such incorporation, and an ordinance of such municipality granting the right to use the streets and highways.

Preamble.

WHEREAS, Companies have incorporated under the act entitled "An act concerning corporations," for the purpose of constructing and maintaining a sewerage plant in municipalities of this State, and have constructed and maintained such plant under and in pursuance of such incorporation; AND WHEREAS such in-

corporation may have been invalid by reason of the failure to incorporate under the act providing for the incorporation of sewerage companies.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Where any corporation has heretofore incorporated under the act entitled "An act concerning corporations," for the purpose of constructing and maintaining a sewerage plant in any municipality of this State, and has constructed and maintained such plant under and in pursuance of such incorporation and an ordinance of such municipality granting the right to use the streets and highways, such incorporation be and the same is validated and confirmed to all intents and purposes as though incorporated under the act providing for the incorporation of sewerage companies; *provided*, no pending litigation is to be affected.

Validating
incorpora-
tion of certain
corporations.

2. This act shall take effect immediately.

Approved April 1, 1908.

Proviso.

CHAPTER 52.

A Supplement to an act entitled "An act concerning the government of certain cities in this State and constituting a municipal board of fire and police commissioners therein, and defining the powers and duties of such board, and vesting in such board certain powers of management and appointment now vested in other departments or offices in such cities, and providing for the maintenance of such board," approved April thirteenth, one thousand nine hundred and seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Any such board of fire or police commissioners created by the act to which this is a supplement are hereby

Regulation
of explosives
and combustibles.

invested with the power to regulate or prohibit in any city in which said board is constituted the manufacture of gunpowder, nitroglycerine, or any other explosive material; to regulate the storage and sale of gunpowder, nitroglycerine, or other explosive material; to regulate the storage or sale of petroleum, benzine, kerosene, or other oil or combustible material, and to regulate the storage of waste or other spontaneously combustible material.

Regulate use
of public halls,
schools, etc.

2. In order to lessen the dangers caused by fire, explosion and panic, the said boards shall have power to regulate the use of public halls, schools, churches, theatres, opera houses, and all buildings used for public entertainment or amusement; to compel the owners, lessees or person operating or controlling the same to provide ample and sufficient exits and fire escapes therefrom, and to prevent the obstruction thereof; to properly guard all lights and electric wires therein; to regulate the use of moving picture machines, scenery and all other apparatus and appliances used in such buildings.

Provide fire
escapes.

Regulate
moving pic-
tures.

Prescribe
penalties for
violations.

3. The said boards shall have power to prescribe penalties for the violation of any ordinance or regulation which they are empowered to make by the act to which this is a supplement, or by any supplement thereto or amendment thereof.

4. This act shall take effect immediately.
Approved April 1, 1908.

CHAPTER 53.

A Supplement to an act entitled, "An act to provide for the permanent improvement of public roads in this State (Revision of 1905)," approved March twenty-fifth, one thousand nine hundred and five.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Upon petition
setting forth
certain facts,
road to be
improved.

1. Whenever there shall be presented to the board of chosen freeholders of any county a petition signed by

the owners of at least two-thirds, either in lineal feet or in area, of the land and real estate, fronting or bordering on any public road or section road in such county, taking in said estimate of area all the lands of every such owner, which are assessed for taxes in said county, and which lie together in any farm tract or lot of which a part has a frontage on said road or section of road, praying the board to cause such road or section to be improved, under the act to which this act is a supplement, and setting forth that the township or other municipality within which the same shall lie has appropriated the ten per centum of the estimated cost of the said road as required by the said act, it shall be the duty of the board to cause such improvement to be made; provided, that the road or section desired to be so improved shall be at least one mile in length and be an extension of or connection with some other permanently improved or paved road or street.

Proviso.

2. This act shall take effect immediately.

Approved April 1, 1908.

CHAPTER 54.

A Supplement to an act entitled "An act to provide for the permanent improvement of public roads in this State" (Revision 1905), approved March twenty-seventh, one thousand nine hundred and five.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. A resolution passed by the township committee of any township, or the governing body of any other municipality, through which said road runs, to pay ten per centum of the cost of said improvement provided for in the first section of the act to which this is a supplement, shall be binding upon such township, or such other municipality, as the case may be.

Resolution to pay ten per cent. of cost of road binding on township.

2. This act shall take effect immediately.

Approved April 1, 1908.

New Jersey State Library

CHAPTER 55.

An Act to establish summer courses in elementary agriculture, manual training and home economics.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Appropriation.

1. For the purpose of establishing and maintaining summer courses for instruction in method of teaching elementary agriculture, manual training and home economics, there shall be appropriated annually a sum not exceeding two thousand dollars; *provided*, that no money shall be expended under the provisions of this act until an appropriation therefor shall have been made in the annual appropriation bill.

Proviso.

Rules, regulations, places.

2. The State Board of Education shall adopt rules and regulations for establishing and maintaining summer courses of study in elementary agriculture, manual training and home economics, and shall designate the place or places where such courses shall be provided.

Certificates valid to teach.

Certificates of graduation from such courses of study as prescribed by the State Board of Education shall be valid licenses to teach in the public schools the subjects covered by said certificates; *provided*, the holders thereof shall also hold certificates valid as licenses to teach in the public schools in which they shall be employed.

Proviso.

Expenses, how paid.

3. All expenses incurred in establishing and maintaining such courses of study and which are to be paid out of the moneys appropriated under the provisions of the act shall be paid by the State Treasurer on the warrant of the State Comptroller, on bills approved by the State Board of Education.

4. This act shall take effect immediately.

Approved April 1, 1908.

CHAPTER 56.

An Act authorizing the establishment of a Live Stock Commission of the State of New Jersey for the purpose of promoting interest in the breeding of pure-bred domestic animals and the improvement of grade animals of the various breeds.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. A Live Stock Commission be appointed by the Governor consisting of the Director of the State Experiment Station and a representative of the State Grange, ex-officio; the Animal Husbandman of the State Experiment Station, who shall be secretary and executive officer of the commission; a graduated veterinarian and a prominent breeder of live stock. The term of office of the last two named shall be for a period of three years. Live stock commission.

2. It shall be the duty of this commission: First, to purchase and maintain stallions of draft and coach types for distribution and use in the several counties of the State, wherever breeders' associations have been duly organized and which provide dams for breeding, which shall conform to the standards and rules established by the commission; second, to aid in the selection and distribution of breeding sires and dams of other classes of live stock; and third, to constitute a stallion examining board. Duties.

3. The Live Stock Commission, herein provided for, shall have the power and authority to make such rules and regulations as to the purchase, distribution and use of stallions and other breeding animals as shall, in their judgment, best promote the live stock interests of the State, and in the purchase of pure-bred animals the Live Stock Commission shall be exempt from the provisions of Chapter two hundred and seventy-seven of the laws of one thousand nine hundred and seven. Purchase and distribution of pure stock.

Compensation of commission.

4. The salary of the secretary and executive officer be fixed by the commission, and that the remaining members of the commission be paid ten dollars per diem and traveling expenses for each day devoted to the work of the commission, the same to be paid upon warrants signed by the chairman of the commission and countersigned by the secretary.

Appropriation.

5. The sum of twenty thousand dollars shall be appropriated to the commission for the current year, and thereafter five thousand dollars annually for the purpose of carrying out the provisions of this act.

6. This act shall take effect immediately.

Approved April 1, 1908.

CHAPTER 57.

An Act to repeal an act entitled "An act providing for a new publication of the public acts of the Legislature of this State," approved March thirtieth, one thousand nine hundred and four.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Act repealed.

1. An act entitled "An act providing for a new publication of the public acts of the Legislature of this State," approved March thirtieth, one thousand nine hundred and four, be and the same is hereby repealed.

2. This act shall take effect immediately.

Approved April 2, 1908.

CHAPTER 58.

An Act to provide for the revision and consolidation of the public statutes of this State.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The Governor of the State be and he is hereby authorized, by and with the advice and consent of the Senate, to appoint three commissioners, being counsellors-at-law of this State, to revise, simplify, arrange and consolidate all of the public acts of the Legislature of this State which are general and permanent in their nature and which shall be in force at the time such commissioners shall make their final report, and that in the performance of such duty they shall carefully collect and reduce into one act the different acts and parts of acts which, from similarity of subject, ought, in their judgment, to be consolidated, arranging and distributing the same under such titles, chapters and sections, or other suitable divisions and subdivisions as they shall deem proper, with head notes briefly expressive of the matter contained in such divisions, and also with side notes, so drawn as to indicate the contents of the text, and with annotated references to the original text from which each section shall have been compiled, and to the published decisions of the courts of this State, expounding or construing the same; and, in every other respect, they shall complete the said revision in such manner as to them shall seem most useful and proper, to render the said acts more plain, concise and easy to be understood; *provided*, that no changes shall be made in the phraseology or distribution of the sections of any statute that has been the subject of judicial decision, by which the construction thereof, as established by such decision, shall or can be impaired or affected.

Commission to revise and codify laws.

Object in view.

Proviso.
2. The commissioners so to be appointed shall receive a salary not to exceed the sum of three hundred dollars

Salary.

a month apiece, to be paid to them in monthly instalments by the treasurer, upon the warrant of the comptroller.

Report laid
before legis-
lature.

3. The said commissioners shall lay a printed copy of the public acts, so revised and consolidated by them, before the Legislature at its next session, that the same may be re-enacted, if the Legislature shall so determine; and, at the same time, they shall suggest to the Legislature such contradictions, omissions and imperfections as may appear in the original text of the said acts, and the mode in which they shall have reconciled, supplied and amended the same; and they may also designate such acts, or parts of acts, as, in their judgment, ought to be repealed, with their reasons for advising such repeal; and may also recommend the passage of such new acts, or parts of acts, as in their judgment, may appear necessary or expedient, either in lieu of or in addition to any of the acts so revised and consolidated.

Work printed
as it ad-
vances.

4. The said commissioners may cause their work to be printed in parts, so fast as it may be ready for the press, and distribute copies thereof to the members of the Legislature, and to such other persons, in limited numbers, as they may see proper, for the purpose of obtaining their suggestions.

Laws, when
approved,
prepared for
printing.

5. After the laws, so revised as aforesaid, shall have been submitted to and approved by the Legislature, the said commissioners shall prepare the same for the press, with the marginal references aforesaid, and such marginal notes as shall appear best calculated for the public information.

Chairman of
commission.

6. The said commissioners shall choose their chairman and enter upon their duties as soon as practicable.

Vacancies.

7. In case any of said commissioners shall refuse to act, or shall die, resign, or remove from the State before the completion of the duties assigned to the said commissioners, it shall be the duty of the Governor, or person administering the government, to appoint a suitable person or persons of this State, learned in the law, to fill the vacancy thereby occasioned.

Assistance.

8. Said commission shall be empowered, with the approval of the Governor, to employ such clerical assist-

ance as they may deem to be necessary, and that all the necessary and proper expenses of said commission, including hire of said clerical assistance, shall be paid by the Treasurer of the State upon the warrant of the Comptroller.

9. This act shall take effect immediately.
Approved April 2, 1908.

CHAPTER 59.

An Act to amend an act entitled "An act concerning District Courts" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Section one hundred and seventy-three of the act to which this is an amendment is hereby amended to read as follows:

173. After such judgment shall be docketed in the Court of Common Pleas no execution shall issue thereon out of any District Court, nor shall any proceedings be had thereon, except the due and proper granting of a new trial, an appeal or certiorari. No judgment shall be allowed to be docketed after the granting of a new trial, an appeal or certiorari, and pending the determination thereof. In case a judgment shall have been docketed as aforesaid, before the granting of a new trial, appeal or certiorari, no execution shall issue thereon out of the Court of Common Pleas pending the final determination of said proceedings. In case a judgment shall have been docketed as aforesaid, and execution shall have issued thereon out of the Court of Common Pleas before the granting of a new trial, appeal or certiorari, the District Court shall have power to grant a new trial, and in case a new trial shall be granted by

Section 173
amended.

Execution
not to issue
after docket-
ing.

New trial
to stay pro-
ceedings on
execution.

said District Court no further proceedings shall be taken on said execution pending the determination thereof.

Approved April 2, 1908.

CHAPTER 60.

A further supplement to an act entitled "A general act relating to boroughs" (Revision of 1897).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Establish
fire districts.

Cost included
in tax levy.

1. The borough council of any borough incorporated under the authority of the act to which this act is a further supplement may define by ordinance fire districts within said borough and provide for the protection from fire of property within said districts as to it may seem necessary or expedient. In case any such borough council shall so define fire districts the cost of such fire protection within the said districts shall be included in the general tax levy of the said borough, but shall be assessed upon and collected from only so much of the property of the said borough as is or may be included within such fire districts.

2. This act shall take effect immediately.

Approved April 2, 1908.

CHAPTER 61.

A Further Supplement to an act entitled "An act to provide for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Re-improve-
ment of
streets.

1. The council of any town now or hereafter governed by the provisions of the act to which this is a supple-

ment shall have power to re-pave, re-flag or otherwise re-improve any street, avenue, place or any part thereof which has been or shall have been paved, flagged or otherwise improved, and for which assessments for special benefits have been or shall have been levied or imposed, whenever it shall, in the judgment of all the members of the council, be better to re-pave, re-flag or otherwise re-improve such street, avenue, place or any part thereof, than to repair the same. Said re-paving, re-flagging or re-improvement shall be of such material and done in such manner as the council shall direct.

2. The council shall pass an ordinance providing for said re-paving, re-flagging or re-improvement, which ordinance need describe the improvement in general terms only, and shall cause plans and specifications therefor to be drawn, and shall thereupon advertise for proposals for doing said work and furnishing materials necessary therefor in the official paper of the town, and if there be no official paper then in a paper printed or circulated in said town, which proposals shall be presented in such form and manner and under such regulations as the council shall prescribe, and upon the coming in of such proposals the council may enter into contract with the lowest responsible bidder or bidders, on the terms of his or their proposals; *provided, however*, that the council may reject all bids if they deem it for the interest of the town so to do, and may again advertise for proposals in the same manner as if no proposals had been offered; the council shall require the person or persons so entering into contract with the town to give bonds with ample security for the proper performance thereof.

3. Payment for said work shall be made according to the terms of said contract from time to time, upon the certificate of the engineer in charge thereof, and the council may issue improvement certificates for the payments so certified to be due, and as soon as possible after the completion of said work the council shall issue bonds in an amount not exceeding the full contract price, together with the incidental costs connected with the said work, and said bond issue and said improvement certificates shall thereupon be redeemed. Said bonds shall

Council to
pass ordinance
providing for
re-paving, etc.

Proposals in-
vited.

Proviso.

Contractor to
give bond.

Payments.

Bond issue.

- Time. be of such denomination as shall be determined upon by the council, shall be payable at such time or times as the council shall fix, but in no event shall said bonds run for more than forty (40) years, shall bear interest at not more than five (5) per centum per annum, and may be sold at public or private sale, but for not less than par.
- Rate.
- Sinking fund. 4. The council shall raise annually, by taxation or otherwise, an amount sufficient to pay the interest on said bonds, and also an amount equal to at least two and one-half ($2\frac{1}{2}$) per centum per annum of the principal of all outstanding bonds, which amounts shall be held by the sinking fund commissioners of said town for the redemption of said bonds at maturity.
5. This act shall take effect immediately.
- Approved April 2, 1908.

CHAPTER 62.

A Supplement to an act entitled "An act concerning townships" (Revision of 1899), approved March twenty-fourth, one thousand eight hundred and ninety-nine.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Salary of
township
assessor.

1. The assessor of taxes in any township having a population of more than two thousand shall hereafter be paid an annual salary of not less than three hundred dollars, to be paid out of the treasury of the township.

2. This act shall take effect immediately.

Approved April 2, 1908.

CHAPTER 63.

An Act to appropriate money for the erection of a memorial column, commemorative of the State of New Jersey as one of the thirteen original States, to be placed in the memorial portico of the Memorial Continental Hall, erected in the city of Washington, in the District of Columbia, under the auspices of the Daughters of the American Revolution.

WHEREAS, The Daughters of the American Revolution, an association of patriotic American women, have undertaken to procure and erect in the city of Washington, in the District of Columbia, a building designed to commemorate the heroic deeds and perpetuate the sacred memories of the revolutionary heroes who, by their sacrifices and achievements, gave us, their beneficiaries, our great republic and the liberties we enjoy as citizens thereof; which building is to be known as the Memorial Continental Hall; and

Preamble.

WHEREAS, It is the purpose of the Daughters of the American Revolution to have placed in such hall thirteen memorial columns, commemorative of the thirteen original States; therefore

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The sum of two thousand dollars be and the same is hereby appropriated for the erection of a memorial column, commemorative of the State of New Jersey as one of the thirteen original States of the Union, erected in the memorial portico of the Memorial Continental Hall, now constructed by the Daughters of the American Revolution, in the city of Washington, in the District of Columbia.

Appropriation for memorial column.

2. The Comptroller of the State of New Jersey is directed to issue to the president of such organization, or her successor in office, a warrant for the said sum of

Payment.

two thousand dollars, drawn on the Treasurer of the State of New Jersey, whenever such president shall certify to said Comptroller, in writing, that the marble for said column has been delivered at said Memorial Continental Hall.

3. This act shall take effect immediately.

Approved April 2, 1908.

CHAPTER 64.

An Act to authorize and empower the Board of Trustees of any village in this State by ordinance to regulate and control the erection and construction of buildings therein, and to provide for the enforcement of such ordinance.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Ordinances
regulating
buildings.

Building in-
spector.

Proviso.

Enforcement
of ordinance
and penalties.

1. It shall be lawful for the Board of Trustees or other governing body of any village of this State, from time to time, to pass, alter and repeal ordinances regulating and controlling the construction, erection and alteration of buildings of every kind in any such village, and to provide therein for an inspector of buildings of any such village, or in case there is no such officer, to authorize and empower such officer or person as may be designated in the ordinance, to enter upon and inspect any place or places or buildings for the purpose of ascertaining whether the same are or are not in a safe condition, and if not safe, to direct or cause the same to be made so at the expense of the property owner; *provided*, that nothing herein shall affect the present powers of any other board now existing in any village and authorized to regulate and control the erection and alteration of buildings and structures for public safety and fire protection.

2. It shall be lawful to provide for the enforcement of the provisions of any ordinance passed in keeping

with the provision of this act, and also to prescribe penalties for the violation of the provisions of any such ordinance of not exceeding one hundred dollars for each violation of the same, and a further penalty not exceeding fifty dollars for each day the provisions of any such ordinances are not complied with by the owner or the contractor, or such other person as shall have control of the building.

3. This act shall take effect immediately.

Approved April 2, 1908.

CHAPTER 65.

An Act to validate and confirm any election heretofore held in any township under the authority of an act, entitled, "An act concerning townships (Revision of 1899)," approved March twenty-fourth, one thousand eight hundred and ninety-nine, and acts amendatory thereof and supplemental thereto, for the adoption of a proposition to issue bonds and to validate and confirm all bonds, contracts or other obligations issued, authorized or made pursuant to any such proposition so adopted.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Whenever heretofore under the authority of an act, entitled, "An act concerning townships (Revision 1899)," approved March twenty-fourth, one thousand eight hundred and ninety-nine, and acts amendatory thereof and supplemental thereto, an election has been called and held in any township for the adoption of a proposition to issue bonds, and a majority of the votes cast at such election have been in favor of the adoption of such proposition, said election and the proposition so adopted are hereby validated and legalized, notwith-

Validating
election held
to issue
bonds.

standing any defect, omission or irregularity in the manner of submitting such proposition or other proceeding calling such election, or in the giving of notice of or the conduct of such election or in the canvass or filing of the result thereof, and notwithstanding that a voting machine or voting machines may have been used at said election, and notwithstanding any defect, omission or irregularity in the proposition or ballot used thereat. All bonds, contracts or other obligations issued, authorized, made or entered into pursuant to the proposition so adopted are hereby validated, legalized and confirmed.

2. This act shall take effect immediately.

Approved April 2, 1908.

CHAPTER 66.

An Act to change the name of Malite Markrakos.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Name
changed.

1. The name of Malite Markrakos of the city of Jersey City, in the county of Hudson and State of New Jersey, be and the same hereby is changed to Michael Murphy.

2. This act shall take effect immediately.

Approved April 2, 1908.

CHAPTER 67.

An Act to amend an act entitled "A general act relating to boroughs" (Revision of 1897), approved April twenty-fourth, one thousand eight hundred and ninety-seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Section 3
amended.

1. Section three of an act entitled "A general act relating to boroughs" (Revision of 1897), approved April

twenty-fourth one thousand eight hundred and ninety-seven, be and the same is hereby amended to read as follows:

3. In addition to the officers to be elected there shall be appointed an assessor, a collector and a clerk, and there may be appointed a borough attorney, a borough engineer, one or more marshals, an overseer of the poor, a pound keeper, a superintendent of highways, a borough recorder and so many other officers as may be deemed necessary by the said council, who shall perform such duties as are or may be provided for by law or ordinance of said council not in conflict with law. All of said officers, except the borough attorney and borough engineer, shall be residents of the borough, and all said officers shall hold office during the pleasure of the council, provided that no officer shall be removed without giving him an opportunity to be heard; unless sooner removed, however, they shall hold office for one year and until their successors shall have qualified. Whenever a vacancy in any such office occurs such vacancy shall be filled by appointment for the unexpired term only. The mayor shall nominate and with the advice and consent of the council, shall appoint all officers in this act directed to be appointed, including the filling of vacancies in elective offices; *provided* that in case the mayor shall present to the council his resignation from office, such resignation may be accepted by vote of the council, and the vacancy in the office of mayor, thus occurring, may be filled by vote of the council.

Elective and appointive officers.

As to residence.

Term.

Vacancies.

Proviso.

2. This act shall take effect immediately.

Approved April 2, 1908.

CHAPTER 68.

A Supplement to an act entitled "An act concerning the government of certain cities in this State, and constituting a municipal board of public works, and other officers therein, and defining the powers and duties of such boards, and relating to the municipal affairs and departments of such cities placed under the control and management of such board, and providing for the maintenance of such board," approved April thirteenth, one thousand nine hundred and seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Board of
works to
regulate
buildings.

1. The board of public works mentioned in the act to which this is a supplement in addition to the powers conferred on said boards by said act, are hereby invested with all the powers and duties now vested in or exercised by any board of aldermen, common council, or committee thereof in any such city to regulate and control the manner of building dwelling houses, stables, factories and all other buildings and structures, and to prohibit within certain limits, the building or erection of any dwelling house, store, stable or other building of wood or other combustible material, to cause any building or structure which may become dangerous to human life or health to be destroyed; to provide for the removal and disposition of offal, garbage, and all other refuse matter which may become dangerous to public health; to prescribe and regulate the streets and public places to be used for market purposes; to provide, maintain and regulate a public market place and the building or buildings necessary and suitable therefor; to establish and regulate public scales.

Garbage.

Markets.

Penalties
for viola-
tions.

2. The said boards shall have power to prescribe penalties for the violation of any ordinance or regulation

which they are empowered to make, by the act to which this is a supplement, or by any supplement thereto or amendment thereof.

3. This act shall take effect immediately.

Approved April 2, 1908.

CHAPTER 69.

A Further Supplement to an act entitled "An act to authorize the Board of Chosen Freeholders of any of the several counties of this State to lay out, open, construct, improve and maintain a public road therein," approved April seventh, one thousand eight hundred and eighty-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Whenever, in any county of this State, where a road or roads shall have been constructed, improved and maintained under the provisions of the act to which this is a supplement, or the acts supplementary thereto and amendatory thereof, it shall become necessary, in the opinion of the body vested by law with the care of such road or roads, as expressed by resolution duly passed at a regular meeting of said body, to reinforce, relay, reconstruct, or rebuild any portion of the roadway paving, the curb and gutters, the drainage system, the lighting plant, including the laying of conduits and placing cables therein, or bridges, or all of them upon such road or roads, to meet the requirements incident to increase of population, traffic and use, it shall be lawful for such body to so reinforce, reconstruct and rebuild such parts of said road or roads hereinbefore designated; *provided*, that all work exceeding in cost one thousand (\$1,000) dollars shall be done by contract, after advertisement in the public press, in the same manner as prescribed for work authorized under the act to which this is a supplement.

Relative to
rebuilding
improved
roads to meet
increased
requirements.

Proviso.

- Estimates. 2. Before advertising for proposals for any contract for work authorized by this act, the body vested by law, with the care of such road or roads, shall, from time to time, submit a full statement of the work necessary and proposed to be executed at that time, with the estimated cost of such work, prepared by a competent engineer, and a requisition for the amount of such cost to the body vested by law, with the control of the finances of said county.
- Financial arrangements. On receipt of said statement, estimate and requisition, the said body having control of the finances of said county shall make such financial arrangements as shall be necessary to provide the funds necessary to pay for the work so proposed, and until such financial arrangements are made, no further steps shall be taken in the prosecution of said proposed work.
- Bond issue. 3. The moneys necessary for defraying the costs, charges and expenses of the work herein authorized, shall be raised and obtained, and the bonds issued therefore in the manner and by the methods provided in said act to which this is a supplement, including provision for annual interest payments, and payments into a sinking fund, and shall be paid out by the county collector on the order of the body vested by law with the control of said road or roads; *provided*, that no payments for work done under any contract shall be made, except on the certificate of the engineer, approved by said body to take charge of said work.
- Proviso. The total cost of all work authorized by this act, shall not exceed a sum equal to two-tenths of one per cent. of the total assessed value of the ratables of said county assessed for county purposes in the year in which the last work authorized by this act shall be completed.
- Limitation as to cost. 5. Nothing in this act shall authorize the expenditure of any moneys secured by the sale of bonds for the ordinary maintenance, repairs, and lighting of said road or roads.
- Funds not used for ordinary maintenance. 6. All acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately.
- Repealer. Approved April 2, 1908.

CHAPTER 70.

An Act relating to lands escheated to the State of New Jersey and the foreclosure thereof in the courts as to certain liens pre-existing on said lands prior to the escheat thereof.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. When any lands, which prior to the passage of this act, have escheated, or which may hereafter escheat to the State of New Jersey, and on said lands prior to the escheat thereof there has existed or may hereafter exist, any lien of any mortgage, pledge or hypothecation in said lands, or in any interest or estate in said lands, it shall be lawful for the holder of said mortgage, pledge or hypothecation, to make the State of New Jersey a party defendant in his, her, or its bill of complaint for the foreclosure thereof, whether filed in the State courts, or in the Federal courts in equity, or in the State of New Jersey, and the said State of New Jersey shall be considered to be served with proper and sufficient process and brought within the jurisdiction of any such courts when a subpoena ad respondendum shall have been served on the Attorney-General of the said State of New Jersey, the State of New Jersey being named as a party defendant in the said subpoena ad respondendum.

The State as party to foreclosure in escheated lands.

2. If the Attorney-General shall refuse to acknowledge service on said subpoena ad respondendum, the physical delivery of a true copy of said subpoena ad respondendum and the exhibition to the said Attorney-General of the original thereof, shall be considered good and sufficient service to comply with the provisions of this act.

Service of subpoena.

3. This act is a public act, and shall take effect immediately.

Approved April 2, 1908.

CHAPTER 71.

An Act to incorporate the borough of Keyport, in the county of Monmouth.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Corporate
name.

1. The inhabitants of that portion of the county of Monmouth hereinafter set forth are hereby constituted and declared to be a body corporate in fact and in law by the name of "The Borough of Keyport," and as such shall be governed by the general laws of this State relating to boroughs.

Boundaries.

2. The boundaries of said borough shall be as follows: Beginning at Matawan creek, on the line dividing the townships of Matawan and Raritan, running along said line to the road leading to Mechanicsville; thence along said road to Mechanicsville; thence along the road to Union until it strikes Chingarora creek or brook; thence along said creek or brook until it reaches the Raritan bay; thence westerly along said bay and Matawan creek to the place of beginning.

3. This act shall take effect immediately.

Approved April 2, 1908.

CHAPTER 72.

An Act to repeal an act entitled "An act concerning cities," which act was approved March fourteenth, one thousand eight hundred and seventy-nine.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Act repealed.

1. An act entitled "An act concerning cities," approved March fourteenth, one thousand eight hundred

and seventy-nine, chapter ninety-eight, laws of one thousand eight hundred and seventy-nine, be and the same is hereby repealed.

2. This act shall take effect immediately.

Approved April 2, 1908.

CHAPTER 73.

An Act to amend an act entitled "An act concerning building and loan associations," approved April eighth, one thousand nine hundred and three.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Section eight of the act to which this is an amendment be and the same is hereby amended so as to read as follows: Section 8 amended.

8. The officers of every such association shall be a president, a vice-president, a secretary, a treasurer, and at least three auditors, who shall be shareholders in the association. No person shall be elected an auditor who has within a period of six months prior to his election been a director or officer of such association or in its employ; provided that persons who have been auditors within such period may be re-elected. The board of directors may employ a counsel and such clerks, agents and other employes as may be necessary for the transaction of the business of the association. The officers, except the auditors, shall be ex-officio members of the board of directors if the constitution shall so provide. Officers.
As to auditors.
Proviso.
Assistants.

2. This act shall take effect immediately.

Approved April 2, 1908.

CHAPTER 74.

An Act providing for the pensioning of police officers in townships of this State and regulating the method by which the same may be accepted and become operative therein.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Townships
may pension
policemen.

1. Whenever any police officer of any township of this State shall have served as such police officer for twenty years, or shall have become permanently disabled by reason of injury received or disease contracted in his service as such police officer, the township committee or other governing body of such township may retire such officer and provide for the payment to him of an annual pension amounting to one-half of the salary received by him at the time of such retirement, which pension shall be paid in such instalments or other manner as the salary of such officer was paid; *provided, however*, that no police officer shall be retired for length of service only, unless he shall have attained the age of sixty-five years.

Amount.

Proviso.

Referendum.

2. This act shall take effect immediately, but its provisions shall remain inoperative in any township of this State until accepted by a majority of the legal voters of such township at any general election or at any special election at which the question of the acceptance of this act shall be submitted by resolution of the township committee or other governing body of such township.

Election, how
conducted.

Every such submission to vote and the canvass of votes thereon shall be in accordance with the provisions of an act entitled "An act to regulate elections (Revision of 1898)," approved April fourth, one thousand eight hundred and ninety-eight, and the several acts supplementary and amendatory thereto. This act shall be styled in such submission "Township Police Pension act of 1908."

Act, how
styled.

Approved April 2, 1908.

CHAPTER 75.

A Supplement to an act entitled "An act concerning corporations" (Revision of 1896).

WHEREAS, Corporations created years ago for educational purposes may have acquired property which, owing to the successful operation of our State system of public schools, or from other causes, now is and probably, while so held, will continue to be unemployed and useless; AND WHEREAS, the stockholders and associate owners of said property are, in some instances, widely scattered and many of them unknown, so that the other owners are unable, without further legislative action, to dissolve such corporation and realize upon and secure to themselves their own property and their lawful rights therein; therefore,

Preamble.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Whenever in the judgment of the board of trustees or managers of any corporation created by any law of this State for educational purposes, it shall be deemed advisable and for the benefit of said corporation that the same should be dissolved before the expiration of its charter, it shall be lawful for such board of trustees or managers to wind up and dissolve such corporation, in the manner hereinafter prescribed, or in the name of said corporation, by petition, setting forth the facts and circumstances of the case, to apply to the Chancellor for a dissolution of said corporation and for the appointment of a receiver or trustee of its estate and effects; whereupon the Chancellor, being satisfied of the sufficiency of said application, shall order such reasonable notice thereof to be served or published as he may judge proper and the circumstances of the case may require, fixing a

Dissolution of incorporated educational institutions.

Apply to chancellor.

Notice given.

New Jersey State Library

Decree
entered and
receiver ap-
pointed.

All receipts
turned into
chancery.

Further
powers of
receiver.

Winding up
affairs.

Unclaimed
shares.

day, not less than thirty days distant, for the hearing upon the same, and if, upon inquiry into the matter, it shall be made to appear to the Chancellor that such action may be taken without prejudice to the public welfare, and that it is advisable and best for said corporation that it should be dissolved, its affairs settled and its estate and effects divided and distributed among the stockholders, associate owners, creditors and others who may be entitled to the same, it shall be lawful for the Chancellor to enter a decree to that effect, and to appoint a receiver or trustee with full power to demand, sue for, collect, receive and take into possession all the goods and chattels, rights and credits, moneys and effects, lands and tenements, books, papers, choses in action, bills, notes and property of every description belonging to said corporation at the time of said decree of appointment, and to sell, convey or assign all the said real and personal estate; and to pay into the Court of Chancery all the moneys and securities for money arising from such sales, or which may be collected by said receiver or trustee from time to time under the order of the said Court of Chancery, first deducting the costs of the proceedings in said court, and making to said receiver or trustee and to counsel such reasonable compensation as the Chancellor may deem fit and proper.

2. The said receiver or trustee shall be further clothed with all the powers conferred upon a receiver or trustee appointed under the act authorizing the appointment of a receiver or trustee in case of insolvent corporations; and it shall be lawful for the said Court of Chancery whether said corporation be dissolved by order of said court or by act of the board of trustees as hereinafter provided, to make all necessary and proper orders and decrees to settle and wind up the affairs of said corporation, and to distribute its estate, property and effects, or the proceeds thereof, among those entitled to the same, and if, at the time of the final decree of distribution, the owners of any part of said property or effects remain unknown, such part, share or shares shall be retained in the Court of Chancery until the same shall be claimed by the rightful owner or owners thereof.

3. In the event that such board of trustees or managers shall determine to wind up and dissolve such corporation without the appointment of a receiver therefor, the said board, at a meeting duly called and held for the purpose, of which meeting every trustee or manager shall have received at least three days notice, shall, by a two-thirds vote of the whole board of trustees or managers adopt a resolution to that effect, and thereupon such trustees or managers, being not less than two-thirds of the whole number, shall signify their consent in writing that such dissolution shall take place, which consent, together with a list of the names and residences of all of the trustees or managers and officers, certified by the president and secretary, shall be filed in the office of the Secretary of State, who, upon being satisfied by due proof that the requirements aforesaid have been complied with, shall issue a certificate that such consent has been filed, and the board of trustees or managers shall cause such certificate to be published four weeks successively, at least once a week in a newspaper published in the county where the property of such corporation is situate; and upon filing in the office of the Secretary of State of an affidavit that said certificate has been so published, the corporation shall be dissolved and the board shall proceed to settle up and adjust its business and affairs, in the same manner and with the same powers and duties as provided in the act to which this is a supplement in cases of other corporations which are dissolved under the provisions of said act.

Dissolution
by two-thirds
consent.

Consent filed
with Secretary
of State.

Public
notice.

4. After a sale of the property and assets of such dissolved corporation, and the payment of its debts and all expenses connected with such winding up and settlement, the residue of moneys in hand, if any, shall be distributed and paid in the manner provided in the second section of this act.

Final settle-
ment.

5. This act shall take effect immediately.

Approved April 2, 1908.

CHAPTER 76.

An Act to license unnaturalized, foreign-born resident hunters and providing a penalty for the violation of its provisions.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Aliens
licensed to
hunt.

Application.

Blank.

License fee.

Clerk's fee.

Signed and
counter-
signed.

1. No unnaturalized, foreign-born resident of this State shall at any time hunt, pursue or kill, in any manner, any game or fowl without first having procured a license so to do, and then only during such times as it shall be lawful by the laws of this State, to so hunt, pursue or kill. Said license shall be procured from the clerk of any county, city, town or township or other municipality in this State, in the following manner, to wit: The applicant shall fill out a blank application to be furnished by the Fish and Game Commission of the State of New Jersey, through the clerk of any county, city, town, township or other municipality in this State, stating name, age, occupation and place of residence of applicant. Said application shall be subscribed and sworn to by the applicant before said county, city, town, township or other municipal clerk in this State. If any county, city, town, township or other municipal clerk in this State fails to administer the oath as herein provided, or antedates any license, he shall be liable to the penalty hereinafter provided. And said applicant shall pay to the clerk of the county, city, town, township or other municipality, as the case may be, the sum of ten dollars as a license fee, together with the sum of fifty cents as the fee of the clerk for administering the oath to the applicant and issuing said license. Said license shall bear the signature of a member of the Fish and Game Commission of the State of New Jersey, and the seal of the county, city, town, township or other municipality in which the same is issued, and be countersigned by the said clerk.

2. The license fee above provided for shall be paid by the clerk receiving the same to the State Treasurer at the end of each month, and shall be placed to the credit of a fund to be known as the "State Game Protection Fund," and shall be disbursed by the State Treasurer on vouchers certified to by the Fish and Game Commission of the State of New Jersey.

License fees
turned into
State
Treasury.

3. Every license issued shall be signed by the licensee in ink, and shall entitle the person to whom issued to hunt, pursue and kill game and fowl within the State at any time when it shall be lawful to hunt, pursue and kill game and fowl, and no person to whom a license has been issued shall be entitled to hunt, pursue or kill game and fowl in this State without at the time of such hunting, pursuing and killing, he or she shall have such license in his or her name and upon his or her person, ready to exhibit the same for inspection, and such license shall be void after the thirty-first day of December next succeeding its issuance; *provided* that the owner or owners, lessee or lessees of farm land, if residing on said farm land, shall have the right to hunt, pursue and kill game and fowl on the farm land of which he or they are the bona fide owner or owners, lessee or lessees, during the season when it is lawful to hunt, pursue, and kill game and fowl, without procuring such unnaturalized, foreign-born resident license.

Privileges of
license.

Proviso.

4. Any person who shall violate any of the provisions of this act shall be liable to a penalty of twenty dollars for each offense, to be sued for and recovered in the same manner and by the person or persons authorized to sue for and recover penalties under the provisions of an act entitled "An act to provide a uniform procedure for the enforcement of all laws relating to fish, game and birds, and for the recovery of penalties for violations thereof," approved March twenty-ninth, eighteen hundred and ninety-seven, and the acts supplementary thereto and amendatory thereof.

Penalty for
violation.

5. This act shall take effect immediately.

Approved, April 2, 1908.

CHAPTER 77.

A Supplement to an act entitled "A general act relating to boroughs (Revision of 1897)," approved April twenty-fourth, one thousand eight hundred and ninety-seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Acquire land
for straight-
ening course
of stream.

1. The council of any borough in this State shall have power by ordinance or resolution, to appropriate and provide for raising by taxation such sum of money as it may deem necessary for the purpose of paying the cost of the purchase of lands, necessary, to be conveyed, or theretofore conveyed, to the United States of America, for the purpose of straightening any navigable stream or creek running through or into said borough, or forming a boundary line thereof, which said straightening may be beneficial to the inhabitants of said borough; and the said council are hereby authorized to expend said sum of money, when so appropriated and raised, for the purposes aforesaid.

2. This act shall take effect immediately.

Approved, April 2, 1908.

CHAPTER 78.

A supplement to an act entitled "An act concerning townships" (Revision of 1899), approved March twenty-fourth, one thousand eight hundred and ninety-nine.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Acquire
lands for
straighten-
ing course of
stream.

The persons qualified to vote in any township are hereby empowered at any regular township election to

vote, grant or raise such sum or sums of money as may be deemed necessary for the purpose of paying the cost of the purchase of lands necessary, to be conveyed, or theretofore conveyed, to the United States of America, for the purpose of straightening any navigable stream or creek running through or into such township, or forming a boundary line thereof, which said straightening may be beneficial to the inhabitants of said township; and after said sum of money is so voted, the township committee of any such township is hereby authorized to expend the moneys so raised for the purposes aforesaid.

2. This act shall take effect immediately.

Approved, April 2, 1908.

CHAPTER 79.

An act to amend an act entitled "An act concerning railroads" (Revision 1903), approved April fourteenth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section eighty-seven of an act entitled "An act concerning railroads" (Revision 1903), approved April fourteenth, one thousand nine hundred and three, be and the same is hereby amended to read as follows:

Section 87
amended.

87. When the holders of a majority of the capital stock of any railroad company which has no bonded indebtedness, and which does not receive for the operation of its road money sufficient to pay expenses, or which has not commenced or fully completed the construction of its railroad, or when the holders of ninety per centum of the capital stock of any railroad company which has for five years wholly abandoned the operation of its railroad shall desire and determine to dissolve the corporation, such company may make such dissolution

Dissolution;
proceedings.

Certificate of determination filed with Secretary of State.

Return of deposit.

Proviso; if company declared insolvent, deposit paid to receiver.

by filing in the office of the Secretary of State a certificate of such determination under the corporate seal or said corporation, attested by the president and secretary thereof, with the verified consent in writing signed by the said majority or ninety per centum of stockholders, whose signatures shall be verified, and upon the filing of such certificate said corporation shall be dissolved, and all its rights and franchises shall be surrendered and at an end, and thereupon the directors shall proceed, as trustees for the creditors and stockholders, to sell and convert into cash all its property and assets, and apply the same to the debts of the company and the necessary expenses of the trustee, and distribute any balance among the shareholders; the Treasurer of the State shall pay to the said trustees any money of the company deposited with him at the time of the filing of the certificate of organization or survey of route, upon the production of a copy of said certificate of dissolution and on filing with him an affidavit of the president, secretary and treasurer of the company that all debts of the company have been paid; *provided, however,* if any railroad company shall heretofore have been or hereafter be decreed insolvent by the Chancellor of this State, or any court of competent authority and a receiver of such company be appointed to wind up and administer its affairs, the Chancellor or such court by whose order such receiver may be appointed, shall have power and authority, upon application by petition of such receiver, and upon such notice as may be required, to be made by the said chancellor or said court, to order the Treasurer of this State to pay to said receiver any money of said insolvent company deposited at the time of its organization, or such part thereof as may remain on deposit, and upon the making of such order, the State Treasurer shall pay said money so deposited, or such part thereof as may remain in his hands to said receiver, to be disposed of and distributed after the payment of the expenses of the receiver, to such creditors or stockholders as may by law be entitled to receive the same.

Approved, April 2, 1908.

CHAPTER 80.

An Act to amend an act entitled "An act to establish fire and police commissions in certain cities of this State of less than thirty-five thousand inhabitants, and to prescribe their powers and duties," approved May eighteenth, one thousand nine hundred and six.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section thirteen of the act to which this act is an amendment is hereby amended to read as follows:

Section 13
amended.

13. On or before the first day of February in each year the said boards of fire and police commissioners shall, respectively, estimate in detail the expenses of their respective departments for the ensuing year, and shall transmit such estimate to the common council of such city, which sum so estimated said common council shall cause to be assessed and raised by making provision therefor in the tax ordinance for that year; *provided, however,* that if the estimate for the expenses of the fire department shall, in any year, exceed an amount equal to one mill and five-tenths of a mill on every dollar of the total assessed valuations of the property in such city, as ascertained by the assessors' returns of the previous year, and if such estimate for the expenses of the police department shall, in any year, exceed an amount equal to two mills on every dollar of such valuations, that then it shall be optional with such common council to raise the excess by taxation in such city or not; *provided further,* that said boards shall not make any expenditure, or incur any indebtedness exceeding the amount so appropriated and raised; *provided, however,* that where in any city the amount now authorized to be raised for current general expenses is fixed and limited, that so much of the sum required by this act to be raised therein as exceeds the amount

Inform
council of
year's esti-
mate.

Proviso.

Proviso.

Proviso.

now by law required to be raised by taxation therein for the purposes of aforesaid shall not be included in such limitation, but may be raised in addition thereto.

2. This act shall take effect immediately.

Approved, April 2, 1908.

CHAPTER 81.

An Act to incorporate the borough of Lakewood.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Corporate
name.

1. The inhabitants of that portion of the county of Ocean hereinafter set forth and hereby constituted and declared to be a body corporate in fact and in law by the name of "The Borough of Lakewood," and as such shall be governed by the general laws of this State relating to boroughs.

Boundaries
of
Lakewood.

2. The boundaries of said borough shall be as follows: Beginning at the centre of the main north branch of Metedeconk river, where it crosses the line between Monmouth and Ocean counties; thence along the middle of the said north branch of the Metedeconk river, the several courses thereof, to its junction with the main south branch of said river; thence up the middle of said south branch Metedeconk river to Chambers' bridge; thence in a southerly direction, in a straight line, to where the old Toms River road now crosses the plank road from Lakewood to Cedar Bridge; then along the middle of said old Toms River road to the Dover township line; thence westerly along the said Dover township line to the easterly line of Jackson township; thence northerly along the said Jackson township line to the Monmouth county line; thence easterly along said Monmouth county line to the place of beginning. It being the true intent and purpose of this act that the borough of Lakewood shall contain and consist of so much of the county of Ocean as is now embraced within the boundaries of the present township of Lakewood.

3. This act shall take effect immediately; *provided*, *however*, that it shall not operate to effect the the incorporation of the said borough until this act shall have been accepted by a vote of a majority of the qualified voters of the said township of Lakewood voting thereon at a special election, to be held within said township on the twenty-eighth day of April, in the year one thousand nine hundred and eight, between the hours of six o'clock in the forenoon and six o'clock in the afternoon of said day at places within the said township, to be fixed by the clerk of the said township. The clerk of said township shall cause public notice of the time and places of holding said election to be given by advertisements, signed by himself and set up in at least ten public places within the said township and published in at least two newspapers printed and circulating therein at least ten days prior to such election; and the said clerk shall provide for each elector voting at such election ballots on which shall be printed the word "for" and the word "against" above and immediately preceding the title of this act; and if the word "for" be marked off or defaced upon the ballot, it shall be counted as a vote against the acceptance of this act; if the word "against" is marked off or defaced upon the ballot, it shall be counted as a vote in favor of the acceptance thereof; and in case neither the word "for" nor the word "against" be marked off or defaced upon the ballot, it shall not be counted either as a vote for or against such acceptance. Such election shall be held at the time and places so appointed, and be conducted by the same election officers and in the same manner as the general election is conducted, except that no special form of ballot or envelope need be used. The officers holding such election shall make return to the township committee of the said township of Lakewood of the result thereof by a statement in writing under their hands, and the same shall be entered at length on the minutes of the said township committee.
4. The register of the voters within said described territory used at the general election next preceding the holding of such special election shall be used for the
- Referendum.
- Special election.
- Notice.
- Ballots.
- Election, how conducted.
- Register.

Meetings of
boards of
registry.

purpose of conducting such special election, subject to revision and correction therein to be made by the boards of registry and election of the various districts of said township, which shall meet at such places within the said township as shall be designated by the clerk of the township one week next preceding such election. Notice of the places so designated shall be given by the clerk by posting in at least five of the most public places in the township. Such meetings of the boards of registry and elections shall begin at one o'clock in the afternoon and continue until nine o'clock in the evening of that day, for the purpose of revising and correcting the registers and adding thereto the names of all persons entitled to vote within said township at such special election who shall appear in person before them and establish to the satisfaction of the majority of the board that they are entitled to vote at such election, or who shall be sworn by a written affidavit of a voter residing in the said township to be entitled so to vote; and a separate affidavit shall be required for each person so registered, which shall contain the address of the affiant and shall be signed by him; and on the following day a copy thereof shall be delivered to the County Board of Elections of Ocean county, to be filed by said board and a copy shall be retained for use by the said boards of elections at such special election. The purpose of the various election boards in the said township shall receive for their services the same fees as they are now entitled by law to receive for the conduct of any registry day and any special election. These fees and the cost of conducting such election shall be paid by the borough of Lakewood, if the majority of the voters voting at such election vote "For" the adoption of this act, and by the township of Lakewood, if the majority of such voters vote "Against" the adoption of this act.

Expenses
met by
borough.

Result filed
with county
clerk.

5. Immediately after the statement of the result of such election shall be made to the township committee of said township of Lakewood, a copy thereof, certified by the township clerk, shall be forthwith filed in the office of the county clerk of the county of Ocean.

6. This act shall take effect immediately.

Approved, April 3, 1908.

CHAPTER 82.

A Further Supplement to an act entitled "An act concerning Firemen's Relief Associations," approved March twenty-fifth, one thousand eight hundred and eighty-five.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. It shall be lawful for the several duly incorporated Exempt Firemen's Associations in this State to take part, by delegates elected as hereinafter provided in the organization and conduct of the State Firemen's Relief Association, incorporated under the name of the "New Jersey State Firemen's Association;" and such delegates shall have the same rights, powers and privileges as the delegates elected to the said State Firemen's Association by the said several local Firemen's Relief Associations in this State.

Delegates
from exempt
associa-
tions.

2. On or before the second Wednesday in April in every year, each duly incorporated Exempt Firemen's Association, in this State, shall choose, by ballot, one delegate out of the whole body of the membership thereof, who shall represent and vote for said local corporation at the meetings of the said "New Jersey State Firemen's Association."

Choice of
delegate.

3. The term of "Local Firemen's Relief Associations," as used in the said act to which this act is a supplement, shall include all duly incorporated Local Exempt Firemen's Associations in this State, and the rules and regulations of the "New Jersey State Firemen's Association," as to the rights, powers, privileges and admittance of the delegates thereof and thereto, shall be of the same binding force and effect on the delegates elected by the Local Exempt Firemen's Associations as on those of the Local Relief Associations.

Definition.

Repealer.

4. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall be a public act and shall take effect immediately.

Approved, April 3, 1908.

CHAPTER 83.

An Act authorizing the construction of an inland waterway, extending from Cape May to Bay Head along the Atlantic coast, and making an appropriation therefor.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Report adopted.

1. The report of the State Geologist of the State of New Jersey, presented to the one hundred and thirty-second session of the Legislature of the State of New Jersey, in accordance with an act entitled, "An act providing for a survey or surveys to show the amount of dredging necessary to deepen the channels of the inland waterways extending from Cape May to Bay Head along the Atlantic coast, and for estimates of the cost of deepening the same and appropriating five thousand dollars to defray the expenses of such surveys and estimates," approved June tenth, one thousand nine hundred and seven, is hereby adopted in so far as the same discloses a proposed route for such inland waterway, together with plans and specifications for the construction of such inland waterway with a minimum depth of six feet at low water, and a bottom width of one hundred feet; and the said inland waterway from Cape May to Bay Head shall be constructed in accordance with such route as shown upon the official map now on file in the office of the State Geologist of the State of New Jersey, with the minimum depth at low water of six feet and a bottom width of one hundred feet.

Proposed route.

Width and depth.

Contract.

2. The department of inland waterways shall have power, after advertising, as required by law, and with

the approval of the Governor, to enter into a contract or contracts for the construction of the said waterway, or any section or sections thereof, according to the plans and specifications, and upon the route as the same appears in and by the said report and the maps thereto attached.

3. The said inland waterway may be constructed in sections, the extent of which shall be determined by the Governor, who shall also determine the point or points at which the said construction shall commence, and the section or sections which shall be first constructed. The whole work shall be at all times subject to the supervision and inspection of the Commissioner of Inland Waterways, and such deputy inspectors, as he may, with the approval of the Governor, appoint.

Dug in
sections.

Supervision.

4. The sum of three hundred thousand dollars is hereby appropriated to cover the cost of the construction of the said waterway, to be expended by the Commissioner of Inland Waterways under the direction of the Governor in accordance with the laws of this State governing the expenditure of moneys appropriated from the State Treasury; *provided, however*, that no part of said appropriation shall be available in any one year in excess of the sum that may be appropriated for this purpose by the annual appropriation bill.

Appropriation.

Proviso.

5. This act shall take effect immediately.
Approved April 6, 1908.

CHAPTER 84.

A Supplement to an act entitled "An act concerning corporations" (Revision of 1896), approved April twenty-first, one thousand eight hundred and ninety-six.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Section twenty-seven of said act to which this is a supplement be and the same hereby is amended to read as follows

Section 27
amended.

Corporations may increase or decrease capital, change par value, amend charter, etc.

Method of changing.

Certificate of change filed.

Proviso.

Section 28 amended.

Other corporations may change their certificates.

27. Every corporation organized under this act may change the nature of its business, change its name, increase its capital stock, decrease its capital stock, change the par value of the shares of its capital stock, change the location of its principal office in this State, extend its corporate existence, change its common stock into one or more classes of preferred stock, create one or more classes of preferred stock, and make such other amendment, change or alteration as may be desired, in manner following: the board of directors shall pass a resolution declaring that such change or alteration is advisable and calling a meeting of the stockholders to take action thereon. The meeting shall be held upon such notice as the by-laws provide, and in the absence of such provision, upon ten days' notice, given personally or by mail. If two-thirds in interest of each class of the stockholders having voting powers shall vote in favor of such amendment, change or alteration, a certificate thereof shall be signed by the president and secretary under the corporate seal, acknowledged or proved as in the case of deeds of real estate, and such certificate together with the written assent, in person or by proxy, of two-thirds in interest of each class of such stockholders, shall be filed in the office of the Secretary of State, and upon the filing of the same, the certificate of incorporation shall be deemed to be amended accordingly; provided, that such certificate of amendment, change or alteration shall contain only such provision as it would be lawful and proper to insert in an original certificate of incorporation made at the time of making such amendment, and the certificate of the Secretary of State that such certificate and assent have been filed in his office shall be taken and accepted as evidence of such change or alteration in all courts and places.

2. Section twenty-eight of the said act to which this is a supplement be and the same is hereby amended so as to read as follows:

28. Any corporation of this State whether organized under a special act of incorporation or under general laws, excepting railroad and canal corporations, and other corporations possessing the right of taking and condemning lands, may increase or decrease its capital

stock, change its name, the par value of the shares of its capital stock, or the location of its principal office in or out of this State, change its common stock into one or more classes of preferred stock, create one or more classes of preferred stock, and fix any method of altering its by-laws permitted by the act to which this is a supplement, in the manner prescribed in the foregoing section, and any corporation may, in the same manner, relinquish one or more branches of its business, or extend its business to such branches as might have been inserted in its original certificate of incorporation.

3. Nothing in this act contained shall be construed in any way to amend, alter or modify the provisions of section eighteen of the act to which this act is a supplement.

Section 18
not affected.

4. This act shall take effect immediately.

Passed April 6, 1908.

CHAPTER 85.

An Act concerning cities which have passed, or shall hereafter pass, from cities of the third class to cities of the second class.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Whenever any city of the third class has passed, or shall hereafter pass, to a city of the second class the terms of office of collector and members of the common council, respectively, in such city shall be for the same number of years as was provided by law for said offices, respectively, in such city while a city of the third class.

Term of collector and councilmen.

2. The terms of office of members of the common council, respectively, now in fact serving as councilmen in any city that has heretofore passed from a city of the third class to a city of the second class shall be for such number of years, respectively, as was provided by

Date of term.

law for the terms of councilmen in said city while a city of the third class, and their present terms shall date from the first day of January next following the dates on which they respectively were in fact returned as elected and their respective successors shall be elected to take office from and after the expiration of such terms.

Continuance
of collector.

3. Any collector in any such city now holding the office of collector, or who shall hereafter hold such office under and by virtue of any election or appointment to fill a vacancy in the office of collector caused by death, resignation or removal from office, shall continue in office until the expiration of the term for which he was or shall be so elected or appointed, and his successor shall be elected for a full term.

Repealer.

4. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately.

Approved April 6, 1908.

CHAPTER 86.

An Act to incorporate the First Judicial District of the county of Bergen.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Boundaries
of first
judicial dis-
trict of
Bergen
county.

1. That the following described territory, to wit: All that part of the county of Bergen in the State of New Jersey, beginning at a point in the boundary line between the State of New Jersey and the State of New York, in the Hudson river, forming the southeastern corner of the county of Bergen and the northeastern corner of the county of Hudson, thence running westerly along the boundary line between the counties of Bergen and Hudson to the center line of the Hackensack river, thence northerly along the center line of the

Hackensack river to the mouth of the Overpeck creek, thence easterly and northerly along the center line of Overpeck creek and the various courses thereof to the point of intersection of said center line with the northerly line of the township of Overpeck, thence westerly along the northerly line of the township of Overpeck to the easterly line of the borough of Bogota, thence in a northerly direction along the easterly and northerly lines of the borough of Bogota to the center line of the Hackensack river, thence northerly along the center line of the Hackensack river and following the various courses thereof to the northerly boundary line of the State of New Jersey, thence easterly along the said last mentioned line to the point forming the north-easterly corner of the State of New Jersey, thence southerly along the boundary line between the State of New York and the State of New Jersey, and in the Hudson river to the point or place of beginning, and comprising the municipalities in the county of Bergen, of the boroughs of Alpine, Englewood Cliffs, Fort Lee, Edgewater, Cliffside Park, Fairview, Ridgefield, Palisades Park, Leonia, Tenafly, Cresskill, Demarest, Closter, Norwood, Old Tappan, Harrington Park, Hawarth, Dumont and Bergenfield, the townships of Harrington, Palisade and Teaneck, and the city of Englewood, be and the same hereby is established and incorporated to be the First Judicial District of the county of Bergen, and the provisions of an act entitled "An act concerning district courts (Revision of 1898)," approved June fourteenth, one thousand eight hundred and ninety-eight, and the various amendments thereof and supplements thereto as far as the same may be applicable, shall apply to the district hereby established.

Provisions of
district court
act applicable.

2. This act shall take effect January first, one thousand nine hundred and nine.

In effect.

Approved April 6, 1908.

CHAPTER 87.

An Act to incorporate the borough of Cape May Point
in the county of Cape May.

BE IT ENACTED *by the Senate and General Assembly
of the State of New Jersey:*

Corporate
name.

1. The inhabitants of that portion of the township of Lower, in the county of Cape May, and the State of New Jersey, hereinafter mentioned and described are hereby constituted and declared to be a body corporate, in fact and in law, by the name of "The Borough of Cape May Point," and as such shall be governed by the general laws of this State relating to boroughs.

Boundaries
of Cape May
Point.

2 The boundaries of said borough shall be as follows: Beginning at a corner set in the south side line of the Cape Island turnpike opposite the dwelling of Charles Rutherford, and running from thence south, seven degrees and fifty-five minutes west, two thousand eight hundred and eight and six-tenths feet to a corner set in a pond or low piece of meadow; thence south, twenty degrees and twenty minutes east, twelve hundred and fifty-eight and seven-tenths feet to a corner set in the west side line of the old lighthouse lot, and at the same point of contact made by the west line of the present lighthouse lot; thence along the said old lot south, twenty-six degrees and thirty minutes west, three hundred and forty-nine (349) feet to the southwest corner of the old lot aforesaid; thence along the south end of the lot south, sixty-three degrees and thirty minutes east, one hundred and fifty-four (154) feet; thence south, twenty degrees and thirty-five minutes east, nine hundred and ten (910) feet to low-water line on the Atlantic ocean; thence along the low-water line of the ocean and the Delaware Bay by a succession of courses as follows: First, north, sixty-four degrees and forty minutes west, eight hundred and seventy-four (874)

feet; thence north, fifty-four degrees and forty-five minutes west, eight hundred (800) feet; thence north forty-six degrees and twenty minutes west, twelve hundred and twelve (1212) feet; thence north, fifty-four degrees and twenty minutes west, four hundred (400) feet; thence north, sixty-seven degrees west, four hundred and fifteen (415) feet; thence north, fifty degrees and forty minutes west, four hundred and five (405) feet; thence north, twenty-nine degrees and twenty minutes west, eight hundred and eighty-six (886) feet; thence north, ten degrees and forty minutes west, four hundred and two (402) feet; thence north, one degree east, four hundred and twenty (420) feet; thence north, nine degrees east, eight hundred and fifty (850) feet to Joseph Freas' or John W. Reeves' line at low water line of Delaware Bay, thence up said Reeves' or Freas' line north, eighty-one degrees and twenty-five minutes east, two thousand three hundred and forty-five (2,345) feet to a corner of Albert H. Hughes' lot, now included in this survey; thence along the headline of Freas' land north, four degrees and thirty minutes east, three hundred and thirty-eight and four-tenths (338.4) feet; thence north, eighty-one degrees and forty-five minutes east, two hundred and twenty-three (223) feet; thence north, twenty-two degrees and fifteen minutes east, thirty-eight (38) feet to the south side of the Cape Island turnpike; thence by the side of the same south, sixty-seven degrees and forty-five minutes east, seven hundred and seventy-eight and two-tenths (778.2) feet to the place of beginning.

3 This act shall take effect immediately; *provided*,
 it shall not operate to effect the incorporation of the
 territory above described as a borough of this State
 until it shall have been accepted by a vote of a majority
 of the qualified voters of the said described territory
 voting thereon, at a special election to be held within
 said territory within twenty days after the passage of
 this act, within the hours of six A. M. and seven P. M.
 on the day appointed and at a place within said territory
 to be fixed by the clerk of the said township of Lower.
 The clerk of said township shall cause public notice of
 the time and place of holding said election, to be given

Referendum.

Special
election.

Notice.

by advertisements signed by himself and set up in at least ten public places within said described territory and published in one or more newspapers printed or circulating therein at least ten days prior to such election; and said clerk shall provide for each elector voting at such election ballots to be printed or written, or partly printed and partly written, on which shall be printed the word "for" and the word "against" above and immediately preceding the title of this act; and if the word "for" be marked off or defaced upon the ballot it shall be counted as a vote against the acceptance of said act; if the word "against" is marked off or defaced upon the ballot it shall be counted as a vote in favor of the acceptance thereof; and in case neither the word "for" or the word "against" be marked off or defaced upon the ballot it shall not be counted either as a vote for or against such acceptance. Such election shall be held at the time and place so appointed, and be conducted by the officers of the election district of said township of Lower, except that no special form of ballot or envelope need be used. The officers holding such election shall make return to the township committee of said township of Lower of the result thereof by a statement, in writing, under their hands and the same shall be entered at length on the minutes of said township committee; and thereupon and upon such adoption, but not otherwise, this act shall in all respects be operative.

4 The register of voters of the voters within said described territory used at the general election next preceding the holding of such special election shall be used for the purpose of conducting such special election. It shall not be necessary for the board of registry and elections in said described territory to make a new registry of voters for such special election, but only to revise and correct the register made for the last general election, and for that purpose the said board shall meet at such place within said described territory as shall be designated by the clerk of said township of Lower one week next preceding said election. Notice of the place so designated shall be given by the clerk by posting in at least five of the most public places in said described territory. Said meetings of the board of reg-

Ballots.

Time, place,
officers.Result
returned to
township com-
mittee.

Register.

Revised.

istry and elections shall begin at one o'clock in the afternoon and continue until nine o'clock in the evening of that day, for the purpose of revising and correcting the register and adding thereto the names of all persons entitled to vote within said described territory at said special election, who shall appear in person before them and establish to the satisfaction of the majority of the board that they are entitled to vote at said election, or who shall be sworn by a written affidavit of a voter residing in said described territory to be entitled so to vote; a separate affidavit shall be required for each person so registered, which shall contain the address of the affiant and shall be signed by him; and on the following day one copy thereof shall be delivered to the chairman of the county board of elections of Cape May county to be filed by said board, and one copy shall be retained for use by the said board of election at such special election.

Sitting of
board of
registry.

5 Immediately after the statement of the result of such election shall be made to the township committee of said township of Lower a copy thereof, certified by its clerk, shall be forthwith filed in the office of the county clerk of said county of Cape May.

Certified
statement of
result filed
with county
clerk.

6 The first election of officers in and for said borough of Cape May Point shall be held within thirty days after this act shall have been approved by a majority of the voters voting as aforesaid (if approved), and notice thereof shall be given by the clerk of said township of Lower, in the county of Cape May aforesaid. Said notice shall be published in a newspaper circulating in the territory hereinbefore described eight days prior to said election, and shall be posted for the same length of time in five of the most public places in the territory hereinbefore described, and said election shall be held in the manner now prescribed for the election of borough officials.

First election
in borough.

Notice.

Approved April 6, 1908.

CHAPTER 88.

An Act to amend an act entitled "An act giving the State Commissioner of Public Roads a fixed salary, instead of per diem pay, and limiting the expenses connected with the office," approved March twenty-fifth, one thousand eight hundred and ninety-six, and all amendments thereto.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Section
amended.

1. The second section of said act shall be amended so as to read as follows:

Salary of
supervisor.

2. He shall be allowed the sum of thirty-six hundred dollars per year for the employment of a supervisor, who shall be a competent civil engineer, to assist him in supervising the plans, profiles, cross-sections, specifications and the construction carried on under the same, and performing such other duties as necessity may require.

2. This act shall take effect immediately.

Approved April 6, 1908.

CHAPTER 89.

A Supplement to an act, entitled "An act to provide for the permanent improvement of public roads in this State (Revision of 1905)," approved March twenty-seventh, one thousand nine hundred and five.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Improve-
ment of
improved
roads sub-
ject to storm
tides.

1. If a public road has been opened or improved to any island in this State under the provisions of the act

to which this is a supplement, and the island to which such road has been opened or improved has an assessed valuation of not less than five million dollars and a registered voting population of not less than one thousand voters, and it shall appear that the road so opened or improved is covered with water at storm tides to such an extent that wagon travel to and from such island is cut off, and it appearing that such road is inadequate to accommodate the wagon travel over it, or is not passable at all times, then such road may be elevated, widened and improved and paid for in the same manner as is provided in the act to which this is a supplement.

2. This act shall take effect immediately.

Approved April 6, 1908.

CHAPTER 90.

A Supplement to an act entitled "An act to provide for assistant prosecutors in the several counties of this State," approved April third, one thousand nine hundred and two.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. In any county in which there are two judges of the Court of Common Pleas it shall be lawful for the prosecutor of the pleas to appoint two assistant prosecutors, who, having taken an oath or affirmation before the clerk of the Court of Common Pleas of the county wherein they are appointed, to faithfully and justly perform the duties of the appointment to the best of their ability, shall hold said appointment at the pleasure of the prosecutor.

Assistant
prosecutors
of the pleas.

2. One of said assistants shall be designated as first assistant prosecutor, and shall receive an annual salary of six thousand dollars; the other of said assistants shall be designated as second assistant prosecutor and shall

Designation
and salary.

receive an annual salary for four thousand dollars, which salaries shall be paid monthly by the county collector.

Attendance
on grand
jury.

3. It shall be lawful for the first assistant prosecutor to attend the sessions of the Grand Jury and render therein any service or perform any duty that might be rendered or performed by the prosecutor if he were present.

4. This act shall take effect immediately.

Approved April 6, 1908.

CHAPTER 91.

An Act concerning the recording and filing of maps, plats and surveys of land situate in certain cities in this State.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Duplicate
maps, etc.,
delivered to
city engineer.

1. Whenever any map, plat or survey of land and real estate situate in any city of this State that now has or hereafter shall have an atlas, or block map, upon which shall be plotted the lots or sub-division of lots of land and real estate, is filed in the office of the register of deeds, county clerk, or other officer whose duty it is to record and file maps, plats and surveys of land and real estate, it shall be the duty of the person or corporation filing the same to file a duplicate thereof, and the officer receiving such map, plat or survey shall endorse on said duplicate the time of recording and filing the original and deliver said duplicate to the officer of such city having charge of said city atlas or block maps.

Exceptions.

2. Nothing in the act contained shall apply to maps and surveys filed by commissioners appointed to assess benefits derived from the construction of sewers, drains or other municipal improvements.

3. This act shall take effect immediately.

Approved April 6, 1908.

CHAPTER 92.

An Act to amend an act entitled "An act authorizing the division of townships into water districts for the purpose of supplying water within such districts for fire purposes, and the election of water commissioners in said district," approved October thirtieth, one thousand nine hundred and seven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section two (2) of the act entitled "An act authorizing the division of townships into water districts for the purpose of supplying water within such districts for fire purposes, and the election of water commissioners in said district," approved October thirtieth, one thousand nine hundred and seven, be and the same is hereby amended so as to read as follows:

Section
amended.

2. On the first Tuesday in June in each year the legal voters of any such district so designated are hereby authorized to meet for the purpose of electing three persons, who shall be known and designated as "commissioners of water district number," and at said time the said legal voters shall determine by ballot, by the vote of the majority of those present and voting, the sum of money to be raised and expended within such district for the ensuing year for a supply of water for fire purposes within such district; the said meeting for the election of said commissioners and the determination of said sum to be raised shall be held at such public place within the district as the said township committee may designate, and notice of said time and place of such election shall be given by the township clerk and set up in at least three of the most public places within the said district ten days before the said election; that the polls on said election shall be open at one o'clock in the afternoon and close at nine o'clock in the evening.

Commis-
sioners
elected and
money voted.

Notice of
election.

Section
amended.

2. Section four (4) of the act to which this is an amendment is hereby amended to read as follows:

Organiza-
tion of
commission.

4. Each of said commissioners shall, within one week after his election, qualify by taking and subscribing before the clerk of such township, or some other person authorized to administer oaths, an oath or affirmation faithfully to discharge the duties of his office to the best of his skill and understanding, and shall file the same with the clerk of such township; the said commissioners shall meet on the third Tuesday in June, and they shall immediately select one of their number to act as president of such commission, and one of their number to act as secretary thereof, and one to act as treasurer; in case of a vacancy occurring at any time during the year the commission shall fill the office for the remainder of the year; the acts of a majority shall be the acts of the commission.

Vacancies.

Repealer.

3. All acts and parts of acts inconsistent herewith be and the same hereby are repealed, and this act shall take effect immediately.

Approved April 6, 1908.

CHAPTER 93.

An Act to give additional power to organizations or committees heretofore incorporated under the laws of this State, for the purpose of aiding feeble congregations in erecting, purchasing, procuring or securing to their use houses of worship.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Additional
powers given
certain aid
organiza-
tions.

1. All organizations or committees heretofore incorporated under the laws of this State, either by private or public acts, for the purpose of aiding feeble congregations in erecting, purchasing, procuring or securing to their use houses of worship, shall also be empowered

to maintain houses of worship and carry on religious worship and teaching, in addition to their other powers.

2. This act shall be deemed to be a public act and shall take effect immediately.

Approved April 6, 1908.

CHAPTER 94.

An Act to amend an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture and provide open and close seasons for such capture and possession (Revision of 1903)," approved April fourteenth, nineteen hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section six of the act to which this act is amendatory be and the same is amended to read as follows:

Section 6
amended.

6. It shall be unlawful for any person hunting or gunning after geese, duck, swans or brant or other water wild fowl, to place the boat, sink-box or other vessel or construction in which such person may lie in wait to kill said geese, duck, swans, brant or other water wild fowl, at a distance of more than one hundred feet from ice, marsh or meadow, bar or bank, or heaped seaweed not covered with water; and it shall be unlawful for any person or persons, with intent to capture or kill geese, duck, swans, brant or other water wild fowl, to hunt after or pursue the same in any manner except between one hour before sunrise and until sunset, under a penalty of twenty dollars for each offense.

Hunting web-footed wild fowl.

2. Section eight of the act to which this is amendatory be and the same is hereby amended to read as follows:

Section 8
amended.

8. It shall be unlawful to capture, kill, injure, destroy or have in possession any goose, duck, swan, brant or

Protection for web-footed wild fowl.

Penalty.

Having game
evidence of
unlawful
possession.

any kind of water fowl whatsoever, in the following counties, that is to say: In Passaic county, Sussex county, Morris county, Warren county, Essex county, Hudson county, Somerset county, Hunterdon county, Union county and Bergen county, excepting only from the fifteenth day of October to the first day of January, both dates inclusive in each year, under a penalty of twenty dollars for each goose, duck, swan, brant or any kind of water fowl so captured, killed, injured, destroyed or had in possession, and it shall be unlawful to capture, kill, injure, destroy or have in possession, any duck, swan or any kind of water fowl excepting geese or brant in the remaining counties of this State, excepting only between the first day of November and the fifteenth day of March, both dates inclusive of each year; and it shall be unlawful to capture, kill, injure, destroy or have in possession any goose or brant, excepting only between the first day of November and the twenty-fifth day of March in each year, both dates inclusive, under a penalty of twenty dollars for each goose, duck, swan, brant or any kind of water fowl so captured, killed, injured, destroyed or had in possession. The having in possession of any such goose, duck, swan, brant or any kind of water fowl whatsoever during the period prohibited in this section, shall in every court and place, be deemed prima facie evidence that the same are unlawfully in possession.

3. This act shall take effect immediately.

Approved April 6, 1908.

CHAPTER 95.

An Act to provide for the furnishing and equipment of a building known as the engineering building at the State Agricultural College.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Engineering
building at
agricultural
college.

1 The trustees of the State Agricultural College for the benefit of agriculture and the mechanic arts be and

they are hereby required to provide suitable equipment, machinery, and furniture, in a building known as the engineering building at the said State Agricultural College for the benefit of agriculture and the mechanic arts, for the education of such students of the said State Agricultural College as may elect to pursue a course of study in all branches of mechanic arts and engineering which may be consistent with the character of the department.

Purpose.

2. There shall be appropriated out of the general revenues of the State, for the current year, the sum of twenty thousand dollars, to be expended in the furnishing and equipment of said building, as provided for in section one of this act; *provided*, such sum shall first be appropriated in the annual appropriations bill.

Appropriation.

Proviso.

Approved April 6, 1908.

CHAPTER 96.

An Act validating the incorporation of certain benevolent and charitable associations.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. That wherever a certificate of incorporation has been heretofore made and executed and filed and recorded in pursuance of the provisions of an act entitled "An act to incorporate benevolent and charitable associations," approved March ninth, one thousand eight hundred and fifty-three, but such action has been taken subsequently to the passage of an act entitled "An act to incorporate benevolent and charitable associations," revision approved April ninth, one thousand eight hundred and seventy-five, and after the provisions of the former act were repealed by an act entitled "A further act relative to statutes," approved April ninth, one thousand eight hundred and seventy-five, and any association has heretofore attempted to incorporate under said act of March ninth, one thousand eight hundred and fifty-three, after the passage of the act of April

Certain
eleemosynary
associa-
tions vali-
dated.

Powers and
rights.

ninth, one thousand eight hundred and seventy-five, and the repealing act of the same date, such association shall be a body politic and corporate in law by whatever name they have assumed under the certificate filed under said act of March ninth, one thousand eight hundred and fifty-three, and by such name shall have succession and continuance and be capable in law of suing and being sued, and defending and being defended in all courts and places whatever, and having all the corporate powers, the same as if duly incorporated under said act of April ninth, one thousand eight hundred and seventy-five; and the acts of such association are hereby in all things ratified, confirmed and validated, and shall have the same force and effect as if said association had been duly incorporated under and in compliance with the provisions of the act of April ninth, one thousand eight hundred and seventy-five, and the supplements thereto.

Title to
property
vested.

2. That the title to any lands and property held and possessed by any such association shall vest in said association as fully and completely as if the same had been incorporated under the provisions of said act of April ninth, one thousand eight hundred and seventy-five, and the property had been acquired thereunder.

3. This act shall take effect immediately.

Approved April 6, 1908.

CHAPTER 97.

A Further Supplement to the act entitled "An act concerning contagious and infectious diseases among animals, and to repeal certain acts relating thereto," approved May fourth, one thousand eight hundred and eighty-six.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Section 5
amended.

1. The fifth section of the act entitled "A further supplement to the act entitled 'An act concerning con-

tagious and infectious diseases among animals, and to repeal certain acts relating thereto," approved May fourth, one thousand eight hundred and eighty-six, which further supplement was approved March twenty-eighth, one thousand eight hundred and ninety-five, and which said section five was amended by the one hundred and forty-eighth chapter of the laws of the year one thousand eight hundred and ninety-eight, be and the same is hereby amended to read as follows:

5. There may be appropriated to the State Commission on Tuberculosis in Animals the sum of twenty-five thousand dollars for defraying its expenses, and for the payment of the proportion of the appraised value of slaughtered animals under this act, all which payments shall be made and expenses defrayed by the Treasurer of this State upon the warrant of the State Comptroller; *provided*, that no payments shall be made pursuant to this act until the amount thereof shall have been included in the annual appropriation bill.

Appropriation to commission on tuberculosis in animals.

Proviso.

2. This act shall take effect immediately.

Approved April 6, 1908.

CHAPTER 98.

An Act to amend an act entitled "An act to regulate the practice of courts of law" (Revision of 1903), approved April fourteenth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section one hundred and fifty-three of an act entitled "An act to regulate the practice of courts of law" (Revision of 1903), be and the same is amended to read as follows:

Section 153 amended.

153. All notices of trial given for the first day of the term shall be filed with the clerk at least ten days before

Notices of trial, when given.

Arrange-
ment of list.

Proviso.

the term, who shall furnish the court on the first day of every term with a list of the actions to be tried; it shall be the duty of attorneys, before filing said notices of trial, to endorse thereon the return day of the summons issued in the action, and the clerk of the court shall list and arrange said cases or actions on said list according to the priority of the dates shown by said endorsement; *provided, however*, that whenever notices of trial shall be filed with the clerk without said endorsement the clerk shall list and arrange same, after listing the cases noticed with the said endorsement, according to the date of filing notice of trial thereof with him.

2. This act shall take effect immediately.

Approved April 6, 1908.

CHAPTER 99.

A Supplement to an act entitled "An act for the formation and government of villages." Approved February twenty-third, one thousand eight hundred and ninety-one.

Village trus-
tees may
improve
streets.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The trustees of any village in this State incorporated under this act shall have power and authority by ordinance to grade or regrade, pave or repave or otherwise improve any street, avenue or section of the same within such village (the word section in this paragraph to be understood as meaning a part of a street or avenue bounded by two cross streets or avenues or bounded at one end by a cross street or avenue and at the other end by the village lines or other termination of such street or avenue within such village), and to cause the costs of such improvement to be assessed upon the lands front-

ing on the street, avenue or section thereof so improved to the extent of the benefit received.

2. Every ordinance passed pursuant to the provisions of section one shall be preceded by an application in writing for such improvement, describing the nature, kind and extent of the work or improvement desired, signed by at least ten freeholders of said village.

Petition to precede action.

3. The trustees upon receiving the application referred to in the preceding section, and upon the introduction of the ordinance for the making of such improvement, shall cause the clerk to give public notice of such proposed improvement briefly describing it and stating the time when and place where the trustees will meet to receive and consider objections thereto, which time shall be not less than ten days after the date of such notice; said notice shall be posted in five of the most public places in said village for at least one week prior to the date named therein, or published in a newspaper circulating in said village, for at least one week prior to the date of the meeting as aforesaid, and if at that time and place so specified, the owners of one-half of the property fronting within the limits mentioned in said application do not object thereto in writing, the trustees may proceed to pass such ordinance, directing such improvement to be made; if such objections be filed, however; said ordinance shall not be passed, and no further proceedings shall be taken thereon, and no new application for such improvement shall be entertained by the trustees for the space of one year thereafter.

Notice of proposed improvements.

If majority favorable, ordinance passed.

4. As soon as may be after the completion of any such improvement, the expenses thereof, including surveying when required, and a moderate allowance to be determined by the trustees, for the cost of making the assessment hereinafter provided, shall be ascertained and determined by the said trustees and be entered by resolution upon the record of their proceedings, and the amount so ascertained and determined shall thereafter be treated as and held to be, the true and actual expense of making such improvement.

Expenses of improvements ascertained by village trustees.

5. It shall be lawful to appoint three discreet persons, residents and freeholders of the village, to be commis-

Commissioners of assessment.

Report.	<p>sioners of assessment; said commissioners shall make all assessments upon the owner of any land or real estate for benefits conferred by any improvement made as above provided; every report of assessments made by the commissioners of assessment shall be accompanied by the oath or affirmation of each commissioner making the same that he is not interested, directly or indirectly, in the matter of the assessment and that he has performed his duties in relation thereto honestly, faithfully and impartially to the best of his ability, skill and understanding, which oath of affirmation, the clerk of said village is hereby authorized to administer; the term of said three commissioners of assessment shall be at the pleasure of the trustees, and may be terminated at any time by resolution passed by the majority vote of all the trustees at a regular meeting thereof.</p>
Term.	
Trustees furnish commissioners copy of resolution as to expenses.	<p>6. The trustees shall cause a copy of the resolutions ascertaining the expense of such improvement, attested by the clerk, to be delivered by him to the commissioners of assessment, or any one of them; the said commissioners shall thereupon appoint a time and place of meeting for hearing the parties interested in such improvement, the clerk shall forthwith give public notice of the time and place of such meeting by posting such notices at five public places in the said village two weeks prior thereto, or by publishing the same in a newspaper circulating in said village once in each week for two weeks prior to such meeting, as the trustees may direct, and the nature of such improvement shall be briefly stated in said notice, so as to sufficiently identify the same.</p>
Notice of hearing.	
Hearing.	<p>7. The commissioners of assessment shall attend at the time and place appointed; two of them shall be a quorum for the transaction of business, and sufficient to make any assessment, but one member shall have power to adjourn any meeting; the commissioners may adjourn from time to time; they shall give all parties interested in or affected by the improvement ample opportunity to be heard upon the subject of the assessment; they shall view the premises and have power to examine witnesses under oath or affirmation administered by any one of them; they shall thereupon make a just and</p>

equitable assessment of the benefits conferred upon any lands or real estate, having due regard to the rights and interests of all persons concerned, as well to the value of the lands and real estate benefited; they shall certify their assessments to the trustees by a report in writing, signed by at least two of their number; said report shall be accompanied by a map showing the lands and real estate taken by said improvement and for which they have assessed benefits; such report may be considered by the trustees at any meeting of which at least two weeks' previous notice shall have been given by the clerk, posted in five public places in the village, or published in a newspaper circulating in the village once in each week for two weeks prior to such meeting as trustees may direct, and also serve personally upon the owner or owners named in said report, if resident in said village, or if non-residents, by mailing a copy of said notice to such owner or owners, directed to them at their post-office address, if the same can be ascertained and by posting, the same conspicuously upon some part or parts of said lands; the affidavit of said clerk shall be conclusive as to the manner of such service, and shall be attached to the report as a part thereof; the notice shall briefly state the object of the meeting with reference to said assessments; at that or any subsequent meeting the trustees, after considering the said report and map, shall and may adopt and confirm the same with or without alterations, as to them may seem proper; it shall be lawful for the said trustees to refer the matter to any committee or committees of their own body for further examination before taking final action upon it; and when the report shall be so adopted and confirmed with or without alterations the same shall be final and conclusive upon all parties, except as to such assessments from which appeals may be taken as hereinafter provided.

Assessments
made and
certified to
trustees.

Report con-
sidered on
two weeks'
notice.

Adopted
report final.

8. Any person or persons feeling aggrieved by any such assessment of benefits for any lands and real estate taken by any such improvement, may appeal to the Circuit Court of said county, at any time within sixty days after the final adoption of said report by the trustees, and said court shall thereupon order a trial by

Appeal from
assessment.

Proviso.	jury to assess such benefits anew, and said trial shall be conducted as in other cases of trial by jury; <i>provided</i> , that the completion of said improvement shall not be delayed thereby, and that the trustees may proceed therewith, as though said appeal had not been taken.
Report and map delivered to collector.	9. After said report of the commissioners of assessment shall have been adopted and confirmed by the trustees with or without alteration as aforesaid, and shall have been duly recorded at full length in the records of their proceedings, it shall, together with the last-mentioned map, be delivered to the collector; said collector shall immediately thereafter prepare an abstract of said report, including therein a brief description of the improvement, the names of the several owners of the lands and real estate assessed, the several amounts so assessed against them, and a brief description of the several parcels of said lands and real estate, specifying the locality thereof with reference to streets; and the said collector shall enter such abstract in a book to be kept in his office for that purpose, which book shall be called the book of assessments, and also file with the clerk of the county in which such village is located a duplicate copy of said abstract, which shall be recorded and indexed by the clerk of the county in the same manner as provided by statute for recording and indexing arrears of taxes; and the clerk of the said county for such service shall receive the same fees as provided by statute for recording and indexing arrears of taxes; he shall, within fifteen days after receiving the same, demand payment of the sum so assessed by delivering to the owner of each lot, or to one of the owners of each lot, residing within his village, or by leaving at the place of residence of any owner residing within his village, or by delivering to the agent of any such owner or owners a notice in writing or printed, which notice shall set forth the name or names of the owner or owners, a brief description of the lot, the amount of the assessment, and the time when the same shall become due and payable; and if any owner or owners shall reside out of his village, the said collector shall, within the same time, send a like notice to him,
Duties of collector.	
Duplicate filed with county clerk.	
Clerk's fees.	
Assessment notices sent out.	

her or them by mail, with postage prepaid, directed to his, her or their last known post-office address.

10. In case any assessment shall remain unpaid and in arrears for the space of six months from and after the time when said assessment shall be confirmed by the trustees, it shall be the duty of the collector at the next meeting of the trustees, after the expiration of said period of six months, to return to them the certified copy of assessments with a list of the names of the owners from whom he has collected assessments and the amounts from them respectively collected, which list shall be annexed to said certified copy of assessments, and shall be verified by the oath of the collector; *provided*, that if the collector's term of office shall expire before the expiration of said period of six months, he shall, upon the expiration of his term of office, or at the first meeting of the trustees thereafter, make a return to the trustees in like manner as if the said period of six months had expired, and the certified copy of assessments, together with said list of names and moneys collected, shall in such case be delivered to said collector's successor in office, who shall proceed to collect the assessments shown by such certificate and the return thereto annexed to the unpaid, and at the expiration of said period of six months shall likewise make return to the trustees under oath.

Unpaid assessments.

Proviso.

11. If any assessment shall not be paid at or before the time when the same shall become due and payable, it shall be the duty of the collector to demand and collect, in addition to the amount of the assessment, interest thereon at the rate of ten per centum per annum from the time the same shall become due and payable until fully paid.

Interest on unpaid assessments.

12. Every assessment for improvements as herein provided, together with interest thereon, and all costs and charges connected therewith, shall be a first and paramount lien upon the lot of land described in such assessment, notwithstanding any mistake in the name or names of any owner or owners, or any omission to name any owner or owners, who are unknown, and notwithstanding any lack of form therein or in any other proceeding which does not impair the substantial

Assessments a lien.

rights of the owner or owners or other person or persons having a lien upon or any interest of any such lot or land; and every assessment or proceeding preliminary thereto shall be presumed to have been regularly made or conducted until the contrary be shown.

Collections applied to foregoing improvements.

13. All collections on account of said assessments or the interest thereon shall be applied to the payment of the village obligations issued by the said trustees in payment of the cost of the improvements for which said assessments were made and for no other purpose whatsoever.

Assessments payable in installments.

14. The trustees may, by resolution, provide that the owner of any lands upon which any assessment for any improvement shall have been made may pay such assessments in such equal yearly instalments, not exceeding ten, with legal interest thereon, and at such time in each year as the said trustees shall determine; *provided*, that any party assessed shall have the privilege of paying the whole of any assessment or any balance of instalments, with accrued interest thereon at one time; in case any such instalment shall remain unpaid for thirty days from and after the time when the same shall have become due and payable, the whole assessment, or the balance due thereon shall become and be immediately due and payable, shall draw interest at the rate of one per centum per month, and shall be collected in the same manner as is provided by this act for other past due assessments; whenever any owner shall be given the privilege of paying any assessment in instalments such assessments shall remain a lien upon the said land described therein until the same, with all instalments and accrued interest thereon, shall be paid and satisfied, and no proceedings to collect or enforce the same need be taken until default shall be made in the payment of any instalment as above provided.

Proviso.

If assessment set aside, provisions for re-assessment.

15. In all cases where any assessment for benefits incident to any improvement shall be reversed or set aside on removal by certiorari or other process, and such improvement shall have been actually made in the manner provided by law, it shall be the duty of the commissioners of assessment to make a new assessment of damages

or benefits, as the case may be, upon the property damaged or benefited by said improvement, in the manner and by the proceeding herein provided for the improvement; all assessments and such new assessments shall become a lien upon the property so assessed in the same manner and with like effect, and shall be enforceable in the same way as in case of an original assessment for like improvements.

Approved April 6, 1908.

CHAPTER 100.

An Act to amend an act entitled "An act to enable the boards of chosen freeholders of any of the several counties of this State to construct and reconstruct bridges over and across navigable rivers or streams therein in certain cases, and providing for the regulation thereof," approved March twenty-eighth, one thousand eight hundred and ninety-two.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section two of the act entitled "An act to amend an act entitled 'An act to enable the boards of chosen freeholders of any of the several counties of this State to construct and reconstruct bridges over and across navigable rivers and streams therein in certain cases, and providing for the regulation thereof,'" approved March twenty-eighth, one thousand eight hundred and ninety-two, be and the same is hereby amended so as to read as follows:

Section 2
amended.

2. To defray and meet such cost and expense such board of chosen freeholders is hereby authorized to issue bonds of such county, in the proper corporate name under the corporate seal thereof, for such sum or sums as may be needed; *provided*, the total sum, exclusive of interest, to be paid on such bonds shall not exceed

Bond issue.

Proviso;
amount.

the sum of three hundred and fifty thousand dollars; said bonds shall be signed by the directors of said board and the county collector of the county, and shall state upon their face for what purpose the same are made and issued, and shall be issued in sums not exceeding one thousand dollars each and shall bear interest at not exceeding the rate of five per centum per annum, and shall run for and be made due and payable at such time or times, not exceeding thirty years from the date of the issue, as the said board shall, by resolution, determine, and which said bonds shall be sold at public sale for not less than par; and such board shall annually thereafter place in the tax levy a sufficient sum to meet the interest on said bonds, and a further sum to be deposited in a sinking fund, to be created for the purpose, to pay and discharge such bonds at maturity.

3. This act shall take effect immediately.

Approved April 6, 1908.

Rate; term.

Sinking fund.

CHAPTER 101.

An Act to amend an act entitled "A general act relating to boroughs" (Revision 1897), approved April twenty-fourth, one thousand eight hundred and ninety-seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Section 2
amended.

1. Section two of the act entitled "A general act relating to boroughs" (Revision 1897), approved April twenty-fourth, one thousand eight hundred and ninety-seven, be and the same hereby is amended to read as follows:

Elective
officers.

2. The elective officers of every borough shall be a mayor, six councilmen, an assessor, a collector, one or more justices of the peace, and in boroughs having a population of not less than twenty-five hundred inhabi-

tants, or which embrace a whole township within their limits, one member of the county board of chosen freeholders, to be elected by the people.

2. This act shall take effect immediately.

Approved April 7, 1908.

CHAPTER 102.

An Act to incorporate the borough of West Long Branch in the county of Monmouth, and to provide for the holding of an election.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The inhabitants of that portion of the township of Eatontown, in the county of Monmouth, contained within the limits hereinafter set forth are hereby constituted and declared to be a body politic and corporate in fact and in law by the name of the Borough of West Long Branch, and shall be governed by the general laws of this State relating to boroughs. Corporate name.

2. The territorial limits of said borough shall be as follows:

Beginning in the middle of Norwood avenue, which is the westerly boundary line of the city of Long Branch, where the same is intersected by the middle of Whale Pond brook; thence (1) northwardly along the middle of said Norwood avenue the several courses thereof to the middle of Cedar avenue; thence (2) eastwardly along the middle of said Cedar avenue to a point where the middle of that portion of Norwood avenue north of Cedar avenue interseects the middle of said Cedar avenue; thence (3) northwardly along the middle of said Norwood avenue the several courses thereof, to the middle of Wall street (which street in the description of the boundary lines of the city of Long Branch is called High street); thence (4) westwardly along the middle Boundaries of West Long Branch.

of said Wall street, the several courses thereof to the middle of Oakwood avenue; thence (5) northwardly along the middle of said Oakwood avenue, the several courses thereof, to the middle of Broadway, where the same was formerly intersected by the middle of the Joel Wardell brook; thence (6) northwardly along the middle line of said Joel Wardell brook, and the middle of said brook, the several courses thereof, to the middle of Turtle Mill brook; thence (7) westwardly along the middle of said Turtle Mill brook, the several courses thereof, to a point near the west side of Broadway (formerly known as the Eatontown and Sea Shore turnpike), where said Turtle Mill brook divides into two branches; thence (8) northwardly and westwardly along the middle of the north branch of said Turtle Mill brook, the several courses thereof, to the west line of the farm known as the Ellison Covert farm; thence (9) southwardly along the west line of the said Ellison Covert farm and the west line of the farm belonging to Frank Ostoff (formerly known as the James Poole farm), the several courses thereof, to the north line of the farm belonging to O. Renwick Goodrich; thence (10) westwardly along the north line of said farm belonging to O. Renwick Goodrich and the north line of the farm known as the George A. Parker farm, the several courses thereof, to the northwest corner of the said George A. Parker farm; thence (11) southwardly along the west line of the said George A. Parker farm and the west line of lands belonging to Thomas A. Eaton, the several courses thereof to the middle of the aforesaid Wall street; thence (12) eastwardly along the middle of said Wall street, the several courses thereof, to the middle of the Whale Pond Bridge road; thence (13) southwardly along the middle of said Whale Pond Bridge road, the several courses thereof, to the middle of the aforesaid Whale Pond brook; thence (14) eastwardly along the middle of said Whale Pond brook, the several courses thereof, to the place of beginning.

Referendum.

3. This act shall take effect immediately but shall not operate to affect the incorporation of the territory above described as a borough until it shall have been accepted by a majority vote of the qualified voters residing within

the above described territory, at a special election to be held therein on the first Tuesday in May in the year one thousand nine hundred and eight, from six A. M. to seven P. M. of said day. The clerk of the township of Eatontown, in the county of Monmouth, shall provide a suitable place in which said election shall be held. The county board of elections shall cause public notice of the time, place and object of such election to be given by posting said notice in at least ten public places in the the above described territory for at least two weeks prior thereto, which notice shall also be published once a week for a like space of time in at least one newspaper published or circulating within said territory. Said election shall be by ballot and shall be conducted by the local board of registry and election for the election district in which the greater part of the above described territory is situate. The registry of voters used at the last general election shall be used at this election, and the said board of registry and election shall meet on Tuesday preceding the said election at the place where the same is to be held, from one P. M. to nine P. M. for the purpose of revising and correcting the same, in the manner provided under the general election laws. Public notice of such meeting shall be given by the said county board of election at the time and in the same manner as notice of said election. The said county board of election shall also provide the necessary ballots to be voted at such election, upon which shall be printed only the word "for" and the word "against," above and immediately preceding the title of this act. And if the word "for" be marked off or defaced upon the ballot it shall be counted as a vote against the acceptance of said act; if the word "against" be marked off or defaced upon the ballot it shall be counted as a vote in favor of the acceptance thereof; and in case neither the word "for" nor the word "against" be marked off or defaced upon the ballot it shall not be counted either as a vote for or against such acceptance. The officers holding said election shall immediately at its close certify under their hands in duplicate the result thereof; one of which certificates shall be filed forthwith with the clerk of the said town-

Special
election.Notice of
election.

Registry.

Ballots.

Result cer-
tified to town-
ship and
county clerks.

Canvass.

ship of Eatontown and one with the clerk of the county of Monmouth. The county board of elections shall proceed to canvass and determine the votes cast at said election, at the time and in the manner provided by law, and a statement of the result of said canvass shall be filed in the county clerk's office, and the county clerk shall thereupon forward to the Secretary of State and to the clerk of the township of Eatontown, respectively, a certified copy of such statement.

Passed April 7, 1908.

CHAPTER 103.

A Further Supplement to the act entitled "A general act relating to boroughs (Revision of 1897)," approved April twenty-fourth, one thousand eight hundred and ninety-seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Part of borough hall
may be
rented.

1. Any portion of a building used as a borough hall heretofore or hereafter erected, purchased or rented by any borough in this State, not needed for borough purposes, may be rented or leased by said borough, and the income derived therefrom devoted to the payment of interest on any bond or bonds issued for the purchase of land for the erection of said borough hall, or for the maintenance of said borough hall, or may be turned into the treasury of said borough as the common council thereof may, by resolution, determine.

2. This act shall take effect immediately.

Approved April 7, 1908.

CHAPTER 104.

An act to amend an act entitled, "A supplement to an act entitled 'An act providing for the formation, establishment and government of towns,'" approved March seventh, one thousand eight hundred and ninety-five, which supplement was approved March sixteenth, one thousand nine hundred and four:

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section one (1) of the act to which this is an amendment is hereby amended so as to read as follows:

Section
amended.

1. In all towns formed or established under the act to which this act is a supplement, or governed under the provisions thereof, the council shall have power to acquire, maintain and make available to the public, parks and open places for public resort and recreation, and shall have power to locate within the limits of said town such public parks and places, and for such purpose shall have power to take in fee, or otherwise, by purchase, lease, gift or devise, or by condemnation proceedings, with the right of appeal from the award of the commissioners, lands and rights in land within said town; and may lay out, embellish and maintain the same, and pass ordinances providing for the proper and convenient use thereof by the public.

Recreation
grounds.

Approved April 7, 1908.

CHAPTER 105.

An Act to amend an act entitled "A supplement to an act entitled 'An act to incorporate trustees of religious societies' (Revision), approved April ninth, one thousand eight hundred and seventy-five, and providing for the incorporation and management of congregations and parishes of the Protestant Episcopal church in this State, and repealing acts and parts of acts relating to religious societies, in so far as they affect or relate to the Protestant Episcopal church or congregations or parishes thereof," approved March twentieth, one thousand nine hundred and one.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section
amended.

1. Amend section nine of the act entitled "A supplement to an act entitled 'An act to incorporate trustees of religious societies' (Revision), approved April ninth, one thousand eight hundred and seventy-five, and providing for the incorporation and management of congregations and parishes of the Protestant Episcopal church in this State, and repealing sundry acts and parts of acts relating to religious societies, in so far as they affect or relate to the Protestant Episcopal church or congregations or parishes thereof," approved March twentieth, one thousand nine hundred and one, so as to read as follows:

Annual
election.

9. The annual election of any such parish, hereafter incorporated, shall be held on such secular day in the week, commencing with the first Sunday in Advent, as may be designated in its certificate of incorporation; the annual election of any such parish heretofore incorporated shall be held on the day fixed by its charter or certificate of incorporation, but if no date shall have been so fixed, then on the Monday following the first Sunday in Advent.

Notice of the time and place of the annual election shall be given by an advertisement set up in open view at the door of the church, or usual place of worship, ten days previous to such election, and shall also be read by the rector or officiating minister on the two Sundays next preceding such election in time of public service.

Notice of.

The rector shall preside, with the right to vote, or in the event of his absence, or if no rector be settled in the parish, the meeting shall choose one of the wardens, or if neither of the wardens be present, one of the vestrymen, or if no vestryman be present, then some duly qualified voter to act as chairman. The secretary of the vestry, or in his absence some person appointed by the chair, shall enter the proceedings in the minute book of the vestry, and shall sign the same together with the chairman. The qualifications for voters, and for such officers as may be elected by the meeting, shall be as provided from time to time by the constitution and canons of the Protestant Episcopal Church in the diocese in which any such parish may be located. The chairman shall be the judge of the qualifications of the voters, shall receive the votes and declare the result. The election shall be by ballot, and the polls shall remain open for one-half hour, and for such longer time as may be required to receive the ballots of such persons as may be present and ready to vote; three persons shall constitute a quorum. In the event of failure to elect on the first ballot the required number of wardens or vestrymen, to be elected at said meeting, one or more further ballots shall then be taken in the manner hereinbefore provided.

How conducted;
presiding
officer.

Who may
vote.

Voting.

At each annual election of any such parish, hereafter incorporated, one warden shall be elected to hold office for two years, or until his successor is chosen, and one-third of the total number of the vestrymen shall be elected to hold office for three years, or until their successors are chosen. At each annual election of any such parish, heretofore incorporated, both wardens and all the vestrymen shall be elected to hold office for one year, or until their successors are chosen, unless otherwise provided in their charter or certificate of incorporation.

Who elected;
terms.

2. This act shall take effect immediately.

Approved, April 7, 1908.

CHAPTER 106.

An act to provide for the completion and dedication of
Civil War monuments.

BE IT ENACTED *by the Senate and General Assembly
of the State of New Jersey:*

Freeholders
or common
council may
complete
monument.

1. Whenever any monument association incorporated under the laws of this State or the supplements thereto shall have raised the sum of ten thousand dollars or more, by popular contribution or otherwise, towards the erection of a monument to commemorate the victories of the armies of the United States or of New Jersey soldiers and sailors therein during our late Civil War, it shall and may be lawful for the board of chosen freeholders of the county, or the common council of the city, in which said monument is to be located, to proceed to finish, erect and dedicate said monument, and to this end may appropriate a sum not exceeding thirty per centum of the amount so raised, and thereupon the title to such monument, together with the land upon which the same may be located, if provided by said association or by such appropriation and all the right, title and interest of said association in said land and moneys so provided and raised, shall immediately vest in, be acquired by and become the property of said county or city making such appropriation, but the care and maintenance of said monument shall be provided for by said county or city forever afterwards.

Appropriation.
Title vested
in city or
county.

Supervision.

2. Any monument completed and erected as aforesaid shall be located and erected under the supervision of a joint committee of ten, of whom five shall be members of the board of chosen freeholders of said county, or of the common council of said city, making such appropriation and five members of said monument association approved by said board of freeholders or common council.

3. This act shall take effect immediately.

Approved April 7, 1908.

CHAPTER 107.

An Act to provide for the attendance of a part of the National Guard of New Jersey at the dedication of the Soldiers' and Sailors' Monument, at Trenton, in the county of Mercer.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The Governor is hereby authorized and requested to order a suitable representation of the National Guard of this State to participate in the dedication of the Soldiers' and Sailors' Monument, erected at Trenton, in the county of Mercer, in memory of the officers and men of New Jersey (from Mercer county particularly) who served in the army and navy of the United States during our late Civil War. National guard at dedication of Trenton monument.
2. The sum of two thousand dollars is hereby appropriated, when included in the annual appropriation bill, for the purpose of defraying the cost of transportation of said troops and other expenses necessarily incident to the dedication of said monument. Appropriation.
3. This act shall take effect immediately.

Approved April 7, 1908.

CHAPTER 108.

An Act to amend an act entitled "An act to provide for the establishment of public playgrounds in cities of this State and for the maintenance, control and management thereof," approved May seventh, one thousand nine hundred and seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The title of the act to which this act is an amendment be and the same is hereby amended to read as Title amended.

follows: "An act concerning playgrounds and recreation places in cities of this State, and providing for the establishment, equipment, control, use and regulation thereof."

Section 2
amended.

2. The second section of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Select lands
and estimate
cost.

2. It shall be the duty of such board, from time to time to select in different parts and sections of the city for which they are appointed, lands for public playgrounds and recreation places, of such size and dimensions as they shall think suitable, regard being had to the population of the neighborhood, and to cause surveys and maps to be made thereof, together with a careful estimate, as nearly accurate as may be, of the probable cost of acquiring said lands, if it is proposed to purchase or condemn the same, and a statement of the annual rental and duration of term, if it is proposed to lease the same, together with an estimate of the cost of preparing said lands, and of suitably equipping the same, by the erection of buildings, stands, seats and other structures and apparatus, for playgrounds and recreation places, which surveys, maps and estimates shall be submitted to the common council or other body of such city having control of the finances with a request that an appropriation be made for the purpose of acquiring or leasing said lands and preparing and suitably equipping the same. If the common council or other body of such city, by resolution, authorize the acquisition of the said lands and appropriate a sum for the purchase and equipment thereof, or authorize the leasing thereof and appropriate a sum for the equipment thereof, the said board shall proceed to acquire said lands by purchase or condemnation, or lease the same, as the case may be, and suitably to prepare and equip the same for a playground and recreation place. If the land is condemned and the award exceeds the amount appropriated for its acquisition the commissioners shall immediately submit the award to the common council or body having control of the finances, and unless they approve the same, shall within twenty days from the filing of the report of the commissioners abandon the condemnation proceedings.

Council to
authorize ac-
quisition.

In case of condemnation proceedings, either party thereto shall have the right of appeal from the award of the commissioners. The title to all lands so purchased or taken shall vest in the city, and all leases of lands for the purposes of this act shall be in the name of the city.

3. The third section of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Section 3
amended.

3. The Board of Playground Commissioners shall have full control over all lands, playgrounds and recreation places acquired or leased under the provisions of this act and may adopt suitable rules, regulations and by-laws for the use thereof, and the conduct of all persons while on or using the same; and any person or persons who shall violate any of such rules, regulations or by-laws shall be deemed and adjudged to be a disorderly person. The custodians and assistants appointed by the board shall, while on duty and for the purpose of preserving order and the observance of the rules, regulations and by-laws of the board, have all the powers and authority of police officers of the respective cities in and for which they are severally appointed. The said board shall have power and authority, in its discretion, to grant permits, from time to time, for the use of the whole or part of any playground or recreation place having an area of at least five acres, for an outdoor exhibition, concert, game or contest, upon such terms or conditions as it may deem proper. The said board may authorize the holder of any such permit to charge and collect an admission fee from each person entering the playground or recreation place to witness such exhibition, concert, game or contest, provided that no such permit shall be given for the use of such ground or place for more than twenty-four hours. The said board may appoint a secretary or clerk and such number of custodians and assistants for the several playgrounds and recreation places as they shall think necessary, but the salaries of all such officers, custodians and assistants shall be fixed and determined by the common council or other body having control of the finances of the city.

Control and
regulation.

Custodians.

May grant
use of play-
ground for
exhibitions,
etc.

Assistants.

Salaries
fixed by
council.

4. The fourth section of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Section 4
amended.

Funds provided by council.

4. The common council or body having control of the finances of each city having such playgrounds shall annually fix, determine and appropriate a sum sufficient for the care, custody, policing and maintenance of such playgrounds and recreation places, and for the expenses of the several boards of commissioners, which sum shall be raised by taxation as other taxes are raised in such city. The common council or other body having control of the finances shall provide a suitable office or offices for said boards of commissioners of playgrounds.

Office.

Section 5 amended.

5. The fifth section of the act to which this act is an amendment be and the same is hereby amended to read as follows:

Bond issue to acquire lands.

5. The sum or sums of money necessary to pay for lands purchased or condemned for such playgrounds and recreation places and for preparing and equipping the same, from time to time, may be raised and provided by the common council or body having control of the finances by general taxation as other taxes are raised and levied, or by the issue of temporary loan bonds, or by the issue of permanent bonds of the particular city. If permanent bonds are issued they shall be for not less than thirty nor more than fifty years, shall bear interest not exceeding four per centum per annum, and shall be sold at not less than their par value. If permanent bonds are issued there shall be raised each year by general taxation by the city issuing the same, as other taxes are raised and levied, a sum sufficient to pay the annual interest and also a sum for a sinking fund for such bonds, sufficient to meet, pay and retire the same at maturity. If temporary loan bonds are issued, they shall be so issued that at least one-fifth thereof shall be due and payable each year, and there shall be raised each year by general taxation a sum sufficient to pay and retire the temporary loan bonds falling due that year. All moneys received by the said board shall be paid over to the city treasurer and be by him kept in a special fund, which shall be used only for the purpose of defraying the expenses of improving, maintaining or policing the playgrounds of the city.

Time; rate.

Sinking fund.

Retirement of temporary loan bonds.

Section 6 amended.

6. The sixth section of the act to which this act is an amendment be and the same is hereby amended to read as follows:

6. Each section of this act and every part of each section are hereby declared to be independent sections and parts of sections and the holding of any section or part thereof to be void, ineffective or unconstitutional for any cause shall not effect any other section or part thereof; and this act shall take effect immediately.

Sections of
act inde-
pendent.

Approved April 7, 1908.

CHAPTER 109.

An Act to annex to the city of Elizabeth a portion of the township of Union in the county of Union.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. All that portion of the land and real estate situate, lying and being in the township of Union in the county of Union, included within the following boundaries, to wit:

Boundaries
of portion of
Union town-
ship annexed
to Elizabeth.

Beginning at a point in the easterly boundary line of the borough of Roselle Park where said line is intersected by the northerly boundary line of the borough of Roselle, and running thence northerly and northwesterly (across Westfield avenue) and along said easterly boundary line of the borough of Roselle Park said line being at or near the center line of Galloping Hill road) to a point in said line where the same would be intersected by a continuation of the centre line of the street or road known as Magie road; thence northeasterly and southeasterly along said continuation and along said centre line of Magie road to a point in said road where the same would be intersected by a continuation of the northwesterly line of land of John M. Horsburg; thence northeasterly along said continuation and along said northwesterly line of John M. Horsburg to the most northwesterly corner of land of said Horsburg, thence southeasterly along the northeasterly line

of said land of Horsburg (and across a right of way leading to Magie road) to a point where said northeasterly line of land of Horsburg intersects the most northwesterly line of land of J. O. Brokaw; thence northeasterly, southeasterly, northeasterly and southeasterly following the northeasterly and northwesterly boundary lines of said land of Brokaw to a point where the most northeasterly line of said land of Brokaw intersects the most northwesterly line of land of the John O. Magie estate; thence southeasterly, northeasterly, southeasterly, southwesterly and southeasterly, along the northeasterly and northwesterly boundary lines of said land of Magie to a point where the most southeasterly section of said northeasterly boundary lines of Magie intersects the northwesterly boundary line of land of Clinton and Wm. W. Gilbert (formerly owned by E. P. Beebe), said point being also in the boundary line between said line of land of Gilbert and the land of Conrad Weppeler adjoining the same on the northeast; thence southeasterly along the northeasterly line of said land of Gilbert to a point where said northeasterly line if continued would intersect the centre line of the street or road known as North avenue; thence southwesterly along said centre line of North avenue to a point where said centre line, or its continuation would intersect the southerly boundary line of Union township, said point being in or near the centre line of the street or road known as Bay Way; thence southwesterly, southerly, northwesterly and westerly and following said township line (in its course southwesterly and southerly along said centre line of Bay Way, and under the tracks of the Central Railroad of New Jersey, then northwesterly at an acute angle along the centre line of the Old Westfield road, and then westerly along or near the tracks of the said railroad) to the intersection of said township line with the said easterly boundary line of the borough of Roselle Park, the point or place of beginning, is hereby set off from said township and annexed to and made a part of the city of Elizabeth in the said county of Union.

Referendum.

2. This act shall take effect immediately; but it shall not operate to effect such annexation of the territory

above described to the city of Elizabeth until it shall have been submitted to the qualified voters residing within the above described territory at a special election to be held for that purpose on the sixteenth day of May next, and until the same shall be accepted by a majority of the voters voting at said special election upon the question of the adoption or rejection of this act.

Special election.

Notice of such special election and of meeting of board of registry hereinafter provided for, including time and designating place for holding said election and said meeting, shall be given by the clerk of Union township by the publication on or before May second, one thousand nine hundred and eight, in a newspaper circulating in said township and by advertisement posted in three conspicuous places within the territory above described.

Notice of.

Said election shall be by ballot and shall be held on said May sixteenth, one thousand nine hundred and eight, by the same election officers as held the last general election in the election district within which the above described territory is included; and said officers shall designate some convenient place within said territory to be used as a polling place at said election.

Time for, and officers.

At such special election the only questions submitted shall be "For the adoption of the act to annex to the city of Elizabeth a portion of the township of Union in the county of Union," or "Against the adoption of the act to annex to the city of Elizabeth a portion of the township of Union in the county of Union"; and said township clerk shall prepare separate printed ballots, one set containing the words first above quoted and another set containing the latter words above quoted, and he shall provide a sufficient number of ballots so that there may be at least one of each set for each elector entitled to vote at such election.

Ballots.

The polls at said election shall be open for the time provided by law for general elections in such township, and such election shall be in all respects conducted and the votes canvassed in the manner provided by law for such general elections.

Election, how conducted.

If a majority of the ballots cast at such election shall contain the words "For the adoption of the act to annex

Majority to determine.

to the city of Elizabeth a portion of the township of Union in the county of Union" then and thereupon this act shall be deemed to be operative and said annexation fully affected.

Result
returned.

The officers holding such election shall make a return of the result thereof on or before May nineteenth, one thousand nine hundred and eight, to the township committee of Union township and to the city council of the city of Elizabeth by a statement in writing under their hands, and the same shall be entered at length on the minutes of said township and of said city.

Register.

The register of voters used at the general election next preceding the holding of such special election shall be used for the purpose of conducting such special election; it shall not be necessary for the board of registry in said township to make a new register of voters for such special election but only to revise and correct the register made for the last general election, and for that purpose the said board shall designate, and meet at, some convenient place within the territory above described on the ninth day of May, one thousand nine hundred and eight, said meeting to begin at one o'clock in the afternoon and to continue until nine o'clock in the evening of that day, for the purpose of revising and correcting the register and of adding thereto the names of all persons entitled to vote at said special election, who shall appear in person before them and establish to the satisfaction of a majority of said board that they are entitled to vote at said election, or who shall be shown by written affidavit of a voter residing in said territory to be entitled so to vote. Those voters whose names already appear on said register used at said last general election shall be allowed to vote at said special election without appearing before said board of registry at its meeting herein provided for. On or before May twelfth, one thousand nine hundred and eight, a copy of said register so revised shall be delivered by said board to the chairman of the county board of electors to be filed by him; one copy shall be retained for use of said election officers at such special election; and three copies shall be posted, one in each of three separate conspicuous places within said above described territory.

Revision of.

Revised
register filed.

Approved, April 7, 1908.

CHAPTER 110.

An act to authorize the erection of a monument on the battlefield of Salem Church, in the State of Virginia, and a tablet on the battlefield of Spottsylvania, in the State of Virginia, to commemorate the services of the Fifteenth Regiment, New Jersey Volunteer Infantry, in the battles of Salem Church and Spottsylvania, and other engagements of the Civil War, and to appropriate money to pay the cost of the erection and dedication of the same.

- WHEREAS, The Fifteenth Regiment rendered valiant and distinguished service in the battles of Salem Church and Spottsylvania, as well as in more than thirty other engagements of the Civil War; and
- WHEREAS, The survivors of said regiment have formed themselves into an association known as the "Fifteenth Regiment New Jersey Volunteers' Veteran Association," for the purpose of perpetuating the history of a regiment which bore a remarkably conspicuous part in the service of its country, and in such service sustained losses exceeded by but few regiments of the Union Army; and
- WHEREAS, The said association has secured by purchase a suitable portion of the land upon which the said battle of Salem Church was fought; and
- WHEREAS, The said association is desirous of erecting upon the land so purchased a suitable monument commemorative of said battle, but are without means to accomplish the same and are desirous of State aid in the premises; and
- WHEREAS, The Fifteenth Regiment rendered a most distinguished service in the battle of Spottsylvania, and suffered at the "Bloody Angle," on the field of said battle, a percentage of mortal loss that was ex-

Preamble.

ceeded by but one regiment in a single engagement during the Civil War; and

WHEREAS, The said association is desirous of erecting upon land to be acquired on said battlefield a suitable tablet commemorating the Fifteenth Regiment's services in said battle, but are without means to accomplish the same and desire State aid in the premises; therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Appropriation.

1. The sum of six thousand five hundred dollars is hereby appropriated, when included in the annual or supplemental appropriation bill, for the purpose of erecting and dedicating a monument on the battlefield of Salem Church, and a tablet on the battlefield of Spottsylvania, both in the county of Spottsylvania and State of Virginia, to commemorate the services of the Fifteenth Regiment, New Jersey Volunteer Infantry, in said battle and in other engagements of the Civil War; said sum to cover all expenses incident to the erection and dedication of said monument and said tablet.

Commission on memorial monument.

2. The Governor shall, upon the making of such appropriation, appoint a commission to consist of six citizens of the State, three of whom shall be survivors of said regiment, members of the association of said survivors, to select designs, contract for, erect, finish and arrange for the dedication of a suitable monument on the land at Salem Church, in the State of Virginia, now held in trust for the association known as the "Fifteenth Regiment New Jersey Volunteers' Veteran Association," and a suitable tablet on the land to be secured at Spottsylvania, in the State of Virginia, and also to grade the grounds immediately surrounding said monument and said tablet. Said commissioners shall receive no compensation for their services, and the Governor shall fill all vacancies that may occur by death, resignation or otherwise.

Payments.

3. The Comptroller of the State shall draw his warrant in payment of all bills approved by said commission, and the Treasurer of the State shall pay all warrants so drawn to the extent of the amount appropriated by the Legislature.

4. After the monument and tablet shall be completed and dedicated and the grounds properly graded as aforesaid, the commission shall make report to the Governor of this State, to be laid before the Legislature on the first day of the session next succeeding the completion of the work, and then the duties of the commission shall cease and the care and supervision of said monument and tablet shall devolve upon and be vested in the trustees for the association known as the "Fifteenth Regiment New Jersey Volunteers' Veteran Association," and their successors in said trust.

Report to
legislature.

5. That before the payment of any portion of the said appropriation the person or persons holding the title to the said lands shall execute and deliver to the Governor of the State a declaration that the title of said lands is held in trust for the benefit of the State of New Jersey, and subject to its direction and control.

Title of
land to be
held in trust
for State.

6. This act shall be deemed a public act and shall take effect immediately.

Approved April 8, 1908.

CHAPTER III.

An Act authorizing cities of this State to issue and sell water bonds and providing for the application of the proceeds resulting from the sale thereof and providing for the payment of the principal of, and interest on, said bonds.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The common council or other governing body of any city in this State is hereby authorized and empowered to issue bonds of such city to an amount not exceeding one hundred thousand dollars, said bonds to be payable not more than thirty years from their date, to bear interest at a rate not exceeding five per centum per annum, payable semi-annually, to be designated "Water Bonds," and to be of such form and denomination, and

Cities may
issue water
bonds;
amount, etc.

executed by such officers, as said common council or governing body shall determine; and said bonds may be sold from time to time at public or private sale, but for not less than par, under the direction of said common council or governing body. Each of such bonds shall recite that it is issued pursuant to the authority of this act, which recital shall be conclusive evidence of the validity of such bond and the regularity of its issuance.

Application
of proceeds.

2. The proceeds resulting from the sale of any such bonds shall be applied solely to the cost of laying, relaying and enlarging water mains, or extending the water mains or water distributing system in such city, or of purchasing, constructing or otherwise acquiring a water supply plant or water distributing system, or both, or any part or portion of such a plant or system.

Sinking fund.

3. It shall be the duty of the common council or other governing body of any city issuing bonds under the authority of this act to establish a sinking fund for the payment of the principal thereof at maturity, and to provide for the levy and collection annually, until the maturity of the bonds, of a special tax of not less than three per centum of the par value of the bond so issued to be levied and collected with the other taxes of such city, and paid into such sinking fund; and said common council or other governing body shall also each year until the maturity of said bonds raise by special tax to be levied and collected with the other taxes of the city an amount sufficient to pay the interest on said bonds, falling due in such year.

4. This act shall take effect immediately.

Approved April 8, 1908.

CHAPTER 112.

An Act to incorporate the borough of Haledon in the county of Passaic.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Corporate
name.

1. The inhabitants of that portion of the county of Passaic hereinafter set forth, are hereby constituted and

declared to be a body corporate in fact and in law by the name of "The Borough of Haledon," and as such shall be governed by the general laws of this State relating to boroughs.

2. The boundaries of said borough shall be as follows:

Beginning at a point in the westerly boundary line of Hawthorne borough where the same is intersected by the northerly boundary line of Prospect Park borough, and running thence (1) southwesterly along the northerly boundary line of Prospect Park borough the several courses thereof to the center line of Haledon avenue; thence (2) southerly along the center line of Haledon avenue and the westerly line of Prospect Park borough to the northerly boundary line of the city of Paterson at Burhans lane; thence (3) westerly along the northerly boundary line of the city of Paterson to the northeasterly boundary line of said city at Hamburg avenue; thence (4) northwesterly along said northeasterly boundary line of the city of Paterson to the most northwesterly boundary line of said city; thence (5) southwesterly along the northwesterly boundary line of the city of Paterson to the center line of the Preakness road and the easterly boundary line of the borough of Totowa; then (6) southwesterly and northwesterly along the center of the Preakness road and the easterly boundary line of the borough of Totowa to the southeasterly boundary line of Wayne township; thence (7) northeasterly along the southeasterly boundary line of Wayne township the several courses thereof to the southerly boundary line of the borough of North Haledon; hence (8) easterly along the southerly boundary line of the borough of North Haledon the several courses thereof to the westerly boundary line of the borough of Hawthorne and thence (9) southerly along the westerly boundary line of the borough of Hawthorne to the northerly boundary line of the borough of Prospect Park and the place of beginning.

Boundaries
of Haledon.

3. This act shall not take effect until the provisions hereof shall be approved by a majority of the legal voters in the district embraced within the boundaries of the said proposed borough, as described in section

Referendum.

Special
election.

Notice of.

two of this act, at a special election to be held within the said district, of which election thirty days' notice shall be given by the township clerk of the township of Manchester. This notice shall be published in the newspaper or newspapers circulating in the territory hereinbefore described for eight days prior to said election, and shall also be posted for the same length of time in five of the most public places in the township of Manchester. Said notice shall be given by said clerk immediately upon the service upon him of a certified copy of this act, and the said election shall be held in accordance with the provisions of an act entitled "An act regulating elections" (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight.

4. This act shall take effect immediately.

Approved April 8, 1908.

CHAPTER 113.

An Amendment to an act entitled "An act concerning corporations" (Revision of 1896), approved April twenty-first, one thousand nine hundred and six.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Section 88
amended.

1. Section 88 of the act entitled "An act concerning corporations" (Revision of 1896), approved April twenty-first, one thousand eight hundred and ninety-six, is hereby amended so as to read as follows:

Serving pro-
cess against
foreign cor-
porations.

88. In all personal suits or actions hereafter brought in any court of this State, against any foreign corporation, process may be served upon any officer, director agent, clerk or engineer of such corporation, either personally or by leaving a copy thereof at his dwelling-house or usual place of abode, or by leaving a copy at the office depot, or usual place of business of such foreign corporation; *provided*, that in case there is no officer, director

Proviso.

agent, clerk or engineer of said corporation residing in this State, nor any office, depot or usual place of business in this State, process may be served upon any motorman, conductor or servant of said corporation while in the discharge of his duties.

2. This act shall take effect immediately.

Approved April 8, 1908.

CHAPTER 114.

An act to amend an act entitled "A further supplement to an act entitled 'An act to authorize cities in this State, located on or near the ocean and embracing within their limits or jurisdiction any beach or ocean front, to lay out and open streets and drives, and construct public walks along and upon the beach or ocean front, to grade and otherwise improve the same, to provide money necessary therefor, and to regulate the use thereof, approved April sixth, one thousand eight hundred and eighty-nine, and acts amendatory thereof and supplemental thereto, and to validate bonds issued, or purporting to be issued, under said acts or any of them,'" which said act was approved March sixth, one thousand nine hundred and one.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section one of an act entitled "A further supplement to an act entitled 'An act to authorize cities in this State, located on or near the ocean and embracing within their limits or jurisdiction any beach or ocean front, to lay out and open streets and drives, and construct public walks along and upon the beach or ocean front, to grade and otherwise improve the same, to provide the money necessary therefor, and to regulate the use thereof,'

Section
amended.

approved April sixth, one thousand eight hundred and eighty-nine, and acts amendatory thereof and supplemental thereto, and to validate the bonds issued, or purporting to be issued, under said acts or any of them," approved March sixth, one thousand nine hundred and one, be and the same is hereby amended to read as follows:

Issue bonds
for building
walks, etc.

1. Where any public walk or walks, street or streets, have been or may be constructed or built under the authority of the act entitled "An act to authorize cities in this State located on or near the ocean, and embracing within their limits or jurisdiction any beach or ocean front, to lay out and open streets and drives, and construct public walks along and upon the beach or ocean front, to grade and otherwise improve the same, to provide the money necessary therefor and to regulate the use thereof," approved April sixth, one thousand eight hundred and eighty-nine, and acts amendatory thereof and supplemental thereto, or any of said acts to which this is a further supplement, it shall be lawful for the Common Council or other governing body of said city to issue, in the name of the said city, in the manner and way provided in section seven of the said act to which this is a supplement, as said section was amended by an act approved April second, one thousand eight hundred and ninety, its bonds to be designated "city improvement bonds," from time to time within the limit herein-after provided; the proceeds of the sale of said bonds, at not less than par, to be used, under the direction of the Common Council or other governing body of said city, for the purpose of constructing or building any new public walk or walks, street or streets, renewing, repairing, relocating, rebuilding and for any other purpose or purposes mentioned in the said acts to which this is a further supplement, or for any one or more of said purposes; provided, however, that the total amount of bonds outstanding at any one time after the passage of this act, and issued by the authority of the act approved April sixth, one thousand eight hundred and eighty-nine, and any and all amendments and supplements thereto, including this further supplement, shall not exceed the sum of \$350,000, exclusive of all bonds which may have

"City im-
provement
bonds."
Use of pro-
ceeds.

Proviso.

Amount.

been issued under any of the said acts and subsequently redeemed, retired or cancelled.

2. All bonds heretofore issued by cities in this State under the provisions of the said act, approved April sixth, one thousand eight hundred and eighty-nine, or any of its amendments or supplements, or purporting to be issued under said acts or any of them, where such bonds have been issued by and under the corporate action of such cities respectively, are thereby validated, confirmed and approved as the legal and binding obligations of such cities respectively.

Bonds issued
legal.

3. That an act to amend an act entitled "A further supplement to an act entitled 'An act to authorize cities in this State, located on or near the ocean, and embracing within their limits or jurisdiction any beach or ocean front, to lay out and open streets and drives, and construct public walks along and upon the beach or ocean front, to grade and otherwise improve the same, to provide the money necessary therefor, and to regulate the use thereof,' approved April sixth, one thousand eight hundred and eighty-nine, and acts amendatory thereof and supplemental thereto, and to validate bonds issued or purporting to be issued, under said acts or any of them," which said act was approved March sixth, one thousand nine hundred and one—approved May seventh, one thousand nine hundred and seven, and all other acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect immediately.

Act repealed.

Repealer.

Approved April 8, 1908.

CHAPTER 115.

Supplemental to an act, entitled "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Placing sharp
substances in
road a mis-
demeanor.

1. Any person, except when acting under the authority of the governing body of any municipality, who shall throw, place or deposit any glass or other sharp or cutting substance or any other injurious obstruction in or upon any of the public highways of this State, shall be guilty of a misdemeanor.

Penalty for
not returning
fees to com-
missioner of
motor
vehicles.

2. Any person who, having collected any fine for any violation of an act entitled "An act defining motor vehicles and providing for the registration of the same and the licensing of the drivers thereof; fixing rules regulating the use and speed of motor vehicles; fixing the amount of license and registration fees; prescribing and regulating process and the service thereof and proceedings for the violation of the provisions of the act and penalties for said violations," approved April twelfth, one thousand nine hundred and six, and shall fail within thirty days to return said fine, as provided by law, to the Commissioner of Motor Vehicles, shall be guilty of a misdemeanor.

3. This act shall take effect immediately.

Approved April 8, 1908.

CHAPTER 116.

An Act to amend an act entitled "An act concerning district courts" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Section forty-six of the act to which this is the amendment is hereby amended so as to read as follows:

Section 46
amended.

46. If the defendant be a domestic corporation, the summons shall be served on the president, or head officer, or agent in charge of its principal office, or any employee or clerk employed in any of its offices in the county, or left at his or her dwelling-house or usual place of abode, at least five days before its return. If the defendant be a foreign corporation, the summons shall be served upon any officer, director, agent, or clerk, or engineer of such corporation, either personally or by leaving a copy thereof at his dwelling-house or usual place of abode in such county, or by leaving a copy at the office, depot or usual place of business of such foreign corporation in such county, at least five days before its return.

Serving sum-
mons on
domestic
corporations.

On foreign
corporations.

Approved, April 8, 1908.

CHAPTER 117.

An Act fixing the compensation of collectors who may be elected by the people in counties of the third class.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. The county collector of any county of the third class in which he is now elected by the people shall be

Salary of
collector in
third class
counties.

entitled to receive for his services the sum of not less than seven hundred and fifty dollars per annum, to be paid as the salaries of other county officers are paid, in lieu of all other compensation for such services, said salary to be fixed by the board of chosen freeholders within the county.

Repealer.

2. All acts inconsistent herewith are hereby repealed.

3. This act shall take effect immediately.

Approved April 8, 1908.

CHAPTER 118.

A Further Supplement to an act entitled "An act to incorporate the New Jersey Society for the Prevention of Cruelty to Animals," approved April third, one thousand eight hundred and sixty-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Powers and
privileges.

1. All societies for the prevention of cruelty to animals heretofore or hereafter organized in any county, by a county district society, by and with the approval of the president of the state society, shall have the same rights, powers and privileges as by law are conferred upon or vested in any county district society.

To whom
fines paid.

2. Every fine or penalty imposed under the provisions of any law of this State for the prevention of cruelty to animals, or the portion thereof, as the case may be, required to be paid to a county district society by any law of this State, shall hereafter be paid to any society organized by a county district society by and with the approval of the president of the state society, in all cases in which the offense for which such fine or penalty was imposed, was committed in the locality, territory, or municipality specified in the charter or certificate of organization of such society.

Repealer.

3. All laws and parts of laws inconsistent with the provisions hereof, be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 8, 1908.

CHAPTER 119.

An Act to validate the incorporation of societies heretofore organized under the provisions of an act entitled "An act to incorporate the New Jersey Society for the Prevention of Cruelty to Animals," approved April third, one thousand eight hundred and sixty-eight, and the acts supplementary thereto and amendatory thereof, and to validate the proceedings heretofore taken by them.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. All county district societies and other county or branch societies heretofore organized in accordance with the provisions of the act entitled "An act to incorporate the New Jersey Society for the Prevention of Cruelty to Animals," approved April third, one thousand eight hundred and sixty-eight, and the acts supplementary thereto and amendatory thereof, are hereby constituted corporations, and their proceedings in organization, incorporation, and the subsequent conduct and management of their affairs, in accordance with the provisions of the said laws and other laws relating to societies for the prevention of cruelty to animals, are hereby ratified, validated and confirmed, in the same manner and to the same extent as if the said above recited act and said supplements thereto and amendments thereof had not been repealed by the provisions of an act entitled "An act to repeal sundry acts relating to associations not for pecuniary profit," approved March twenty-second, eighteen hundred and ninety-nine.

All societies
constituted
corporations.

Proceedings
validated.

2. This act shall take effect immediately.

Approved April 8, 1908.

CHAPTER 120.

An Act to repeal so much of the act entitled "An act to repeal sundry acts relating to associations not for pecuniary profit," approved March twenty-second, one thousand eight hundred and ninety-nine, that repeals or affects in any way the act entitled "An act to incorporate the New Jersey Society for the Prevention of Cruelty to Animals," approved April third, one thousand eight hundred and sixty-eight, and the acts supplementary thereto and amendatory thereof.

BE IT ENACTED by the *Senate and General Assembly of the State of New Jersey*:

Subdivision
58 repealed.

1. Subdivision fifty-eight of section one of the act entitled "An act to repeal sundry acts relating to associations not for pecuniary profit," approved March twenty-second, one thousand eight hundred and ninety-nine, which reads as follows:

"58. An act to incorporate the New Jersey Society for the Prevention of Cruelty to Animals, approved April third, one thousand eight hundred and sixty-eight; also a supplement thereto, approved April first, one thousand eight hundred and sixty-nine; also the further supplement thereto, approved March twenty-first, one thousand eight hundred and seventy-three; also the act amendatory thereof, approved March twenty-seventh, one thousand eight hundred and ninety-three; also the further act amendatory thereof, approved March twenty-seventh, one thousand eight hundred and ninety-three."

Act revived.

Be and the same is hereby repealed, and the said act therein mentioned, and said supplements thereto and amendments thereof, shall have the same force and effect as if said subdivision had not been contained in said repealing act.

2. This act shall take effect immediately.

Approved, April 8, 1908.

CHAPTER 121.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to regulate elections'" (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight, approved April fourteenth, one thousand nine hundred and three.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Section twenty-five (25) of the act to which this act is an amendment is hereby amended to read as follows:

Section 25
amended.

25. The chairman of the county committee of each political party in each county of the State may appoint two agents for each election district in his county; such agents shall be the authorized agents and challengers of their respective parties at the primary elections held under this act, and shall be at liberty to challenge the right of any person to vote thereat; the appointment of agents may be made in writing under the hand of the respective county chairmen, and shall specify the names and residences of the agents, and the election districts for which they are severally appointed; such appointment papers shall be filed with the respective boards of election in the districts named therein as evidence of the authority of such agents to be present in the polling place; said agents may be present inside the railed enclosure while the votes cast at the primary are being cast and counted, and hear and see said ballots counted (and every person whose name shall be printed upon the official primary ballot shall also have the rights and privileges of a challenger as hereinbefore provided), and every person whose name shall be printed upon the official primary ballot and who is to be voted for throughout the

Challengers.

Candidates
as challengers.

county shall have the right to act as a challenger, and also to appoint in writing two agents for each election district in his county, and said agents shall have the rights and privileges of an agent and challenger, as provided in this section.

Approved, April 8, 1908.

CHAPTER 122.

An Act for the preservation of the original Civil War records now in the custody of the Adjutant-General of this State.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Preservation
of civil war
records.

1. The Adjutant-General of this State be and he is hereby authorized to take such measures to preserve the original Civil War records now on file in his office, as he shall, with the approval of the Governor, deem adequate.

Appropriation.

2. In order to defray the expenses incident to the preservation of said records, the sum of one thousand dollars is hereby appropriated out of the treasury of this State.

3. This act shall take effect immediately.

Approved April 8, 1908.

CHAPTER 123.

An Act concerning the pay or salary of officers and employes of paid fire departments in cities of first class in this State.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. It shall be lawful for the board or body having charge and control of the fire department in any city of the first class in this State, with the concurrences of the board having charge and control of the finances in such city, and with the approval of the mayor thereof, to fix and determine the annual pay or salaries for officers and employes thereof, as follows: To the chief engineer, not more than forty-five hundred dollars; to the assistant engineer or deputy chief engineer, not more than thirty-five hundred dollars; to the inspector of horses or veterinary surgeon, not more than two thousand dollars.

Salary of
chief and
deputy engi-
neer and
veterinarian.

2. This act shall take effect immediately.

Approved April 8, 1908.

CHAPTER 124.

AN ACT to amend the title and body of an act entitled "An act to regulate the practice of embalming, burial and disposal of dead human bodies; to license undertakers and embalmers, and to punish persons violating the provision thereof," approved May twelfth, nineteen hundred and six.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. The title of the act to which this act is amendatory, be and the same is hereby amended to read as follows:

Title
amended.

An act regulating the business of undertaking, embalming and disposal of dead human bodies.

Section 5
amended.

2. Section five of the act to which this act is amendatory, be and the same is hereby amended to read as follows:

Application
for license.

Require-
ments.

Every person desiring to engage in the business of undertaking and embalming of dead human bodies within the State of New Jersey shall make written application to the said board for an undertaker's and embalmer's license. Said application shall be accompanied by a certificate of three reputable persons that the said applicant is more than twenty-one years of age, is of good moral character, has obtained at least a grammar school education, and has served an actual apprenticeship of at least three years with a reputable undertaker or embalmer, either within or without the State. Said applicant shall also furnish to said board his or her affidavit, and the affidavit of one of the persons signing the certificate as aforesaid, to the effect that the applicant is more than twenty-one years of age, has obtained at least a grammar school education, and has served an actual apprenticeship of at least three years with a reputable undertaker or embalmer, giving the name or names of such undertaker or embalmer, and the duration of such service. Accompanying said application shall be a fee of five dollars.

Fee.

Section 6.
amended.

3. Section six of the act to which this act is amendatory, be and the same is hereby amended to read as follows:

License
granted.

6. An applicant who has attended an examination held pursuant to this act, and who is, in the judgment of the board, qualified to act as an undertaker and embalmer, shall receive a license as such from said board, upon such applicant paying to said board a license fee of five dollars. Should said applicant fail to pass the examination, he shall be entitled to apply to any subsequent examination or examinations without the payment of an additional application fee. Said license, when issued, shall be recorded by the board, and such record shall be open to public inspection. Notice of the issuance of such license shall be sent to the State Board of Health.

State Board
of Health
notified.

and such license shall be admitted in evidence in any of the courts of this State and shall be presumptive evidence of the facts therein contained. It shall be the duty of the said board to issue with each license a card, bearing applicant's name, and a corresponding number and seal and the fact that he or she has been licensed as an undertaker and embalmer. Any person obtaining a license under this act shall register that fact, together with his or her license number, at the office of the board of health of the city, town or place in which it is proposed to carry on said business, or at the place where permits for burial for the municipality in which it is proposed to carry on said business are issued, and shall display said license in a conspicuous place in the office of his or her place of business.

License
card.

Local
registry.

4. Section seven of the act to which this act is amendatory, be and the same is hereby amended to read as follows:

Section 7
amended.

7. The said Board of Undertakers and Embalmers shall have power to revoke any license granted under this act upon the conviction of the offender, as prescribed in section eleven of this act. Such license may also be revoked for violation of the laws of this State respecting the burial or shipment of dead human bodies dying of contagious or infectious diseases, for failure to register his or her license as prescribed in section six of this act, for failure to certify the employment or discharge of employes or assistants, as prescribed in section ten of this act, for violation of the criminal laws of this State, or for such continued improper conduct as has made the licensee unfitted to conduct the business of undertaking or embalming. No revocation, however, shall be made unless the licensee has been given an opportunity to be heard by the said Board of Undertakers and Embalmers at a time and place to be fixed by said board, notice whereof may be given in writing, either personally or by mailing to the last known place of business of said licensee, and notice, when given as directed in this section, shall be conclusive as to all parties.

Revocation
of license.

Causes.

Entitled to
hearing.

5. Section nine of the act to which this act is amendatory, be and the same is hereby amended to read as follows:

Section 9
amended.

As to ex-
penses of
board.

9. The said Board of Undertakers and Embalmers shall pay the expenses of its members in attendance upon the examinations herein provided for out of and not to exceed the income derived under the provisions of this act, and said board shall have the power to employ any persons or officers necessary to carry out the terms of this act and to compensate them from the funds of said board, and once in each and every year said board shall make to the Governor of the State a written statement of receipts and disbursements under this act, and all surplus of funds over and above the expenditures herein authorized, exclusive of the sum of five hundred dollars, shall be paid over to the Treasurer of the State annually at the date of the filing of the aforesaid report with the Governor.

Annual
report.

Surplus paid
to State.

Section 10
amended.

6. Section ten of the act to which this act is amendatory, be and the same is hereby amended to read as follows:

Only licensed
persons to
act as em-
balmers.

10. No person who has not been licensed as prescribed in this act shall transact the business of undertaking or embalming, or the business of preserving or disposing of dead human bodies by any means whatever; *provided, however*, that nothing in this act contained shall apply to any person or corporation engaged in the incineration of dead human bodies, or to commissioned medical officers of the army of the United States, or to the United States Marine Hospital Service, while so commissioned, but no person shall employ, for the purpose of embalming or preserving any dead human body, any arsenical solution, or other poisonous agent which may, by its presence in the viscera prevent the detection of criminal uses of said poisonous agents before the death of the individual occurred. Every undertaker and embalmer licensed under this act shall, within thirty days after this amendatory act shall take effect, certify to the board created by this act, the names of any and all employes or assistants employed by them, and upon the discharge of any such employe or assistants, or the employment of a new person, shall likewise certify said fact to said board.

Proviso.

Names of
assistants
furnished.

Section 11
amended.

7. Section eleven of the act to which this act is amendatory, be and the same is hereby amended to read as follows:

11. Any person who shall transact the business of undertaking or embalming, or the business of preserving or disposing of dead human bodies by any means whatever, except where the disposal is by incineration, without first having obtained a license so to do as prescribed in this act, or who shall use any arsenical solution or any other poisonous agent which may, by its presence in the viscera, prevent the detection of criminal uses of said poisonous agents, shall be liable to a penalty of one hundred dollars, to be recovered in an action of debt by the Board of Undertakers and Embalmers of the State of New Jersey. Any person shall be regarded as transacting the business of undertaking or embalming, within the meaning of this act, who shall use, in connection with his or her name, the words "undertaker and embalmer," "undertaker," "embalmer," "funeral director," or any other title intending to imply or designate him or her as an undertaker or embalmer, or both.

Penalty for violations.

Definitions.

8. This act shall take effect immediately.

Approved April 8, 1908.

CHAPTER 125.

An Act to authorize cities of this State to borrow money for improving their police department facilities, and their fire and police alarm system, and to secure the payment thereof by issuing bonds.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. It shall be lawful for the common council, board of aldermen, or other governing body of any city of this State having the control of the finances of said city, to borrow money from time to time for the purpose of improving the police department facilities and the fire and police alarm system of said city, and to secure the

Cities may borrow to improve fire and police protection.

- Bond issue. payment thereof by the issuance of bonds. The bonds so to be issued shall be of such denomination as the common council, board of aldermen, or other governing body of such city having the control of the finances of such city, shall deem proper, and shall be made payable in not less than twenty years nor more than thirty years; they shall bear interest at a rate not greater than five per centum per annum, payable semi-annually, and may be either registered or coupon bonds, or may be registered and coupon bonds combined, at the option of the said governing body; they shall be signed by the mayor, countersigned by the Comptroller, and attested by the city clerk, shall have the corporate seal affixed, and shall be sold at public sale, but not for less than par and accrued interest; *provided, however*, that the bonds issued under this act shall at no time exceed the sum of fifty thousand dollars.
- Time; rate.
- Proviso.
- Sinking fund. 2. There shall be raised by tax each year in such city the interest on the whole amount of the bonds so issued, together with at least two per centum per annum of the principal of such bonds if thirty-year bonds, and at least three per centum per annum of the principal of such bonds if twenty-year bonds are issued. The principal so raised shall be paid to the commissioners of the sinking fund of any such city for the purpose of meeting the said bonds when they shall become due.
3. This act shall take effect immediately.
- Approved April 8, 1908.

CHAPTER 126.

AN ACT to annex to the borough of Bradley Beach, a portion of the borough of Neptune City, in the county of Monmouth.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Boundaries
of portion of
Neptune City
annexed to
Bradley
Beach.

1. All that portion of the borough of Neptune City in the county of Monmouth, included within the following boundaries, to wit: Beginning at a point where

the southerly boundary line of the borough of Bradley Beach intersects with the westerly rail of the tracks of the New York and Long Branch Railroad (said boundary line being also the northerly boundary of Neptune City); thence running southerly, by and along said westerly rail of the tracks of the New York and Long Branch Railroad, to a point where the same intersects the northerly boundary line of the borough of Avon-by-the-Sea, in said county; thence easterly along the northerly boundary line of the borough of Avon-by-the-Sea to the Atlantic Ocean at low-water mark; thence northerly, along the Atlantic Ocean at low-water mark to a point where the same intersects the southerly boundary line of the borough of Bradley Beach (said line being also the northerly boundary line of the borough of Neptune City); thence westerly by and along the said last mentioned boundary line to a point where the same intersects the westerly rail of the tracks of the New York and Long Branch Railroad—the point or place of beginning is hereby set off from said borough of Neptune City and annexed to and made part of the borough of Bradley Beach in the county of Monmouth.

2. This act shall take effect immediately; *provided*, *however*, it shall not operate to effect such annexation of the territory above described to the borough of Bradley Beach, until it shall have been accepted by both the territory above described and the borough of Bradley Beach, by majorities of the qualified voters thereof voting thereon at a special election to be held on the second day of June next. The clerk of the borough of Bradley Beach shall cause public notice of the time and place of holding said election to be given by advertisement signed by himself and set up in at least ten public places in said borough of Bradley Beach, and published in one or more newspapers circulating therein, at least ten days prior to such election, and said clerk shall provide for each elector voting at such election ballots to be printed or written or partly printed and partly written, on which shall be printed the word “for” and “against” above and immediately preceding the title of this act, and if the word “for” be marked off or defaced upon the ballot it shall be counted as a vote against the acceptance of said act; if the word “against” is marked

Referendum.

Notice of
special elec-
tion in
Bradley
Beach.

Ballots.

Election,
how con-
ducted.

Notice of
election in
Neptune City.

Ballots.

Election, how
conducted.

off or defaced upon the ballot it shall be counted as a vote in favor of the acceptance thereof; and in case neither the word "for" or the word "against" be marked off or defaced upon the ballot, it shall not be counted either as a vote for or against such acceptance; and such special election shall be conducted by the officers of such borough of Bradley Beach provided by law for the time being to conduct elections therein, and official ballots and envelopes shall be used in said special election. The officers holding such election shall make return to the common council of the said borough of the result thereof, by a statement in writing under their hands, and the same shall be entered at length on the minutes of said council; the clerk of the borough of Neptune City shall also cause public notice of the time and place of holding said election to be given by advertisement signed by himself and set up in at least ten public places in the territory above described, and published in one or more newspapers circulating therein, at least ten days prior to such election, and said clerk shall provide for each elector voting at such election, ballots to be printed or written or partly printed and partly written, on which shall be printed the word "for" and the word "against" above and immediately preceding the title of this act, and if the word "for" be marked off or defaced upon the ballot it shall be counted as a vote against the acceptance of said act; if the word "against" be marked off or defaced upon the ballot it shall be counted as a vote in favor of the acceptance thereof; and in case neither the word "for" or the word "against" be marked off or defaced upon the ballot it shall not be counted either as a vote for or against such acceptance; and such election shall be conducted by the officers of the borough of Neptune City provided by law for the time being to conduct elections in the territory above described, and official ballots and envelopes shall be used at said election. The officers holding such election shall make returns to the council of said borough of Neptune City of the result thereof, by a statement in writing under their hands, and the same shall be entered at length on the minutes of said borough of Neptune City, and thereupon and upon such adoption, but not otherwise, this act shall in all respects be operative.

3. The register of voters used at the general election next preceding the holding of such special election shall be used for the purpose of conducting such special election. It shall not be necessary for the boards of registry and election in said borough to make a new register of voters for such special election, but only to revise and correct the register made for the last general election, and for that purpose the said boards shall meet at such places in their respective election districts as shall be designated by the clerks of said boroughs respectively, one week next preceding the election in each of said municipalities, respectively, said meetings to begin at one o'clock in the afternoon and to continue until nine o'clock in the evening of that day for the purpose of revising and correcting the register, and of adding thereto the names of all persons entitled to vote in the respective election districts at said special election, or who shall appear in person before them and establish to the satisfaction of the majority of the board that they are entitled to vote in that election district at said election, or who shall be shown by written affidavit of a voter residing in the same election district to be entitled to vote; a separate affidavit shall be required for each person as registered, which shall contain the address of the affiant, and shall be signed by him; and on the following day one copy thereof shall be delivered to the chairman of the county board of elections to be filed by them and one copy shall be retained by him for use by the district board of elections at such special election.

Register.

Revision of.

Revised
register filed.

4. Immediately after the statement of the result of such election shall be made to the council of said borough of Bradley Beach a copy thereof certified by its clerk shall be forthwith served upon the clerk of said borough of Neptune City, and immediately after the statement of the result of such election shall be made to the council of said borough of Neptune City a copy thereof certified by its clerk shall be forthwith served upon the clerk of the said borough of Bradley Beach; *provided*, the result of said election shall be in favor of the acceptance of this act.

Statements
of result
furnished each
borough.

Proviso.

Passed April 9, 1908.

CHAPTER 127.

An Act to change the second and a portion of the third original boundary lines of the borough of Rockaway, in the county of Morris and State of New Jersey, so as to annex to and include within the limits and boundary of the said borough of Rockaway a certain portion of the township of Rockaway, in the county of Morris.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Boundary
lines of
Rockaway
changed so as
to include
part of Rock-
away town-
ship.

1. The second and a portion of the third boundary lines of the borough of Rockaway, in the county of Morris, be and the same are hereby changed as follows, to wit:

Beginning at the second corner of the boundary lines of the borough of Rockaway as originally described in its incorporation, being the point where the center line of the Franklin road crosses the center line of the tracks of the Morris and Essex Railroad, and from said point runs along the center of said Franklin road (1) south nineteen degrees and thirty-four minutes east three hundred and forty-two feet to a point in said road; thence (2) still along said road south, ten degrees and forty-six minutes west three hundred and fifteen feet to another point in the center of said road where the southerly line of Brooks and Watson's tract, if extended westerly, would intersect the same; thence (3) easterly to a corner of Brooks and Watson's tract; thence (4) still along Brooks and Watson's line north sixty-four degrees and forty-four minutes east ten hundred and ninety-two feet to a corner of said tract; thence (5) still along said Brooks and Watson's line south, fifty-five degrees and thirty-six minutes east, three hundred and twenty-four and seventy-two one-hundredths feet to another corner of said tract; thence (6) still along

Brooks and Watson's line south, fifty-eight degrees and six minutes east, four hundred and ninety-two and thirty-six one-hundredths feet to another corner of said tract; thence (7) still along Brooks and Watson's line north, fifty-four degrees and thirty-eight minutes east eight hundred and forty-five and forty-six one-hundredths feet to another corner of said tract; thence (8) still along Brooks and Watson's line north, fifty-seven degrees and three minutes west two hundred and forty-one and fifty-six one-hundredths feet to another corner of said tract; thence (9) still along Brooks and Watson's line north, thirty-three degrees and thirty-nine minutes east along in the southerly boundary line of said tract about seven hundred and fifty feet to a point of intersection with the third line of the borough boundary as originally described in its incorporation, so as to annex to and include within the limits and boundaries of the said borough of Rockaway so much of the land lying within the limits of the said township of Rockaway as is bounded on the southwesterly and on the southeasterly by the above courses and distances, and on the northwesterly and northeasterly by the lands now lying and being within the limits and boundaries of the said borough of Rockaway.

2. This act shall take effect immediately.

Approved April 9, 1908.

CHAPTER 128.

An Act to further amend an act entitled, "An act to regulate the practice of architecture," approved March twenty-fourth, one thousand nine hundred and two.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Section fifteen of the act to which this is an amendment, be and the same is hereby amended so as to read as follows:

Section 15
amended.

All expenses
paid from
registration.

15. The expenses of said Board, and of the officers thereof, and of the examinations held by said Board, and of any other matter in connection with the provisions of this Act (including the expenses of prosecuting violators of this Act), shall be paid from the registration fees above provided for, and not otherwise; and in no case shall any of the expenses be paid by the State of New Jersey or be a charge against the said State.

2. This act shall take effect immediately.

Approved April 9, 1908.

CHAPTER 129.

A Further Supplement to an act entitled "An act respecting constables," approved April sixteenth, one thousand eight hundred and forty-six.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Constables in
towns.

1. There may be elected at the annual charter election in each of the wards of all towns of this State as many constables as will equal the number of justices of the peace to which such ward is entitled.

Council may
appoint ad-
ditional con-
stables.

2. If at the annual charter election for the year one thousand nine hundred and seven, held in any ward of such towns of this State, the legal voters thereof have failed to elect as many constables as will equal the number of justices of the peace to which such ward is entitled, then and in that event it may be lawful for the common council, board of aldermen or other governing body of such town to appoint as many constables for such ward as will equal the number of justices of the peace to which such ward is entitled; such constable or constables so appointed as aforesaid shall hold office until the next charter election of such town.

3. All acts or parts of acts, general or special, inconsistent with the provisions of this act are hereby repealed. Repealer.

4. This act shall take effect immediately.
Approved April 9, 1908.

CHAPTER 130.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to authorize cities of the first class to provide annual excursions for children of the same,' approved March twenty-eighth, one thousand nine hundred and four," which supplement was approved April sixth, one thousand nine hundred and five.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Section one of the act to which this act is an amendment be amended so as to read as follows:

Section
amended.

1. It shall be lawful for the municipal board having charge of the finances of any city of the first class in this State to appropriate and set aside annually a sum of money not exceeding ten thousand dollars in any one year for the purpose of providing for the health and recreation of the sick or needy inhabitants thereof, and the said financial board or body of such city shall have full power and authority to expend such money so appropriated and set aside in whatsoever manner it shall seem most advisable, and shall not be limited in the expenditure thereof to an excursion or excursions, but shall have the power and authority to use the same in establishing, furnishing, managing and conducting fresh air camps, recreation piers or grounds, or in providing and paying for the board or lodging for such sick or needy inhabitants in

Appropriation for recreation or fresh air camps.

the country or seashore for limited periods of time during the summer months.

2. This act shall take effect immediately.

Approved April 9, 1908.

CHAPTER 131.

An Act to amend an act entitled, "An act to tax intestates' gifts, legacies, devises and collateral inheritance in certain cases," approved May fifteenth, one thousand eight hundred and ninety-four.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Section 15
amended.

1. Section fifteen of the act to which this act is amendatory be and the same is hereby amended to read as follows:

Ordinary or
orphans' court
to have
jurisdiction
relative to
tax on estates.

15. That the ordinary, or the Orphans' Court of the county in which the real property of a non-resident decedent is situate, or the Orphans' Court of the county in which the decedent was a resident at the time of his death, or in case of a non-resident decedent leaving no real property within this state, the Orphans' Court of the county in which the surrogate shall first assume jurisdiction, shall have jurisdiction to hear and determine all questions in relation to a tax arising under the provisions of this act.

2. This act shall take effect immediately.

Approved April 9, 1908.

CHAPTER 132.

A Supplement to an act entitled "An act to incorporate trustees of religious societies" (Revision), approved April ninth, one thousand eight hundred and seventy-five, and providing for the incorporation and management of cathedral churches, chapters and foundations.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. It shall be lawful for any diocesan convention, presbytery, classis, synod, annual conference or other governing body having jurisdiction over a number of incorporated or unincorporated churches, congregations or societies of any church or religious denomination, in this State, at any stated or regularly convened meeting thereof, to elect or appoint trustees for the purpose of establishing, erecting, maintaining and managing a cathedral church and other cathedral foundations in and for the diocese or other jurisdiction, and the said trustees so elected or appointed shall become a body corporate in manner following, namely: The presiding officer and clerk or secretary of such convention, or other governing body, shall, under its direction, and after such election or appointment, prepare and file a certificate in writing, under their hands and seals, containing: First, the name or title by which such body corporate shall be known; second, the names of the trustees elected or appointed, and the times for which they are respectively chosen to serve, or will hold office as trustees; and third, the object for which they are incorporated; which certificate, duly acknowledged by said presiding officer or secretary, shall be filed in the office of the Secretary of State, and upon the filing such trustees shall become a body corporate.

Trustees of
cathedral
church.

A body cor-
porate.

Certificate to
be filed with
Secretary of
State.

Trustees,
how selected.

2. Such trustees may be elected or appointed by the convention, or other governing body, as persons being at the time, and during their respective terms of office, the holders of certain designated offices in the church, convention or governing body. Vacancies occurring in the board of trustees shall be filled by the convention, or other governing body, which may provide for the filling by a successor in office of a vacancy occurring by reason of the termination of office of any trustee.

Erect and
maintain
cathedral and
other founda-
tions.

3. The said corporation shall be authorized to establish, erect, maintain and manage a cathedral church within the diocese or other jurisdiction, in accordance with the doctrine, discipline and worship of the religious denomination under whose convention, or other governing body, it is incorporated, together with such other cathedral foundations, schools, faculties and other religious and charitable works as may be connected therewith.

As to prop-
erty holdings.

4. The said corporation shall be capable of acquiring real and personal estate, and of holding, leasing, mortgaging, or otherwise disposing of the same, but this provision shall not be taken to increase or relieve the corporation from any limitation fixed by law as to the amount of property which may be held by corporations for religious purposes.

Control and
management.

5. The said corporation shall have power to adopt a constitution and statutes or by-laws for the management of its affairs not inconsistent with the laws of this State; and may, by the same, provide for the election or appointment from among its members of a chapter, or governing body, who shall have the control and management for the said corporation of its estate, property and affairs.

6. This act shall take effect immediately.

Approved April 9, 1908.

CHAPTER 133.

An Act concerning reports to the Governor, and the Legislature.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. All commissions, boards and officers of the State of New Jersey now or hereafter required by law, joint resolution, or otherwise, to report to the Governor or Legislature, upon any matter whatsoever, shall, unless otherwise specially directed, make and deliver the said report at least ten days previous to the first day of January next following the date of their appointment, and of said report required by law to be printed, the same shall be printed and delivered to the members of the Legislature on said first day of the session.

Making and
delivery of
State
reports.

2. This act shall take effect immediately.
Approved April 9, 1908.

CHAPTER 134.

An Act to authorize the boards of chosen freeholders of the respective counties of this State to make appropriations for the care and maintenance of the grounds surrounding armories built by the State.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. The boards of chosen freeholders of the respective counties of this State, and in counties where there are or hereafter may be any armory built by the State on ground purchased or owned by the county, are hereby

Care of
armory
grounds.

- authorized to include in their respective annual appropriations for county purposes a sum not less than two hundred and not to exceed five hundred dollars for the care and maintenance of the grounds around said armory or armories.
- Amount.
- Included in tax levy.
- Money paid to commandant.
2. The amount so appropriated shall be included in the annual tax levy, and shall be assessed and collected in the same manner and subject to the same provisions as other taxes ordered to be assessed by such board of chosen freeholders for county purposes.
 3. The amount so as aforesaid appropriated, assessed and collected shall be paid to the commanding officer of the organization that uses or occupies said armory, or to such other officer as he may designate for the proper supervision and expenditure of the sum appropriated for the purpose provided by this act, and the receipt of said officer shall be sufficient voucher for such payment.
 4. This act shall take effect immediately.
- Approved April 9, 1908.

CHAPTER 135.

A Further Supplement to an act entitled "An act fixing the compensation of certain public officers of the State," approved March sixteenth, one thousand eight hundred and seventy-six.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Salary of county court crier.

1. In each county of this State having a population exceeding sixty-five thousand inhabitants and under one hundred and fifty thousand inhabitants the court crier shall receive and be paid an annual salary of nine hundred dollars in lieu of all fees, and such compensation shall be paid monthly to said crier by the county collector of such county upon the certificate of the county clerk.
 2. This act shall take effect immediately.
- Approved April 9, 1908.

CHAPTER 136.

A Supplement to an act entitled "An act to authorize the formation of traction companies for the construction and operation of street railways, or railroads operated as street railways, and to regulate the same," approved March fourteenth, one thousand eight hundred and ninety-three.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Any company organized under the provisions of the act to which this is a supplement, may at any time change the location of the route of any new line of railway, or any extension of any existing railway, shown on the map thereof filed in the office of the Secretary of State, or any part of the route of any such new line or extension, by filing an amended map showing such change and alteration of location, in the office of the Secretary of State, together with an amended description of the route of such new line or extension, as changed.

Route may be changed by filing amended map and description.

2. It shall be lawful for any company, upon making such change as aforesaid and filing such amended map and description, to acquire by purchase, or by condemnation in the same way and manner as if it had been included in the route before it was so changed, if agreement cannot be made with the owner for the use or purchase thereof, such land or lands or such easements therein as may be necessary for the accomplishment of such change; *provided*, the said land shall not exceed in width, or the easement therein exceed in extent, that which is now provided for in the act to which this is a supplement.

Acquisition of land for proposed route.

Proviso.

3. In case such company has acquired by condemnation any land or easement therein along the original route so changed as aforesaid, so much of said land so

Land obtained by condemnation to revert to owner.

acquired as aforesaid as is not within the amended route shall upon the construction of such railway along said amended route revert to the original owners thereof.

Consents
necessary.

4. Nothing in this act contained shall be construed to allow such company to use any portion of any public street, avenue, park, parkway or other public place, within such amended route without first obtaining consent of abutting property owners and from the proper municipal authorities as now provided by law.

5. This act shall take effect immediately.

Approved April 9, 1908.

CHAPTER 137.

An Act relating to the opening, grading, paving, improving and repairing of avenues, streets, alleys and thoroughfares in towns, and the amount of money to be expended therefor in any year.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Money for
street im-
provements.

1. It hereafter shall be lawful for any town in this State by its common council, board of aldermen or other governing body, to fix and regulate by resolution the amount of money to be expended in any year for the opening, grading, paving, improving and repairing of avenues, streets, alleys and thoroughfares in such town; *provided*, that the sum to be expended in any one year shall not exceed twenty thousand dollars; *and provided further*, that this act shall not be held to reduce the amount to be expended in any town already fixed or allowed by any other law, whether general or special.

Proviso;
amount.
Proviso.

2. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved April 9, 1908.

CHAPTER 138.

An Act to authorize and empower the Governor, Comptroller and State Treasurer to adjust, compromise, settle and extinguish any and all rights and claims against the State, arising under or by virtue of an act of the legislature entitled "An act providing for a new publication of the public acts of the Legislature of this State," approved March thirtieth, one thousand nine hundred and four, and providing for the payment thereof.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The Governor, the Comptroller and the State Treasurer be and they are hereby authorized and empowered to adjust, compromise, settle and extinguish any and all rights or claims against the State of New Jersey, arising under or by virtue of an act of the Legislature entitled "An act providing for a new publication of the public acts of the Legislature of this State," approved March thirtieth, one thousand nine hundred and four.

Settlement
with com-
mittee to
compile laws.

2. The State Treasurer, upon the warrant of the Comptroller, be and he is hereby authorized and empowered to pay such sum or sums of money as the State officers, enumerated in the first section of this act, may deem to be justly due and owing to any person or persons, whether natural or official.

Payments.

3. Upon the completion of the duties imposed upon them by the terms of this act the said Governor, Comptroller and State Treasurer shall report thereon to the Legislature.

Report to
Legislature.

4. This act shall take effect immediately.

Approved April 9, 1908.

CHAPTER 139.

A Supplement to an act entitled "An act concerning railroads" (Revision of 1903), approved April fourteenth, one thousand nine hundred and three.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Third rail
protected at
crossings.

1. Any corporation operating a railroad in this State, whether as owner, lessee or otherwise, on which the cars are operated by means of electric energy or current conveyed along the right of way of said railroad by means of a third rail or rails laid at or near grade, shall securely cover said electrified third rail or rails with wood or some other non-conducting material for a distance of seventy-five feet on each side of all grade crossings over the right of way of said railroad leaving only sufficient opening for contact by the shoe or other apparatus used to convey the electric current from said electrified third rail to the cars used on said railroad.

Penalty for
non-compliance.

2. Any corporation violating the provisions of this act shall be subject to a penalty of five hundred dollars and costs for each offense, to be recovered by any citizen of this State who may sue for the same in any court having jurisdiction of the same, one-fifth of said fine to go to the person suing for the same, and four-fifths thereof to be paid to the Treasurer of the State for the use of the State.

Unprotected
rail evidence
per se.

3. In all suits or actions commenced or brought against any corporation operating a railroad in the manner referred to in the first section of this act, for injuries sustained by contact with an electrified third rail laid as set out in the first section hereof, it shall be considered per se negligence on the part of said corporation defendant if said third rail shall be not covered and protected in the manner herein provided.

4. This act shall take effect on the first day of October, one thousand nine hundred and eight. Act effective.
 Approved April 9, 1908.

CHAPTER 140.

An Act creating a commission to investigate the causes of dependency and criminality.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The Governor of this State be and he hereby is authorized to appoint a commission of residents of this State, not exceeding nine in number, some of whom may be women, to investigate into the causes of dependency in all forms, and the causes of criminality. The said commission shall report to the Governor on or before the convening of the next Legislature, which report shall be transmitted by the Governor to the Legislature. Commission on dependency and criminality.

2. The said commission shall investigate the causes of dependency and criminality, and make inquiry for the purpose of ascertaining to what extent excessive use of alcoholic drinks or narcotics, diet, lack of home training, immigration, the present penal system, conditions of population, and unhealthful tenement-house conditions, are contributory causes. The commission shall also consider such other factors as, in its judgment, contribute to the increase of the defective and criminal classes, and shall recommend to the Governor the best methods, in its opinion, of alleviating these conditions and eliminating the causes thereof. Subjects for consideration.

3. The said commission shall select from its members a president and secretary, and shall meet at such places in this State as it may deem advisable, and shall have the power to subpoena witnesses, employ necessary experts, stenographers, clerks and assistants; *pro-* Organization. Assistants. Proviso;

expenditures. *vided* the total expenditures, under this act, shall not exceed five thousand dollars, and that all actual expenses incidental to the work shall be approved by the Governor. The commission shall serve without compensation. All subpoenas shall be signed by the president and secretary of said commission, and any person disobeying a subpoena issued by said commission shall be liable to a penalty of one hundred dollars, to be recovered by said commission in an action of debt, for the use of the State. The fees of witnesses shall be the same as those paid to witnesses attending trials in the Court of Common Pleas.

4. This act shall take effect immediately.

Approved April 9, 1908.

CHAPTER 141.

An Act to increase the membership of township committees from three to five members, in townships where the legal voters shall so elect.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Membership
of township
committee.

1. The legal voters of any township in this State may at an annual election, elect to increase the membership of the township committee of such township, from three to five members. An election upon the proposition shall be ordered by the township committee on the petition of not less than twenty-five per centum of the legal voters of the township, as determined by the number of votes cast at the last annual election.

Referendum.

Notice of
election.

Notice of the election shall be given by posting the same four weeks before the election in four conspicuous places in the township, and also by publishing the same once a week for each of the four weeks immediately preceding the election in a newspaper published in the township, if any, or in a newspaper published

in the county and having a circulation in the township, if no newspaper is published in the township. There shall be printed upon the official ballots at the election, the word "For" and the word "Against" above and immediately preceding the words "Increasing the membership of the township committee from three to five members." If the word "For" be marked off or defaced upon the ballot, it shall be counted as a vote against the proposition; if the word "Against" be marked off or defaced upon the ballot, it shall be counted as a vote in favor of the proposition; and in case neither the word "For" nor the word "Against" be marked off or defaced upon the ballot, it shall not be counted as a vote either for or against the proposition. A canvass and return of the vote upon the proposition shall be made by the election officers in the same way and manner as for officers voted for at such election, and a majority of all the votes cast upon the proposition, in favor of the proposition, shall be sufficient to make the change.

Ballots.

Canvass and returns.

2. Where the legal voters at any annual township election shall have voted to increase the membership of any township committee from three to five members as above provided, there shall, at the first annual election thereafter, be elected two additional members of such township committee, one of whom shall be elected to serve for two years and one of whom shall be elected to serve for three years, and the ballots voted shall designate which one is to serve for two years, and which one is to serve for three years; at each annual election thereafter, members of the township committee shall be elected for three years, as the terms of office may expire.

If increase decided, choice and term of members.

3. All acts or parts of acts inconsistent with this act, are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved April 9, 1908.

CHAPTER 142.

An Act to amend the title of an act entitled "An act to authorize the paving, repaving, curbing, recurring and otherwise improving of roads, streets and highways in municipalities governed by boards of commissioners or improvement commissions, and to provide a method of issuing bonds to meet the expenses of such improvements," approved March thirty-first, one thousand nine hundred and one, and to otherwise amend and supplement said act.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Title amended.

1. The title of an act entitled "An act to authorize the paving, repaving, curbing and otherwise improving of roads, streets and highways in municipalities governed by boards of commissioners or improvement commissions, and to provide a method of issuing bonds to meet the expenses of such improvements," be and the same is hereby amended to read as follows: An act to authorize the grading, paving, repaving, curbing, recurring and otherwise improving of streets and highways in municipalities, other than cities and boroughs, and to provide a method of making assessments and issuing improvement certificates and bonds to meet the expenses of such improvement.

Section 1
amended.

2. Section one (1) of the act to which this is a supplement is hereby amended to read as follows:

Bonds issued
for improving
streets, etc.

1. It shall be lawful for the governing body of any municipality, other than a city or borough, to grade, pave, repave, curb, recurb or otherwise improve any street or highway or section thereof and to cause adjoining property to be assessed for benefits and to issue the improvement certificates and bonds of said municipality, or either of them, to meet the expense of such

improvement, such certificates and bonds shall not at any time exceed two per centum of the total taxable valuation of the property assessed within any such municipality as shown by the latest duplicate of assessment and said bonds shall be payable in not more than twenty years from the date thereof, and shall bear interest at such rate, not exceeding five per centum per annum, as the governing body of such municipality may decide; said bonds may be either registered or coupon bonds, or both, and may be disposed of at public or private sale, under such terms and conditions as the governing body, aforesaid, may direct, at not less than par.

Amount.

Time.
Rate.

3. Section two (2) of the act to which this is a supplement is hereby amended to read as follows:

Section 2
amended.

2. Before any improvement contemplated by this act shall be commenced, the governing body of such municipality shall introduce an ordinance proposing to make such improvement and briefly describing the same and including an estimate of the expense thereof and shall thereafter cause ten days' notice to be given of a public meeting of said governing body by publication in at least one issue of two newspapers published in such municipality and if such newspapers do not exist then in two newspapers published in the nearest municipality where such newspapers are then published, which notice shall include the whole of such proposed ordinance and shall specify the time, place and object of such meeting; and if at such meeting a majority of the owners of lands fronting on said proposed improvement both in number and quantity of frontage shall openly oppose the same, then the said ordinance shall be withdrawn, otherwise it may be adopted with or without amendments.

Action pre-
vious to issue
of bonds.

4. Upon the adoption of such ordinance the governing body of such municipality may cause the said improvement to be made and in order to provide for the expense thereof the said governing body, by resolution may issue improvement certificates from time to time during the progress of the work upon the credit of such municipality, which said certificates shall be signed by the president, or head officer, and treasurer

Improve-
ment certi-
ficates issued
as work
progresses.

and attested by the corporate seal of such municipality; they shall be made payable in, not to exceed, five years and shall bear interest at not more than five per centum per annum and may be negotiated without a public sale but at not less than par.

Assessment
at completion
of improve-
ments.

5. Upon the completion of the said improvement the said governing body shall ascertain the total expense thereof and shall have the option to cause to be made a just and equitable assessment of a certain portion, not exceeding twenty-five per cent. thereof, upon the adjoining lands benefited thereby in proportion to the benefits received, but in no case shall any lands be assessed above such benefits. In case the said board shall determine to raise a portion of the said expenses by such assessment it shall apply to a judge of the Circuit Court of the county wherein such municipality is situate, for the appointment of commissioners to estimate and assess such benefits of the time and place of which application notice shall be given by ten days' publication in at least one issue of two newspapers published in such municipality and if such newspapers do not exist then in two newspapers published in the nearest municipality where such papers are then published, at which time and place or at such other time and place as the said judge shall designate; said judge shall appoint three commissioners who shall be freeholders of such municipality to estimate and assess such benefits; the said judge shall have power to remove any commissioner and appoint another in his place and also to fill any vacancy that may occur in the office of any commissioner from any cause; the said commissioners before entering upon the duties required of them by this act shall take and subscribe an oath or affirmation that they will make all estimates and assessments required of them, fairly, legally and equitably according to the best of their skill and understanding which oath or affirmation shall be attached to the report which they are hereinafter required to make.

Application
for appoint-
ment of com-
missioners.

Appointed by
judge.

Vacancies.

Oath.

Hearing.

6. The said commissioners having thus qualified shall give notice of the time and place when and where they will hear any persons in interest and then and there and at such times and places to which they may adjourn

for that purpose, the said commissioners shall attend and give public hearing to those persons in interest who may desire to be heard; the said commissioners shall have power to examine witnesses under oath, to be administered by any one of them, and to enter upon and view any premises that they may deem advisable, and to adjourn from time to time in their discretion; they shall use diligent efforts to ascertain the names of the owners of the lands benefited by such improvement and shall state the same in a report hereinafter mentioned, but the failure to ascertain the name of any such owner or to state the same correctly, or the omission of any such name from the said report, shall not invalidate the said assessment, nor bar the collection of the same.

7. The said commissioners shall assess the said benefits pursuant to the requirements of this act and shall promptly make a report in writing of their said assessments to the judge of said court, accompanied by a survey and map prepared under their direction showing the lots or parcels of land peculiarly benefited by such improvement; the said report shall state the cost of the whole work, including all necessary expenditures for surveyors, engineers, plans, salaries, legal fees and charges for such incidental expenses as in the proper prosecution of the work may be incurred, and shall state the names as far as ascertained of the owners of said lots or parcels of lands and the amounts of the assessments against each owner for each of said lots or parcels of lands for the said benefits, respectively, pursuant to the provisions of this act.

Assess
benefits.

Prepare map.

Total cost.

8. Upon the presentation of such report signed by the said commissioners or any two of them, the judge of said court shall cause such notice to be given as it shall deem proper of the time and place of hearing any matter that may be alleged against the same, the judge of said court shall either confirm the said report or refer the same back to the same commissioners for revision and correction or to new commissioners to be appointed by him forthwith, to reconsider the subject matter thereof; and the said commissioners to whom

Consideration of
report by
court.

As to revision.

such report shall be referred by the court shall return the same corrected and revised or a new report to be made by them in the premises to the said court, without unnecessary delay, and the same, being so returned, shall be confirmed or again referred by the judge of said court in the manner aforesaid as right and justice shall require, and so from time to time until a report shall be made and returned which the said court shall confirm; such report when so confirmed shall be final and conclusive as well upon the said municipality as upon the owners of any lands affected thereby; the said court shall thereupon cause such report and the accompanying map to be filed in the office of the clerk of the county in which such municipality shall be located and said clerk shall transmit a certified copy of said report and map and rule or order of said court confirming the same to the treasurer or custodian of the funds of such municipality.

Confirmed report final.

As to review of proceedings.

9. No certiorari shall be allowed by any court to review any of the proceedings in relation to such improvement, nor to, in any way, effect any assessment by such commissioners, after the lapse of thirty days from the making of the order of the court confirming such assessments; the court shall designate what notice, if any, shall be given by publication or otherwise, of the confirmation of the report of said commissioners.

Assessments a lien.

All assessments made under the provisions of this act shall be and remain a first lien upon the lands and real estate affected thereby, notwithstanding any error or omission in stating the name or names of the owner or owners of such land and real estate, to the same extent as taxes and assessments are now a lien under the general laws of this State and shall bear interest at the rate of six per centum per annum and shall be assessed and collected in the same manner as the general taxes are assessed and collected upon lands and real estate in such municipality.

Interest on.

Expenses met by bonds or certificates.

10. The whole or any part of the expense of such improvement may be paid by the issue and sale of improvement certificates or bonds of the municipality under the provisions of this act or by any money in the treasury not otherwise appropriated.

11. Any land owner whose lands may be subject to an assessment for benefits under the provisions of this act may have his lands released at any time by paying to the treasurer or other proper officer of such municipality the full amount so assessed against his said lands with interest at six per centum per annum; it shall be the duty of the county clerk to file in his office the receipt of the treasurer or other proper officer of the municipality for any such payment, and also to enter upon the assessment list a short memorandum showing that the assessment against such land has been paid and thereafter such land shall be free from the lien of such assessment.

Lands released
by paying
assessment
with interest.

12. Such municipality shall pay to each commissioner aforesaid five dollars for each day he shall be actually engaged in the performance of the duties herein required of him; and the said commissioners shall also have authority to employ a secretary at a cost of not over two dollars for each day he may be employed.

Compensation of
commissioners and
secretary.

13. It shall be the duty of the governing body of any such municipality where the general taxes levied and collected within such municipality are assessed, levied and collected by the township officers of the township within the limits of which such municipality is located, to furnish yearly, on or before the first day of August in each year, to the tax assessor of such township a statement in writing signed by the president, or other head officer of such municipality setting forth the amount required to be paid by such municipality at large on account of any such improvement during the current fiscal year, whether the same shall be represented by maturing improvement certificates, bonds or otherwise; and the said assessor shall assess and levy such amount against the real and personal estate of the resident and non-resident property owners within the limit of such municipality in the same manner that the general township taxes are assessed and levied and the same when so assessed and levied shall be collected by the township collector, and as soon as collected shall be paid over by the said collector to the treasurer of said municipality, who shall apply the same exclusively to the payments for which the same were assessed.

Township
assessor
notified of
amount
required.

Levy.

Collection.

Annual tax
levy.

14. In all municipalities affected by this act having by their act of incorporation power to levy and collect the annual taxes it shall be the duty of the governing body of such municipality to incorporate in the annual tax levy in each year such amount as shall be required to be paid by such municipality at large on account of any such improvement during the current fiscal year whether the same shall be represented by maturing improvement certificates, bonds or otherwise; and the same shall be raised in the same manner as general taxes and as soon as collected shall be paid over to the treasurer of the said municipality who shall apply the same exclusively to the payments for which the same were assessed.

Powers
herein con-
ferred
additional to
existing.

15. The powers herein conferred shall be construed as being in addition to and not in lieu of, any powers already contained in the provisions of any charter or act creating any municipality effected by this act or supplement thereto or amendment thereof.

16. This act shall take effect immediately.

Approved April 9, 1908.

CHAPTER 143.

An Act to regulate the appointment of officers to fill vacancies in elective offices of towns, townships and boroughs of this State.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Power to fill
vacancies in
certain
municipali-
ties.

1. In all towns, townships and boroughs in this State the town committee, common council or other governing body shall have the power to fill vacancies in all elective offices, including any vacancy occurring or existing in any such town, township, common council and member of the board of chosen freeholders or other governing body, and such officer so appointed or chosen

to fill any such vacancy shall hold office until the first day of January next succeeding the next local election in said town, township or borough; and such vacancy shall be regularly filled for the unexpired term thereof, if any remain at the next local election held in said town, township or borough; if such vacancy occur at so short a period of time before the next annual election that such office cannot be duly filled at such election, the town committee, common council or other governing body of such town, township or borough may fill such vacancy in the same manner as though the same had occurred immediately after said election, and the said vacancy shall be regularly filled at the next subsequent local election in such town, township or borough held thereafter.

Extent of
term.

Regularly
filled at
election.

Vacancy
occurring
shortly before
election.

2. This act shall take effect immediately.

Approved April 9, 1908.

CHAPTER 144.

An Act to change the name of the township of Verona, in the county of Essex, to "the township of Cedar Grove, in the county of Essex."

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The name of the township of Verona, in the county of Essex, is hereby changed to "the township of Cedar Grove, in the county of Essex."

Change of
township
name.

2. This act shall take effect on the filing with the clerk of the county of Essex of a copy hereof, certified under the hand and seal of the Secretary of State.

When in
effect.

Approved April 9, 1908.

CHAPTER 145.

An Act to amend an act entitled "An act to protect shade, ornamental and fruit trees from injury by horses, mules and other animals," approved April fourteenth, one thousand eight hundred and ninety-six.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Section
amended.

1. Section one of the act to which this is an amendment is hereby amended to read as follows:

Animals not
tied to trees
along high-
ways.

1. No person shall hitch or tie any horse, mule, ox or other animal to any shade, ornamental or fruit tree adjacent to or on any street, road or highway in this State; or hitch, or tie any horse, mule, ox or other animal to any post within reach of any shade, ornamental or fruit tree, or allow any horse, mule, ox or other animal to stand unattended near any shade, ornamental or fruit tree whereby any such tree may be injured by such animals.

2. This act shall take effect immediately.

Approved April 9, 1908.

CHAPTER 146.

An Amendment to an act entitled "A supplement to an act entitled 'An act to regulate the sale of spirituous, vinous, malt and brewed liquors, and to repeal an act entitled "An act to regulate the sale of intoxicating and brewed liquors," passed March seventh, one thousand eight hundred and eighty-eight,' passed March thirtieth, one thousand eight hundred and eighty-nine," which supplement was approved March twenty-eighth, one thousand eight hundred and ninety-five.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. That section one of the supplemental act to which this is an amendment be amended so as to read as follows:

Section amended.

1. Hereafter in all cities, towns, boroughs or townships a license fee of not less than one hundred dollars shall be paid by every person carrying on within any city, town, borough or township the business of buying beer in quantities and bottling and selling the same when bottled not to be drunk on the premises where bottled, or selling bottled beer not to be drunk on the premises where sold; *provided, however,* that any person having what is known as a wholesale license for the sale of spirituous, vinous, malt or brewed liquors in quantities from one quart to five gallons not to be drunk on the premises where sold, shall be exempt from the provisions or operations of this act.

Bottler's license.

Proviso.

2. Section three of said supplemental act be amended so as to read as follows:

Section 3 amended.

3. From and after the expiration of thirty days next succeeding the passage of this act every person, except

Penalties.

those mentioned in the proviso of section one of this act, carrying on the business specified in section one of this act without a license for that purpose first had and obtained, as in said section directed, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term not exceeding six months or by a fine not exceeding three hundred dollars, or either or both, at the discretion of the court before which said conviction shall be had.

3. This act shall take effect immediately.

Approved April 10, 1908.

CHAPTER 147.

An Act to amend an act entitled "An act concerning paid fire departments in cities of the first class, and for the relief of members thereof and their families," approved April twenty-fourth, one thousand nine hundred and two.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Section 10
amended.

I. The tenth section of the act to which this is amendatory is hereby amended so that the same shall read as follows:

10. Such pension fund shall be provided and sustained as follows:

Pension fund;
how provided
and sustained.

I. By one-half of the two per centum of the premiums received for insurance effected in such cities by foreign insurance companies, which is now, by law, required to be paid to local firemen's relief associations in such cities; and upon and after the creation of a pension fund, under and by virtue of this act, it shall be lawful for agents and brokers of such foreign insurance companies to, and they shall, pay said one per centum of the premiums received by them for insurance on property in such cities to the treasurer of the cor-

porations herein authorized; and when it is so paid, and taken for the uses of such pension fund, it shall be taken and accepted in lieu and bar of any and all claim for relief which any member of such pension fund, or his family, might have or may have had upon the local relief fund from thenceforth, where and while there are other beneficiaries upon such local relief fund entitled to relief therefrom, except cases where such paid firemen may thereafter be injured or contract serious illness while doing actual fire duty;

II. By all fines, penalties and forfeitures assessed upon and collected from any officer or member of such fire department;

III. By all rewards, fees, gifts or emoluments paid or given for extraordinary services rendered by any officer or member of said fire department, except when the same is allowed by the board of fire commissioners, or other duly authorized municipal authority having charge and control of the said department, to be retained by such officer or member, or when the same is specially given to endow a medal or other competitive reward;

IV. By all appropriations, donations, devises and bequests that may be made or given to such pension fund by any such municipality or other corporation or person;

V. By all fees received for permits issued by such board of fire commissioners, and the moneys obtained by the sale of old material and property of such paid fire department other than real estate;

VI. By all fines that may be imposed upon persons whose chimneys are negligently set on fire;

VII. By such license fee as is now or shall hereafter be imposed upon and collected by the city from the owners or lessees of theatres, and places known as nicoldromes, nicolettes, moving-picture shows, amusement parlors, circuses, exhibitions, and all like places of public amusement in such city for each performance therein, which shall be paid to the treasurer of such corporation for the benefit of such fund.

VIII. The board of trustees of such corporation shall assess and collect from each and every member of such department, for such pension fund, a sum not exceeding two per centum of his salary, and not less than one per

centum thereof, said sum shall be paid by each and every member monthly to the treasurer of such corporation, and such assessment and collection shall be in manner and form as may be provided in the by-laws of the corporation.

Amount of
pension and
to whom
paid.

2. Pensions shall be paid from such fund in the manner following:

I. In all cities of this State, in which this act shall become operative, all members of such departments who shall have honorably served therein for twenty years, and who shall have reached the age of sixty years, shall, upon application to the board having charge of the fire department in such city, be retired by such board, and shall thereupon receive from such pension fund an amount annually equal to one-half of the salary received by such member at the time of his retirement;

II. If any member of such department shall hereafter become incapacitated either mentally or physically, for the performance of his duties, whenever such incapacity is the result of injury received or illness incurred in the discharge of his duties as a member of such department, he shall be retired by such board of fire commissioners, or other duly authorized municipal body having charge of such fire department, and shall thereupon be entitled to receive from such pension fund an amount equal to one-half of his salary received by him at the time of his retirement;

III. Any member of such department who shall have served therein for twenty years, continuously or otherwise, who shall become incapacitated, either mentally or physically, from illness or injury incurred in the performance of his duties as a member of such department, or who by reason of advanced age is found unfit for the performance of his duties, shall be retired by the board of fire commissioners, or other duly authorized or municipal body having control of such fire department, and shall thereupon receive from such pension fund an amount equal to one-half the salary received by him at the time of his retirement.

IV. When any member of such department shall die (having served five years in such department) his

widow shall receive from such fund, annually, payable in monthly instalments, a sum equal to one-half of the salary then received by such member during her lifetime or widowhood;

V. When any member of such department shall die, after having been retired and pensioned, his widow shall receive from such fund annually, payable in monthly instalments, a sum equal to the pension then received by him during her lifetime or widowhood;

VI. In either of the above cases, if such member leave no widow, or his widow shall re-marry, then such children as he shall leave him surviving, under the age of sixteen years, shall receive from the fund a sum equal to the amount received by such member at the time of his death, which shall be divided equally among them if there is more than one child. If such member shall leave neither widow nor children him surviving, then the parent or parents of such member, if dependent upon him for support, shall receive from such fund a sum equal to the amount received by such member at the time of his death, if such dependent parent shall re-marry after his death he or she shall cease to be entitled to receive any pension thereafter.

Approved April 10, 1908.

CHAPTER 148.

An Act for the prevention of cruelty to animals.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The New Jersey Society for the Prevention of Cruelty to Animals and each district (county) Society for the Prevention of Cruelty to Animals shall respectively have power to elect their own members and officers and to elect or designate officers and agents for carrying on the business of the same; to establish such

Members and
officers of
society.

- Purposes. by-laws or regulations as may be deemed necessary or expedient for the government of the same; to enforce all laws or ordinances which are now or may hereafter be enacted for the protection of dumb animals; to adopt a common badge which shall be authority for making arrests; to sue and be sued and to defend and be defended in all courts, whether in law or equity;
- Proviso. *provided, however*, that all actions brought by or against any such society in any cause whatsoever, shall be in its own corporate or official name.
- All fines paid to district society. 2. No part of any fine, penalty, or money imposed or collected for any offense in violation of any act for the prevention of cruelty to animals shall be paid by any court to the complainant, informer, or prosecutor, but all such fines, penalties or moneys shall be paid to the district (county) Society for the Prevention of Cruelty to Animals in the county where the offense or offenses were committed, as provided for by law.
- Where action cognizable. 3. All actions arising under the provisions of any act for the prevention of cruelty to animals shall be cognizable before any Court of Common Pleas, District Court, police justice, or other magistrate within the county or city where the offense or offenses were committed, or where the defendant or defendants reside;
- Proviso. *provided, however*, that an appeal to the Court of Common Pleas shall be allowed from the decision of any court or magistrate resulting therefrom.
- May acquire property. 4. Any district (county) Society for the Prevention of Cruelty to Animals, or the New Jersey Society for the Prevention of Cruelty to Animals, may respectively purchase and hold such real estate as may be expedient for the administration of their individual service, and may take by devise or gift any and all real estate or personal property which is or may be devised or given to any of them without regard to value, the title to all such real estate to be taken in the corporate name of such district (county) society, or of the New Jersey society, as the case may be.
- Repealer. 5. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall be deemed a public act and shall take effect immediately.

Approved April 10, 1908.

CHAPTER 149.

An Act to amend a supplement to an act entitled "A supplement to an act entitled 'An act relative to the compensation of prosecutors of the pleas in certain counties of this State,' approved March sixth, one one thousand nine hundred," which supplementary act was approved March second, one thousand nine hundred and four.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Section one of the act to which this is an amendment, be amended and read as follows:

Section
amended.

1. Wherever the population of any county bordering on the Atlantic Ocean in this State, as ascertained by any state or federal census, is more than twenty thousand and not more than fifty thousand the prosecutor of the pleas of such county shall receive an annual salary of fifteen hundred dollars; and wherever such population is more than fifty thousand and not more than sixty-five thousand, the prosecutor of the pleas shall receive an annual salary of four thousand dollars; such salary shall be payable in monthly instalments in lieu of all fees and allowances, which fees shall be paid into the county treasury.

Salary of
prosecutor.

2. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved April 10, 1908.

CHAPTER 150.

An Act to amend an act entitled "An act to amend an act entitled 'An act respecting towns and providing for the purchase of water-works or a plant for the supply of pure and wholesome water to the inhabitants of such towns for public and domestic uses and the extension of such water-works or plant and providing for the issue of bonds to pay for such purchase or extension,' approved March twenty-second, one thousand eight hundred and ninety-nine," which amendatory act was approved May seventh, one thousand nine hundred and six.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section 1
amended.

1. Section one of the act entitled "An act respecting towns and providing for the purchase of water-works and a plant for the supplying pure and wholesome water to the inhabitants of such town for public and domestic uses and the extension of such water-works or plant and providing for the issue of bonds to pay for such purchase or extension, approved March twenty-second, one thousand eight hundred and ninety-nine" which amendatory act was approved May seventh, one thousand nine hundred and six, be and the same is hereby amended so as to read as follows:

1. Section four of the act to which this is an amendment be and the same hereby is amended so as to read as follows:

Council may
extend water
system.

4. The town council may by ordinance without submitting the question to the voters of the town at any annual or special election, extend any water-works or plant for the supply of water for public or domestic use so purchased at a cost not exceeding fifteen thousand dollars in any year, and the moneys necessary for any

Yearly
limit.

such extension or extensions in any town shall be provided and raised as is hereinbefore provided for the raising of the moneys necessary for the purchase of such existing water-works or plant for the supply of water.

2. This act shall take effect immediately.

Approved April 10, 1908.

CHAPTER 151.

An Act to amend an act entitled "An act to provide for the planting and care of shade trees on the highways of the municipalities of this State," approved March twenty-eighth, one thousand eight hundred and ninety-three.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. That section two (2) of the act entitled "An act to provide for the planting and care of shade trees on highways of the municipalities of this State," be and the same is hereby amended so as to read as follows:

Section 2
amended.

2. And be it enacted, that it shall be optional with the body or board having charge of the finances of any municipality whether this act shall have effect in, and such commissioners shall be appointed in, such municipality; and whenever any such body shall by resolution, approve of this act, and direct that such commissioners shall be appointed, then, from that time, this act and all its provisions shall be in force, and apply to such municipality; and such commissioners shall be appointed for terms of three, four and five years, respectively; and on the expiration of any term the new appointment shall be filled for the unexpired term only; and in cities the said appointments shall be made by the mayor thereof, and in townships, by the chairman of the township committee, and in villages and boroughs by the

Action
optional.

If approved,
commis-
sioners
appointed.

Terms.

chairman or president of the board of trustees, or other body or board having charge of the finances.

2. This act shall take effect immediately.

Approved April 10, 1908.

CHAPTER 152.

An Act relating to the publication of statements of the financial concerns or condition of certain towns in this State.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Monthly
statements
not necessary.

1. From and after the passage of this act in any town in this State, it shall not hereafter be necessary to have published in any newspaper printed and published in said town any monthly statement or statements of the financial concerns and condition of such town; *provided, however,* that a full and complete annual statement of the financial concerns and condition of such town shall be published as heretofore at the end of the fiscal year of such town.

Proviso.

Repealer.

2. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Approved April 10, 1908.

CHAPTER 153.

An Act authorizing and empowering towns in this State to appoint the assessors of taxes, and regulate the salaries and compensation of such assessors.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Appoint-
ment of town
assessors.

1. From and after the passage of this act, and its acceptance or adoption as herein provided, it shall be

lawful for any town by its common council, board of aldermen or other governing body, to appoint one or three assessors of taxes, to appraise and value the property of said town, and assess the taxes throughout the said town.

2. That such assessor or assessors shall be appointed at a regular meeting of such common council, board of aldermen or other governing body, the number to be elected and the salary or compensation to be paid having first been determined by resolution or ordinance of the common council, board of aldermen or other governing body, duly passed and adopted.

Chosen at
regular meet-
ing.

That the salary or compensation of such assessor, in case one is appointed for such town, shall not exceed the sum of twelve hundred dollars per annum, and in case three are appointed, the salary or compensation of each, shall not exceed the sum of five hundred dollars per annum.

Salaries.

4. The assessor or assessors hereby constituted and hereafter to be appointed under this act shall be instead of and take the place of and perform the duties of any and all other assessors of taxes in such town as may accept or adopt this act, and the terms of office of all assessors of taxes in such towns, except those appointed under this act, shall be and are hereby terminated, and ended, upon the expiration of one month after the acceptance or adoption of this act by any town in this State.

To supersede
present
officials.

5. The term of office of any assessor appointed under this act shall be three years; *provided, however*, that the term of such as shall be first appointed shall extend from one month after the day of appointment and for three years after the thirty-first day of December, next succeeding the date of such appointment.

Term.
Proviso.

6. This act shall only become operative in any such town when its provisions are accepted by ordinance of the common council, board of aldermen or other governing body thereof.

Acceptance
of act.

7. All acts and parts of acts inconsistent herewith are hereby repealed and this act shall take effect immediately.

Repealer.

Approved April 10, 1908.

CHAPTER 154.

An Act relative to the salary of the mayor in towns in this State.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Salary of
mayor.

1. From and after the passage of this act, the common council, board of aldermen or other governing body of any town in this State may, in its discretion, fix by ordinance, the salary or compensation to be paid to the mayor of such town; *provided* that such salary or compensation shall not exceed the sum of one thousand dollars per annum; *and provided further*, that such salary or compensation, when so fixed, shall be in lieu of all salaries, fees or compensation allowed such mayor under any other law, whether general or special; *and provided further*, that this act shall not be held to reduce the salary or compensation of any mayor already fixed or allowed by any other law, whether general or special.

Proviso.

Proviso.

Proviso.

Repealer.

2. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Approved April 10, 1908.

CHAPTER 155.

An Act regulating the taking of suckers, catfish, carp and eels in the waters of the Delaware river above Trenton Falls, by the use of fish-baskets.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Use of fish-
baskets
above Trenton
Falls.

1. It shall be lawful to catch suckers, catfish, carp and eels in the waters of the Delaware river above Trenton

Falls through or by or with the use of what is commonly known as a fish-basket, with wing-walls; *provided*, the bottom of such fish-basket shall be made of wooden slats, set not less than three-eighths of an inch apart, when wet, and having the edges of each slat well rounded. These slats shall be so arranged so to make possible the removal, or practical removal, of at least three-fourths of the bottom of any basket that could be used for fishing, at that time; and the same shall be actually removed from said basket, or so adjusted as to make the catching of a fish by said basket an impossibility, during that part of each day beginning at one hour after sunrise and continuing to one hour before sunset, unless said fish-basket be under the immediate care and supervision of an operator who shall be responsible for each and every game fish taken through the use of said basket and retained, or permitted by him to have been so taken and retained. Each and every game fish that may come into any basket thus operated, shall be immediately released unharmed, in the waters below said basket.

Provide; make
of fish-
basket.

Game fish
released.

2. Before any person shall be legally entitled to operate a fish-basket, under the provisions of this act, he shall be required to secure a license authorizing such action. Said license shall be issued by the clerk of the county in which said person proposes to operate, and shall cost the sum of one dollar, twenty-five cents of which shall belong to the county clerk, for services rendered, and the remaining seventy-five cents shall belong to and be forwarded to the Board of Fish and Game Commissioners, at Trenton, on or before the first day of next month, following the date of such license together with a copy of each license issued.

License to use
fish-basket.

Fee.

3. Each fish-basket operated under the provisions of this act shall bear the number of the certificate issued to the owner thereof, the same to be in black or white figures, of not less than twelve inches in length, painted or fastened upon each side of said basket, in a conspicuous place.

Baskets
numbered.

4. Said basket may be operated, at any time, from the fifteenth day of August to the first day of December next following, by any person or persons under the di-

When use of
baskets al-
lowed.

Affidavit that no game fish taken.	<p>rection of the owner thereof, who shall, for the purposes of this act, be in all instances the person named in said license; and such owner shall be responsible for any violation of any fish law of this State, through or by the use of such basket; and shall be required, on or before the first day of December, next following the date of such license issued to him, to make an affidavit in writing, and forward the same to the Board of Fish and Game Commissioners, at Trenton, clearly setting forth the fact that he has not, since the date of the license to him, either taken himself or permitted another to take and retain a game fish of any kind, through, or by or with the use of said basket. For refusing to make this affidavit, upon demand made in writing by any officer of the Board of Fish and Game Commissioners, or for violating any specific provision of this act, such person shall be liable to a penalty of twenty dollars; <i>provided</i>, that any owner of a fish-basket, who may know of a violation of any fish law of this State by another person through the use of his fish-basket, shall be exonerated of all personal liability for such offence, if he, within one week of the commission of such violation, notify the Board of Fish and Game Commissioners of such fact, and testify against the offender in case such person is prosecuted by said Board of Fish and Game Commissioners.</p>
Penalty.	<p>5. The operator of any fish-basket, who may elect to fish his basket during any time beginning at one hour after sunrise and ending at one hour before sunset, who shall leave the same unattended for a period of one hour, while it is set for fishing during such daytime, shall be liable to a penalty of ten dollars.</p>
Baskets not left unat- tended.	<p>6. All penalties collected for violation of any provisions of this act shall belong to the Board of Fish and Game Commissioners, and shall be forwarded by the court receiving the same to the State Treasurer, to be held by him as a fund separate and apart, for the use of said Board of Fish and Game Commissioners, and to be drawn out upon the order of the Board of Fish and Game Commissioners, in the way and manner provided by law.</p>
Disposition of penalties.	

7. Each any every magistrate and justice of the peace in this State shall have the right of summary conviction in all matters pertaining to the violation of any provision of this act, and shall have the right and power under the forms of existing law, to cause the arrest of any person or persons charged with such violation within a period of one year from the date of the commission of the offense; to hear the evidence, and to acquit or convict, as the case may be. In all cases of conviction, the defendant or defendants, shall each be sentenced to pay the penalty imposed by the section violated, together with the costs of prosecution; and in default of the payment thereof, shall be committed to the common jail of the county for a period of one day for each dollar of penalty imposed.

Powers of
magistrates.

8. Any person who shall violate any of the provisions of this act shall be liable to the penalties therein stated and set forth, to be sued for and recovered in the same manner and by the person or persons authorized to sue for and recover penalties under the provisions of an act entitled "An act to provide a uniform procedure for the enforcement of all laws relating to fish, game and birds, and for the recovery for penalties for violations thereof," approved March twenty-ninth, one thousand eight hundred and ninety-seven, and the acts supplementary thereto and amendatory thereof.

General
penalties.

9. This act shall take effect immediately.

Approved April 10, 1908.

CHAPTER 156.

An Act regulating the employment, tenure and discharge of certain officers and employes of this State, and of the various counties and municipalities thereof, and providing for a civil service commission, and defining its powers and duties.

WHEREAS, it was the opinion of the Conference Committee appointed by the two houses of the Legislature to consider the so-called Civil Service bill that

Preamble.

a Civil Service Commission should be non-partisan; now, therefore:

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

When effective in State and municipalities.

Appointed for merit and fitness.

All appointments, transfers, etc., subject to act.

Continuance of present officers and employees.

Civil service commissioners appointed by governor.

Terms.

1. After the expiration of six months from the time of the approval of this act appointments to and promotions in the civil service of this State, and after the expiration of forty-five days from the time of its adoption by any municipality of this State as hereinafter provided, appointments to and promotions in the civil service of such municipality, shall be made only according to merit and fitness, to be ascertained, as far as practicable, by examinations, which as far as practicable shall be competitive; and after the expiration of said six months, or forty-five days, as the case may be, no person shall be appointed, transferred, reinstated, promoted, reduced or dismissed as an officer, clerk, employe or laborer in the civil service under the government of this State, or such municipality thereof as shall adopt the provisions of this act as hereinafter provided, in any manner or by any means other than those prescribed in this act.

2. All officers, clerks and employees now in the employ of the State or any municipality adopting this act, coming within the competitive or non-competitive class of the civil service, shall continue to hold their offices or employments, and shall not be removed therefrom except in accordance with the provisions of section twenty-four hereof, it being the intention hereby to include any and all such officers, clerks, employes and laborers within the classified service of the State or municipality, as the case may be, and to be subject in all respects to the provisions of this act.

3. The Governor shall, by and with the advice and consent of the Senate, appoint four persons to be civil service commissioners under this act, all of whom must be residents of the State of New Jersey, and at the time of such appointment shall designate one of said commissioners to hold office for the term of one year, one for the term of two years, one for the term of three years and one for the term of four years, beginning from the date of the approval of this act; and thereafter

at the expiration of such period of one year the Governor of this State shall, by and with the advice and consent of the Senate, appoint one person as the successor of the commissioner whose term shall have expired, to serve for a term of four years, and until his successor shall have been appointed and qualified. No commissioner shall hold any other office of profit under the government of this State or of the United States. Three members of said commission shall constitute a quorum for the transaction of business. Any vacancy in such commission shall be filled by appointment by the Governor for the remainder of the term, subject to confirmation by the Senate, but any appointment shall be in force until acted upon by the Senate.

4. The Governor may remove any Commissioner for inefficiency, neglect of duty or misconduct in office, having first given to such Commissioner a copy of the charges against him and an opportunity of being publicly heard in person or by counsel, upon not less than ten days' notice in writing, and a statement of the findings of the Governor and the reasons for his action shall be filed by the Governor with the Secretary of State.

5. Each commissioner shall receive a salary of two thousand dollars per annum, payable monthly, out of the treasury of this State, on the warrant of the Comptroller. The person selected under the provisions of this act to act as president of said commission shall receive an additional salary of five hundred dollars per annum. In addition each commissioner shall be entitled to be paid out of the treasury of this State, on the warrant of the Comptroller, such sums as shall be incurred for necessary traveling and other expenses; but no money shall be paid out of the treasury for any such purpose except on bills presented to the Treasurer, duly verified by the oath of the person presenting the claim.

6. The commission created by this act shall select from among its members a president, and appoint a chief examiner and a secretary, who must be residents of the State of New Jersey. The commission shall not,

Limit ex- penditures.	however, expend for salaries and expenses in any one year a greater sum than twenty-five thousand dollars, nor any sum in excess of the amount appropriated by the Legislature in the annual appropriations act.
Salary of Secretary and examiner.	7. The secretary shall receive a salary of two thousand dollars a year and the chief examiner a salary of three thousand dollars a year, to be paid in equal monthly payments out of the treasury of the State on the warrant of the Comptroller. The commission may also appoint such other clerical and necessary assistants as may be necessary to carry out the provisions of this act, and fix their compensation, which shall be paid out of the treasury of the State on the warrant of the Comptroller. The secretary, chief examiner, clerks and assistants shall, in addition to their salaries, receive such necessary traveling and other expenses incurred under the provisions of this act as shall be approved by the commission, which shall be paid out of the treasury of the State on the warrant of the Comptroller; but no money shall be paid out by the treasury for any purpose except on bills presented to the Treasurer duly verified by the oath of the person presenting the claim. Should any commissioner be removed from office, or any employe of said commission be discharged, such commissioner or employe shall only be entitled to receive his compensation up to the date of such removal or discharge.
Assistants.	
Expenses of.	
Powers of commission. To make rules.	8. The commission shall also have the power: First. To prescribe, amend and enforce rules and regulations for carrying into effect the provisions of this act.
To keep records and applications.	Second. To keep minutes of its own proceedings and records of its examinations and other official actions. All recommendations of applicants for office and causes of removal received by the commission shall be filed, and all such records (except recommendations of former employers), shall be open to public inspection under reasonable regulations.
To investi- gate matters pertaining to act.	Third. To make investigations, either sitting as a body or through a single commissioner, concerning all matters touching the enforcement and effect of this act, and the rules and regulations prescribed thereunder, and

concerning the action of any examiner or subordinate of the commission and any person in the paid employ of this State or any municipality that may hereafter adopt the provisions of this act, in respect to the execution of this act, and in the course of such investigations each commissioner and the chief examiner shall have power to administer oaths and affirmations and to take testimony.

Fourth. To subpoena and require the attendance in this State of witnesses, and the production thereby of books and papers pertinent to the investigations and inquiries hereby authorized, and to examine them and such public records as it shall require in relation to any matter which it has the authority to investigate. The fees for such witnesses for attendance and travel shall be the same as for witnesses before the Courts of Common Pleas, and shall be paid from the appropriations made to the commission. All officers and employes in the paid service of this State, and of any municipality that may hereafter adopt the provisions of this act, and their deputies, clerks, subordinates and employes, shall attend and testify when required to do so by said commission. Any disobedience to or neglect of any subpoena issued by the said commissioners or any refusal to testify shall be certified in writing by the president of said commission to the judge of the Court of Common Pleas of the county in which such disobedience occurred, who shall thereupon, by a warrant issued to the sheriff of the county, direct the production of the body of the person so disobeying, and upon the production of the body of such person shall, in a summary way, inquire into the cause of such disobedience, and if no sufficient cause be shown therefor shall by a commitment issued under his hand, directed to the keeper of the common jail of said county, order the detention in such common jail or such person for such period of time, not exceeding ninety days, as said judge in said commitment shall designate, or until such person shall purge himself of such disobedience. Any person who shall knowingly give false testimony before said commission shall be guilty of a misdemeanor. No person shall be excused from testi-

To summon persons and papers.

Witness fees.

Action in case subpoena displayed.

Must testify.

lying, or from producing any books or papers, before said commission upon the ground that the testimony or evidence, books or documents, required of him may tend to incriminate him, or subject him to a penalty or forfeiture; but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall, under oath, have testified or produced documentary evidence.

Annual report.

Fifth. To make an annual report to the Governor, showing its own actions, its rules and regulations, and all the exceptions thereto in force, and the practical effects thereof, and any suggestions it may approve for the more effectual accomplishment of the purposes of this act.

Office and accommodations.

9. The commission shall be provided, as soon as may be convenient, with suitable office accommodations in the capitol building at Trenton, and it shall be the duty of the officials having control of municipal buildings throughout the State to furnish convenient offices and rooms for examination purposes, with the necessary light, heat and furniture for the accommodation of local examiners and registrars, upon requisition by the commission, when the same shall have been rendered necessary by the adoption by any such municipality of the provisions of this act. The office of said commission in the capitol building shall be open for business between nine o'clock in the forenoon and five o'clock in the afternoon of each business day.

Office hours.

State and municipal officers to aid in enforcement.

10. It shall be the duty of all of the officers of this State, or of any municipality thereof that may adopt the provisions of this act, to conform to, comply with, and to aid in all proper ways in carrying into effect the provisions of this act, and the rules and regulations prescribed thereunder and any modification thereof. No officer or officers having the power of appointment or employment to the civil service of this State, or to that of any municipality thereof that may hereafter adopt the provisions of this act, shall, after this act shall become effective in connection with the civil service of the State or municipality, as the case may be, as prescribed in section one hereof, select or appoint any person for

All appointments made in accordance with provisions of act.

appointment, employment, promotion or reinstatement, except in accordance with the provisions of this act and the rules and regulations prescribed thereunder. Any person employed or appointed contrary to the provisions of this act, or of the rules and regulations established thereunder, shall be paid by the officer or officers so employing or appointing, or attempting to employ or appoint, the compensation agreed upon for any services performed under such appointment or employment, or attempted appointment or employment, or in case no compensation is agreed upon, the actual value of such services and any expenses incurred in connection therewith, and shall have an action of debt against such officer or officers, or any of them, for such sum or sums and for the costs of the action. No public office shall be reimbursed by the State, or by any municipality thereof, for any sums so paid or recovered in any such action.

Persons appointed contrary to act not paid by authorities but by employer.

11. The civil service of the State of New Jersey, and of the municipalities thereof when and as they may adopt the provisions of this act, in the manner hereinafter provided, shall be divided into the unclassified service and the classified service. The unclassified service shall not be subject to any of the provisions of this act, and shall include the following classes:

Classes of civil service.

All officers elected by popular vote;

All officers appointed by the Governor, with or without the advice and consent of either or both branches of the Legislature;

All officers and employes appointed by either or both branches of the Legislature;

All election officers.

All heads of departments of the State government, and members of commissions and boards thereof, and all appointments of the mayor; and also all heads of departments the members of commissions and boards elected by the board of aldermen, common council, or other governing body of the municipalities that may adopt the provisions of this act;

All law officers of any municipality that may adopt the provisions of this act;

All officers and persons in the militia;

Unclassified service.

All superintendents of, teachers and instructors in the public schools and State institutions, county superintendent and members of all boards of education, all police magistrates appointed by the mayor or other head officer of any municipality that may adopt the provisions of this act.

Classified service.

The classified service shall include all persons in the paid service of the State or the municipalities thereof that may adopt the provisions of this act, not included in the unclassified service.

Classes of classified service.

12. The officers, positions and employments in the classified service of the State, and of the municipalities thereof that may adopt the provisions of this act, shall be arranged by the civil service commission in four classes, to be designated as the exempt class, the competitive class, the non-competitive class and the labor class, which classification may be changed from time to time as the commission shall deem proper.

Exempt class; appointments to, made without examination.

13. The following positions shall be included in the exempt class:

(1) The deputy or first assistant of principal executive officers authorized by law to act generally for and in the place of his principal;

(2) The legal assistants of the law department of the State, and of the municipalities adopting the provisions of this act, and in the offices of prosecuting attorneys to the number actually engaged in trial or appeal work and appearing in the courts;

(3) One secretary or clerk of each department, board and commission authorized by law to appoint a secretary or clerk;

(4) One private secretary or clerk, or stenographer, of each judge or each principal executive officer;

(5) All officials of State and county institutions who must of necessity be physicians;

(6) In addition to the above there may included in the exempt class all other offices or positions, except laborers, for the filling of which competitive or non-competitive examinations shall be found by the civil service commission to be impracticable. But no office or position shall be deemed to be in the exempt class unless it is specifically named in such class in the rules, and the

Positions in, to be named.

reasons for each such exemption shall be stated separately in the annual reports of the said commission. Not more than one appointment shall be made to or under the title of any such office or position unless a different number is specifically mentioned in the rules. After six months from the date of the approval of this act, or forty-five days after the date of its adoption by any municipality of this State, no office or position shall be classified by the commission in the exempt class except after public hearing by the commission or any member thereof. Suitable public notice of such hearings shall be given by the said commission. At any such hearing any citizen of this State shall have the right to be heard, either in person or by counsel, either in opposition to or in favor of the proposed exemption. Appointments in the exempt class may be made without examination.

As to additional positions in exempt class; hearings.

14. The competitive class shall include all positions for which it is practicable to determine the merit and fitness of applicants by competitive examinations, and shall include all positions and employments now existing or hereafter created, of whatever functions, designations or compensation, in each and every branch of the classified service, except such positions as are in the exempt class, the non-competitive class or the labor class. Appointments shall be made to or employment shall be given in all positions in the competitive class that are not filled by promotion, reinstatement, transfer or reduction under the provisions of this act and the rules made in pursuance thereof, by appointment from among those certified to the appointing officer in accordance with the provisions of section twenty-one of this act. The term of eligibility of an applicant shall be fixed for each list by the civil service commission at not less than one nor more than three years. Appointments shall be made from the eligible list most nearly appropriate, and a new and separate list shall be created for a stated position only when there is no appropriate list existing from which appointment may be made. No person shall be appointed or employed under any title not appropriate to the duties to be performed, and no person shall be assigned to perform the duties other

Competitive class.

Appointments from eligible list.

than those properly pertaining to the position which he legally holds.

Non-competi-
tive class.

15. The non-competitive class shall include such positions as are not in the exempt class or the labor class and which it is impracticable to include in the competitive class. Appointments for positions in the non-competitive class shall be made after such non-competitive examination as shall be prescribed by the rules of the civil service commission. And from among those eligible, preference in appointment shall be given to soldiers, sailors or marines who have served in any war of the United States and have been honorably discharged from the United States services. The said commission shall state in its annual report the number of persons who come within this class, and the character of their services.

Preference to
veterans.

Labor class.

16. The labor class shall include ordinary unskilled laborers. Vacancies in the labor class shall be filled by appointment from lists of applicants registered in their respective localities by the civil service commission. Preference in employment from such lists shall be given according to the date of application. There shall be separate lists of applicants for different kinds of labor or employments, and the said commission may establish separate labor lists for various localities, institutions and departments. The said commission shall require an applicant for registration for the labor service before he can be registered to furnish evidence or to pass such examinations as they may deem proper with respect to his age, residence, physical condition, ability to labor, sobriety, industry, capacity and experience in the trade or employment for which he applies.

Rules for
classification.

17. Within six months after the passage of this act and of the appointment of the civil service commissioners as therein provided, the civil service commission shall put into effect rules for the classification of the offices, places and employments in the classified service of this State and within forty-five days after the adoption hereof shall prepare and put into effect rules for the classification of the offices, places and employments in the classified service of any municipality of this State that may adopt the provisions of this

act, which rules shall provide for examinations for positions in the classified service of the State, and of such municipalities thereof as may adopt the provisions of this act, and for appointments to and promotions therein, and for such other matters as are necessary to carry out the purposes of this act. Notice of the contents of such rules and regulations and of any modifications thereof shall be given by mail in due season to appointing officers and heads of departments affected thereby, and said rules and regulations and modifications thereof shall also be printed for public distribution. All appointments and promotions to positions in the competitive, non-competitive and labor classes of the classified service shall be for a probationary period of three months. If, at the close of this probationary term, the conduct or capacity of the probationer has not been satisfactory to the appointing officer, the probationer shall be notified in writing that he will not receive absolute appointment; otherwise his retention in the service shall be equivalent to his final and absolute appointment.

Examinations.

Notice of rules, etc., given.

Probationary period.

18. All examinations required to be held by the provisions of this act both for positions in the competitive class and the non-competitive class, or any other class where examinations are required to be held, shall be free to all citizens of the State of New Jersey with the limitations specified in the rules of the commission as to residence, age, sex, health, habits and moral character. Such examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and may include tests of physical qualifications and health, and when appropriate, of manual skill. No question in any examination shall relate to political or religious opinions or affiliations. The commission shall control all examinations, and may, whenever an examination is to take place, designate a suitable person or persons either in or not in the official service of the State, to be examiners, and it shall be the duty of such examiners, and if in the official service it

Character of examinations.

Examiners.

shall be part of their official duty, without extra compensation, to conduct such examinations as the commission may direct, and to make return or report thereof to said commission; and the said commission may at any time substitute any other person, whether or not in such service, in the place of anyone so selected; and the commission may themselves at any time act as such examiners and without appointing examiners. Such examinations shall be held in such locality or localities as will most readily provide equal opportunity for all citizens of the said State with reference to positions in the service of the State, or to all citizens of any municipality that may hereafter adopt the provisions of this act with reference to positions in the service of the said municipality. Due and sufficient notice thereof being given in such manner that all persons interested in the said examinations may have an opportunity of learning of the time, place and conditions of the said examinations. Such notice of the time and place and general scope of every examination shall be given by the commission, by publication, for two weeks preceding such examination, in such newspapers of general circulation throughout the State as the commission shall prescribe, and such notice in printed form shall also be sent by the commissioners to the county clerks of each county, and by them promptly posted in a conspicuous place in the clerk's office of the said county.

19. The commission shall require persons applying for admission to any examination provided for under this act or under the rules and regulations of the said commission, to file in its office within a reasonable time prior to the proposed examination a formal application, in which the applicant shall state under oath or affirmation:

- (1) Full name, residence and post-office address;
- (2) Nationality, age and the place and date of birth;
- (3) Health and physical capacity for public service;
- (4) Business and employments and residences for the five previous years;
- (5) Such other information as may reasonably be required touching the applicant's merit and fitness for the public service; but no inquiry shall be made as to

any religious opinions and political affiliations of the applicant.

Blank forms for such applications shall be furnished by the said commission without charge to all persons requesting the same. The said commission may require in connection with such application such certificates of citizens, physicians or others having knowledge of the applicant as the good of the service may require. The said commission may refuse to examine an applicant or after examination to certify an eligible, who is found to lack any of the established preliminary requirements for the examination or position or employment for which he applies, or who is physically so disabled as to be rendered unfit for the performance of the duties of the position to which he seeks employment, or who is addicted to the habitual use of intoxicating liquors to excess, or who has been guilty of any crime or of infamous or notoriously disgraceful conduct, or who has been dismissed from the public service for delinquency or misconduct, or who has made false statement of any material fact, or practiced or attempted to practice any deception or fraud in his application, in his examination, or in securing his eligibility or appointment. Whenever the said commission refuses to examine an applicant or after an examination to certify an eligible, as provided in this section, then the said commission upon the request of such person shall grant to him a hearing upon the cause of such refusal. When any position to be filled involves fiduciary responsibility, the appointing officer may require the appointee to furnish a bond, or other security, in lieu thereof, and shall notify the commission of the amount of said bond required; *provided, however,* that any surety company of this State, or any surety company of any other State of the United States authorized to transact business in this State, shall be a sufficient surety on any such bond.

20. From the returns or reports of examiners, or from the examinations made by the commission, the commissioners shall prepare a register for each grade or class of positions in the classified service of the State, or of any municipality that may hereafter adopt the provisions of this act, of the persons who shall attain

Blank forms.

Refusal to
examine or
certify as
eligible
causes.

Hearing after
refusal to
examine.

Proviso.

Class
register of
eligibles.

such minimum mark as may be fixed by the commission for any part of such examination and whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of said commission, and who are otherwise eligible; and such persons shall take rank upon the register as candidates in the order of their relative excellence as determined by examination; *provided, however*, that if any honorably discharged soldier, sailor or marine having served in the War of the Rebellion, shall be among those whose names are placed on such register, such soldier, sailor or marine shall be considered as standing highest in rank thereon, and if two or more names of such soldiers, sailors or marines shall be found on said register, they shall rank as to each other according to their relative excellence as determined by said examination.

Proviso,
pertaining to
civil war
veterans.

*Selection
from eligible
list by certi-
fication of
three candi-
dates.

21. The head of a department, office or institution in which a position classified under this act is to be filled shall notify said commission of that fact, stating the title or name of the position to be filled, the duties to be performed and compensation to be paid, and said commission shall certify to the appointing officer the names and addresses of three candidates standing highest upon the register for the class or grade in which the said position belongs, and the head of such department, office or institution shall select one of the three so certified, and after a candidate has been certified three times by the commission, and shall not be accepted by a head of department, office or institution, his name shall not again be certified to the same head of department, office or institution except at the request of such head of department, office or institution. In making such certification sex shall be disregarded, except when some statute, the rules of the said commission or the appointing power shall specify sex.

Sex dis-
regarded.

Vacancies
filled by
promotion
for merit.

22. Vacancies in positions in the competitive class shall be filled, so far as practicable, by promotions from among persons holding positions in a lower grade in the department, office or institution in which the vacancy exists. Promotions shall be based upon merit, to be ascertained by examinations to be provided by the com-

mission, and upon the superior qualifications of the person promoted as shown by his previous service, due weight being given to seniority and experience. For the purposes of this section an increase in the salary, or other compensation of any person holding an office or position within the scope of the rules prescribed by the commission, beyond the limit fixed for the grade in which such office or position is classified shall be deemed a promotion. No person shall be promoted to a position for original entrance to which there is required by this act, or the rules adopted pursuant thereto, an examination involving essential tests or qualifications different from or higher than those required for original entrance to the position held by such person except as provided above.

Increase of salary deemed promotion.

23. With the consent of the commission, a person holding an office or position in the classified service may on his own request be transferred to a similar office or position in another office, department or institution, but no transfer shall be made from an office or position in one class to an office or position in another class, nor shall a person be transferred to an office or position for original entrance to which there is required by this act, or the rules adopted pursuant thereto, an examination involving essential tests or qualifications different from or higher than those required for original entrance to an office or position held by such person. Any person holding an office or position under the classified service who has been separated from the service without any delinquency or misconduct on his part, but owing to reasons of economy or otherwise, may be reinstated within two years from the date of such separation to the same or similar office or position in the same department; and whenever any permanent office or position in the classified service is abolished or made unnecessary, the person or persons legally holding such office or position shall be deemed to be suspended without pay, and the names of such persons shall, on due notification from the appointing officer, be placed by the commission on a special list, and for a period of two years from the date of the abolishment of such office or position the person who held the same shall be en-

Terms pertaining to transfers.

If position separated from service occupant placed on special list.

titled to reinstatement in any office or position of the same or similar kind as that previously abolished, and the names of all such persons, when an office or position is to be filled of a character the same or similar to that previously held by them, shall be certified by the commission to any appointing officer when such appointing officer shall make known to such commission, in the manner designated in this act, the office or position to be filled.

Removals,
reductions,
etc.

24. No officer, clerk or employe in the classified civil service shall be removed, discharged, reduced in pay or position or otherwise discriminated against because of his religious or political opinions or affiliations. Further, no officer, clerk or employe holding a position in the competitive or non-competitive class of the classified civil service shall be removed, discharged or reduced, except as provided in section seventeen of this act as to probationers, until he shall have been furnished with a written statement of the reasons for such action and been allowed a reasonable time in which to make written answer thereto. In every case of such removal, discharge or reduction a copy of the statement or reasons therefor and of the answer thereto shall be furnished to the civil service commission, and entered upon the records of said commission and upon the records of the department or office in which the discharged, removed or reduced person was or is employed. Nothing in this act shall limit the power of any officer to suspend a subordinate for a reasonable period, not exceeding thirty days; *provided however*, that successive suspensions are not to be allowed.

Furnished
with written
written state-
ment of
charges.

Suspensions.

Proviso.

List of em-
ployes fur-
nished com-
mission.

25. It shall be the duty of each appointing officer to report to the civil service commission forthwith upon the appointment or employment the name of such appointee or employe, the title and character of his office or employment, the date of commencement of service by virtue thereof, and the salary or compensation thereof, and to report from time to time and upon the date of official action in or knowledge of each case, any separation of a person from the service, or other change therein, and such other information as the civil service commission may require, in order to keep the roster

hereinafter mentioned. The commission shall keep in its office an official roster of the classified civil service of this State, and of such municipalities thereof as may adopt the provision of this act, and shall enter thereon the name of every person who has been appointed to, employed, promoted, reduced or reinstated in any position in such service. This roster shall be open to public inspection at all reasonable hours. The roster shall show, in connection with each name, the date of appointment, employment, promotion, reduction or reinstatement, and the compensation of the position, the title of the position, and the nature of the duties thereof, and the date and cause of any termination of such office or employment.

Roster of
classified
service.

What to con-
tain.

26. It shall be unlawful for the Comptroller or other fiscal officer of the State, or of any municipality thereof that may adopt the provisions of this act, to draw, sign or issue any warrant on the Treasurer or other disbursing officer of the State, or of any municipality thereof that may have adopted the provisions of this act, for the payment of any salary or compensation to any officer, clerk, employe, or other person in the classified service, unless an estimate, payroll or account for such salary or compensation, containing the names of every person to be paid, shall bear the certificate of the civil service commission that the persons named in such estimate, payroll or account have been appointed, employed, reinstated or promoted in pursuance of law and of the rules made in accordance with this act. Any officer, clerk, employe or person entitled to be certified by the said commission to the Comptroller, or other fiscal officer or disbursing officer, as having been appointed or employed in pursuance of law and of the rules made in accordance with this act, who shall be refused such certificate, may maintain a proceeding by mandamus to compel such commission to issue such certificate. Any sums paid contrary to the provisions of this section may be recovered from any officer or officers making such appointment in contravention of the provisions of law, or of the rules made in pursuance of law, or from any officer signing or countersigning, or authorizing the

Commission
to certify to
disbursing
officers as to
appointment,
etc.

Employe en-
titled to man-
damus to
secure certifi-
cate.

Disbursing
officers liable
for illegal
payments.

Recovered
money
turned into
treasury.

signing or countersigning of any warrant for the payment of the same, or from the sureties on the official bond of any of the said officers, in an action of debt in the Court of Common Pleas of any county within the State by a citizen resident therein who is assessed for and liable to pay, or within one year before the commencement of the action has paid, a State, city or county tax within the State. All moneys recovered in any action brought under this section shall, when collected, be paid into the treasury of the State, or of the proper municipality thereof, as the case may be, except that the plaintiff in any such action shall be entitled to receive, for his own use, the taxable costs of such action and five per centum of the amount recovered as attorney's fees.

As to recom-
mendations.

27. No recommendation of any persons who shall apply for office or place, or for examination or registration under the provisions of this act or of rules established pursuant thereto, except as to character, and in the case of former employers as to ability, shall be given to or considered by any person concerned in making any examination, registration, appointment, promotion or reinstatement under this act and rules made pursuant thereto. No recommendation whatsoever shall relate to the political or religious opinions of any applicant. No recommendation for the promotion of any person in the classified service shall be considered by any officer concerned in making promotions except it be made by the officer or officers under whose supervision or control such employe is serving. Any recommendations made contrary to the provisions of this section with the knowledge and consent of the applicant or employe, shall be sufficient cause for refusing his application or appointment, or for disbaring him from the promotion proposed.

As to con-
duction of
examina-
tions.

28. Any commissioner, or examiner, or any person who shall wilfully, by himself or in co-operation with one or more persons, defeat, deceive or obstruct any person in respect of his or her right of examination, or registration, according to this act or to any rules or regulations prescribed pursuant thereto, or who shall wilfully or corruptly, falsely mark, grade, estimate

or report upon the examination or proper standing of any person examined, registered or certified, pursuant to the provision of this act, or aid in so doing, or who shall willfully or corruptly make any false representations concerning the same, or concerning the person examined, or who shall willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified, or who shall personate any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration, or application or request to be examined or registered, shall for each offense be deemed guilty of a misdemeanor. Misdemeanors under the provisions of this act shall be punishable by a fine of not less than ten dollars nor more than five hundred dollars, or by imprisonment for a term not exceeding six months, or both, in the discretion of the court.

False representations.

False personation.

Penalty.

29. Nothing contained in this act shall be construed to prohibit the head of any department, office or institution of this State or of any municipality thereof adopting the provisions of this act employing temporarily, subject to the subsequent approval of the commission, in cases of emergency, a person or persons to carry out the work of such department, office or institution, but the head of such department, office or institution upon employing any such person or persons shall immediately give notice thereof to the commission created by this act, and as soon thereafter as practicable a person shall be selected in accordance with the other provisions of this act, whereupon the services of the person or persons so temporarily employed shall cease. In no case shall such employment continue for a longer period than two months, nor shall successive temporary appointments be made to the same position under this provision.

Temporary appointments in emergencies.

Not to exceed two months.

30. Any municipality of this State may adopt the provisions of this act by an ordinance duly adopted by the governing body of such municipality, or by the

Adoption of act by municipalities by ordinance or vote.

petition and vote of the qualified voters of such municipality as hereinafter provided.

Method of
adoption in
cities and
counties.

31. Whenever there shall be presented to the governing body of any municipality of this State a petition signed, in counties and cities of the first and second class, by at least 500 legal voters in said counties or cities respectively, and in counties and cities of the third class by at least 250 legal voters of said counties or cities respectively, and in all other municipalities by at least 5 per cent. of the legal voters therein, requesting that the question of the adoption of the provisions of this Act be submitted to the legal voters of said municipality, it shall be the duty of said governing body to submit such question to the legal voters of said municipality at the next regular election. Public notice thereof shall be given by said governing body by publication in one or more newspapers published and circulated in the said municipality. Or if there be no newspapers published in the said municipality, then in one or more newspapers published in the county in which such municipality is located, to be designated by said governing body, once a week for at least four weeks, and by posting such notice in five of the most public places in said municipality for at least four weeks before said election.

Referendum.

Notice.

Ballots.

At any election at which the question of the adoption of the provisions of this act shall be submitted to the voters of any municipality, there shall be printed upon the official ballot for such municipality, the word "for" and the word "against" above and immediately preceding the words "An act regulating the employment tenure and discharge of certain officers and employes of this State, and of the various counties and municipalities thereof, and providing for a civil service commission and defining its powers and duties."

Canvass;
returns.

If the word "for" be marked off or defaced upon the ballot it shall be counted as a vote against the acceptance of this act; if the word "against" be marked off or defaced upon the ballot, it shall be counted as a vote in favor of the acceptance of this act; and in case neither the word "for" nor the word "against" be marked off or defaced upon the ballot, it shall not be counted as a vote

either for or against such acceptance. A canvass and return of the votes upon the question of the acceptance of this act shall be made by the election officers in the same way and manner as for officers voted at such election and if a majority of the votes cast for and against the acceptance of this act shall be found to be in favor of its acceptance it shall then, but not otherwise, become operative in such municipality. The adoption of the ordinance provided for in section thirty-one of this act, or the result of said election, if favorable to the adoption of this act, as the case may be, shall be certified by the governing body or the municipality to the commission created by this act. The question of the adoption of this act shall not be submitted to the voters of any municipality oftener than once in two years.

Adoption
certified to
commission.

32. The words and terms used in the title and body of this act shall have the following meaning: Definitions.

"Appointing officer" signifies the officer, commission, board or body having the power of appointment or election to, or removal from, subordinate positions in any office, department, commission, board or institution;

"Civil service" includes all offices and positions of trust or employment in the service of the State or any civil division thereof, except offices and positions in the military or naval departments;

"Commission" signifies the Civil Service Commission of New Jersey;

"Municipality" signifies village, town, township, borough, city or county or other such local civil government as is distinguished from the State government;

"He," "him," or "his" may be used interchangeably with "she" or "her."

"Ordinance" shall be construed to include resolution where the governing body usually proceeds by resolution.

33. In case, for any reason, any section or any provision of this act shall be questioned in any court and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section or provision of this act.

Invalidity of
a section not
to affect
others.

Repealer.

34. All acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

35. This act shall take effect immediately.

Approved April 10, 1908.

CHAPTER 157

An Act to incorporate and consolidate the boroughs of North Wildwood, Wildwood and Holly Beach City, in the county of Cape May, into a city, under and by the name of "Wildwood," *provided*, a majority of the votes cast within the territory embraced within the bounds of each of said municipalities upon the question of such incorporation and consolidation shall be in favor thereof.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Boroughs
consolidated.

Corporate
name.
Proviso.

Referendum.

Notice.

1. The inhabitants of the boroughs of North Wildwood, Wildwood and Holly Beach City, in the county of Cape May, and the territories embraced within the boundaries of said municipal corporations be and the same are hereby united, incorporated and consolidated into a city under and by the name of "Wildwood;" *provided, however*, that this act shall not operate to effect such incorporation or consolidation unless a majority of the legal voters within each of the said three boroughs voting thereon at a special election hereinafter provided for shall be in favor thereof; the said question of incorporation and consolidation shall be submitted to the legal voters of said three boroughs at a special election to be held in each borough for that purpose on the second day of June, Anno Domini, one thousand nine hundred and eight. At least ten days' notice shall be given of said election by the clerk of each of the said boroughs by public advertisement in two newspapers

circulating in said boroughs, or by posting printed notices thereof in at least ten conspicuous places therein. The election ballots to be used in said election shall be printed or written, or partly printed and partly written, on which shall be printed the words "Consolidation," immediately preceding which shall also be the words "For" and "Against," and if the word "For" be marked off or defaced upon the ballot it shall be counted as a vote against the acceptance of this act; and if the word "Against" is marked off or defaced upon the ballot it shall be counted as a vote in favor of the acceptance thereof, and in case neither the word "For" nor the word "Against" be marked off or defaced upon the ballot it shall not be counted either as a ballot for or against such acceptance. The boards of registry and election in each of the three boroughs shall conduct such special election, and within twenty-four hours after the closing of the polls at said election make up a statement, certified to under their hands, of the result thereof, and file the same in the office of the county clerk; and if a majority of the votes cast in each of the said three boroughs upon the said question, at the said election shall be in favor thereof, then, and in that event, and at that time, this act shall become operative, and take effect immediately, and the territories embraced within the boundaries of said three boroughs shall be and become a city in name and form provided for in this act, and which city or municipal corporation shall be governed by the provisions of an act of the Legislature of this State, entitled "An act relating to and providing for the government of cities of this State containing a population of less than twelve thousand inhabitants," approved March twenty-first, one thousand eight hundred and ninety-nine. And the county clerk is hereby authorized and directed upon the filing with him of a certified copy of this act to forthwith call a special election in accordance with the provisions of an act entitled "An act relating to newly created municipalities," approved April twenty-fourth, one thousand eight hundred and ninety-eight.

Ballots.

Conduction
of election.Subject to
act.

2. The register of the voters used at the general election next preceding the holding of such special

Registry.

Revision of
registry list.

election shall be used for the purpose of conducting such special election, it shall not be necessary for the boards of registry and election in said boroughs to make a new register of voters for such special election, but only to revise and correct the register made for the last general election, and for that purpose the said boards shall meet at such places in their respective election districts as shall be designated by the clerks of said boroughs respectively, one week next preceding the election in each of said municipalities, respectively; said meetings to begin at one o'clock in the afternoon, and continue until nine o'clock in the evening of that day, for the purpose of revising and correcting the register and of adding thereto the names of all persons entitled to vote, in the respective election district, at said special election, who shall appear in person before them and establish to the satisfaction of the majority of the board that they are entitled to vote in that election district, at said election, or who shall be shown, by written affidavit of a voter in the same election district, to be entitled so to vote; a separate affidavit shall be required for each person so registered, which shall contain the address of the affiant, and which shall be signed by him; and on the following day one copy thereof shall be delivered to the chairman of the county boards of elections, to be filed by them, and one copy shall be retained by him for use by the district boards of election at such special election.

Ward limits.

3. The city shall be divided into two wards, to be known as "First" and "Second" wards. The boundaries of the First ward shall be the territory now embraced within the limits of the boroughs of North Wildwood and Wildwood, and boundaries of the Second ward shall be the territory which now comprises the borough of Holly Beach City; *provided, however*, that the city council, by ordinance, may at any time change the ward boundaries as above provided, or may increase the number of wards, or both.

Proviso.

4. This act shall take effect immediately.
Approved April 10, 1908.

CHAPTER 158

An Act to amend an act entitled "An act respecting the paving, repaving, grading, curbing, sewerage and otherwise improving of streets and public highways in cities of the first class in this State, and providing for the payment of the same, and further providing that the assessments upon property for special benefits shall be payable in full or on instalments, at the option of the property owner," approved March twenty-first, one thousand eight hundred and ninety-five, being chapter 217 of the Laws of 1895.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. That section four of the act to which this is an amendment be amended so as to read as follows: Section 4, amended.
4. The said city may borrow money from time to time to pay for such work and materials and secure the payment thereof by the issue of temporary loan bonds or improvement certificates of said city, which bonds or certificates shall, on their face indicate that they are issued for street improvements; and it shall be the duty of the proper officer or officers of such city to keep a record of all bonds so issued, which said bonds shall be payable at the option of the city, and within six years from the date thereof, and shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually, from the first day of January or July next succeeding the date of issue; that the said bonds or certificates shall be negotiable and shall not be subject to defense by the city causing the same to be issued, except such defense as might be interposed to the payment of bonds issued in such city for like improvements, and such bonds shall not be subject to taxa- Temporary bonds or certificates may be issued.
Reccrd kept.
Time.
Rate.
Negotiable.
Not taxable.

Balance of
cost borne
by city.

Bonds and
certificates
renewable.

Retirement
and pay-
ment.

tion in the hands of the holder; and in case the amount assessed for special benefits on the property specially benefited does not equal the whole cost of the improvement, and any portion of the cost of such improvement is required to be borne by the city at large, said city shall provide for the payment thereof in such manner as is now provided by law in such city for payments where any part of the cost of an improvement, proposed to be paid by assessments upon property specifically benefited, is placed upon the city at large.

Temporary bonds or improvement certificates issued under the provisions of this act may be renewed from time to time until the whole of the assessments for the improvements for which they are issued shall be paid and collected. All temporary bonds or improvement certificates which have heretofore been issued in any city under the provisions of the act to which this is an amendment may be retired and paid by the issue of temporary bonds or improvement certificates under the provisions of this amendment; all moneys received from the issue and sale of such temporary bonds or improvement certificates shall be used for the retirement and payment of outstanding temporary bonds or improvement certificates heretofore issued by such city under the provisions of the act to which this is an amendment.

2. This act shall take effect immediately.

Approved April 10, 1908.

CHAPTER 159.

An Act to authorize boroughs to complete and make assessments for the construction of sidewalks and gutters begun before the incorporation of such boroughs.

Continua-
tion of im-
provements
begun by
township
afterwards
become bor-
ough.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

I. Whenever any portion of a township, or other municipality, has been or hereafter shall become incor-

porated into a borough, and any proceedings for constructing, curbing, re-curbing, paving, relaying or repairing any sidewalks or gutters in front of lands lying within the corporate limits of such new borough shall have been or shall be pending in such township, or other municipality, at the time of the incorporation of such borough, whether or not such improvement has been fully completed, except as to the making of an assessment upon the lands fronting on or bordering which such work has been, or shall have been done, it shall be lawful for the proper authorities of such borough to complete improvement and to make an assessment therefor upon the owner or owners of each lot fronting on or bordering which such work has been or shall have been done in the manner provided by the laws under which such improvement was or shall have been instituted.

Assessment
made.

2. The assessments for such improvement shall be made by the borough council of such borough in the manner and by the method provided by the laws under authority of which such improvement was or shall have been begun, and all other proceedings relating to the completion of such improvement, the making and collecting of such assessments, the giving of notices and the performing of all other requirements of such laws shall be performed by the officers of such borough whose duties correspond in general to the duties of the officers of such township, or other municipality, upon whom such duties devolved under such laws; and such assessment, when so made, shall be and remain a paramount lien upon the lands affected thereby as provided in such laws; and the cost of any portion of such improvement which shall not be assessable upon the lands bordering thereon shall be paid by such borough, and the amount thereof shall be raised by taxation.

How assess-
ments made.

3. All acts or parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved April 10, 1908.

CHAPTER 160.

A Supplement to the act entitled "An act to provide for drainage and sewerage in cities of this State," approved April seventh, one thousand eight hundred and ninety.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Renewal of
notes or
temporary
obligations.

If amount
not sufficient,
may borrow
additional.

Bond issue.

How assess-
ments made.

1. If a sum equal to or greater than the amount assessed for benefits has already been borrowed by any city under the provisions of said act, and its payment secured by the notes or other temporary obligations of the city, such notes and obligations may be renewed from time to time as far as necessary for a period of five years longer from and after the date of maturity thereof, and all moneys paid in on assessments during that period shall be exclusively devoted to the payment of and shall be used to pay said obligations as they mature; if the amount borrowed be less than the amount assessed the common council may, if necessary, borrow and issue its temporary obligations for such additional sum as, with the amount already borrowed, will equal the amount assessed; and the indebtedness of the city, in whatever form it may exist, shall, to the amount of the assessment, be paid and discharged out of the moneys so far as they may be paid in on assessment before said temporary obligations are retired; if at the maturity of said renewed obligations, the indebtedness represented thereby be not paid in full, the common council shall issue the bonds of the city for the amount remaining unpaid, which bonds may be registered or coupon bonds, payable in the manner in and by said act provided, and all assessments received by said city after the refunding of said temporary obligations as aforesaid, shall go into its treasury and be used as the common council may direct.

2. All assessments for damages or benefits arising out of any work or proceeding done or had in pursuance of

said act shall be made, laid and levied according to the principles prescribed in said act, without the assessment of prospective benefits; all assessments of benefits laid, made, levied and assessed in accordance with the principles prescribed by said act, and notwithstanding prospective benefits were not laid, assessed or imposed, are hereby validated, ratified and confirmed; if any property or properties liable for assessment shall be, or shall have been omitted from assessment, the common council or any court having jurisdiction may direct said omitted properties to be assessed for benefits according to law.

Assess-
ments for
benefits
validated.

As to omis-
sion.

3. This act shall take effect immediately, and all acts or parts of acts inconsistent herewith are hereby repealed.

Repealer.

Approved April 10, 1908.

CHAPTER 161.

A Supplement to the act entitled "An act concerning the time of payment of assessments of benefits of public improvements in cities of the third class," approved April seventeenth, one thousand nine hundred and five.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Assessments of benefits for any public improvement in cities of the third class shall be payable at any time within five years from the date of first publication of notice of the assessment that the common council shall, by resolution or ordinance determine, and it shall be lawful to provide by such resolution or ordinance that such assessments may be paid in two or more, but not exceeding five, equal annual instalments, with interest from the date of first publication of the notice of assessment at not more than ten and not less than six per centum per annum. And it shall likewise be lawful

When assess-
ments of
benefits
payable.

How paid.

Applicable.

to provide that if any such assessment shall be paid within one year from the date of first publication of the notice thereof a discount not exceeding five per centum of such assessment and an abatement and waiver of all interest charges will be allowed. This act shall affect all assessments hereafter to be made and all assessments heretofore made but not yet advertised and not collected as to any part thereof, and any resolution or ordinance heretofore passed under the act to which this act is a supplement may be modified to conform to the provisions hereof.

Repealer.

2. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Approved April 10, 1908.

CHAPTER 162.

An Act providing for the recovery of money, funds or other property wrongfully converted, disposed of or misappropriated, or damages or other compensation for wrongfully converting, disposing or misappropriating money, funds or other property, belonging to townships and school districts.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Action to
recover
moneys
wrongfully
acquired.

1. Where any moneys, funds or other property, held or owned by any township or school district in this State, or held or owned officially or otherwise for or on behalf of any township or school district of this State, has heretofore been or is hereafter, without right obtained, received, paid, converted or disposed of, an action to recover the same, or to recover damages or other compensation for so obtaining, receiving, paying, converting or disposing of the same, or both, may be maintained by ten freeholders of a township or a school district,

who have taxes on real estate in said township or school district within one year, in any court of the State having jurisdiction thereof, in the name of and for and on behalf of said township, or in the name of and for and on behalf of said school district, *provided*, said freeholders file with the clerk of said township, and also with the clerk of the court in which such action may be brought, a bond conditioned for the payment of all costs and expenses of such action, which bond shall be duly verified, and approved by the presiding judge of the court in which said action is brought.

Proviso.

2. Freeholders may not sue for a cause of action, specified in this act, unless it accrued within six years before the action is commenced.

Limited to six years.

3. All moneys, funds, damages, credits or other property, recovered by, or awarded to, the plaintiffs therein, shall be paid into the treasury of the said township, or into the treasury of the said school district, under the direction and order of the court wherein said action is pending and judgment rendered, *provided*, that before said moneys are so paid over the judge shall deduct therefrom and pay out of the proceeds of the recovery all expenses incurred in the action by the said freeholders, including such attorney and counsel fees as may allowed by the court.

Disposition of recovered money.

Proviso.

4. Where two or more causes of action exists in favor of any township or any school district against the same person, for the cause specified in section one of this act, all said causes must be joined in one action.

Causes may be joined.

5. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved April 10, 1908.

CHAPTER 163.

A Supplement to an act entitled "An act to provide for the purchase of voting machines, and to regulate the use of the same at elections," approved April twenty-eighth, nineteen hundred and five.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Referendum
as to use of
voting
machine.

Petition of
voters.

Special
election.

Proviso.

Notice of
election.

1. When any voting machine has been or shall hereafter be supplied or provided, either by State or county, for any election district in this State, it shall be and hereby is made the duty of the governing body of the municipality in which such election district is situate, upon the presentation to such governing body of a petition, in writing, signed by at least twenty-five per centum of the legal voters of such election district, as shown by the registry list for the last preceding general election, protesting against the use of such voting machines at elections to be thereafter held in such election district, to order, within fifteen days after the presentation of such petition, that a special election be held in such election district, not less than thirty days nor more than sixty days from the date of such order, to determine upon the retention or rejection of such voting machine; *provided*, that such election shall not be held within sixty days prior to any general election in said municipality.

2. A special election, when ordered as hereinabove provided, shall be held at the usual place of holding elections in such election district, and public notice thereof shall be given by the clerk of the municipality in which said election district is situated by putting up an advertisement, signed by said clerk, in at least ten of the most public places within said election district, at least eight days prior to and within thirty days next preceding the day of said special election, making

known the time, place and purpose of holding the same, and also by publishing said advertisement in two or more newspapers published or circulating in said municipality, to be designated by the governing body thereof, for at least two insertions within the time aforesaid. Said special election shall be conducted in accordance with the provisions of "An act to regulate elections (Revision of 1898)," approved April fourth, eighteen hundred and ninety-eight, and the several acts amendatory thereof and supplemental thereto, so far as the same may be applicable, except as modified by this act.

Election,
how con-
ducted.

3. At any election held in accordance with the provisions of this act the votes shall be by ballot, which shall have thereon legibly printed or written, or partly printed and partly written, with black ink or pencil, either the words "For the voting machine," or the words "Against the voting machine." The ballots shall be deposited in a ballot-box, and need not be what is known as "official ballots." At such election no proposition shall be submitted except the foregoing. There shall be no registration for said election, but the board of election shall procure and use at such special election a certified copy of the register of voters used at the last preceding general election, and no person shall be entitled to vote whose name does not appear on said register, unless said voter shall appear in person before said board and satisfy said board by affidavit, which the said board is hereby authorized to take, that said voter has acquired the right of suffrage in said election district since said registration was made.

Ballots.

Register of
voters used.

4. The district board of election, after canvassing and counting the votes cast at such special election, shall make duplicate statements of the result thereof and certify the same in the usual form, and shall, within two days next after said election, deliver two of said statements to the clerk of the municipality in which said election district is situate, who shall thereupon file one of said statements in his office, and, in case a majority of the ballots cast at said election shall have thereon the words "Against the voting machine," deliver or safely transmit the other statement to the Secretary

Duplicate
statement of
result.

Disposition
of state-
ments.

of State of this State in case the voting machine in said election district has been supplied by the State, or to the County Clerk of the county in case said voting machine has been supplied by the county.

If machine
displaced,
ballot-box
to be used.

5. If a majority of the ballots cast at such special election shall contain the words "Against the voting machine," it shall no longer be the duty of the persons appointed to conduct the election in said election district to use the said voting machine at elections thereafter to be held therein, as provided by the act to which this is a supplement, but the use of said voting machine at elections in said election district shall cease, and at all elections there shall be used in place thereof a ballot-box and ballots, as provided by an act entitled "An act to regulate elections (Revision of 1898)", approved April fourth, one thousand eight hundred and ninety-eight, and the several acts amendatory thereof and supplemental thereto. The said voting machine shall in such case be held by the governing body of the municipality in which the election district is situate, subject to the order of the Secretary of State or the Board of Chosen Freeholders, or governing body of the county, whichever shall have supplied the same; nor shall any voting machine be thereafter placed or used in said election district except upon the request in writing of a majority of the registered legal voters of said district.

Disposition
of machine.

If machine
retained, no
submission of
question for
two years.

6. If a majority of the votes cast at such election shall be "For the voting machine," it shall not be lawful for the governing body of the municipality in which the election district is situated to order another special election to be held in such district to determine upon the retention or rejection of such voting machine until after the lapse of at least two years from the date of the order for such prior special election.

Validity of
election may
be questioned.

7. Any legal voter of any election district within which a special election shall have been held as hereinabove provided may contest the validity of such special election by filing a petition, duly verified, with the judge of the Court of Common Pleas, or with the judge of the Circuit Court of the county in which such election district is situated, within ten days after such election, setting forth the ground for contest. The judge, upon

Ground for
contest.

the filing of such petition, shall forthwith issue a summons, addressed to the district board of election of the election district in which such special election shall have been held and to the clerk of the municipality within which such election district is situated, notifying said board and clerk of the filing of such petition and directing them to appear before said court with the ballot-box containing the ballots cast at such special election, at a time and place named in said summons, which time shall not be more than fifteen days nor less than five days from the date of said summons. The judge issuing such summons shall have jurisdiction to hear and finally determine the merits of said petition, and the proceedings thereon shall conform as near as may be to the provisions with respect to contested elections contained in an act entitled "An act to regulate elections (Revision of 1898)," approved April fourth, one thousand eight hundred and ninety-eight, and the several acts amendatory thereof and supplemental thereto. The judge to whom said petition is presented shall require the person or persons presenting the same to furnish security for the cost of the proceedings thereon before permitting such petition to be filed or issuing the summons as hereinabove provided.

Hearing.

Law applicable.

Security furnished.

8. This act shall take effect immediately.

Approved April 10, 1908.

CHAPTER 164.

An Act to amend an act entitled "An act to reduce the number of members of the boards of chosen freeholders in counties of this State, and to fix the salaries and provide for the election of the members of said boards," approved March twenty-sixth, one thousand nine hundred and two.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section one of the act to which this is an amend-

Section 1 amended.

ment be and the same hereby is amended to read as follows:

Member-
ship of board
of free-
holders.

1. Boards of chosen freeholders in counties of this State having over two hundred thousand inhabitants shall consist of nine members; in counties having between one hundred thousand and two hundred thousand inhabitants, said boards shall consist of seven members; in counties having between fifty thousand and one hundred thousand inhabitants, said boards shall consist of five members; in counties having less than fifty thousand inhabitants, said boards shall consist of three members; they shall be elected by the voters of each county at the same time that members of the general assembly are elected, and shall hold office for three years from the first Monday of January next after their election, and until their successors are elected and qualified; *provided,*

Proviso.

however, that at the annual election held next prior to the expiration of the term of office of the members of the boards of chosen freeholders of the counties of this State, that have heretofore adopted the provisions of the act to which this is an amendment, and at the first election in each county of this State, that hereafter adopts the provisions of said act, the members of the boards of chosen freeholders for such counties shall be elected as follows:

Terms.

in counties having over two hundred thousand inhabitants three shall be elected for the term of one year, three for the term of two years, and three for the term of three years; in counties having between one hundred thousand and two hundred thousand inhabitants, two shall be elected for the term of one year, two for the term of two years, and three for the term of three years; in counties having between fifty thousand and one hundred thousand inhabitants, one shall be elected for the term of one year, two for the term of two years, and two for the term of three years; in counties having less than fifty thousand inhabitants, one shall be elected for the term of one year, one for the term of two years, and one for the term of three years, and the ballots voted at such election, shall designate which are to serve for the term of one year, which for the term of two years, and which for the term of three years; *provided,*

Proviso.

however, this act shall not apply to counties of the second class.

2. Section four of the act to which this is an amendment be and the same hereby is amended to read as follows:

Section 4
amended.

4. Any vacancy hereafter occurring in any of the boards of chosen freeholders constituted or elected under the provisions of this act, shall be filled by the remaining members of such board for the remainder of the year, in which such vacancy occurred or until the first Monday of January succeeding, and at the first annual election held after such vacancy occurred, some fit person shall be elected to fill such office for the unexpired term only. All laws, public, general, special or private now in force relating to boards of chosen freeholders shall apply to the boards of chosen freeholders as the same shall be constituted or elected under the provisions of this act, so far as the same shall not be inconsistent with the provisions of this act, and the boards of chosen freeholders constituted or elected under the provisions of this act shall be vested with all the powers, authority, rights and privileges and shall have imposed upon them all the duties which are now vested in or imposed upon the boards of chosen freeholders now existing; and all laws, parts of laws, statutes and parts of statutes now in force or in anywise applicable to the existing boards of chosen freeholders, public or private, general or special, be and the same hereby are in all respects continued in full force and made applicable to the boards of chosen freeholders constituted or elected under the provisions of this act, except so far as the same may conflict with or be inconsistent with the meaning of this act.

Vacancies.

Laws
applicable.

Powers, etc.,
of boards so
elected.

All laws
continued in
force.

3. All acts and parts of acts inconsistent herewith are hereby repealed.

Repealer.

4. This act shall take effect immediately.

Approved April 10, 1908.

CHAPTER 165.

A Supplement to an act entitled "An act to incorporate trustees of religious societies" (Revision), approved April ninth, one thousand eight hundred and seventy-five.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Roman
Catholic
diocese in-
corporated.

1. It shall be lawful for any Roman Catholic Diocese now existing, or which may hereafter exist, in this State, to become a corporation, and to be incorporated under and by virtue of the provisions hereinafter stated:

Incorpora-
tors.

2. The Roman Catholic bishop of any such diocese, the vicar-general of such diocese (or during a vacancy in such offices, the administrator of the diocese for the time being), and the chancellor of such diocese, or a majority of them, may elect two priests from the Roman Catholic priesthood of such diocese, and may, with said two priests, execute and acknowledge a certificate of incorporation, setting forth the name by which they and their successors shall be known and distinguished as a body corporate, and transmit the said certificate to the Secretary of State of this State and a copy thereof to the county clerk of the county in which such diocesan corporation may have its principal office, which said certificate, and copy, the Secretary of State, and the said county clerk, shall each file and record in his office, and for which filing and recording each shall be entitled to receive the sum of five dollars; and upon and from such filing and recording such diocese shall be a body corporate by the name or title so taken.

Certificate
of incorpora-
tion filed.

Fee.

Trustees of
corporation.

3. The persons so executing and acknowledging said certificate shall be the first trustees of such corporation, and they and their successors shall by such name of incorporation, be able and capable unlimitedly to acquire, purchase, receive, erect, have, hold and use leases, lega-

cies, devises, donations, moneys, goods and chattels of all kinds, church edifices, school houses, college buildings, seminaries, parsonages, Sisters' houses, hospitals, orphan asylums, reformatories and all other kinds of religious, ecclesiastical, educational and charitable institutions, and the lands whereon the same are, or may be erected, and cemeteries or burying places and any lands, tenements and hereditaments suitable for any or all of said purposes, in any place or places in any such diocese; and the same or any part thereof, to lease, sell grant, assign, demise, alien and dispose of; and to sue and be sued, plead and be impleaded in any court of law or equity; to make and use a common seal, and the same to alter and renew at their pleasure; to have perpetual succession as such corporation; to make by-laws and rules not inconsistent with the laws of this State, or of the United States, for the regulation and management of their affairs, properties and institutions; to appoint such officers, agents and employes as they may require for the properties, institutions and business of the corporation; to borrow money from time to time for the purposes of the corporation, and to give bonds and mortgages therefor on any part or parts of its properties; to aid and assist such of the parishes in said diocese, or any of the institutions in such parishes, as said corporation may deem fit; and to aid and assist students pursuing their studies for the priesthood, and to aid and assist in the maintenance of the priesthood of such diocese, in accordance with the statutes of the diocese and the canons of the Roman Catholic Church; and to have the general management, direction and control of all the civil and temporal affairs of such diocese; to exercise any corporate powers necessary and proper to the carrying out of the above enumerated powers, and to the carrying out of the purposes of such corporation and its institutions.

Powers and
purposes
enumerated.

4. In order to perpetuate a line of succession in the trustees of every such diocesan corporation, the successor in office for the time being of such bishop, vicar-general (or administrator), and the chancellor, respectively, shall, by virtue of their offices, be the trustees of such corporation; and such two priests shall hold their said

Succession
of trustees.

offices as such trustees for one year, and until their successors be appointed in the manner herein provided for the appointment of the original, two priests as members of such board of trustees, such two priests to be members of said board of trustees only while in good standing, according to the statutes of such diocese and the canons of the Roman Catholic Church, and approved by such bishop, or, in his absence, by the vicar-general (or by such administrator) ; and the office of either such priest to become vacant by his removal out of such diocese, or in the discretion and on the direction of such bishop.

Bishops to
be president
and treasurer.

5. The bishop of such diocese shall, by reason of his being such bishop, be the president and treasurer of such corporation, unless said board of trustees otherwise order unanimously, and shall have the custody of the common seal, papers, documents, deeds, writings and books of or relating to such corporation, and is hereby authorized and empowered to convene the trustees of such corporation as occasion may require; and such corporation may annually, or at such periods as it may deem fit, elect one of said trustees to be the secretary of such corporation, who shall keep the minutes and enter the orders, acts and proceedings of the corporation in a book to be kept for that purpose.

Secretary.

Validity of
proceedings.

6. The proceedings, orders, acts, contracts or obligations of a majority of all the members of such corporation, but not of less number, shall be valid and effectual in law; *provided*, that the same receive the written sanction of such bishop, or, in his absence, of such vicar-general, or, in case of vacancy in their office of such administrator.

Proviso.

Continuance
of corpora-
tion.

7. Any corporation created under or by virtue of the provisions of this act shall not be dissolved by failure to continue the succession of the trustees thereof at any time specified for the election of any such trustees.

Existing
organiza-
tions may
incorporate
under this
act.

8. Any diocesan or other religious organization incorporated under and by virtue of any law of this State, shall be, and they are hereby, authorized to organize under the provisions of this act; and upon the filing of a certificate according to the same, together with a certificate signed by the trustees of such existing association

consenting to such organization, all the right, title and interest of such association in any estate, real or personal, shall, with all its franchises and charter rights, be vested in said body corporate and politic, subject to all legal disabilities of said association, and the original incorporation of such association shall then be null and void.

9. Nothing in this act contained shall be construed to interfere with or affect any Roman Catholic diocesan, corporation, incorporated or which may be incorporated, under an act entitled "An act to incorporate associations not for pecuniary profit," approved April twenty-first, one thousand eight hundred and ninety-eight, or any of the supplements thereto. Exceptions.

10. Nothing in this act contained shall be construed to interfere with or affect any Roman Catholic Church or congregation corporation—that is, any parochial corporation, incorporated, or which may be incorporated, under the act to which this act is a supplement, or any of the supplements thereto; except that any diocesan corporation organized hereunder shall have jurisdiction, according to the statutes of such diocese and the canons of the Roman Catholic Church as such statutes or canons are or may be, over such parochial corporations as are or may be within the diocese, and it shall be lawful for any or all of such parochial corporations to give, grant, convey, and vest the title to any or all of their properties, to and in such diocesan corporation organized hereunder. Churches duly incorporated not interfered with.

11. No provision of this act shall be deemed to change or affect any law for the exemption of property from taxation. May convey property to diocesan corporation.

12. All acts and parts of acts in any wise inconsistent with this act be and the same are hereby repealed, and this act shall take effect immediately. Exemption law not affected.

Approved April 11, 1908. Repealer.

CHAPTER 166.

An Act to provide for the publication annually of the tax list or duplicate or part thereof in cities, towns, townships and other municipalities in this State.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Tax dupli-
cate may be
published
annually.

Form of,
what to
state.

1. The board, body or official having charge and control of the finances of any city, town, township or other municipality in this State may publish annually the tax list or duplicate as prepared under the laws of this State for the collection of taxes in such city, town, township or other municipality, which publication shall be made in book or pamphlet form, bound in parts, or in whole, or both, and shall as nearly as possible be a complete copy of such tax duplicate of said city, town, township or other municipality in tabular form as to the names of owners of property, description of parcels assessed (and where assessment maps are in use, shall be by block, lot and street numbers and the name of the street on which the same is located) the assessed valuation of personal property, lands and improvements, and the total amount of taxes assessed to the several parcels and for personal property shown on such duplicate; said publication shall be issued on or before the first day of March following such assessment, in such quantity as the said board, body or official may deem necessary to meet the public demand therefor.

May issue
findings in
appeal cases
and correct
former issue.

2. The said board, body or official may also publish annually, by way of supplement, the findings and decisions of any board or jurisdiction on appeal, with respect to any items of taxation upon such tax list or duplicate, and shall also in such supplement correct any errors appearing in the main publication of such tax list, which supplement shall be printed and issued in the same form as said main publication.

3. The said board, body or official and its or his appointees shall have access to all books and records containing such tax list or duplicate, or pertaining thereto, in whosoever hands the same may be, for the purpose of publication aforesaid, and may appoint such employes as shall be necessary to carry out the provisions of this act.

Preparation
of publica-
tion.

4. The work of printing, binding and delivering of said tax list books or pamphlets shall be performed under contract, upon advertisement for proposals and award to the lowest responsible bidder and the amount so required shall be raised by taxation and shall be included in the tax budget of such city, town, township or other municipality.

Work done
by contract.

5. It shall be the duty of said board, body or official to attend to the due public distribution of said printed copies of the tax list, and said board, body or official may require payment for copies of the tax list in whole or in part at a price to be fixed by it, which moneys shall be paid over to the treasurer of such city, town, township or other municipality.

Distribution
of copies.

6. This act shall take effect immediately.

Approved April 11, 1908.

CHAPTER 167.

An Act to amend an act entitled "An act concerning evidence (Revision of 1900)", approved March twenty-third, one thousand nine hundred.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section fifty-three of the act to which this is an amendment, be and the same is hereby amended so as to read as follows:

Section 53
amended.

53. The party requiring such examination or deposition shall in the first instance be at the sole expense

Who to pay
for deposition
or examina-
tion.

thereof, and said expense may be made a part of the taxed bill of costs of the prevailing party if so ordered by the court.

2. This act shall take effect immediately.

Approved, April 11, 1908.

CHAPTER 168.

An Act to amend an act entitled "An act to provide for the drainage of any pond, artificial reservoir, marsh, swamp, bog, meadow, low or wet lands, where the same is necessary for the public health," approved March thirty-first, one thousand nine hundred and three.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Section 11
amended.

1. Section 11, of the act to which this is an amendment be, and the same hereby is amended as follows:

Total cost
ascertained.

11. In order to provide for the payment of the costs, damages and expenses of the drainage undertaken under the provisions of this act, the said commissioners shall, upon the completion of the work, ascertain and determine the whole amount of such costs, damages and expenses, including a reasonable sum to pay the expense of making the assessment hereinafter provided for, such sum to be fixed by the court on application therefor in behalf of said commissioners, and also including all interest or discounts paid or accrued upon any certificates, notes or other evidence of indebtedness issued or made for moneys borrowed in payment of such costs, damages and expenses. And after ascertaining the total amount of such costs, damages and expenses the said commissioners shall calculate interest thereon to a date three months thereafter, and shall make a minute of the date to which they shall have calculated such interest in the certificate of assessment to be made by them, and the

Interest to be
added.

commissioners shall thereupon make a just and equitable assessment of the total cost of the said improvement upon the lands specially benefited by such improvement, but not in any case to exceed the amount of such benefit, and in case the whole costs, damages and expenses shall exceed the amount of benefits assessed upon lands specially benefited thereby, such excess shall be assessed upon and raised by general taxation in the municipality or municipalities in which the drained district lies in the proportion that the taxable ratables of each of the several municipalities bear to the taxable ratables of all the municipalities affected as shall appear from the list of ratables for such municipalities last made for the purpose of taxation in such municipalities, which amounts shall be assessed, levied and collected in the same manner as other taxes are assessed, levied and collected in such municipalities. Before proceeding to make such assessment the commissioners shall give at least ten days' notice in a newspaper published in the county or counties in which the drained premises lie, that they will meet at a certain time and place to hear the views of all persons interested in the proposed assessment, at which time and place said commissioners shall meet and give full and reasonable opportunity to all persons interested to express their views, which meeting may be adjourned from time to time if necessary or advisable. They shall thereupon proceed to make a just and equitable assessment of the costs and expenses of said improvement upon the lands specially benefited by such work as aforesaid, and after having made such assessment they shall give notice that the said assessment will be open for inspection, at a time and place to be fixed and set forth in said notice, for not less than ten days, and that after the expiration of said time the said commissioners will meet at a time and place, in said notice specified, to hear objections and to revise and correct and finally confirm said assessment, which notice shall be sent through the post-office in a postpaid envelope addressed to each owner of the lands assessed as nearly in each case as the name and address of said owner can be ascertained, and a like notice shall be sent to the clerk of the governing

Assessment
for benefits.

Notice of
intended
assessment.

Assessment
open to in-
spection.

Notice of
assessment
given.

Objections
heard.

Court to con-
sider assess-
ment.

Section 12
amended.

Payment of
assessments.

body of each of the municipalities affected. A copy of said notice shall also be published in a newspaper circulating in the county or counties where the drained district is situated. Proof of the mailing and advertising of said notice shall be made and filed in the office of the clerk of the court in which the proceedings were instituted, and such proof shall be *prima facie* evidence of the facts therein set forth; at the time and place fixed in the said notice the said commissioners shall meet and give all parties appearing an opportunity to be heard, and may adjourn from time to time, and may re-consider such assessment and make any alteration therein they may deem just, and thereupon they shall revise, correct and finally confirm said assessment, and they shall thereafter present the said assessment signed by said commissioners, or any two of them, together with a map showing the location and boundaries of each lot or plot assessed, which shall each be numbered to conform with the numbers shown in the assessment to the court in which the proceedings in relation to such drainage were begun, and upon the coming in of the said assessment and map as aforesaid, the said court shall cause notice to be given by publication in at least two newspapers printed in the county for two weeks successively and by posting five copies of said notice in at least five of the most public places in the immediate vicinity of the drained premises in such county, of the time and place when the court will hear objections to the said assessment, and the said court on the day fixed, or any other day to which the same may be adjourned, shall have full power to review the assessment and to confirm, alter, modify, set aside, or reverse, in whole or in part, the same for errors either of fact or in law, and the said court may, if it deem it advisable, refer back the said assessment to the said commissioners for them to make a new assessment under the direction of the court, and the determination of said court shall be final and conclusive in the premises.

2. Section twelve of the act to which this is an amendment be and the same hereby is amended to read as follows:

12. After the confirmation of said report by the said court, a certified copy thereof shall be delivered to the

clerk of the governing body of each municipality in which any of the lands assessed may lie or upon which any portion of the cost of the said improvement may fall, and the said clerk shall present said certified copy of the said assessment to the said governing body at its next regular meeting thereafter, and the said governing body shall, within sixty days, pay to the said commissioners the amount assessed against such municipality and the amount assessed against any lands lying in such municipality, and the said governing body shall deliver the said copy of the said assessment to the collector of taxes of such municipality who shall proceed forthwith to collect the assessments against any lands lying in such municipality which have been assessed by the said commissioners as shown by the said assessment. The collector shall send to the owner of each lot or tract of land so assessed lying in his municipality a notice in writing of the amount of such assessment against such owner with a designation of the lands assessed. The money so collected as aforesaid shall be retained and kept for the purpose of paying the obligations issued by such municipality to raise the necessary money to pay the commissioners as herein provided and for no other purpose. In case such assessment or assessments are not paid within sixty days after the same shall have been received by the collector as aforesaid they shall draw interest at the rate of six per centum per annum from the date to which the said commissioners shall have calculated interest as aforesaid and if not paid within six months from the date on which the assessment was received by the said collector, then the lands upon which said assessment is a lien shall be sold in the same manner as lands are authorized to be sold for unpaid taxes in such municipality to pay the said assessment with interest thereon as aforesaid together with all fees, charges and expenses incurred for the collection and sale as aforesaid.

The governing body of each or any municipality upon receiving the copy of the assessment as hereinbefore provided shall raise the necessary funds to pay the amount assessed against such municipality and also the amount assessed against the lands lying in such

Collector's
duties.

Interest on
unpaid assess-
ment.

Lands may be
sold.

Municipality
to raise
necessary
funds.

May issue
bonds or
certificates
of indebted-
ness.

Bond issue.

Rate.

Sinking fund.

Section 14
amended.

municipality as aforesaid to the commissioners, and said commissioners shall forthwith apply the same in discharge of any indebtedness incurred by them in and by virtue of said proceeding, and such governing body is hereby expressly authorized and empowered to raise such amount or amounts either by issuing certificates of indebtedness therefor, payable in not more than six years with interest thereon not exceeding six per centum per annum, or by the issue of bonds as hereinafter provided, or part by the issuance of certificates and the balance by bonds as the governing body shall in each case determine. When such governing body shall deem it advisable to issue bonds it shall pass a resolution providing for the number of the bonds and the amount thereof and the time when said bonds or any of them shall be payable and the rate of interest to be paid thereon, which shall not exceed five per centum per annum, and the kind of bonds to be issued, to wit, whether coupon or registered. Upon the passage of said resolution, the said bonds shall be issued and shall be signed by the mayor, chairman or other executive officer of such municipality and shall have the corporate seal affixed and shall be attested by the clerk, and the coupons, if any, shall also bear the signature of the clerk of the municipality. And the said bonds shall be numbered and the clerk of the municipality shall keep a register of such bonds, the number thereof, and to whom issued, in a book provided by the municipality for that purpose. Whenever bonds are issued pursuant to the provisions of this act the governing body of the municipality shall provide by resolution for a sinking fund sufficient to pay the bonds in full upon maturity. When bonds are issued as aforesaid it shall be the duty of the proper officers to assess and raise by taxation each year a sum sufficient to pay the interest accruing on said bonds as well as the principal and interest of any bonds maturing during the following year. Such bonds may be sold either at public or private sale as the governing body of each municipality shall deem advisable, but in no case for less than par and accrued interest.

3. Section fourteen of the act to which this is an

amendment be and the same hereby is amended to read as follows:

14. Whenever in any municipality it shall become necessary to sell any lands upon which an assessment shall be a lien the governing body of such municipality may bid upon the same to the amount of such assessment, including interest and all fees, charges and expenses of collection and sale; and in case no higher bid is made upon said lands, said municipality may purchase the same, and shall thereupon become vested with the same title in such lands as if the same had been sold for unpaid taxes.

Land sold for
lien bid in by
municipality.

4. Section fifteen of the act to which this is an amendment be and the same hereby is amended to read as follows:

Section 15
amended.

15. Any person or persons, or any municipality or municipalities affected and feeling aggrieved by the action of the commissioners in awarding compensation for lands or property taken or used, or for water rights or privileges injured or destroyed for the purposes of drainage, as contemplated by this act, may within thirty days after the making of the awards, appeal to the court in which the proceedings were begun, by serving a notice in writing upon any one of the said commissioners and filing a copy of such notice with an affidavit annexed setting forth the service thereof, in the office of the clerk of said court, and the said court shall thereupon frame an issue and shall have full power to hear and try the same and may summon a jury to determine any issue of fact and to assess the amount of compensation to be paid for such lands and real estate taken or used or water-rights or privileges injured or destroyed for the purposes of the drainage as contemplated by this act.

Parties ag-
grieved may
appeal to
court.

5. It shall be unlawful for any person to place or cause to be placed in any drainage ditch or channel for the passage of water, constructed or cleared out by virtue of the provisions of this act, any earth, stones, brush or other obstruction which shall tend to prevent the free passage of water in and through such ditch or channel, and any person so offending shall forfeit and pay the sum of fifty dollars for each offense, to be recovered in

Unlawful to
obstruct ditch.

Penalty.

an action of debt, to be brought by any municipality in which any portion of such drainage area may be situated.

Repealer.
Proviso.

6. All acts and parts of acts inconsistent with the provisions of this act be and they hereby are repealed, *provided*, that nothing herein contained shall affect the validity or method of collecting any assessment made under the act to which this is an amendment in cases where the assessment has actually been made, confirmed and filed with the municipal authorities prior to the passage hereof.

7. This act shall take effect immediately.

Approved April 11, 1908.

CHAPTER 169.

A Supplement to an act entitled "An act making appropriations for the support of the State government, and for several public purposes, for the fiscal year ending October thirty-first, one thousand nine hundred and eight," approved June fifteenth, one thousand nine hundred and seven.

Preamble.

WHEREAS, During the recent epidemic of diphtheria in the New Jersey Reformatory at Rahway, New Jersey, one H. Page Hough, the physician in said institution, performed extra services, devoting his entire time, both day and night, to the care of inmates, and while so engaged himself contracted the disease; WHEREAS, It is proper that he should receive extra and additional compensation as a recognition for such services; therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Additional
compensation.

1. The following sum be and the same is hereby appropriated out of the State fund to H. Page Hough for additional services rendered by him as physician to the New Jersey Reformatory, one thousand dollars.

2. This act shall take effect immediately.

Approved April 11, 1908.

CHAPTER 170.

A Supplement to an act entitled "An act to provide for the drainage of any pond, artificial reservoir, marsh, swamp, bog, meadow, low or wet lands, where the same is necessary for the public health," approved March thirty-first, one thousand nine hundred and three.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The notice provided for in the fourth section of the act to which this is a supplement shall be given to each of the municipalities affected by the personal service of a copy of such notice upon the clerk of the governing board of such municipality, and also by personal service of a copy thereof upon the presiding officer of such governing board of such municipality.

Service of
notices on
municipali-
ties.

2. This act shall take effect immediately.

Approved April 11, 1908.

CHAPTER 171.

An Act amending "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases" (Revision of 1898), approved June fourteen, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section one hundred and fifty-eight of the act of which this is an amendment is hereby amended to read as follows:

Section 158
amended.

Prosecutor
may appoint
three special
officers.

Powers.

Pay.

Proviso.

158. The prosecutors of the pleas in the several counties having a population of over fifty thousand inhabitants may appoint suitable persons, not exceeding three in any county, to act as special officers for the detection, arrest, indictment and conviction of offenders against the law. Such persons so appointed shall possess all the powers and rights and be subject to all the obligations of constables and police officers in any county of this State, and before such person shall enter upon his duties as said officer his appointment shall be approved by the judge of the Court of Quarter Sessions of said county, and each person so appointed shall receive a per diem allowance and compensation not exceeding four dollars per day, to be fixed by said judge at the date of such approval; *provided*, that said per diem allowance and compensation shall be paid only for the time such officer shall be actually employed, which time shall be certified to the county collector by the said prosecutor.

2. This act shall take effect immediately.

Approved April 11, 1908.

CHAPTER 172.

An Act to amend an act entitled "An act providing for the construction of sewers and sewer systems in cities of this State and the issuance of bonds for the cost thereof, and providing for collecting rentals for the use of such sewers and sewer systems," passed October the eleventh, one thousand nine hundred and seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Section 3
amended.

Regulate
house con-
nections,
rates, etc.

1. Section three of said act be and the same is hereby amended so as to read as follows:

3. In any city in which there is now or hereafter may be constructed sewers or a sewer system, it shall be lawful for such municipality to prescribe rules, regula-

tions, conditions and restrictions as to the connection with, operation and use of said sewers and to fix, determine, charge and collect rentals for the use of any sewer or sewers comprising any part of such sewer system; and such rules, regulations, charges and rentals may be enforced by the governing body of such city under such terms and penalties as shall be by ordinance of such city prescribed.

2. Section eight of said act be and the same is hereby amended so as to read as follows:

Section 8
amended.

8. In any city wherein there exists, or wherein the board of aldermen, common council or other legislative or governing body shall by ordinance provide for and establish a board of sewer commissioners, all the powers, rights, duties and privileges of this act referred to as pertaining to the governing body of said city in relation to the construction and maintenance of sewers and sewer systems and the issuance of bonds therefor, shall be vested in said board of sewer commissioners, and such sewer system shall be under the entire management and control of said board of sewer commissioners; *provided, however*, that no such bonds shall be issued, except by the consent and approval of the board of aldermen, council or other legislative body of said city, first manifest by a resolution of said board of aldermen, council or other legislative body for that purpose.

All powers,
etc., vested
in sewer
commission-
ers.

Proviso.

3. This act shall take effect immediately.

Approved, April 11, 1908.

CHAPTER 173.

An Act to incorporate the borough of South Amboy, in the County of Middlesex and State of New Jersey, as a city and to fix the boundaries thereof.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. All that land or real estate in the county of Middlesex and the State of New Jersey on the Raritan

Boundaries
of South
Amboy.

river and Raritan bay, and beginning at a point on Raritan bay shore, where the northeast corner of lands of Richard S. Conover intersected the Raritan bay shore in the year 1888; thence running (1) south sixty-nine (69) degrees west to the northwest corner of Christ church cemetery; thence (2) south along the west side of said Christ church cemetery to the southwest corner of the same; thence (3) westerly by an imaginary line to a point distant one hundred and ten (110) feet west of Prospect street, and one thousand one hundred and fifty (1,150) feet south of the Bordentown and South Amboy turnpike; thence in a northerly direction to a point in the Raritan River railroad which point is a boundary line of the present borough of South Amboy; thence by an imaginary line to a point in the center of Ridgeway avenue, one hundred and ten (110) feet north of Raritan street; thence northwesterly along the center of said avenue to the Willock Patent line; thence northeasterly along said patent line to the Raritan river; thence northeasterly, easterly and southeasterly along the Raritan river and Raritan bay the several courses thereof to the place of beginning, now the borough of South Amboy, be and the same is hereby constituted a city of this State, and all the inhabitants of this State residing within the limits aforesaid be and they are hereby ordained, constituted and declared to be, from time to time, forever hereafter one body politic and corporate, under and by the name of the City of South Amboy.

Corporate
name.
Referendum.

Special
election.

Notice of.

2. *Provided*, this act shall not operate to effect the incorporation of the territory above described as a city of this State until it shall have been accepted by a vote of a majority of the qualified voters of the said described territory, voting thereon, at a special election to be held within said territory on the twenty-first day of July, A. D. one thousand nine hundred and eight, within the hours of six A. M. and seven P. M. of said day, at a place or places within said territory to be fixed by the clerk of said borough of South Amboy. The clerk of said borough shall cause public notice of the time and places of holding said election to be given by advertisement signed by himself and set up in at least

ten public places within the described territory and published in one or more newspapers printed or published or circulating therein at least ten days prior to such election; and the said clerk shall provide for each elector voting at such election ballots to be printed or written, or partly printed and partly written, on which shall be printed the word "for" and the word "against" above and immediately preceding the title of this act; and if the word "for" be marked off or defaced upon the ballot it shall be counted as a vote against the acceptance of said act; if the word "against" is marked off or defaced it shall be counted as a vote in favor of the acceptance thereof; and in case neither the word "for" or the word "against" be marked off or defaced upon the ballot it shall not be counted either as a vote for or against such acceptance. Such election shall be held at the time and place or places appointed, and be conducted by the election officers of the borough of South Amboy. The officers holding such election shall make return to the council of the borough of South Amboy the result thereof by a statement, in writing, under their hands, and the same shall be entered on the minutes of said council; and thereupon and upon such acceptance by the voters as aforesaid, but not otherwise, this act shall in all respects be operative.

Ballots.

Conduction
of election.

3. The register of voters of the voters within said described territory used at the general election next preceding the holding of such special election shall be used for the purpose of conducting such special election. It shall not be necessary for the board of registry and election in said described territory to make a new registry of voters for such special election but only to revise and correct the register made for the last general election, and for the purpose the said board shall meet at such place within said described territory as shall be designated by the clerk of said borough of South Amboy one week next preceding said election. Notice of the place so designated shall be given by the clerk by posting it in at least five of the most public places in said described territory. Said meetings of the board of registry and elections shall begin at one o'clock in

Register.

Revision of.

the afternoon and continue until nine o'clock in the evening of that day, for the purpose of revising and correcting the register and adding thereto the names of all persons entitled to vote within said territory at said special election, who shall appear in person before them and establish to the satisfaction of the majority of the board that they are entitled to vote at said election, or who shall be sworn by a written affidavit of a voter residing in said described territory to be entitled so to vote; a separate affidavit shall be required for each person so registered which shall contain the address of the affiant and shall be signed by him on the following day one copy thereof shall be delivered to the chairman of the county board of elections of Middlesex county to be filed by said board, and one copy shall be retained for use by the said board of election at such special election.

Result certified to county clerk.

4. Immediately after the statement of the result of such election shall be made to the council of the borough of South Amboy, a copy thereof, certified by its clerk shall be filed forthwith in the office of the county clerk of said county of Middlesex.

Approved, April 11, 1908.

CHAPTER 174.

An Act to incorporate the third judicial district of the county of Bergen.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Boundaries of third judicial district of Bergen.

1. That the following described territory, to wit: All that part of the county of Bergen and State of New Jersey beginning at a point in the boundary line between the State of New Jersey and the State of New York in the northerly corner of said county of Bergen where the Passaic county line intersects the same; running

thence southwesterly and then easterly along the various courses of said boundary line between Passaic county and Bergen county to a point where the same intersects the Passaic river; thence southerly along the center line of said Passaic river the various courses thereof to a point in the centre of said river where the northerly boundary line of the borough of Garfield in said Bergen county intersects the same; thence in a northeasterly, southerly and northeasterly direction along the northerly and easterly boundary line of the borough of Garfield to the point of intersection of the westerly line of the borough of Lodi; thence continuing northeasterly along the northwesterly line of the borough of Lodi to the centre of the Saddle river; thence northerly along the centre of the said Saddle river to the northerly boundary line of the borough of Lodi; thence southeasterly along the northern boundary of said borough of Lodi to the westerly boundary line of the township of New Barbadoes or the Hackensack Improvement Commission; thence in a southerly direction along the easterly boundary line of the borough of Lodi to the northerly line of the township of Lodi; thence southeasterly, northerly, northeasterly and southeasterly along the southerly boundary line of the township of New Barbadoes or the Hackensack Improvement Commission to a point in the northerly boundary line of the borough of Little Ferry; thence westerly and southerly along the northerly and westerly boundary line of the borough of Little Ferry to the centre of the Hackensack river; thence northerly along the centre of the Hackensack river to the centre line of the Overpeck creek; thence easterly and northerly along the centre line of the Overpeck creek to a point of intersection of the northerly boundary line of the township of Overpeck; thence northwesterly along the northern boundary line of the township of Overpeck to the point of intersection of the easterly boundary line of the borough of Bogota; thence northerly, westerly, northerly and again westerly along the eastern and northern boundary line of the borough of Bogota to the centre of the Hackensack river; thence northerly along the centre line of the Hackensack river to a point where the southerly boundary of the borough of Delford inter-

Municipali-
ties included.Corporate
name.

In effect.

sects the same; thence northerly, easterly and westerly along the easterly and northerly boundary line of the borough of Delford to the Hackensack river; thence northerly along the centre line of the Hackensack river, the various courses thereof to the division line between the State of New York and the State of New Jersey; thence northwesterly along the division line between the State of New York and the State of New Jersey to the point or place of beginning; comprising the municipalities of the township of Hohokus, borough of Oakland, township of Franklin, borough of Midland Park, borough of Allendale, township of Saddle River, borough of Upper Saddle River, borough of Orvil, township of Orvil, township of Ridgewood (Ridgewood village), borough of Glen Rock, borough of Saddle River, borough of Little Ferry, township of New Barbadoes (the Hackensack Improvement Commission), borough of Maywood, borough of Delford, borough of Riverside, borough of Etna, borough of Westwood, township of Washington, township of Hillsdale, township of Rivervale, borough of Woodcliff, borough of Undercliff, borough of Park Ridge, township of Midland, borough of Bogota, borough of Montvale, township of Overpeck (including Ridgfield Park village), and the borough of Ramsey, be, and the same hereby is established and incorporated to be the Third Judicial District of the county of Bergen by the provisions of an act entitled, "An act concerning District Courts" (Revision 1898), approved June fourteenth, one thousand eight hundred and ninety-eight, the various amendments and supplements thereto, as far as the same may be applicable, shall apply to the district hereby established.

2. This act shall take effect January first, one thousand nine hundred and nine.

Approved April 11, 1908.

CHAPTER 175.

An act to incorporate the second judicial district of the county of Bergen.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

The following described territory, to wit, all that part of Bergen county in the State of New Jersey comprised within the following boroughs and townships within the said county, to wit, boroughs of Rutherford, East Rutherford, Carlstadt, Wood Ridge, Wallington, North Arlington, Hasbrouck Heights and Lodi, and the townships of Lodi and Union, be and the same hereby is established and incorporated to be the second judicial district of the county of Bergen, and the provisions of an act entitled "An act concerning district courts" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight, and the various amendments thereof and supplements thereto, as far as the same may be applicable, shall apply to the district hereby established.

Municipalities comprising second judicial district of Bergen.

Corporate name.

2. This act shall take effect January first, one thousand nine hundred and nine. In effect.

Approved April 11, 1908.

CHAPTER 176.

An act to repeal section eleven of an act entitled "An act concerning the government of certain cities of this State and constituting a municipal board of fire and police commissioners therein and defining the powers and duties of such board, and vesting in such board certain powers of management and appointment now vested in other departments or offices in such cities and providing for the maintenance of such board," approved April twelfth, one thousand nine hundred and seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Section 11
repealed.

1. Section eleven of the act to which this act is amendatory, be and the same is hereby repealed.
2. This act shall take effect immediately.

Approved April 11, 1908.

CHAPTER 177.

An act for extending the time for completing certain railroads.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Time for
completing
railroads
extended.

1. Whenever the time limited for the completion of any railroad authorized to be constructed within this State, under any special or general act, has expired, or shall expire before the thirty-first day of December, one thousand nine hundred and eight, such time shall be, and the same is hereby, extended for the further period of one year from the passage of this act; *provided, however*, that this act shall not apply unless

Proviso.

money has actually been expended in surveys or location of route, or in acquisition of right of way or in construction since January first, one thousand eight hundred and eighty-six; *provided, further*, that this act shall not apply to any corporation unless such corporation shall first, and as the condition precedent to the exercise of any power granted by this act, file in the office of the Secretary of State an agreement, on or before the first day of January, one thousand nine hundred and nine, to be approved by the Governor and Attorney-General, waiving all right of exemption from taxation and from privileges and advantages arising from any law or contract, if any there be, establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law of this State now in existence or that may be hereafter passed, taxing such corporations as are now authorized to be taxed by the Legislature of the State under any general law, and further agreeing that the exercise of any power granted by this act shall not in any way affect the rights of this State, if any there exist, to take the property of such corporations under any existing law of this State, and agreeing further that all laws affecting such corporations shall be subject to alteration or repeal by the Legislature.

Proviso.

Tax exemption waived.

Agree to be bound by general law.

2. This act shall be deemed a public act, and shall take effect immediately.

Approved April 11, 1908.

CHAPTER 178.

An Act to enable adjoining municipalities, other than cities, lying in the same county, to consolidate and form a city.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Whenever any two or more adjoining municipalities, other than cities, lying in the same county,

Adjoining municipalities may form city.

shall, at a special election to be called for that purpose as hereinafter provided, decide to consolidate and incorporate as a city, the inhabitants of such adjoining municipalities shall become a body corporate and politic in fact and in law as a city of this State, under a name and title to be adopted as hereinafter provided.

Petition to
court, what to
show.

2. It shall be the duty of the justice of the Supreme Court, holding the circuit in the county, where the said adjoining municipalities are situate, upon presentation to him of a petition signed by at least twenty-five resident citizens and freeholders of each of said municipalities, and verified as to that fact by at least one of said resident freeholders from each of said municipalities, setting forth the corporate names of the municipalities which it is proposed to incorporate as a city, showing that they adjoin each other, and that the petitioners desire such incorporation as a city, to call, by written order, a special election to be held within the said municipalities; said order shall state the corporate names of the municipalities mentioned in said petition, shall state the object of said election to be to vote for or against incorporation of said municipalities as a city under the provisions of this act and shall fix the date for such election, which date shall not be less than sixty days after the date of the making of said order; said order shall forthwith be filed in the office of the clerk of the county, and a true copy thereof shall be served upon the county board of elections of said county and upon the municipal clerks of the municipalities mentioned in said order, within five days after the date of the signing of said order.

Election, how
conducted, etc.

3. The elections shall be held under the supervision of the county board of elections of said county by the municipalities named in said order and shall be conducted by the election officers and local boards of election which conducted the general election last preceding the special election provided for by this act. The polls shall be opened and closed at the same hours as at general elections, and the election shall be conducted as nearly as may be in like manner as general elections are conducted; the election shall be by ballot, and the ballots shall be provided by the municipal clerks of the inter-

Ballots.

ested municipalities; they shall be two in kind, one shall contain the words, "for consolidation and incorporation as a city," and the other shall contain the words, "against consolidation and incorporation as a city." The election officers shall give to each elector presenting himself to vote one of each of said ballots, and the elector may cast one of said ballots as selected by him, and the ballots cast shall be deposited in the ballot box without being enclosed in any envelope.

4. At the close of the polls the local election boards shall canvass the votes cast in their respective precincts and forthwith certify the result of such election in duplicate, and the number of votes cast for and against such consolidation and incorporation, over their signatures to the clerks of the municipalities in which they are acting, and the clerks of said municipalities shall forthwith file one complete set of said certificates in their respective offices and send one complete set of said certificates to the county board of elections of said county; the county board of elections shall thereupon forthwith canvass the returns of said election from the certificates aforesaid, and shall certify over their signatures to the justice of the Supreme Court holding the circuit for said county the result of their said canvass showing distinctly in their certificate which municipalities voted for consolidation and incorporation as a city and which municipalities voted against consolidation and incorporation as as a city, and the total vote cast for and against consolidation and incorporation as a city in each of said municipalities.

5. The said justice of the Supreme Court, being satisfied of the correctness of the returns evidenced by the certificate presented to him shall make an order directing such of the said municipalities as are contiguous and as have voted for consolidation and incorporation as a city to proceed to incorporate as a city under the provisions of this act; *provided, however*, that where only two municipalities shall be interested in such an election, and only one votes for consolidation and incorporation as a city, both shall retain their old corporate existence; *and provided further*, that where two or more contiguous municipalities voting for con-

Votes canvassed.

Certificates of result filed.

County board to certify to judge.

Judge to make order to incorporate as city.

Proviso.

Proviso.

solidation and incorporation as a city are separated from other contiguous municipalities voting the same way by one or more municipalities voting against consolidation and incorporation as a city, only the municipalities that are contiguous, and which, according to the last preceding census, have together the greater population shall proceed to incorporate under the provisions of this act.

How incorporation effected.

6. The order directing the said municipalities to proceed to incorporate as a city shall direct that the governing bodies of such municipalities shall, within twenty days from the date of the making of said order, hold a joint meeting to decide upon a name for the city thus to be incorporated; said order shall be forthwith filed with the clerk of said county, and a true copy thereof shall, within five days after the date of the making of such order, be served upon the municipal clerks of the municipalities affected by said order, and it shall thereupon become the duty of the presiding officer of the governing body of the municipality having, according to the last census, the largest population forthwith to call a joint meeting of all the governing bodies of the municipalities interested, and the members of said governing bodies thus assembled shall organize and shall select and decide upon a name for the city to be incorporated, which name shall be certified to the said justice of the Supreme Court over the signatures of all the presiding officers of the governing bodies of the municipalities interested within thirty days from the date of the making of said order.

Commissioners to divide city into wards.

7. The order directing the said municipalities to proceed to incorporate as a city shall also provide for the appointment of five freeholders, resident in the said new city, commissioners to divide the said new city into wards and election polling precincts. The commissioners so appointed shall, within five days after their appointment, having first taken and subscribed before some officer authorized to administer oaths, an oath faithfully and impartially to execute and perform the duties imposed upon them, proceed to divide such new city into wards and polling precincts. In dividing the territory of the new city into wards said commissioners shall have regard to the number of men sitting in city council

Considerations to determine action.

under the general laws of the State governing cities of the population of the new city, and they shall create one ward for each member or set of members representing a ward in city council as prescribed by said general laws. All such wards shall be formed of contiguous territory, and no polling precinct shall be in more than one ward, and in thus dividing the said new city into wards and election polling precincts the commissioners shall have regard to area and equality of population in all of said wards and election polling precincts. The boundary and dividing lines of such wards and election polling precincts shall be properly described by said commissioners, and a map defining the said lines and showing the extent and boundary of such wards and election polling precincts shall be made by the said commissioners. Said map, together with a report giving a description or statement of the lines of such wards and election polling precincts shall be certified to the said justice of the Supreme Court over the signatures of the said commissioners or of a majority of them, together with the oath of office hereinbefore prescribed, within thirty days from the date of the making of said order. The compensation of the said commission shall be fixed and their disbursements shall be approved by the said justice and shall be paid by the new city.

Wards contiguous.

Map to show ward lines.

8. The said justice of the Supreme Court, upon receiving the said certificate of name as aforesaid and the report and map of the said commissioners, shall make an order declaring the municipalities who have thus voted for consolidation to be a city pursuant to the provisions of this act, which order, together with all other papers presented to said justice in the proceeding, shall be forthwith filed in the office of the clerk of the county, there to remain of record, and a certified copy of said order shall also be filed in the office of the Secretary of State, and from and after the first day of January next following the making and filing of said order as aforesaid the inhabitants of the said municipalities shall be a body corporate in fact and in law under the name of "The City of in the county of " (specifying in the first blank space the name selected for such city and in the second blank space the county in which

Order declaring consolidation to be effective.

Certified copy filed with Secretary of State.

Corporate name.

Rights and
powers.

such city is situated), and by said name shall have perpetual succession, sue and be sued, prosecute and defend in all courts of this State, have a common seal and alter the same at will, and may purchase, hold and convey real estate and personal property for the use and benefit of said city; and all elections for city officers shall be held in the wards and polling places fixed and established by said commission until said lines are altered pursuant to law.

Municipali-
ties and
present
officers to
continue until
January.

9. The municipalities which have decided to incorporate as a city shall continue to exist until noon of the first day of January next succeeding the first municipal election for the government of the new city, and the officers of said municipalities who shall hold office at the time of the making of the order of incorporation aforesaid shall continue to hold their respective offices until the first day of January next succeeding the first municipal election for the government of the new city, and shall until that date continue in the exercise of their functions as if the said municipalities had not been incorporated as a city.

Rights,
property,
responsi-
bility.

10. Any city which may be formed or incorporated under the provisions of this act shall take, hold, possess and enjoy and become absolutely vested with all the rights and property of the municipalities of which it is the successor, and shall be responsible for and liable to all contracts, debts and obligations of such municipalities; *provided, however*, that the lands and property of any municipality to which the said city thus becomes the successor shall be and remain liable for the debts and obligations of the municipality thus superseded, and that as to such debts and obligations the said city shall be held liable only to the extent that the same can be enforced at law or in equity upon the lands and property of the said superseded municipality; *and provided further*, that all taxes or assessments at any time levied or imposed by any municipality thus superseded, remaining outstanding and unpaid, and all other moneys due and owing to any such municipality, and all moneys in the treasury of any such municipality when said new city government goes into effect shall be collected by said new city government, and shall be applied to the

Proviso.

Proviso.

purposes for which such moneys were raised or are owing, and if not raised or owing for any specific purpose, shall be applied in the reduction or payment of the bonded or other indebtedness, if any, of such superseded municipality; *and provided further*, that the lands and property of one municipality thus superseded shall not be taxed or assessed for the debts or obligations of any other municipality thus superseded by the new city, but that the lands and property of each municipality thus superseded shall be taxed and assessed for the debts and obligations of its government thus superseded until the same shall be fully paid and satisfied.

Proviso.

11. Immediately upon the installation of the new city government the mayor or other head officer of said government shall take and receive all cash on hand in the possession of the fiscal officers of the consolidating municipalities, giving acquitances therefore, and shall turn the same over to the proper fiscal officers of the new city. He shall also supervise and direct the transfer of all personal property, books, papers, vouchers or other documents belonging to said consolidating municipalities to the proper officers of the new city government, and shall cause a complete inventory of all assets, real and personal, thus received by said new city government to be made. He shall also forthwith have all the accounts of the consolidating municipalities thoroughly examined and audited by one or more expert or certified public accountants, who shall make a report of their said examinations and findings to him, and said report shall be filed with the fiscal records of said new city.

Transfer of moneys and property to city.

Inventories.

Accounts audited.

12. The costs of the application, election and proceeding under this act shall be apportioned by the Supreme Court justice who orders said election among the municipalities making application in such proportion as may be equitable and just. The share or portion of the expenses thus assessed to each municipality shall become the debt of said municipality, or its successor, and shall be collectible in any court of competent jurisdiction.

Cost of proceedings apportioned.

13. All members of the police and fire departments of the different municipalities accepting the provisions of this act shall, upon the organization of the new city

Fire and police retained.

government, become and form part of the police and fire department of the said new city, and shall retain their said positions during good behavior in the same manner as they would have done in the superseded municipalities.

Pending con-
solidation no
appoint-
ments.

14. It shall be unlawful for the governing body of any municipality for which a petition for consolidation has been filed pursuant to the provisions of this act to appoint any new members to the police or fire departments of said municipality pending the settlement of the question of consolidation at the election hereinbefore provided, and in the event of consolidation being carried at said election the right of said governing body to appoint members to the police or fire departments of said municipality shall forthwith absolutely cease and terminate.

As to free
libraries.

15. If in any municipality consolidated with one or more municipalities under the provisions of this act, there is at the time of such consolidation a free public library, the librarian and employes in such library shall continue in their said employment after the organization of the new city government, subject to the control and management of the trustees or library commissioners or others to be elected or appointed, in said city for the government of said library.

As to
teachers.

16. The time of any school teacher employed in teaching in any municipality superseded under the provisions of this act, who shall continue in service under the new city government shall be added to the time devoted by such school teacher to teaching under the new city government, in all legal computations of the time spent by such teacher in teaching in said new city.

Laws ap-
plicable.

17. The provisions of all general acts relative to the government of cities and the provisions of all general acts relative to the government of cities of the population of the proposed new city shall apply to cities organized or incorporated under this act, and whenever any such general act contains a provision to the effect that the act in question shall become operative in any city whenever the legal voters at an election held for that purpose shall adopt the provisions of said act, the municipalities forming said new city may hold such election in exist-

ing wards and polling precincts, prior to the election preceding the first day of January, on which the incorporation of such new city shall be completed and go into effect, and in the event of the adoption of said act as thereby provided, may elect any officer or set of officers provided by such general act at the general election to be held in November of the year preceding the first day of January, on which the incorporation of such new city shall be completed and thereafter and subsequent to the said first day of January said new city shall be governed by the provisions of the general act thus voted upon, provided however, that such special election shall be held at least sixty days prior to said general election to be held in November of the year aforesaid

Election held
for officers.

18. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Repealer.

19. This act shall go into effect immediately.

Approved April 11, 1908.

CHAPTER 179.

An act relating to, regulating and providing for the government of cities.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. All cities of this State that may adopt the provisions of this act shall have the officers and be vested with the powers and charged with the duties herein set forth.

To apply to
cities adopt-
ing act.

2. At the first general election for the election of municipal officers, held after the adoption of this act, in the cities of this State adopting this act, and at every such election in each second year thereafter, there shall be elected, by the duly authorized electors thereof, a mayor, a president of the city council and ten councilmen, and also such number of constables, justices of the

City officers
elected bi-
ennially.

Term to begin.	peace and chosen freeholders as are now or may hereafter be provided for by law; it being the intention to hereby provide for the general election of the public officers of such city once in every two years. The mayor and president of the city council shall be elected at large by majority vote in such city. The councilmen shall be elected by majority vote from their respective wards, one councilman from each ward. The term of office of the mayor, president of the city council and ten councilmen shall begin at twelve o'clock noon on the first day of January next succeeding said election, which day shall be the date of the annual meeting and organization of the city council.
Governing body.	3. The governing body of such city shall consist of the mayor and city council, and such governing body shall be vested with all the rights and powers and perform all the duties herein set forth.
City council.	4. The city council shall consist of the president of the city council and the ten councilmen elected from their respective wards as herein provided. The president of the city council shall be the presiding officer of the city council. He shall preside at all meetings and is hereby vested with authority to enforce such rules and regulations as may be adopted from time to time by the city council to preserve decorum at its meetings and properly transact such business as may come before it. And in the absence of such rules and regulations he shall make and enforce such reasonable rules and regulations as may be necessary to properly transact its business. In the event of his temporary absence the remaining members of the city council may choose a temporary president, who shall be vested, while so acting, with all the powers of the president. In the event of the death, resignation or removal of the president, the city council shall elect, by a majority vote of their entire number, one of the councilmen, president of the city council to fill the unexpired term of the said president, and such councilman when so elected shall be vested with and exercise all the rights, duties and powers of said president, and receive the salary of said office, but no other. The councilman so elected to said
Presiding officer.	
Vacancy.	

office shall, upon his acceptance thereof, forfeit all right and title to the office he previously held as councilman, and the vacancy caused thereby shall be filled in the manner hereinafter provided for the filling of any such vacancy when caused by death, resignation or removal. The president shall have and exercise equal right to vote on any and all matters as shall come before the city council the same as the councilmen.

5. In the event of the death, resignation or removal of any councilman, the remaining members of the city council shall choose, by majority vote of all its members, a suitable legal voter and resident of the ward in which such vacancy exists to fill out the unexpired term of the councilman who has died, resigned or forfeited his right to such office, as the case may be.

Filling
vacancy in
council.

6. It shall be unlawful for any one man elected or appointed to any office under the provisions of this act, to hold more than one office.

Not hold
two offices.

7. The mayor shall receive for any and all services rendered said city the sum of three thousand dollars per year, the president of the city council the sum of one thousand dollars per year, and the ten councilmen the sum of five hundred dollars per year each.

Salaries of
mayor and
councilmen.

8. The terms of all officers appointed under the provisions of this act unless otherwise provided shall be for two years.

Term of ap-
pointive
officers two
years.

It shall be unlawful for officers of such city, elected or appointed under the provisions of this act, to take or receive any salary, fee, compensation or reward, other than herein provided, from any person, firm or corporation, for any service or duty to be performed under this act, or to take, accept or receive for his personal use, or the use of any member of his family, any pass, free transportation, or a ticket authorizing such free transportation for himself or any member of his family from any steam, electric or street railroad company or other transportation company using the streets of such city.

No gratuities.

9. Any official elected under the provisions of this act shall, within thirty days after qualifying, file with the city clerk, and publish at least once in a daily newspaper, circulating in said city, his sworn statement of all election and campaign expenses, stating by whom

Statement of
campaign
contributions
and expenses
published.

moneys were contributed to defray such expenses and the names and amounts of the persons so contributing, and upon failure to comply with the provisions of this section he thereupon shall forfeit all right, title and interest to the office to which he was elected, and the vacancy caused thereby shall be filled in the same manner as provided herein for a vacancy caused by death or resignation of any such officer.

Failure to
qualify to
constitute
vacancy.

10. If any person who shall be elected or appointed to any office in such city shall not qualify according to law for the space of sixty days after such election, or if any person who shall be elected or appointed to fill any vacancy in any office shall not qualify according to law for the space of thirty days after such election or appointment, or if any such person shall remove from such city, or in case of a councilman from the ward from which he was elected, his office shall thereupon become vacant.

Filling
vacancies.

11. In case of vacancy by death, resignation, disability, disqualification, removal from office, neglect or refusal to act, removal out of the city or ward, such vacancy shall be filled by appointment for the unexpired term only and until the appointment and qualification of a successor, except as herein otherwise provided. If any vacancy shall occur in any elective city or ward office, except mayor, the city council shall fill the same by appointment as herein provided, and should such vacancy occur in any appointive city or ward office, the mayor shall fill the same by appointment unless the original appointment was made by the city council, in which case the city council shall fill such vacancy; such appointment shall be made in the case of elective offices only until the election and qualification of their successors, except as otherwise provided in this act, and, at the next election, such vacancy shall be filled by election for the remainder of the unexpired term or terms, and if at any such election in any such city, there shall be one or more vacancies to be supplied in any office at the same time any person is to be elected for the full term of said office, or if two or more are to be elected at the same time to serve for different

terms, the term for which each person is to be voted for for said office shall be designated on the ballot; such appointees or persons elected to fill such vacancies shall, during said term, perform like service, be entitled to the same remuneration by way of salary or other compensation and be subject to the same responsibilities as though elected at the annual election or appointed at the regular time for the full terms; *provided*, that all resignations shall be sent to the mayor, and he shall report the same to the city council at its next regular meeting thereafter. Proviso.

12. Every person elected or appointed to any office in pursuance of this act or of any law or ordinance of the city council shall, before entering upon the duties of such office, take and subscribe, before the mayor, city clerk, or city counsel, an oath or affirmation faithfully and impartially to execute the duties of his office to the best of his knowledge, skill and ability, and such other oaths as may be required by the law of this State; all such oaths or affirmations shall be filed with the city clerk and by him filed in his office; the city treasurer, commissioner of public finance, commissioner of the police department, the commissioner of the fire department, the commissioner of public affairs, the commissioner of charities, and all constables, and such other officers as the city council may require, shall also, before entering upon their duties, each give bond to the city in its corporate name, in such reasonable sum and with such sureties as the city council shall by ordinance prescribe, or as may be required by any act of the Legislature of this State, conditioned for the faithful performance of the duties of their respective offices; and if at any time the city council shall deem the sureties of any officer insufficient, the said city council shall require him to give additional sureties; the city council of any such city shall have the power to contract with a surety company authorized to do business in this State to become surety for any or all officers required to give bonds as aforesaid, and to provide for the payment of the premiums for such bonds. As to oath and bond.

13. Any city appointee, except the commissioners of the various departments, appointed by the mayor and Sureties.

Removal from office.

- his secretary, may be removed from office by resolution of the city council for incapacity, disability, misbehavior or other just cause shown upon complaint in writing, setting forth such cause, supported by one or more affidavits of the truth of the facts therein alleged; *provided, however*, that no such removal shall take place until the person sought to be removed has had five day's notice of such complaint, and an opportunity to be heard in his defense, nor unless a majority of all the members of the city council shall vote for such removal; but no member of the police or fire department shall be removed from office except in the manner provided by the general statutes of this State. This section shall not apply to day laborers, extra help and the like, hired as occasion may require.
- Proceedings of council. 14. The city council shall fix its hours and place of meeting, adjourn from time to time, determine the rules of its own proceedings, and may punish or expel a member from office for misconduct or violation of its rules; but no expulsion shall take place except by vote of a majority of all the members of city council, and approved by the mayor, nor until the member sought to be expelled shall have had five days' notice of the complaint against him and an opportunity to be heard in his own defense. The regular meetings of city council shall be held on the first and third Tuesday of each month, unless any such day shall be a legal holiday, in which case the meeting shall be held on the preceding Monday.
- City clerk. 15. There shall be in every such city a city clerk, who shall be elected by a majority of all the city council for the term of three years; he shall be the clerk of the city council and shall keep accurate minutes of its proceedings. It shall be the duty of the city clerk, whenever any motion or resolution shall have been passed by the city council, and upon the first publication of any ordinances, to immediately transmit a certified copy of such motion, resolution or ordinance to each and every officer or department that may be affected thereby, and it shall be the duty of every officer receiving such certified copies to file the same in his office. The city clerk shall perform such other duties and receive such
- Duties.

salary as may be provided by city council, which salary shall not exceed the sum of two thousand five hundred dollars per year.

16. The city clerk shall keep all the records, books, papers and documents of the city, countersign all licenses which are signed by the mayor (except such as may properly belong to other departments), and keep the records of the proceedings of city council. He shall record all the ordinances of city council in a book provided for that purpose, with a proper index, which book shall be deemed a public record of such ordinances; and every ordinance shall be signed in said book by the president or president pro tempore of said city council, and by the said city clerk, and approved therein by the mayor; and copies of all papers duly filed in the office of the said city clerk, and transcripts thereof, and of the records and proceedings of city council, and copies of the laws or ordinances of said city, certified by him under the corporate seal, shall be evidence in all courts and places. Said city clerk shall also receive and pay over to the treasurer of such city all moneys which by any law, ordinance or usage are paid to him.

Additional
duties.

17. All printing, advertising and supplies shall be ordered through the office of the said city clerk, according to such rules and regulations as city council may from time to time prescribe. City council shall have power to appoint such assistants (not exceeding two in number) to the city clerk as they may from time to time deem necessary. The maximum salary of any such assistant shall be one thousand two hundred dollars per year.

Printing and
supplies.

Clerk's
assistants.

Salary.

18. A majority of the whole number of the members of city council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time; the president of the city council shall be authorized to call special meetings thereof when the public good shall, in his opinion, render it necessary; it shall also be the duty of the president, or, in his absence, of the city clerk to call a special meeting of city council on the written request of three of the members of city council.

Quorum of
Council.

Special meet-
ings.

19. No ordinance shall be passed or repealed by the

Passage of
ordinances.

Mayor to
sign or veto.

Considera-
tion of veto.

Publication of
ordinances.

city council except with the concurrence of a majority of all the members of such city council, and no ordinance shall be altered or repealed save by ordinance to that effect. Every ordinance shall be read three times before its final passage, except when there has been no amendment made thereto, when the reading of the title of any ordinance may by unanimous consent be considered as the third reading thereof. No ordinance shall be finally passed and adopted unless at least one week has intervened between the second and third reading thereof. Every ordinance shall, after its final passage as above provided, be presented by the city clerk to the mayor for his consideration, and if the mayor shall approve it he shall sign it, and if he shall disapprove it, he shall file his objections thereto with the city clerk within ten days after the same was presented to him. It shall be the duty of the city clerk to report such objections to the city council at its next stated meeting, and enter the same in full upon the journal. The city council shall thereupon proceed to reconsider the passage of such ordinance. Every ordinance which shall have been passed by the city council and shall have been approved by the mayor, as above provided, or if not so approved by the mayor, shall have remained without objection filed, as above provided, for ten days after the same was presented to him, or if disapproved by the mayor shall have been passed by a vote of three-fourths of all the members of the city council upon a reconsideration, as above provided, notwithstanding his objections filed, shall be published five times in not less than two newspapers circulated in such city, if there be two newspapers circulating in said city, and if not, then in one such newspaper, and upon the day of the last publication thereof shall take effect. It shall be the duty of the mayor to return any such ordinance to the city clerk within ten days after the same shall have been presented to him, either with or without his signature. The votes upon the third reading and final passage of any ordinance and upon the reconsideration of any ordinance after objections filed by the mayor as aforesaid, shall be taken by ayes and nays, and shall be

entered in full upon the journal of city council, and it shall be lawful for the city council to insert in any ordinance a condition to the effect that such ordinance, when passed or approved as required by law, shall not be published until an amount of money sufficient to pay the expenses of the printing and publication thereof shall have been paid to the city clerk by or on account of such person or corporation as said city council shall deem to be especially or peculiarly benefited thereby.

And for the purpose of publishing the official business of said city, the city council may designate from year to year such newspapers as may by reason of their circulation reach the greatest number of people within such city, as the official newspapers, thereof; *provided*, same be printed and published within the same county as the said city is located; *and provided further*, that no such city shall have more than two official newspapers at any one time.

Official news-
papers.

Proviso.

Proviso.

The city council in every such city shall annually, during the month immediately preceding the beginning of the fiscal year or as soon thereafter as possible, pass the annual appropriation ordinance for the different departments of the city, and no appropriation shall be exceeded, nor work contracted for, nor materials ordered, unless the cost of such work and materials can be paid for out of the appropriation of the year, except in case of extreme emergency, and then only by a vote of three-fourths of the members of the entire city council and with the approval of the mayor.

Annual appro-
priation
ordinance.

It shall be the duty of the commissioner of public finances to furnish monthly to the city council a statement of the total receipts and expenditures during the preceding month, and a statement of the amounts deposited by the city treasurer in any bank or in any city safe or vault or other place; and also a statement of the total amount expended of each appropriation, which statement shall be signed by the said commissioner. Said statement shall then be reported at the next regular meeting of city council by the president of the city council, and it shall not be lawful for the said commissioner to draw or countersign any warrants for any order for work done or materials furnished in excess of the

Monthly
statement
of finances.

	annual appropriation, unless said city council, by a three-fourths vote thereof, shall order such commissioner of public finance so do to.
Enacting clause.	The enacting clause of all ordinances shall be, "Be it ordained by the city council of (inserting herein the name of the city in which this act shall take effect.)"
Corporate name.	The city council of such city, duly elected, as herein provided, shall constitute and be called "The city council of (inserting herein the name of the city in which this act shall take effect.)"
Qualification of councilmen.	The city council shall be the sole judge of the election returns and the qualifications of its own members, and shall keep a journal of its own proceedings.
Purposes of ordinances.	20. The city council of such city shall have power to make, establish, publish, modify, amend or repeal ordinances for the following purposes:
Finance and property.	I. To manage, regulate and control the finances and property, real and personal, of the city; to borrow money and negotiate temporary loans in anticipation of taxes or other revenues for any current year, not exceeding seventy-five per centum of such taxes or revenues in any one year, and for payments for any public improvement, not exceeding ninety per centum of the actual cost of such improvement, and to secure the payment thereof by notes or temporary certificates of indebtedness.
Preserve peace.	II. To prevent vice, drunkenness and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages.
Suppress gambling, etc.	III. To restrain and suppress disorderly and gaming houses, houses of ill fame, and opium joints, and take and confiscate any and all gambling machines and paraphernalia, and to prohibit all gaming and fraudulent devices.
Public entertainments.	IV. To prohibit, restrain, regulate or license for revenue all parades on or along the streets or highways, all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances, amusements and exhibitions for money, and to fix the sums to be paid for such licenses to the city.

V. To ascertain, establish and monument the boundaries of all streets, avenues, highways, lanes, alleys and public places in such city, and prevent and remove all encroachments upon streets, avenues, highways, lanes, alleys and public places, and to regulate the use thereof, and to prescribe the manner in which public streets and highways, before accepted by the city as such, shall be laid out.

Boundaries of streets, etc.

VI. To regulate, clean and keep in repair the streets, highways, avenues, lanes, alleys, parks, public places, bridges, wharves, docks and piers in such city, and to prevent and remove obstructions and encumbrances in and upon all streets, highways, sidewalks, crosswalks, bridges, sewers, drains, aqueducts, water-courses, docks, and other public places in any manner whatever; to prescribe and regulate the manner in which corporations or persons shall exercise any privileges granted to them by said city in the use of any street, highway, avenue, alley or public place, in such city, for laying railway tracks, gas or other pipes, telegraph, telephone, electric light or other wires or poles, or in digging up any street, avenue, highway, alley or public place for the purpose of laying down pipes, conduits, or for any other purposes whatever, and to prohibit and prevent any such use or work at such times and seasons of the year as city council may designate; to require all telegraph, telephone, electric light or other wires to be placed underground, after such reasonable notice as it may prescribe; to direct and regulate the planting, rearing, trimming, preserving, and protecting of ornamental or shade trees in the streets, avenues, parks and grounds of the city, and to designate the location thereof, and to authorize or prohibit the removal or destruction of such trees; to name the streets and number the houses of such city, and to change such names or numbers, and to enforce the removal of snow, ice, weeds or dirt from the sidewalks of such city by the owners or occupants of the premises fronting thereon.

Repair streets, parks, bridges, docks, etc.

Regulate franchises.

Wires underground.

Care of trees.

Snow, ice, weeds.

Sidewalks, drives.

VII. To establish the width of sidewalks and driveways of the public streets and highways, and to alter or change the same; to compel abutting property owners to pave, repave and repair sidewalks and to curb or

Signs, poles.	recurb the same; to determine and direct what portions of such sidewalks or driveways shall be devoted to grass plots or park purposes, and to regulate the use of sidewalks by merchants and other persons for business purposes, and also for signs, sign posts, awnings, awning posts, horse troughs, telegraph and telephone poles, trolley poles, electric light or other poles, and generally to regulate and control the same.
Dumps and fills.	VIII. To direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in said city which shall be deemed dangerous, unhealthy, unwholesome or necessary to carry out any improvement authorized by this act; to prescribe the manner in which said work shall be performed, and to cause the expense thereof to be assessed in just, equitable and suitable proportions on the lots, pieces or parcels of ground, whether improved or unimproved, benefited thereby to the extent of the peculiar benefits conferred.
House line; stoops, entrances, etc.	IX. To prevent or regulate the erection or construction of any stoop, step, platform, bay-window, oriole-window, cellarway, area, descent into a cellar or basement, sign or any post or erection, or any projection or otherwise, in, over or upon any street, avenue, highway or public place, and to specify under what conditions such erections and constructions may be made, and to remove the same where unlawfully erected, at the expense of the owner or occupant of the premises.
Immoderate driving.	X. To prevent and punish persons for horse-racing and immoderate riding and driving of horses, bicycles, automobiles or other vehicles and devices made to run on the streets, or riding in any street, highway or public place, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street, highway or public place, and to regulate the speed and running of locomotive engines and railroad cars, and all other vehicles propelled by mechanical device through said city, and designate the crossings at which any railroad company shall be required to place safety gates, to station flagmen or to place and maintain signals to warn travelers of the approach of locomotive engines or railroad cars; to
Speed of trains at grade crossings.	
Safety devices.	

designate the points or places in the streets or highways at which cars shall stop to take on or let off passengers, and to compel the equipment of motor, electric and other cars running through the city with fenders and other devices for the safety of the public.

Trolley
stations.

XI. To prohibit the driving of cattle through any of the streets of the city on the first day of the week, commonly called Sunday, and to regulate the same at other times.

Driving
cattle.

XII. To regulate, protect and improve the parks, public burial grounds and other public grounds in said city.

Parks.

XIII. To provide for and regulate the lighting of all streets, parks and public places of such city; to construct and equip or purchase, subject to the provisions of this act, a suitable plant or plants, works and machinery for supplying light, heat and power for public, private or commercial use, and to provide for the maintenance and operation thereof.

Street light-
ing.

XIV. To prohibit or regulate the construction and use of wells, pumps, aqueducts and cisterns in public streets and places.

Wells.

XV. To regulate and prescribe the conditions under which horses and other animals may be left standing upon the public streets or highways.

Animals
standing on
street.

XVI. To establish and regulate one or more pounds, and to prohibit, restrain and regulate the running at large of horses, cattle, swine, goats and other animals, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping, impounding and sale, and to regulate or prohibit the keeping of swine, goats, cattle and other animals in any part of such city.

Pounds.

XVII. To regulate and prevent the running at large of dogs; to authorize the destruction of dogs running at large, and to impose taxes on the owners of dogs.

Dogs.

XVIII. To prescribe and regulate the place of vending or exposing for sale wood, hay, straw and other articles from wagons or other vehicles.

Vending.

XIX. To regulate and prohibit noises and any practice having a tendency to frighten animals or to annoy persons passing in the streets or on the sidewalks of such city.

Noises.

Drunkards,
beggars, etc.

XX. To restrain and punish drunkards, vagrants, mendicants, street walkers and street beggars; to prevent loitering, lounging or sleeping in the streets, parks or public places.

Contracts.

XXI. To prescribe the manner in which all contracts for performing work or furnishing materials for the city shall be made and executed, subject, however, to the provisions of this act.

License
vehicles,
auctioneers,
junk dealers,
news-stands,
billiard and
pool rooms,
amusement
places,
venders, etc.

XXII. To license and regulate cartmen, porters, hacks, street cars, omnibuses, automobiles, stages and all other carriages and vehicles used for transportation of passengers, baggage, merchandise or goods and chattels of any kind, and the owners and drivers of vehicles and means of transportation; also auctioneers, common criers, hawkers, peddlers, pawnbrokers, junk shop keepers, keepers of bath-houses, boarding-houses and news-stands, sweeps, scavengers, traveling and all other shows, circuses, theatrical performances, plays, billiard tables, pool tables, organ grinders, exhibitions, concerts, public places of amusement for gain, skating rinks, itinerant venders of merchandise, medicines and remedies, lumber and coal yards, stores for the sale of groceries, dry goods and merchandise or goods and chattels of every kind, bucket shops or places for the sale, on margin or for cash or for future delivery, of stocks, bonds, produce or other commodities, and all other kinds of business conducted in such city; the place or places or premises in which or at which the different kinds of business or occupations are to be carried on or conducted, and to fix the amount of fees to be paid for such licenses, and to prohibit all persons and places and all vehicles unlicensed from acting or being used in said capacities or for such uses and purposes, and that the fees for such licenses may be imposed for revenue; *provided*, that no person or persons shall be required to take out a license in order to sell the produce of his or her farm.

Fees.

Proviso.

Disturbing
noises.

XXIII. To regulate the ringing of bells and blowing of steam whistles and the crying of goods and other commodities at auction or otherwise, and to prevent disturbing noises in the streets.

XXIV. To regulate or prohibit swimming or bathing in the waters of or bounding the city, and to regulate and to prohibit persons from appearing in any or all the public streets and places clad in bathing robes or other costumes of similar character.

Bathing and
bathing suits.

XXV. To regulate weights and measures in conformity with the standard of weights and measures established by law, and to require, under proper penalties prescribed by ordinance, every merchant, retailer, trader or dealer in merchandise, or property of any description which is sold by weight or measure, to cause his or her weights and measures to be sealed by the city sealer of weights and measures, and to be subject to inspection, the fees for such inspection to be fixed by the ordinance.

Weights and
measures.

To provide by ordinance for the appointment by the mayor of a sealer of weights and measures, who shall, from time to time, test the weights and measures in use in any city by the merchants or other dealers in goods, wares or merchandise, for such fees as may be fixed by ordinance; *provided, however*, that all such fees shall be turned into the city treasury; to provide that the sealer of weights and measures shall also inspect all coal furnished to any of the city departments, and to see that the kind and quantity of coal ordered by any such department is duly delivered, and to give him authority to order and compel any person delivering coal in the city to drive upon a public or private scale for the purpose of ascertaining whether the weight of the coal is correct; to prescribe, from time to time, other duties of such sealer of weights and measures, fix his term of office and provide for his compensation.

Sealer.

Proviso.

XXVI. To establish a day and night police force and prescribe the duties and fix and determine the number and the compensation of the officers and members thereof; *provided*, nothing herein contained shall be construed to empower the said council to decrease the compensation or number of such officers and men in the department of any city adopting this act.

Police force.

Proviso.

XXVII. To establish or re-establish, organize or re-organize any fire department; to regulate and define the

Fire depart-
ment.

number of the officers and members of such fire department, their duties and compensation; to provide fire engines and other apparatus, and engine-houses and other places for keeping and preserving the same, and to provide water for extinguishing fires.

Pension fund.

XXVIII. To establish a police and firemen's pension fund, and by ordinance provide ways and means, rules and regulations, for the conduct and administration of said fund for the pensioning of police and firemen.

Building regulations.

XXIX. To regulate and control the manner of building dwelling-houses and other buildings, and to prohibit, within certain limits, to be from time to time prescribed by ordinance, the building or erection of any dwelling-house, store, stable or other building of wood or other combustible material; to prescribe, by ordinance, the kind of materials to be used in such construction; to regulate and require the construction of fire-escapes; to prevent the setting up or the construction of furnaces, stoves, boilers, ovens or other things in such manner as to be dangerous; to prohibit the deposit of ashes in unsafe places or in any of the streets or alleys of the city; to regulate the manner in which conduits, wires and other constructions for conducting or conveying electricity shall be constructed and protected; to license

Explosives.

for revenue, regulate or prohibit the manufacture, sale, keeping, storage or use of fireworks and the use of firearms in such city; to license for revenue, regulate or prohibit the manufacture, sale, keeping, storage or conveying of gunpowder, kerosene, benzine, gasoline, burning fluid, nitro-glycerine, dynamite, camphene, coal oil, spirit gas, petroleum and other dangerous or explosive materials, and the use of candles and lights in barns, stables and other buildings; to raze or demolish any building or erection which, by reason of fire, contagion or any other cause may become dangerous to human life or health, or tend to extend a conflagration; to prevent the occupation of or continuance of work upon any building in such city which has been condemned by the building inspector of such city, and to remove, tear down or wholly or partially destroy such building at the expense of the owner thereof; to require

all such further or other acts to be done and to regulate and to prohibit the doing of all such further acts as they may deem proper to prevent the occurrence of fires, and provide for the extinguishment of fires in such cities.

XXX. To regulate or prohibit the deposit of hay, straw, paper, boxes or other rubbish upon any yard, lot or parcel of land, or in or under any building or within or upon any street, highway or public park in such city. Rubbish.

XXXI. To provide for the levying and collecting of taxes, municipal liens, fines, penalties and all assessments for public improvements. Taxes, liens, fines, etc.

XXXII. To prescribe and define, except as by law or as herein otherwise may be provided, the duties and terms of office of all city and department officers, and to fix and determine their salaries or compensation; whenever the city council shall deem it necessary to provide a clerk or clerks, or other assistants, in any of the departments of said city, they shall have power, subject to the provisions of this act and the laws of this State, to pass, alter, amend and repeal all ordinances necessary to fix or determine the number and character of such clerks or assistants and other employes as may be necessary to carry into effect the powers and duties hereby created or otherwise conferred or imposed, and to fix and determine their compensation, duties and terms of office or employment; but no officer under such government, or employed in any department in such city, either elected or appointed, shall have his salary, fees or emoluments of office increased or diminished during the term for which he was elected or appointed; *provided*, that this section shall not apply to the wages, salaries or compensation to be paid to mechanics working at their regular trades, or day laborers in the various departments, or to firemen, policemen or other (civil service) employes of such city who have no fixed terms of office. Terms, duties, pay of officials.

Assistants.

Proviso.

XXXIII. To abolish any office not created or authorized by this act, and end the term and authority of any officer serving therein; *provided*, that this section Abolish certain offices.

Proviso.

shall not authorize the abolishment of any court in such city established by any law of this State.

Fix compensation.

XXXIV. To fix and determine a reasonable fee or compensation to be paid any officer of such city or other person employed by such city for any service required of him by this act, or by any other act not inconsistent with this act or by any ordinance or resolution passed by city council for which no specific fee or compensation is provided, to be paid by the person or persons for whom such service shall be performed, and which said fee or compensation shall, in the case of all salaried city officers, be paid into the treasury of such city.

Water supply.

XXXV. To provide a supply of water for the city and its inhabitants, and to equip, construct or purchase a suitable water works, plant or plants, or an additional water works, plant or plants, in case such city already has a water plant, and to equip, construct or purchase water works and machinery for supplying water to such city and the inhabitants thereof, as well as to the outlying or adjoining districts for public, private or commercial use, and to provide for the maintenance and operation of such water works, plant or plants; to regulate the rate or price of supplying citizens and others with water, and to provide and regulate the collection of water rents due the city; to provide for the laying and relaying of water pipes in said city, and to fix and collect a charge of assessment for the same as provided by law; to purchase and hold in fee-simple, or lease for a term of years, in connection with such water plant or plants, any land, real estate, spring, brook, water plant or plants, any water basin or shed or water rights.

Street railways.

XXXVI. To regulate the use of the streets of such city by any street railway company or companies operating a street railway, and to prescribe the location, character and form of the construction which may hereafter be placed thereon; to establish the grade and crown of such streets and to require that the tracks of such railway companies shall conform thereto.

Sell land not needed.

XXXVII. To provide for and authorize the sales of any lands belonging to such city that, in the opinion of

the city council, are not needed for the use of such city; subject, however, to the provisions of this act.

XXXVIII. To regulate, prescribe, control or prohibit the removal or passage of buildings and other structures through, along or across the streets and public places, and to fix and charge, for the purpose of revenue, a fee for the permission of such removal or passage of buildings.

Moving
buildings in
street.

XXXIX. To cause common sewers or culverts or drains to be constructed, and to regulate the use of the same, and to provide for the purchase, construction, operation and maintenance of a sewerage system or systems for the disposal of wastes and storm water, separately or combined.

Sewerage and
drainage
system.

XL. To change, readjust and define the boundary lines of each ward in such city, so that each councilman will represent as nearly as possible an equal number of the inhabitants thereof, and to divide each of the wards in such city into voting precincts as provided by law, and to define, establish and readjust the boundary lines of such precincts.

Ward lines.

XLI. To prevent the city water from being obstructed or contaminated, and to prohibit the meddling, waste or destruction of or tampering with the water works, or any other works, property or plant, with their appurtenances, owned and operated by said city, or any individual or corporation, and to provide for fines and penalties for the violation of all ordinances relating thereto.

Water pollu-
tion.

XLII. To purchase lands for and maintain, control and manage a cemetery, cemeteries or other public burial place or places, and to provide for the appointment of trustees or other officers to manage and control the same.

City cemetery.

XLIII. To license and regulate the sweeping of chimneys and to fix the rates to be charged therefor, and to regulate the sweeping by the neglect of which the property of the city or any inhabitant of such city may be endangered, and to ascertain, fix, determine and regulate the width and height of chimneys to be built, erected and constructed in such city.

Chimneys.

XLIV. To make such regulations as it may deem proper respecting the public docks and wharves of such

Wharves,
docks,
harbor.

Dock
officers.

city and the keeping of the same in repair, and the management and control of the same, and to prevent vessels from casting filth or ballast into the same, and to prevent filth, earth or stones, refuse or soil from being thrown from such wharves or docks into the river, basin, creek or harbor alongside of the same; to provide for the appointment of such officers or agents as may be necessary to manage and control such public wharves or docks; to fix the time during which vessels, boats or scows docking thereat or discharging thereon goods, wares or merchandise shall remain at such wharves or docks; to regulate, establish and collect such wharfage rates or rents for the use of said docks or wharves as it may think reasonable from all boats, scows or other vessels resorting to, lying at, depositing or transporting goods or articles to or from any such public wharf or dock.

Fenders on
cars.

XLV. To require any street railway company to provide proper fenders for their cars for the protection of the lives and limbs of pedestrians and others in such city, and to lessen the danger to such lives and limbs arising from collisions with such cars, and to enforce said requirements by such fines and penalties as may be prescribed by ordinance, and, generally, to regulate the use of all streets and highways by street railway companies.

Janitors of
public prop-
erty.

XLVI. To provide by ordinance for the appointment of janitors and other caretakers for the city hall, public bath and other public buildings or property of the city, whose term, compensation and duties shall be fixed and determined in such ordinances, and who shall be under the supervision of the commissioner of public affairs.

Additional
regulations
for good
government.

XLVII. To make and establish such other ordinances, regulations, rules and by-laws not contrary to the laws of the State or of the United States, as they may deem necessary and proper for good government, order, protection of persons and property, and for the preservation of the public health, safety and prosperity of said city and its inhabitants, and as they may deem necessary to carry into effect the powers and duties conferred and imposed upon them by this act, or by any law of this State, and the same to alter, modify, amend and repeal.

XLVIII. To license and regulate inns and taverns, restaurants, hotels, beer saloons, clubs and all other places whatsoever where any kind of vinous, malt, brewed, spirituous or other intoxicating liquor is sold, and under the licensing to transfer such licenses and to revoke same; and to make any and all restrictions and regulations relative to the sale of any such liquors, vinous, malt, brewed, spirituous or other intoxicating liquor as may seem reasonable and proper; *provided, however,* that any license for the purposes aforesaid lawfully granted to any place or person within any municipality adopting this act shall, subject to its conditions, remain valid and in full force and effect in such municipality until the expiration of the term for which it was originally granted; but nothing herein shall be construed to prevent the revocation of such licenses before the time of their expiration in the manner now provided for by law.

Inns, taverns,
hotels, res-
taurants.

Sale of
liquor.

Proviso.

21. The fees for licenses granted as herein provided shall be such as are from time to time prescribed by law, and if the amount so prescribed shall be discretionary, then such amount shall be fixed by ordinance of the city council, and all fees for licenses so granted shall be paid to the city clerk, who shall, in addition to his other duties, keep proper account and record of all licenses so granted, and the fees therefor received by him shall immediately upon receipt thereof be paid over to the treasurer of said city.

License
fees.

22. The corporate title of such city shall be "the city of _____, in the county of _____" (inserting in the first blank space the proper name of the city adopting this act and in the second blank space the name of the county in which it is situated), and by such corporate title it shall be vested with all the municipal property of such city; and by such corporate name or title shall sue or be sued, purchase, lease, receive, hold and sell property, real and personal, take and condemn lands and other property for municipal purposes in the manner provided by the laws of this State.

Corporate
name.

23. It shall be the duty of every officer in such city upon the expiration of his term of office or his removal therefrom, to immediately deliver to his successor in

Delivery of
records to
successor.

office, or such other person as the city council may designate, all books, records, papers, receipts, vouchers and property of every kind in his possession or under his control belonging to said city, and for a willful refusal to do so he shall be guilty of a misdemeanor.

Purposes for
which taxes
are laid.

24. The city council shall have power, by ordinance, to raise, by tax, in each year, such sum or sums of money as may be fixed or determined, as herein set forth, by the board of estimates, for the following purposes:

Lighting.

I. For lighting the streets, public buildings, parks and other places of the city, either by contract with some person, firm or corporation, or by the maintenance and operation of light, heat and power plants owned or to be owned by such city;

Poor.

II. For the maintenance and support of the poor, and for the support or partial support of any public hospital;

Streets.

III. For regulating, cleaning, sprinkling and keeping in repair the streets, sidewalks and highways;

Parks, docks,
etc.

IV. For acquiring public grounds, parks, public docks, piers or other property for such city, and for maintaining, regulating and protecting the same;

Paving, etc.

V. For paving, repaving, graveling, macadamizing or telfordizing or otherwise improving the streets of the city and the laying of cross walks therein;

Schools.

VI. For the support of public schools and for erecting and maintaining public school-houses; *provided, however,* that the sum to be raised for school purposes shall be first fixed and determined by the board of school estimates as provided by law, and not by the board of estimates appointed under this act;

Proviso.

Police.

VII. For the support and proper maintenance of the police department;

Fire depart-
ment.

VIII. For the support and proper maintenance of a paid fire department, or for the support and proper maintenance of volunteer fire companies, or both;

Water.

IX. For supplying the city and the inhabitants thereof with water, and the maintenance and operation of a water works plant or plants;

Interest.

X. For the payment of interest upon the city debt and upon temporary loans and such part of the principal thereof as may be due and payable, and to provide a sinking fund therefor;

XI. For purchasing all necessary real estate, and providing for the construction, maintenance and operation of a system or systems of sewerage and drainage; Sewer system.

XII. For the payment of the cost of any public improvement in anticipation of the collection of assessments upon the property benefited, and so much of the cost of any public improvement as shall not be covered by the assessments upon the lands benefited by such improvement; Anticipate collection of assessments.

XIII. For the purpose of providing music for the public parks and other places to which the public may resort for recreation; Music.

XIV. For the protection and maintenance of the health of the city, and for the collection and disposition of offal, garbage, wastes and all refuse matter; Health; collect waste.

XV. For the establishment and maintenance of a public library or libraries; Libraries.

XVI. For the general, incidental and contingent expenses of the city, and for all other objects and purposes whatsoever authorized by law or by this act. General and incidental expenses.

25. There shall be in every such city a board of city assessors consisting of three persons, not more than two of whom may be members of the same political party, to be appointed by the mayor on the first day of January next following the date of the adoption of this act by any such city; the first appointment of city assessors hereunder shall be one for one year, one for two years, and one for three years, and thereafter one each year in place of the one whose term expires, so that the terms of office shall be three years, these appointments to be subject to confirmation by city council. Board of assessors.

26. The board of city assessors first appointed hereunder shall meet as soon as practicable thereafter and shall elect one of their number to act as president for the ensuing year, and thereafter they shall so elect a president each year; the acts of two members shall be the acts of the board; they shall make such rules and regulations for the transaction of their business as are not inconsistent with this act or any ordinance of such city, or with any law of this State; the salary of each assessor shall be two thousand dollars per year; the Terms. Organization. Salary of assessors.

Secretary.

city council may provide a secretary for such board, define his duties and fix his compensation, which shall not exceed one thousand two hundred dollars per year.

Duties of assessors.

27. The board of assessors shall have charge of the assessment department, and shall make a full and fair valuation, enumeration and assessment of all the real and personal property in said city according to law and for the purpose of such assessment they shall use the city atlas as prepared by the city engineer, and designate the property so assessed by lot and block numbers as shown upon said atlas, but in the absence of such atlas they shall make their assessments in as clear and intelligible manner as existing conditions will permit.

Board of health.

28. In case in any such city a board of health has been established or shall hereafter be established, members of such board shall be appointed by the mayor from time to time subject to confirmation by city council, in accordance with laws of the State.

Board of estimate.

29. In every such city there shall be a board of estimates, consisting of the commissioner of public finance, who shall be ex-officio president of said board, and two councilmen, who shall be elected by the city council at their annual meeting to serve for one year, and two resident citizens, who shall be appointed by the mayor for two years.

Heads of departments to furnish estimates for fiscal year.

30. In each year, on or before the fifteenth day of the month immediately preceding the beginning of the next fiscal year, the commissioners or heads of the several departments of such city shall prepare and deliver to each member of said board of estimates an itemized statement, in writing, of the amount of money estimated to be necessary for the current expenses of the respective departments of such city, and for repairing, furnishing, maintaining and operating the city hall, city water works and all other works and buildings and property of such city, and of the other moneys to be raised under the provisions of this act; the city treasurer shall also furnish to each member of said board of estimates a written statement of the amount of unappropriated cash on hand belonging to the said city on the fifteenth day of such month in each year; and the Commissioner of Public Finances shall furnish on

or before the same day in each year to said board of estimates an itemized statement of the probable receipts from the coming fiscal year of such city outside of the receipts for moneys to be raised by taxation.

31. In each year, between the fifteenth and twentieth day of the month mentioned in the preceding section, said board of estimates shall fix and determine the amount of money necessary to be appropriated for the current expenses of the several departments of such city, and for repairing, furnishing, maintaining and operating the city hall, city water works and all other works and buildings and property of such city, and for all purposes mentioned in this act, except the public school appropriation. The said board of estimates shall, in such month in each year, make two certificates of said amount, signed by at least three members of the said board, one of which certificates shall be delivered to the city clerk, who shall present the same to the city council of such city, and the other to the board of assessors of said city; said city council may, upon receipt of said notice, appropriate by ordinance the amount so certified as aforesaid, and said amount may be assessed, levied and collected according to the laws of this State.

Amount
needed
determined
by board of
estimate.

32. Whenever the city council shall decide that it is necessary to raise money for the purchase of lands for municipal purposes or for erecting, equipping, enlarging, repairing or furnishing its water works, light, heat or power plants, police stations, fire houses or for other public works, or improvements, it shall prepare and deliver to each member of the board of estimates of such city a statement of the amount of money estimated to be necessary for such purpose or purposes. Said board of estimates shall thereupon fix and determine the amount necessary for such purpose or purposes, and shall make two certificates of such amount, one of which certificates shall be delivered to the city council and the other to the city treasurer of such city. Said city council of such city may appropriate such sum or sums for each purpose or purposes, or any portion of such sum or sums as it may deem expedient, in the same manner as other appropriations are made by it, and

Estimate of
moneys
needed
furnished by
council.

Amount
determined.

	the said sum or sums shall thereupon be raised, assessed, levied and collected at the same time and in the same manner as moneys appropriated for other purposes in such city are raised, assessed levied and collected; or said city council of such city may appropriate and borrow such sum or sums for the purpose or purposes aforesaid, and may secure the repayment of the sum or sums so borrowed together with interest thereon at a rate, not to exceed five per centum per annum, to be named therein, by the issue of bonds in the corporate name of such city. Bonds so issued shall be designated "Improvement Bonds of (here insert the name of the city adopting this act)"; shall be of such denomination as said council of such city by ordinance may determine, and shall be made payable in not more than thirty years from the date thereof, and shall bear interest at such
Bond issue.	rate not exceeding five per centum per annum as they may be fixed by the city council. Such bonds may be registered coupon bonds or may be registered and coupon bonds combined, at the option of such city council of such city. The proceeds of the sale of such bonds shall be deposited with the treasurer of such city, and shall be paid out only on the warrants or orders of the
Time.	commissioner of public finances; <i>provided</i> , that the total amount of bonds for the purposes named in this section, including bonds theretofore issued for such purposes and not redeemed, shall not exceed at any one time a sum equal to ten per centum of the taxable valuation of the real and personal property in such city.
Rate.	33. It shall be lawful for the city council of such city, whenever in their opinion the public good requires it, by ordinance:
Proceeds.	I. To lay out and open any street, road, highway, alley, public park or public square within such city; and to order and to cause any street, road, highway or alley already laid out to be vacated, straightened, altered or widened, and to purchase or condemn for any such purpose, when necessary, any lands and real estate upon making compensation to the owner or owners thereof as is hereinafter mentioned and provided; and such power shall belong exclusively to the city council; and to cause to be assessed upon all the owners of lands
Proviso.	
Council may, by ordinance,	
Lay out, open streets, etc.	

and real estate peculiarly benefited by any such improvement, such proportion of the cost thereof as represents the special and peculiar benefits which such owner shall receive by reason of the improvement, in proportion to the benefits received by each;

II. To order, and cause sewers or drains to be constructed, and, if necessary, to purchase or condemn, for the purpose of constructing such drains or sewers, any lands, real estate, and any sewer or sewers, upon making compensation to the owner or owners thereof, and to cause to be made a just and equitable assessment upon all the owners of lands and real estate peculiarly benefited by such construction, and acquiring of lands and real estate, and sewer or sewers in proportion to the benefit each shall be deemed to acquire of the costs, damages and expenses so incurred; all such assessments shall be entered by the city engineer in a book or books in the city treasurer's office to be provided for that purpose:

Build sewers.

III. To order or cause any street or section of a street to be graded, graveled, paved, repaved, flagged or otherwise improved and regulated in such manner as they deem advisable, and to cause to be assessed the costs and expenses of such improvements upon the owner or owners of property benefited thereby; in no case, however, shall any assessment of benefits made under the authority of this section exceed the special and peculiar benefits which the owner or owners of said property shall receive by reason of the improvements; all such assessments shall be entered by the city engineer in a book or books in the city treasurer's office provided for that purpose;

Grade and improve streets.

IV. To provide for the grading, construction, curbing, paving or otherwise improving or repairing the sidewalks, and for renewing, reconstructing, recurbing and repaving the same.

Sidewalks.

It shall be lawful for the city council, by a resolution, to be prepared by the city engineer, to assess the costs of grading or repairing, constructing or reconstructing, curbing or recurbing, paving or repaving, or otherwise improving, repairing or renewing of sidewalks, upon

Cost assessed.

the lot or lots of lands in front of which such sidewalks shall have been so constructed, improved or repaired; such resolution shall state the name of the owner of each lot, as nearly as can be ascertained, the number of the lot as the same appears upon the city atlas, and the amount assessed thereon; it shall be the duty of the city engineer to at once enter the same in an orderly manner in a book or books in the city treasurer's office to be provided for that purpose, to be labeled "sidewalk assessment;" such assessment shall, from the date of the passage of such resolution, be and remain a first lien upon the lots or property upon which they are laid, until paid, and shall be enforced in the manner herein provided for the enforcement and collection of assessments of benefits for other public improvements.

Further proceedings by resolution.

Whenever any ordinance shall be passed by the city council for making any improvement or performing any work under and by virtue of the provisions of this act, all further acts by virtue of the provisions of this act, all further acts and proceedings which it may be necessary for the said city council to take to carry out said improvement or work to completion, and all orders relating thereto, may be by resolution and not by ordinance.

Acquire property by condemnation.

34. Whenever the city council of any such city shall have determined to acquire land or other property pursuant to authority conferred by law, and cannot acquire such land or other property by agreement with the owner, whether by reason of disagreement as to the price or legal incapacity of the owner, or his inability to convey a valid title, or the lack of authority of such city to do so by agreement, or by reason of any other cause, the compensation shall be ascertained and paid by condemnation proceedings in the manner directed by the laws of this State; *provided, however*, that it shall be unlawful except under and according to the provisions of the condemnation laws of this State, for such city to purchase any lands or real estate for park purposes, or for street openings or extensions, or for the purchase, equipment, enlargement or extension of any municipal light, heat, power or water plant where

Proviso.

the price or consideration asked by the owner of the land, plant or other property shall exceed the sum of ten thousand dollars.

35. Whenever, in pursuance of authority conferred by law, the city council of any such city shall have determined that so much of the costs, damages and expenses of any improvement, including the costs, damages and expenses of purchasing or acquiring by condemnation any lands or other property, as represents the special and peculiar benefits conferred upon the owners of land and real estate benefited thereby, shall be assessed thereon in proportion to the benefits each shall be deemed to acquire, it shall cause to be presented a petition to one of the justices of the Supreme Court for the appointment of three commissioners to estimate and assess such benefits, of the time and place of which presentation notice shall be given by ten days' publication in two or more newspapers published or circulating in such city, at which time and place, or at such other time and place as said justice shall designate, and the said justice shall appoint three disinterested freeholders, residents of such city, commissioners to estimate and assess the said benefits; and the said justice shall, in the order of appointment, fix the date on or before which the commissioners must file their report, and the said justice may by order for good cause extend the time, and the report shall be made on or before the day limited by said justice; the petition and order shall be filed in the county clerk's office; *provided*, that nothing herein contained shall be construed as affecting the method of assessing the costs of sidewalk improvements by the city council, as hereinbefore provided, or water pipe assessments for which liens are imposed according to some other law of this State.

Petition court
for commis-
sioners to
assess bene-
fits.

Proviso.

36. The commissioners having first taken or subscribed an oath or affirmation faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding, shall, in such manner as shall be directed by the said justice give at least six days' notice of the

Oath of
commission-
ers.

- Hearing. time and place when and where they will hear any persons who may present themselves to be heard, specifying in such assessment the lots or parcels of lands so benefited, designating they may adjourn for that purpose, the said commissioner shall attend and shall give a public hearing to those persons who may desire to be heard; the said commissioners shall have power to examine witnesses under oath, to be administered by any one of them, and to enter upon and view any premises they may deem necessary, and to adjourn, from time to time, at their discretion, or as directed by said justice.
- Assessment by commissioners. 37. After having given opportunity as aforesaid for a public hearing of the persons interested, the said commissioners shall view and examine the lands and real estate benefited and make a just and equitable assessment of the amount of such benefits upon all the owners of the land and real estate in such city specially and peculiarly benefited, in proportion to the benefit each shall be deemed to acquire, specifying in such assessment the lots or parcels of land so benefited, designating the same by the letters or numbers by which they are distinguished in the city atlas, together with the names of the respective owners thereof, and the amount assessed on each lot, and shall make a report
- Report. of such assessment in writing under the hands of said commissioners, or any two of them, to the said justice, within the time hereinbefore limited; and if the report is not made within the time limited, the powers of the commissioners shall cease, and an application may be made to a justice of the Supreme Court for new commissioners on notice as above provided; in case any commissioner shall die pending the proceedings, or is disqualified, or is unable to act, or shall fail or refuse to act and perform the duties of the appointment, the other two commissioners shall proceed to perform the duties of their appointment with the same powers as if all were acting.
- Data furnished by city engineer. 38. The city engineer shall furnish such maps and data to said commissioners as they may require, and he, or one of his assistants to be named by him, shall

act as clerk of the commission and keep an accurate account of the benefits so assessed.

39. The said commissioner shall make diligent effort to ascertain the names of the owners of the lands and real estate so benefited as aforesaid, but the failure to so ascertain the name of any such owner, or to state the same correctly, or to enter the same upon the assessment and report, shall not invalidate the said assessment nor bar the collection thereof.

Assessment
made in
owner's name
if possible.

40. Upon the receipt of such report, the justice shall cause such notice to be given as he shall deem proper of the time and place when and where he will attend to hear any objections that may be made to such assessment; after such hearing any justice may by order confirm said report or may refer the same to said commissioners for revision and correction, and the said commissioners shall return the same so corrected and revised within such time as said justice shall direct, and the same being so returned shall be confirmed or again referred by said justice in the manner aforesaid, as right and justice may require, and so from time to time, until a report shall be made or returned which said justice shall confirm. Such report, when so confirmed shall be final and conclusive, as well as upon such city as upon the owners of any land or real estate affected thereby, and shall be filed in the office of the county clerk. The said justice shall thereupon cause a certified copy of such report to be transmitted to the commissioner of public finances of such city. All such assessments shall be and remain a first lien upon the lands and real estate affected thereby, as of the date of the confirmation of the report, and shall thereupon be due and payable to such city, and shall draw interest from the date they are due at the rate of six per centum per annum.

Hearing on
assessment.

Correction.

Confirmed
report final.

Assessments
a lien.

41. The city council shall cause to be paid to each of the said commissioners the sum of five dollars for each day they are actually employed in and about assessing the benefits or improvements, as provided in this act, together with the expenses incurred by them in the performance of their duties.

Commis-
sioner's pay.

Notices of
assessment
given.

42. It shall be the duty of the commissioner of public finances to whom such assessments have been returned forthwith to cause a notice of the assessment and the amount thereof to be given to each person assessed, either personally or by mail; service on the agent or representative of the owner shall be by letter postpaid, directed to the person assessed at his or her last-known place of abode; and if for any reason such notice is not given to or received by the person assessed, or his or her representative, it shall in no way impair the lien or the right of the city to collect the assessments so made and the interest thereon from the day they become due and payable.

Assessment
for benefits.

43. It shall be lawful for the city council in every case to cause so much of the cost, damage and expense of any public improvement authorized by and made under the authority of this act as represents the special and peculiar benefits conferred upon the owners of land and real estate benefited thereby to be assessed thereon in the manner herein provided in proportion to the benefit each shall be deemed to acquire, the balance of such cost, damage and expense to be imposed upon and borne by the city and provided for by general taxation; or the said city council may, at its option, provide that the entire expense of any such improvement shall be borne by the city at large, and shall have power, within the limitations herein imposed, to provide therefor by taxation.

House con-
nections made
prior to
street im-
provements.

Whenever the city council shall determine to improve any street or avenue in said city with tar macadam, brick, asphalt or wood block as a pavement, and the proceedings for any such improvement shall have been sufficiently advanced to permit the city to advertise for bids for such improvement, it shall be lawful for the city council to pass an ordinance in respect thereto, in all cases where the sewer, water, and gas pipes or mains are so located on any such street or avenue that in order to make private connections therewith it will thereafter be necessary to excavate, tear up or disturb the proposed improved portion of said street or avenue, and to order and direct in such ordinance the owner

of any and all lands on and along such proposed improvement to make all necessary excavations and connections with all such pipes or mains in such street or avenue for all lots not then connected with such pipes or mains in a time prescribed in such ordinance, which shall not be less than thirty days, within which all such excavations and connections shall be made; and, it shall thereupon be the duty of all owners of any such lot or lots, on said line of improvement, within the period prescribed in said ordinance, to make said excavations and connections. It shall also be lawful in such ordinance to provide the width of the lot or lots for which connections shall be made, according to the character of the locality of same, and when such width is so fixed, all connections shall be made in conformity with said ordinance.

If the owner or owners of any land for which said connections shall be ordered to be made shall not comply with the order or direction contained in said ordinance within the time therein specified, or shall make such connections in a manner other than specified therein, or contrary to any other ordinance or regulation of said city, the city council may by resolution, direct the commissioner of public affairs to make or cause to be made said excavations and connections, at a reasonable price and charge, without public advertisement for bids for such work, and pay the expense and cost thereof; all of which expense and cost shall be added to the assessment for the improvement of said street or avenue, and as such become a lien, as part of the cost of said improvement, upon the lands chargeable therewith.

If owner fails, city to make connections and charge property.

44. All taxes and assessments heretofore or hereafter levied, assessed or made upon any lands, tenements or real estate situate in such city shall be and remain a first lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other encumbrance thereof; and if the full amount of any such tax or assessment shall not be paid and satisfied, it shall and may be lawful for the city council to cause such lands, tenements or real estate to be sold by the corporation counsel under and in accordance with the laws of this State

All taxes and assessments a lien.

providing for the collection of delinquent or unpaid taxes and assessments, and to authorize such corporation counsel to prepare and execute declarations of such sales, and to deliver the same to the purchaser or purchasers.

Fees.

45. The fees to be collected by the commissioner of public finances, corporation counsel and other officers for performing any service specified by law or this act in relation to the sale of lands, tenements and real estate for unpaid taxes and assessments and for the recording and canceling of declarations of sales shall be made the same as are now or may hereafter be provided by law; *provided, however*, that all such fees shall be turned into the city treasury, except in the case of the delinquent personal tax collector or his deputy, whose office need not be a salaried one.

Proviso.

Street
grades.

46. It shall be the duty of the city council to establish, if not already established, by ordinance, the grades of the several streets and alleys in such city, and it shall not be lawful, after the same shall have been established to alter the grade of any street or alley except by ordinance.

Use of water,
gas or drain
pipes.

The city council is hereby authorized and empowered to pass and adopt such ordinances and regulations as to said council may seem proper for regulating, controlling and prescribing the manner in which any sewer or drain, water or gas mains or pipes, or other pipes and conduits, constructed by order of said council shall be used and the manner in which connections therewith from any house, building, yard or other place shall be made, and for the keeping of the same in proper repair and providing for the cost thereof.

Assessments
on lots
designated by
map records.

47. All assessments or taxes upon lot owners in such city, which may be made for any purpose authorized by this act or to be authorized by law, shall be made upon the lots as they shall stand recorded in the city atlas; and in advertising the sale of same for such assessments or for taxes, or in entering liens thereof, it shall be sufficient to describe said lots by the letters and numbers by which they are designated on the city atlas, together with the name or names of the owner or owners thereof

as the same appear in the tax duplicate or records of assessments; in case the name of the owner or owners is unknown and cannot be ascertained, such assessments and taxes shall be made against the lots so designated with the declaration that the owner's name is unknown.

48. Whenever, by reason of any informality or illegality, any proceedings, relative to the condemnation of lands or other property, or relative to the making of assessments for benefits, shall be set aside by judicial authority, it shall be lawful for the city council to reinstitute the proceedings set aside and proceed therein the same as though the former proceedings had not been had, or the said city council may reinstitute said proceedings from the point where such informality or illegality may have been so decreed; and whenever the city council shall discover that any such proceedings shall be liable to be set aside by judicial authority, they may reinstitute proceedings from the point where such informality or illegality commences, and no condemnation or assessment shall be deemed invalid in consequence thereof, but no writ of certiorari shall be allowed or issued to set aside any proceedings taken for condemnation of any land or of any interest, right, title, easement or estate in any land, or of any other property or franchise, or to set aside any proceedings taken in making any assessment for benefits, unless the same be applied for within sixty days after the happening of the irregularity or act complained of, or within sixty days after the confirmation of any such assessment.

Reinstituting
proceedings
set aside for
illegality.

49. If in such city there are not public buildings or constructions, the property of the city, suitable, proper and sufficient, in the opinion of city council, to accommodate the different officers and departments of the municipal government, or for other public and municipal uses, it shall and may be lawful for the city council of such city, by ordinance, to provide for additions to or the erection and construction of any and all such buildings, and to purchase, appropriate and condemn suitable lands and real estate therefor, and to suitably furnish and equip the same.

Suitable
public build-
ings.

Acquire prop-
erty and
rights for
benefit of
city.

50. It shall be lawful, whenever the city council shall deem it necessary and for the public good, to purchase or condemn any lands for any of the purposes mentioned in the preceding section of this act, or to purchase or condemn in whole or in part, the plant, property or franchise of any person or corporation for the purpose of supplying such city or the inhabitants thereof with gas, electric or other light, heat or power, or with water, or for the removal and disposal of the sewage.

Bond issue.

Limit.

Rate.

Time.

Proviso.

Redemption.

51. It shall be lawful for the city council, in the name of the city under authority of this act, to issue its corporate bonds for any sum not exceeding ten per centum of the taxable value of the property as last rated for assessment; and obligations shall be issued in the name of the city and under its corporate seal, and shall be signed by the mayor and attested by the city clerk, signed by the city treasurer and countersigned by the commissioner of public finances; they shall be of such denomination and bear interest at such rate not exceeding five per centum per annum as may be fixed by ordinance and be payable at such times and places, not exceeding thirty years from the date of issue, as the city council may determine; they shall be disposed of at not less than their par value and the accrued interest thereof; the proceeds of such securities may be used for the purpose of making any of the improvements authorized by this act and for other lawful purposes; *provided*, that in every instance the issue of bonds shall be authorized by ordinance and the purpose for which the bonds are to be used shall be expressed therein, and the proceeds thereof shall be used for no other purpose, except that the accrued interest received in all such sales shall be turned in and added to the annual interest appropriation in such city; whenever bonds are issued to provide funds for any of the purposes authorized by this act, any part of the costs and expenses of which is authorized to be assessed upon the property benefited, the assessments for benefits in every such case shall be exclusively appropriated for the redemption of the bonds so issued and shall be kept separate from the other funds of such city and devoted exclusively to this use; and it shall be the duty of city

council to provide by taxation in the annual tax levy of such city such sum in addition to the benefits so assessed as will be sufficient in every case to provide for the annual interest of the bonds so issued and a sinking fund for the redemption thereof, which sinking fund shall not be less than two per centum of the amount of bonds so issued for thirty year bonds, and three per centum for all bonds to be paid in less than thirty years from the date of issue. Sinking fund.

52. All sinking fund moneys, and all sinking fund securities, now or hereafter belonging to any such city, shall be under the custody and control of a sinking fund commission, to consist of the mayor, commissioner of public finances and city treasurer; and the city council may by ordinance, from time to time prescribe the mode and manner in which said sinking fund commissioners shall invest and keep invested the funds coming into their custody or control, and otherwise regulate the management of the sinking fund of any such city; *provided, however,* that the city treasurer of such city shall be treasurer of said sinking fund, and all moneys received or disbursed by said sinking fund commissioners shall be received and paid through the city treasurer. Sinking fund commission.

It shall be lawful for the city council of such city, by ordinance, subject to the provisions of this act, to negotiate temporary loans for a period not exceeding, with any renewals thereof, three years, which loans shall only be in anticipation of city taxes and of assessments for laying out and opening, straightening, altering or widening any street, road, highway or alley, and for the construction of sewers and drains, and the regulating, grading and paving of streets and sidewalks, and fees imposed for licenses, and shall not exceed thirty per centum of the amount of such anticipated assessments, taxes and license fees. And all such temporary loans shall be retired and paid when the revenues anticipated are received. And it shall be lawful to appropriate and use the moneys so obtained on temporary loans in anticipation of revenues for city purposes, and all moneys so appropriated and used shall be provided for in the annual tax levy. Proviso.

Temporary loans; purpose of.

Retirement.

Records of
bonds.

53. Whenever any bonds shall be issued under the authority of this act it shall be the duty of the commissioner of public finances to keep an account of all such bonds in proper books, with the numbers, dates and amounts thereof, when redeemable, the place of redemption, the place where interest shall be paid and when payable, with the title of the ordinance authorizing the same and the names of the person or persons to whom the same shall be issued. And he shall make report thereof to the city council from time to time whenever required to do so. And it shall be the duty of the commissioner of public finances to furnish to the commissioners of the sinking fund a statement showing the amount of every such issue and all the particulars, herein required to be recorded as soon as the bonds authorized in any case shall have been issued.

Council may
prescribe
penalties.

Fines or
imprison-
ment.

Books of
records as
evidence.

54. In all cases where by the provisions of this act the city council shall have authority to pass ordinances on any subject, they may prescribe a penalty or penalties, for the violation thereof, either by imprisonment in the city or county jail not exceeding ninety days, or by a fine not exceeding three hundred dollars, and imprisonment in the workhouse, city or county jail not exceeding ninety days in default of the payment of such fine; and it shall be lawful for the city council to authorize and empower the officer before whom any person or persons offending may be tried, on conviction, to impose any fine, in the discretion of such officer, not exceeding the maximum fixed in such ordinance, or to imprisonment for any term not exceeding the term fixed therein. The book or books of record of the ordinances and by-laws of the said city council shall be taken and received as evidence of the due passage by said city council of ordinances recorded therein; and any printed volume of ordinances published by authority of the city council, and also a copy of any such ordinance or ordinances, duly certified by the city clerk of such city, shall in like manner be taken and received as evidence in all courts of this State of the ordinances of the said city council; and the publication of said ordinances in a public newspaper or newspapers according to law shall in all cases be

presumed to have been made until the contrary be proved.

55. When, in any case, a penalty is imposed upon any person or persons for failure, neglect or refusal to perform any requirement of any ordinance of such city, continued failure, neglect or refusal, after conviction, shall, in every case, be deemed and taken as a new offense.

Continued failure to be new offense.

56. The city council shall have power to build, acquire and maintain a city hall, a hospital and such other buildings as they may deem necessary, and such as may be required for the accommodation of the city officers and the day and night police and fire department of such city.

City, hall, hospital, etc.

57. The mayor shall be the chief executive officer of such city, and shall possess the powers and privileges, and shall perform the duties which are specified in this act, or which may be prescribed by the laws of the State or the ordinances of such city. He may appoint a secretary, who shall hold office during his pleasure and shall receive a yearly salary of one thousand two hundred dollars, and, in addition thereto, such person or persons to aid him in the discharge of his duties as may be prescribed by ordinance.

Mayor.

Secretary to.

58. The mayor elected in any such city adopting the provisions of this act shall have power and authority to examine into the condition of any of the departments authorized by the provisions of this act or provided for by any ordinance or resolution of city council, and for the purpose of such examination he may employ such assistant or assistants as may be necessary to conduct the aforesaid examination, and in order that he may fulfill his duties and make complete audit of the accounts he shall have power, whenever he shall see fit, to examine all books, papers, and vouchers pertaining to any and all departments of the city's business, and shall have free and unrestrained access to them for the purposes aforesaid.

Mayor may examine departments.

59. The mayor shall have the power, and it shall be his duty, to recommend to the city council at least once each year all such measures connected with the security, health, cleanliness and ornament of the city and the protection and improvement of its government and finances

Powers and duties of mayor.

as he shall deem expedient; to keep the corporate seal of the city; to cause the laws of the State and the city ordinances to be fully executed and enforced in such city, and to exercise a general supervision over the official acts of all the subordinate officers of the city, and to report any dereliction of duty of any official, or to recommend his dismissal, to the city council, and generally to perform all such duties as may be required of him by law or the ordinances of such city. He may, under the direction of the city council, offer rewards (to be paid out of an emergency appropriation) for the detection and apprehension of the perpetrator of any offense against any city ordinance or any high crime or misdemeanor committed within the city, to be paid out of the city treasury on the conviction of the criminal. He may also, from time to time, call on any officer in such city for a written detailed report of the work of such officer's department.

Additional
powers of
mayor.

60. The mayor is hereby vested with all the powers and duties with which the recorder of such city is now or may hereafter be invested by the provisions of this act, or otherwise, and he shall also have the power of a commissioner of deeds under the laws of this State, and he is hereby invested with all the powers and duties of a justice of the peace, and for the purpose of quelling any insurrection, riot, disturbance or disorderly assemblage, he shall have the control of the constables, watchmen and other police force of such city and the power to call upon the citizens for aid in all such cases, and when he shall deem it proper, to call upon the sheriff of the county. And, when he shall deem it necessary to preserve the public peace and good order, he may appoint for the occasion such special policemen as he may deem necessary. Every member of the regular police department or force of such city shall have all the powers and privileges that constables now have, or may be hereafter conferred by statute.

Appoint-
ments subject
to confirma-
tion by
council.

61. All appointments to office made by the mayor under this act shall be made subject to confirmation by city council, except heads of departments and his private secretary.

62. Whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be prevented by absence from the city, sickness or any other cause from attending to the duties of his office the president of city council shall act as mayor, and shall possess all the rights and powers of the mayor during such vacancy and until such disability is removed; *provided, however*, that in case of the death, resignation or removal from office of such mayor the president of city council shall fill such vacancy only until the first day of January next after the municipal election following such vacancy, at which election said vacancy shall be filled for the unexpired term of such office; *and provided further*, that in case of the death, resignation or removal from office of the mayor within such a short time previous to any such election as to prevent a lawful nomination or nominations to fill such vacancy at such election, the president of city council shall continue to fill such vacancy until the first day of January following the next succeeding municipal election.

Mayor pro tem.

Proviso.

Proviso.

63. The constables appointed or elected, as herein provided, shall possess the powers and perform the duties of the like officers of any township of this State, so far as such powers and duties shall be consistent with the provisions of this act.

Constables.

64. There may be in every such city a building inspector, who shall be a practical builder, and who shall be appointed by the commissioner of public affairs for a term of one year; his special duty shall be to enforce the laws and ordinances in effect in such city relative to the erection or construction, removal or demolition of buildings or other structures and fire escapes; and to this end said building inspector and his assistants, to be appointed by the commissioner of public affairs, and confirmed by city council, shall have authority to enter upon and inspect any place, building or structure for the purpose of ascertaining whether such building or structure is safe, and is erected or is being erected in conformity to such laws and ordinances, and if said building inspector shall find that such building or structure, or any part thereof, is unsafe, or that it has been or is being

Building inspector.

erected in violation of such laws and ordinances, he shall report the facts to the said commissioner of public affairs, who shall condemn the same, or such part thereof, and shall notify the owner, occupant, contractor or workmen engaged thereon of such condemnation, and thereupon such defective building or structure shall be immediately made safe or put in conformity with such laws and ordinances, and after the service of such notice such unsafe building or structure shall be immediately vacated and all work on such building or structure shall cease, if the said commissioner shall so direct, until the defects have been remedied and corrected; *provided*, that if in the opinion of such commissioner such building or structure, or any part thereof, is in such a condition that it cannot be made safe, or in conformity with said laws or ordinances, and he shall so declare in such notice of condemnation, then, in such case such building or structure or defective part thereof, shall be immediately torn down or removed.

Proviso.

Safety of
buildings.

65. The city council may, by ordinance, provide that any building or structure, or any part thereof, which shall be condemned by the commissioner of public affairs, shall be made safe, and made to conform with the laws and ordinances relating thereto in effect in such city, and if the said commissioner shall declare that such building or structure, or any part thereof, cannot be made safe or in conformity with such laws and ordinances, may provide that the same, or such defective part thereof, be torn down and removed, and may further provide that the cost and expense of making the same safe and in conformity with such laws and ordinances, or of tearing down or removal, be made a lien upon and a charge against the lands upon which such building or structure is or shall be erected, and may provide for the enforcement of the collection of such cost and expense in the manner herein provided for the collection of assessments for benefits.

City council.

66. There shall be in every such city a corporation counsel, who shall be head of the law department of such city, and who shall be a counselor-at-law of the New Jersey bar, in good standing, and who shall be appointed

by the mayor for a term of three years, subject to confirmation by city council. He shall, by direction of city council, annually proceed to advertise and sell, according to law, all lands, tenements and real estate in such city to enforce the payment of any taxes, municipal lien or assessment which may be a lien thereon by virtue of this act, or of the laws of this State. And he shall act as counsel to the mayor and city council and the several city departments under the mayor or council of such city; shall prosecute, appear for and defend all suits brought by or on behalf of or against such city, and shall perform such other duties as may be required by law or by the ordinances of such city. He shall receive the sum of two thousand five hundred dollars per year. He may have an assistant to be known as corporation attorney, whose duties shall be prescribed by ordinance and who shall be appointed in like manner for a similar term. He shall be an attorney of the New Jersey bar in good standing and shall receive the sum of one thousand five hundred dollars per year.

Duties.

Salary.

Assistant
counsel.

Salary.

67. It shall be the duty of the commissioner of public finance to sign all warrants on the city treasurer, to superintend all fiscal concerns of the city in such manner and to report thereon at such times as the city council shall by ordinance direct; to keep separate accounts of appropriations made by the city council to each and every department of the city government, and to require such warrant on the treasurer to state particularly against which appropriation the said warrant is drawn. The said officer, on receiving a bill or claim against the city, shall examine the same, and if it be for any purpose for which there is no appropriation, or the appropriation for which is exhausted, or to which for any cause he cannot give his approval, he shall report the fact to the city council and the warrant in such case shall not be signed, except by special authority from or direction of the city council. He shall, upon the death, resignation, removal or expiration of the term of office of any officer or person, who by law may be authorized to receive or disburse the moneys of such city, for which said commissioner is acting as afore-

Commis-
sioner of
finance.

Duties.

At close of
term of,
official to
audit ac-
counts.

said, audit and examine the accounts of such officer or person and report the condition of his business to the city council. He shall, before signing any warrant on the treasurer in payment of any claim against such city, first audit the bill containing or making up such claim with a view to ascertain whether the items and calculations are correct, and after so auditing shall deliver said bill to the officer or department having control of the appropriation against which said claim is made and against which the warrant is to be drawn. If the said officer or department, after examining said bill or claim, shall find the same correct, and that the supplies charged to said city, or the services alleged to have been rendered, have been furnished and rendered as stated, and that the sum or sums demanded therefor are proper, the said officer or department shall approve the said bill or claim and return the same to the commissioner for payment in the manner herein provided. The said commissioner shall, as often as he may deem necessary, or as the city council may require, suggest plans to the said city council for the improvement, advantage and better management of the finances of such city. He shall have control, under the direction and supervision of the city council, of the fiscal concerns of all departments and officers of the city, and may require at any time and from any and all of its departments and officers a full exhibit of their business and a statement and account in writing of any or all moneys and property of said city within the control or in the hands of said department and officers, and the said commissioner shall immediately, in case of any default, delinquency or official misconduct, report the same to the city council, and, in order that he may fulfill his duties and make complete audits of the accounts, he shall have power, whenever he shall see fit, to examine all books, papers, vouchers pertaining to any and all departments of the city business, and shall have free and unrestricted access to them for the purposes aforesaid. And said officer shall also be authorized, whenever in his judgment the interests of the city shall require, to examine under oath any person presenting a bill or claim against such city for the payment of moneys, and also to examine wit-

Audit claims.

Approval of bills.

Control of fiscal concerns.

Examine books, vouchers, etc.

Examine under oath.

nesses and to investigate by other evidence and inquiry all facts relating to such claim which, in his opinion are necessary, to establish the accuracy and good faith of such claim, and to ascertain the city's liability therefor. And it shall be deemed a misdemeanor for said commissioner to sign any warrant, or order, or otherwise procure the payment of any money from the city treasury not authorized by law.

68. It shall be unlawful to pay out any of the funds of said city for fuel or supplies to any of the city departments, or for enlarging, repairing, furnishing or improving any city property, or to pay any other claim against or debt due by said city, unless the person claiming the money so due shall first present to and file with the city clerk of said city an itemized bill or claim, showing the name of the department receiving the supplies or ordering the work done for which the claim is made or under whose jurisdiction such debt or claim shall arise; every person presenting any such bill or claim shall make an affidavit that the supplies, goods or services, itemized in said bill or claim, have been duly and properly delivered or rendered to such city, and that no bonus, fee or reward has been given or received by any person with the knowledge of deponent in connection with the said bill or claim, and that the said bill or claim is in all respects correct and true; the city clerk, commissioner of public finances, city treasurer or any of their assistants are hereby authorized to take such affidavit without cost.

All claims
itemized.

Affidavit
attached.

69. Said commissioner shall also receive all taxes which may be paid, and preserve in his office all duplicate assessment books, which shall from time to time be delivered to him by the board of city assessors, or his predecessors in office. He shall collect all assessments, current and delinquent taxes, and water rents due to the city, and such proceedings shall be had by him as are now or may be hereafter prescribed by law, or the provisions of this act, for the collection of such taxes and assessments, and on the first day of January following the election of his successor in office, or as soon thereafter as such successor shall have duly qualified,

Commis-
sioner of
finance to be
receiver of
taxes.

All records
turned over to
commis-
sioner.

Searches
against
property.

Fees for
searches.

City engineer.

Salary.

Duties.

City atlas.

the rights and duties of the person or persons intrusted with the collection of the taxes, assessments and water rents in any municipality, adopting this act shall cease and determine, and any and all persons having custody of any of the books, records, certificates or other documents of such city pertaining to such taxes, assessments and water rents, or the collection thereof, shall on said date deliver all such books, records, certificates and documents to said commissioner then duly qualified. It shall also be his duty on demand, to make searches for all taxes, assessments, certificates of sale and tax deeds, or conveyances for delinquent taxes, or assessments affecting any property in such city, and to deliver forthwith to the applicant therefor a written certificate, signed by him, certifying that there are no unpaid taxes, assessments, certificates of sale, or deeds of conveyances for delinquent taxes or assessments, or water rents in arrears, for the year or years applied for, affecting such land, except such as are shown upon such certificates. He shall charge, for the benefit of the city, the following fees for such certificates of search, and no more: For each property as assessed and shown upon the books in his possession when the application is for the taxes and assessments of one year, twenty-five cents; when the application is for all taxes and assessments against said property or for the taxes and assessments of two or more years, one dollar.

70. There may be in every such city an engineer who shall be appointed by the commissioners of public affairs, who shall hold office for the term of two years, and shall receive the sum of two thousand five hundred dollars per year.

71. It shall be the duty of the city engineer to prepare, keep, renew and have the custody of a city atlas, wherein shall be shown the streets and highways, and the lots, plots and tracts of land situate within such city, and shall distinguish said lots, plots and tracts by numbers; he shall keep in his office a record of each and every deed or conveyance of lands, tenements and hereditaments situate within such city, lodged for record after his appointment in the county clerk's or

register's office of the county in which such city is located, and shall cause said record to be properly indexed; he shall perform such other duties as may from time to time be prescribed by city council; the duties, term of office and compensation of his assistants shall be fixed and determined by city council.

72. City council may upon the recommendation of the commissioner or head of any department of any such city, provide for assistants in the several departments. All such assistants shall be appointed by city council, and shall receive such compensation not exceeding one thousand two hundred dollars per year each and serve for such term as city council may prescribe, which in no case shall exceed a term of two years at a time, except such appointment as may come within the tenure of office laws, such as members of the police and fire departments.

Assistants in
depart-
ments.

Compensa-
tion.

Term.

73. City council may, by ordinance, prescribe that any person holding an office, except that of mayor, yielding pecuniary compensation to be paid from the treasury of such city shall not engage in any other business or hold other office during such term of office.

Not engaging
in other
pursuits.

74. The office of the city treasurer shall be in the city hall of such city, or such other place as city council shall designate, and he shall be present therein during such hours of the day as council may direct.

Treasurer's
office.

75. The city treasurer shall be the head of the city treasury, and shall receive all moneys belonging to the city, and shall disburse the same as directed by law, and shall keep an account of all the receipts and expenditures, in such manner as the city council shall direct, and shall perform such other duties appertaining to his office as may be required of him by law or by any ordinance or resolution of city council. He shall, at the close of the fiscal year, make out a true and full account of the receipts and expenditures during the year, and also the state of the treasury, and within twenty days thereafter deliver said account to the city clerk, who shall lay the same before the city council at its next meeting, and said report may be published in

Treasurer.

Duties.

Annual
report.

pamphlet form for free distribution at least two weeks before the next election.

Fiscal year.

76. The city council shall have the power by ordinance to fix and to change, from time to time, the date of the beginning and ending of the fiscal year, and for the purpose of effecting such change the fiscal year may cover a longer or shorter period of time than one calendar year.

No gratuities.

77. No salaried officer or employe in any such city elected or appointed under this act shall receive any fee or other emolument for any service performed by him as such officer or employe, except the salary provided by this act; and it shall be unlawful for any officer or employe, except firemen and policemen, to accept, take or receive for his personal use, or for the use of any member of his family, free tickets or passes for transportation from any steam, electric or street railway company or other transportation company using or crossing any of the streets of such city.

No free transportation.

Recorder's court.

78. There shall be in every such city a court to be called "Recorder's Court of (inserting the name of such city)." Such court shall be held by a recorder, who shall be appointed by the mayor of such city, by and with the consent of city council. The said court shall have, possess and exercise all the jurisdiction,

Powers, etc.

powers and authority in civil and criminal matters which are or may be conferred upon justices of the peace in and for the several counties of this State, excepting such as are conferred upon the justices by the following acts: An act entitled "An act constituting courts for the trial of small causes" (Revision of 1903); an act entitled "An act concerning landlords and tenants," approved March twenty-seventh, one thousand eight hundred and seventy-four; an act entitled "An act for the relief of creditors against absent and absconding debtors" (Revision of 1901), approved March twentieth, one thousand nine hundred and one, and the various supplements thereto; an act entitled "An act concerning forcible entries and detainers," approved April sixteen, one thousand eight hundred and forty-six, and the various supplements thereto. And the said

Acts applicable.

court shall have exclusive jurisdiction for the purpose of enforcing and recovering any penalty for the violation of any ordinance or regulation of said city, or any board or department thereof, and is hereby empowered, on oath or affirmation made according to law, that any person or persons has or have been guilty of any violation of any of the ordinances or regulations of said city, or any board or department thereof, to issue process at the suit of such city, board or department, either in the nature of a summons or warrant, as to the recorder thereof shall seem most advisable, against the person or persons, corporation or corporations so violating such ordinances or regulations, which process shall, when, in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in not less than two nor more than fifteen days. Such process shall state what ordinance or regulation has been violated by the defendant or defendants, named therein, and on the return day of such process, or at the time to which the matter shall have been adjourned, the said court shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleadings. And such court shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels or body of the defendant or defendants, which execution shall be executed and returned, as near as may be, in the manner in which executions are now by law issued and returned in courts for the trial of small causes. Such recorder is further empowered to inflict and impose fines, in his discretion, not exceeding the sum of three hundred dollars, on such person as shall be brought before him charged with disorderly conduct, or breach of peace, if found guilty, or in his discretion, to order such person committed to the city prison, workhouse or county jail for any period not exceeding ninety days. And such recorder is hereby empowered to cause any person or persons who shall be found guilty of the violation of any ordinance or regulation of said city, or any board or department thereof, and any person or persons found guilty of disorderly conduct, breach of the peace or any other

Exclusive
jurisdiction.

Process to
state viola-
tion.

Impose fines.

New Jersey State Library

Imprisonment.	offense within his jurisdiction, and who may refuse to pay any fine or penalty imposed by him by reason of the same, to be sent to the city prison, workhouse or county jail for a term consisting of one day for every dollar of such fine or penalty, not exceeding a term of ninety days, and each day's imprisonment of the defendant or defendants shall be taken to satisfy one dollar of such fine or penalty, and at any time upon the payment to such court of such fine, or the amount remaining due thereon, the recorder shall issue a warrant for the discharge of said prisoner; <i>provided, however</i> , that nothing in this act contained shall be held to repeal or alter any law of this State concerning any misdemeanor or crime.
Proviso.	
Salary of recorder.	79. Said recorder shall receive an annual salary of not more than one thousand five hundred dollars, and shall be appointed for the term of two years. He shall be an attorney-at-law of the New Jersey bar, and must have been a resident within such city for at least three years prior to his appointment. All fines imposed by him and all fees allowed by any statute of this State shall be deposited by him with the city treasurer, and he shall make a monthly statement thereof to the commissioner of public finances. In case of the absence, sickness or other temporary disability of the recorder, the mayor of such city shall have power to designate a justice of the peace elected in such city to act in his place and stead until such disability is removed, or a new recorder appointed.
Disposition of fines.	
Docket kept by recorder.	80. The said recorder shall keep a docket of the proceedings of such court, which docket shall contain the names of the parties and a record of the proceedings in every case. Said docket shall be the property of the city, and shall be kept in the court room subject to the inspection of all persons lawfully entitled thereto, and all papers in every case (excepting complaints and recognizances required by law to be delivered to the prosecutor of the pleas of the county, or the grand jury) shall be filed and remain in said court, and no conviction other than the record in said docket shall be necessary in any case.

81. The officers empowered to serve any process issued by such court shall be, besides the constables, elected or appointed in such city, the officers or members of the police force of such city, and such process shall be returned in the same manner, as far as circumstances shall permit, as other similar processes shall be out of courts for the trial of small causes, or before a justice of the peace, and such defendant or defendants shall, if such recorder see fit to adjourn the hearing of the cause and so order, enter into recognizance, as near as may be, in the same manner as directed in courts for the trial of small causes, or before a justice of the peace, in such sum and with such surety as may be approved by such recorder, such recognizance to be given to such city for the appearance of the said defendant or defendants on the day to which said hearing may be adjourned, and in default of appearance the said recognizance may be then collected in the same manner as when taken in a proceeding in a court for the trial of small causes, or before a justice of the peace. If a commitment shall be issued in any case when the defendant is not in custody, it shall be lawful for such defendant to be taken into custody under such commitment in the same manner as under a warrant and delivered to the keeper of the workhouse, city or county jail, as directed in such commitment, and the policemen of such city shall, in addition to the authority conferred upon them by the ordinances of such city, possess and have all the powers of constables within such city for the purpose of preserving the peace and enforcing the ordinances of such city, and it shall be the duty of the said policemen, on witnessing any breach of the peace or violation of any of the city ordinances or laws of the State, to forthwith arrest such offender or offenders without a warrant or process, and take such offender or offenders before the recorder for a hearing.

Service and
return of
process.

Bail.

Commitment.

Additional
powers of
police.

82. Said recorder shall have sole jurisdiction of violations of city ordinances; *provided, however*, if such city shall fail to establish such court, pursuant to the provisions of this act, then and until such court be established, the mayor of said city shall have, possess

Sole juris-
diction.
Proviso.

and exercise all the jurisdiction, powers and authority in civil and criminal offenses which are by this act vested in said recorder's court, if established pursuant to the provisions hereof, and shall have sole jurisdiction of violations of city ordinances.

Court room,
furnishings,
etc.

83. The city council of such city shall provide a suitable room or rooms for the transaction of the business of the said recorder's court, and procure suitable furniture therefor, and such books and stationery as may be necessary, and such city council shall designate the place in such city where such court shall sit for the transaction of business, and the time during which said court shall be open on each day, to the end that the administration of justice by such court throughout such city may be facilitated and made convenient; and it is hereby made the official duty of such recorder to be in attendance at the time and place so designated; and the mayor shall designate and provide a police officer or officers to attend the sittings of such court and preserve order therein.

Recorder's
court one of
record.

84. Such court shall be a court of record and shall have an official seal, and all persons shall be amenable to punishment for contempt of said court in the same manner as in other courts of record in this State having power to punish for contempt of court, and such recorder may make such rules as may be necessary for the orderly conduct of business and proceedings in such court; such rules shall be approved and be subject to revision by the judge of the Court of Common Pleas of the county in which such city is situate.

Arrest with-
out warrant.

85. The police officers and constables of such city are hereby empowered to arrest and take into custody, without warrant, any offenders against the law and ordinances of the said city, or any person or persons disturbing the peace or quiet of said city, and to carry such offenders before the recorder of said city, who is hereby empowered and authorized to take cognizance of such offenders; or in case the said arrest shall be made during the night, or on the Sabbath day, on when such recorder cannot hear the same or hold his court, to confine such offenders in a jail, or in some other safe and convenient

place in said city until the day following, or until such time as the same can be heard, and then without unnecessary delay to carry such offender or offenders before the said recorder, as provided in this act.

86. The sheriff or jailer of the county in which such city is located, for the time being, shall receive and safely keep all such offenders as shall be committed to the county jail for the term of his, her or their imprisonment.

Use of
county jail.

87. The title of such city in and to its water front, wharf property, land under water, public lands, wharves, docks, highways, avenues, streets, lanes, alleys and parks, as well as all other city property, is hereby declared to be inalienable; *provided, however*, that nothing in this section contained shall prevent such city from disposing of any building or parcel of land no longer needed for public use, but such disposition shall be made at public sale, and be provided for by ordinance, passed by three-fourths' vote of the city council and approved by the mayor; *provided, further*, that nothing herein contained shall prevent such city from renting or leasing, for fixed and limited terms, any of its property not needed for public purposes, such renting or leasing to be provided for by ordinance; *provided, also*, that neither the water works plant or plants, nor the municipal light, heat and power plant or plants, nor any other public utility plant or plants, shall be sold or leased by such city until such sale or lease is assented to by a majority of the legal voters of such city, voting at an election to be held in such city at a time to be fixed by the city council, or other legislative body of such city, which election shall be conducted as near as may be according to the provisions of the last section of this act, and the question to be submitted to the voters of such city at any such election shall be "for" or "against the sale" or "lease" (as the case may be) "of" (here insert the name or a short description of the plant or other property so to be sold or leased).

Title inalien-
able.

Proviso.

Proviso.

Proviso.

Referendum
as to sale or
purchase of
utility plants.

88. In contracting for any public work, or the purchase of any supplies or materials, involving an expenditure of one thousand dollars or more, for such city

Proposals
for expendi-
tures over
\$1,000.

Contract.

or by or for any of the city departments, sub-departments or municipal officers not embraced in a department, or by or for special commissions or boards, unless otherwise provided for in this act, proposals for the same shall be first advertised for in two or more daily or weekly newspapers published in such city for not less than three nor more than twenty days, and for not less than three insertions of such advertisement. Contracts for expenditures of the city moneys for any public work, or for the purchase of supplies or materials for any department of less than one thousand dollars and more than two hundred dollars shall be made by city council, either at a regular or special session thereof, in such manner as it may prescribe, either by resolution or ordinance, but every such contract shall be approved by the mayor, or, if disapproved by him, by three-fourths of the entire members of city council. Contracts for public work, or for the purchase of supplies or materials for any department involving two hundred dollars or less may be entered into by the commissioner of any department, and such contract, upon the signing of a memorandum thereof by any such commissioner, shall in all respects be binding upon such city.

Bids, their receipt, opening and awarding.

89. All bids made to such city for supplies or work for any purpose whatever, unless otherwise provided in this act, shall be addressed to the city clerk and be opened by him at a regular or special meeting of city council, duly called to consider the same, and the said city council shall, after opening said bids as required by law, if such expenditures shall be deemed necessary by such city council, award the contract thereon to the lowest responsible bidder. The successful bidder shall promptly, within the time mentioned in the advertisement soliciting such bid, execute a formal contract to be approved as to its form, terms and conditions by the corporation counsel, which contract shall be signed, on behalf of the city, by the mayor and attested by the city clerk, and such bidder shall also execute and deliver to the city clerk of such city a good and sufficient bond, to be approved by the corporation counsel, in double the amount of the contract price for which the award is made. To all such bids there

Bond of contractor.

shall be attached a certified check of the bidder, or a cash equivalent, and the bidder who has had the contract awarded to him and fails to promptly execute the required contract and bond shall forfeit said check or cash. The said check or cash shall be taken and considered as liquidated damages, and not a penalty for the failure of the said bidder to execute said contract and bond. The amount of said check or cash shall not be less than one hundred dollars, unless otherwise provided by the ordinance, or by an order or regulation of the department for whose use the bids are made and the contract entered into. The check or cash deposits of the unsuccessful bidders shall be returned to them by the city treasurer, in whose custody they shall be placed by the city clerk after opening the bids and awarding the contract to the successful bidder.

Certified
check to
accompany
bids.

Amount of
check.

Checks
returned to
unsuccessful
bidders.

90. Hereafter, when the city council of such city shall determine to lay out and open any street, road, highway or alley in any part of said city, or to cause any street, road, highway or alley already laid out in any part of said city to be vacated, opened, altered or widened, as authorized by this act, the said city council shall give notice to the owner or owners of any lands or real estate with the appurtenances necessary to be taken for either of said purposes, as well as to the owner or owners of lands which in the judgment of said city council may be benefited thereby, or to his, her or their agent or legal representative of its intention to lay out and open such street, road, highway or alley, or to cause any such street, road, highway or alley already laid out to be vacated, opened, altered or widened, and of its intention to take such land or other real estate and appurtenances and appropriate it for such street, road, highway or alley, or such part thereof as may be necessary for either of said purposes, and shall treat with the owner or owners of such land, his, her or their agent or legal representative, for the same, and if any such person or persons shall refuse to treat for any such land or real estate with the appurtenances, or if the city council, or person delegated by them to so treat, cannot agree with such person or persons for the same, then it shall be

As to laying
out, opening,
etc., streets.

Notice of
intention.

Commis-
sion to esti-
mate and
assess
damage.

Considera-
tions to
determine as-
sessment.

If benefits
exceed
damage.

Assessment
for benefits.

lawful for the city council to appoint five disinterested freeholders of said city as commissioners to make an estimate and assessment of the damages that any such owner or owners will sustain by laying out, opening, vacating, altering or widening any such street, road, highway or alley. And in estimating and assessing the damages that any such owner or owners of any lands or real estate, with the appurtenances necessary to be taken for either of said purposes, will sustain, by reason of such taking, said commissioners shall have due regard both to the value of the land and real estate, with the appurtenances so to be taken, and to the injury or benefit to the owner or owners thereof, by laying out, opening, vacating, altering or widening any such street, road, highway or alley, and shall assess against the owner or owners of any lands or real estate necessary to be taken for either of said purposes the amount that such owner or owners will be benefited by the laying out, opening, vacating, altering or widening any such street, road, highway or alley, over and above the damages they shall assess in favor of such owner or owners thereof. And if in any case said commissioners shall estimate the benefit of such owner or owners to be greater than the damages, they shall so certify in the certificate which they shall make, and shall especially estimate and assess the value of the lands and real estate which shall be so taken, and after such award shall be made the remaining lands and real estate of any such owner or owners shall be liable for the amount by said commissioners assessed as benefits. And such assessment shall be collected as set forth in the next section of this act, provided, always, that nothing in this section contained shall be construed to authorize the said city council to take and appropriate any graveyard, burying ground, or place used for burying the dead, for streets, road, highways or alleys without the consent of the owners or proprietors thereof.

91. Said commissioners shall also assess against the owner or owners of any land or real estate in the vicinity or fronting on any such street, road, highway or alley so determined by said city council to be laid

out, opened, widened, or altered, the amount that such owner or owners will be benefited by laying out, opening, widening or altering any such street, road, highway or alley, and shall state such amount in such certificate; and said assessment shall be and remain a lien upon the said lands and real estate of such owner or owners, respectively, from the time of the ratification of the said certificate by said city council until the same be paid and satisfied, and the amount of all such assessments for benefits may be collected by said city council from the owners and lands so liable in the same manner as taxes and other assessments in said city are authorized to be collected.

Assessment a
lien.

92. In case the owner or owners of any land or real estate necessary to be taken, or which may be benefited by the laying out, opening, altering or widening any street, road, highway, or alley in said city, shall be non compos mentis, or out of the State, or cannot be ascertained on reasonable inquiry, and no agent or legal representatives of such owner or owners can, on like inquiry, be found in this State, then it shall be lawful for the city council of the said city to proceed to the appointment of the commissioners mentioned and provided for in this act, after publishing in at least two newspapers published in said city for the space of four weeks, at least once in each week, a notice of the intention of the city council to take such land or real estate and appropriate it for such street, road, highway or alley.

If owner
cannot be
notified.

93. The said commissioners, before they enter upon the execution of the duties required of them, shall be sworn, or affirmed before the mayor, recorder or city clerk, of said city, to make the estimate and assessment submitted to them fairly and impartially, according to the best of their skill and judgment.

Oath of com-
missioners.

94. The city council shall appoint a time and place within the said city for the said commissioners to meet, notice whereof shall be given by putting up an advertisement in eight public places in said city, one whereof shall be in each of the wards of said city, at least twenty days before the time of the meeting, which ad-

Time and
place of meet-
ing of com-
missioners.

Notice served
on property
owners.

Assessment.

Proviso.

Vacancies
in commis-
sion.

vertisement shall specify the street, road, highway or alley proposed to be laid out, altered or widened, the alteration proposed to be made, and the lands or other real estate, with the appurtenances intended to be taken for such purposes, and also cause a written notice thereof to be served upon each of the owners whose property is to be taken or benefited who reside in said city, or whose place of residence is known; and if the place of residence of any such owner that is known be not in said city, a notice placed in the post office, directed to him or her at his or her last known postoffice address or place of residence, shall be a sufficient notice, and the said commissioners, or a majority of them, when met, shall have power to swear and examine witnesses, and shall view the premises, if necessary, and shall make a just and true estimate and assessment, as herein provided, and make and sign a certificate of such estimate and assessment, and file the same with the clerk of said city, and the same, being ratified by the city council, shall be binding and conclusive upon the owner or owners of any such land or real estate, with the appurtenances subject only to the appeal hereafter given; and upon payment of the damages so awarded, or a tender and refusal thereof, it shall be lawful for the commissioners to cause the said land or other real estate, with the appurtenances, to be converted and used for the purposes aforesaid; *provided, however*, that any person or persons conceiving himself, herself or themselves aggrieved by the proceedings of the city council or the said commissioners, may appeal therefrom to the Supreme Court of this State, within thirty days from the time of making the final order of the city council, and the said Supreme Court shall order a trial by jury to assess the damages sustained by the party aggrieved and the amount such party will be benefited, the trial whereof shall be conducted as in other cases of trial by jury.

95. In case of the resignation, death or disability of any of the commissioners to be appointed under this act, it shall be lawful for the said city council to supply by appointment the vacancy or vacancies caused by such death, resignation or disability.

96. In case of non-payment on demand of any damages assessed as aforesaid, with interest from the date of assessment, in case of no appeal to the Supreme Court aforesaid, the person or persons entitled thereto may sue for and recover the same from the said city in an action on contract, with costs, in any court having cognizance thereof, and the said proceedings of the commissioners and city council, or award of said jury, shall be conclusive evidence against the defendants.

Suit to recover damages from city.

97. The said city council shall have power, and may, from time to time, cause the said city, or such parts thereof as they may think proper, to be surveyed and mapped, and may survey and make maps of all such roads, streets, alleys and public passageways as have been dedicated to the public, as they may think proper. And all such streets, roads, alleys and ways, when surveyed, and such surveys approved by the city council and filed shall be deemed and taken to be public streets or highways and be treated as such in all respects; also, to cause to be made within said city surveys and maps of said city, or run any part thereof, which has not yet been laid off or run into streets, and to determine where the new streets and thoroughfares shall run, and to mark the lines and establish the grade thereof, which said grades and lines so established and the surveys and the maps made thereof and approved by the city council shall be binding upon the owner or owners of said land or real estate so surveyed and mapped as aforesaid. And whenever the owner or owners thereof shall deem proper to open streets and lay out his, her or their property in lots he, she or they shall open streets, or thoroughfares as they shall have been laid out, surveyed and marked, and according to the lines and grades established as aforesaid, and the said streets and thoroughfares, when so opened by the owner or owners thereof, shall be public streets and highways and shall be treated as such in all respects.

Prepare maps of streets, etc., dedicated to public use.

Map portion not laid out.

New streets.

98. All appropriations for money for any purpose above the sum of one thousand dollars shall be by ordinance, and it shall require a majority of the entire council to pass an ordinance for the appropriation of money.

Appropriations over \$1,000 by ordinance.

Appoint-
ments.

99. All appointments to office in the various departments of said city (except mechanics working at their regular trade, and ordinary day laborers, and the officers and members of the police and fire departments, and appointments made by the mayor) shall be by ordinance passed by a majority of the members of city council, unless otherwise provided herein.

Councilman
not appointed
to office not
interested in
contracts.

100. No member of the city council of such city shall be appointed to or be competent to hold any other office, the salary or emoluments of which are paid from the city treasury, nor shall such member or any officer of such city be directly or indirectly interested in any contract, the expense of which is to be paid from the city treasury, or become security for any officer appointed under the city government, under the penalty of five hundred dollars for each offense, to be recoverable by suit in the name of such city, and the said penalties, when recovered, shall be paid into the city treasury.

Penalty.

Revised
ordinances
not printed in
newspapers.

101. Whenever the city council shall cause a revision of the ordinances of the city to be made, and shall direct the same to be published in a printed volume, it shall not be necessary to publish such revised ordinances in any newspaper or newspapers.

Assessments
may be paid
in instalments.

102. It shall be lawful, notwithstanding any provision in this act to the contrary, for the city council to provide by ordinance that any assessment, levied for any improvement made in such city, shall be paid in one or in equal yearly instalments not exceeding ten in number. All assessments shall draw interest from the time they become due and payable at the rate of six per centum per annum. And, if such assessment be made payable in instalments, there shall be due and payable with each instalment thereon, and on the unpaid portion of said assessment, interest at the same rate, but any assessment on any lot or parcel of land, or any and all instalments thereof, may be paid at any time before the same become legally overdue, with all arrearage of interest to the time of payment. All assessments for immediate benefit shall become due and payable upon the date of the final publication of the ordinance confirming the assessment.

Interest on.

103. It shall be the duty of the city clerk to transmit to the commissioner of public finances and the city treasurer as herein provided, a certified copy of the ordinance providing for the payment of all assessments.

Ordinances
furnished
financial
officers.

104. It shall be the duty of the commissioner of public finances and the city treasurer to keep separate accounts and books showing all transactions in their respective departments, and they shall render each to the other a weekly statement showing all transactions in their respective departments, and it shall be the duty of the commissioner of public finance, the city clerk and all other officials of said city, elected or appointed, upon receipts of any moneys or its equivalent, to forthwith deposit same with the city treasurer, who shall thereupon give such official a proper receipt for same. Said city treasurer shall keep all moneys received by him in such bank or banks as may be approved by the mayor and commissioner of public finances in the name of the city treasurer of such city; and all interest paid by any bank upon moneys so deposited shall be credited to said city. Any official failing to comply with the provisions of this act shall be guilty of a misdemeanor and punished accordingly.

Separate
accounts kept
by commis-
sioner of
finance and
treasurer.

105. It shall be lawful for the city council, notwithstanding any other provision of this act, to pass and adopt in the manner herein provided for the passage and adoption of ordinances, a set of rules, regulations or ordinances for the government and regulation of the various departments of such city and the inhabitants thereof. Such set of rules, regulations or ordinances shall be known as "the general ordinances of the city of

Rules for
governing
departments.

General ordi-
nances.

(here insert name of city)" and by such title shall be subject to the approval of the mayor as provided for his approval of ordinances herein; and, when approved by said mayor or passed over his veto, such set of rules, regulations or ordinances shall not be published in full as other ordinances, but the title thereof together with a concise statement of the matters therein contained shall be published at least once in one newspaper circulating in said city and upon the publication of such title and statement, said set of rules, regulations

As to publica-
tion thereof.

or ordinances shall be in full force and effect and binding upon all officials and inhabitants of such city.

May release
property from
lien.

106. It shall be lawful for the city council by resolution, which shall be introduced at one meeting and laid over and finally acted upon at its next or a subsequent meeting; to release any lot or portion thereof from the lien of any tax or assessment against said lot, upon payment to the city of such sum as the said city council shall determine to be an equitable settlement of the tax or assessment against such lot or part thereof.

Various com-
missioners.

107. There shall be in such city a commissioner of public finances, a commissioner of public affairs, a commissioner of the fire department, a commissioner of the police department and a commissioner of charities. All such commissioners shall be appointed by the mayor for the term of two years and until their successors are appointed and qualified, unless sooner removed from office on written charges, as herein specified, for the removal of other city appointees, except that the sole right of removal of any such commissioner is hereby vested in the mayor. Each commissioner shall have regular office hours, not less than forty hours in any one week, and shall be provided with suitable office room and fittings by the city council for himself and his department.

Term.

Office hours.

Salaries of
commis-
sioners.

108. The commissioner of public finances shall be paid and receive for his services as such the sum of two thousand five hundred dollars per annum—the commissioner of public affairs the sum of two thousand two hundred dollars per annum—the commissioner of the police department the sum of two thousand dollars per annum—the commissioner of the fire department the sum of one thousand five hundred dollars per annum—the commissioner of charities the sum of one thousand two hundred dollars per annum.

Rights of
commis-
sioner.

109. Each commissioner shall have the right to make and enforce such reasonable rules and regulations for the proper management of his department, from time to time, as may be necessary, and such rules and regulations when so made and approved by the mayor shall become operative and binding upon all employes in such departments, and violation thereof shall be sufficient

cause for the removal of any appointee guilty of so doing; *provided always* that such appointee shall only be removed after hearing upon written charges in the manner herein provided. All such charges, when so made, shall be filed with the city clerk, and by him forthwith brought to the attention of the city council for action thereon as herein set forth; provided, always, that nothing herein contained shall prevent the city council from adopting, from time to time, such reasonable ordinance relative to all such commissioners and their departments as may be necessary to regulate same and carry out the provisions of this act and the laws of the State.

Proviso.

110. The commissioner of public finances shall be the chief financial officer of the city, and as such have full charge of its financial affairs. He shall perform such duties and be vested with such rights as prescribed in this act and by the ordinances of the city and the laws of the State.

Chief financial officer.

111. The commissioner of public affairs shall have charge of all public property, streets, sewers, street lighting, docks, parks, improvements and buildings whatsoever, and he shall be responsible for the care, condition and maintenance of same, and all persons employed by him in and about such public property, streets, docks, parks, improvements and building shall be subject to his orders and supervision as herein provided. He shall perform such duties and be vested with such rights as prescribed in this act and by the ordinances of the city and the laws of the State; *provided*, this section shall not apply to fire houses, police stations, free public library and school buildings and lands around and under same, all of which shall be subject to the control and management of the department of the city to whose use they shall be devoted.

Commissioner of public affairs.

Duties.

Proviso.

112. The commissioner of the police department shall be the head and chief executive of the police department of such city and have full charge and control thereof. He shall be responsible for its efficiency, discipline and condition, and shall have the power to appoint and remove and promote the members of such department,

Commissioner of police.

Duties.

subject, of course, to the provisions of this act and the laws of the State. He shall see that all rules, regulations and ordinances pertaining to such department are promptly and properly obeyed and carried out, and shall be responsible for the enforcement of all laws of the State and the ordinances of the city and the observance thereof in such city.

Commis-
sioner of fire
department.

Duties.

113. The commissioner of fire department shall be the head and chief executive of the fire department of such city and have full charge and control thereof. He shall be responsible for its efficiency, discipline and condition and the enforcement of all ordinances and laws relative to said fire department, and shall have the power to appoint, remove and promote the members of such department, subject, of course, to the provisions of this act and the laws of the State.

Commis-
sioner of
charities.

Duties.

114. The commissioner of charities shall be the head of the department of charities and of the poor of such city. He shall be vested with and possess all the powers and rights usually possessed by the overseer of the poor of the townships of this State, and shall perform such duties as are usually performed by such overseers and as may be prescribed by the ordinances of the city.

Treasurer.

115. There shall be in such city a city treasurer who shall be elected by the city council by a majority vote of all its members for the term of two years. He shall have such rights and powers and perform such duties as prescribed in this act and by the ordinances of the city and laws of the State. He shall receive for any and all services as such treasurer the sum of one thousand eight hundred dollars per year. He shall be provided with suitable office room and fittings for himself and his department by the city council, and such office room shall be in the same building and on the same floor, if possible, with the room and department of the commissioner of public finances.

Salary.

Office.

Departmental
assistance.

116. The commissioners hereinbefore named and the heads of departments shall have the right to employ such help in their respective departments as may be necessary and be prescribed by the ordinances of the city, and the method of dismissal of any such employe

or help hereinbefore described in this act shall not apply to day laborers and the like employed or hired in the department of commissioner of public affairs.

117. The tenure of office and pension acts now applicable to teachers, members of police and paid fire departments shall enure to the benefit of all teachers, members of the police and paid fire departments of such city and this act shall not operate as a bar to any such rights or benefits.

Tenure and
pension acts.

118. If, for any reason, any section or any provision of this act shall be questioned in any court, and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section or provision of this act.

Invalidity of
section not to
affect other
sections of
act.

119. This act shall take effect immediately, but its provisions shall remain inoperative in any city in this State until assented to by a majority of the legal voters thereof voting at an election to be held in such city as hereinafter provided. It shall be the duty of the justice of the Supreme Court, holding the circuit in the county wherein the said city is situate, upon presentation to him of a petition signed by at least one hundred of the resident freeholders of said city, and verified as to that fact by at least one of said petitioners, requesting that this act be submitted to the voters of such city for the purpose of their voting thereon, to call, by written order a special election to be held in said city; said order shall state the object of such election to be for the purpose of the adoption of the provisions of this act in said city and shall fix the date of said election which shall not be less than sixty or more than ninety days from the making of said order, which order shall forthwith be filed in the office of the county clerk, and a true copy thereof shall be served on the county board of elections of said county within five days of the filing thereof with the said clerk.

Referendum.

Petition for
submission to
voters.

120. The election shall be held under the supervision of the county board of elections of said county and shall be conducted by the election officers and local board of election which conducted the last preceding general election within said city; the polls shall be

Election, how
conducted.

Ballots.

opened and closed at the same hours as at general elections, and the election shall be conducted as nearly as may be in the same manner as general elections are conducted; said election shall be by ballot and the ballots shall be provided by the county clerk of said county. They shall be of two kinds, one shall contain the words "For an act relating to, regulating and providing for the government of cities, approved (here insert date and month of approval of this act) 1908," and the other shall contain the words "Against an act relating to, regulating and providing for the government of cities, approved (here insert date and month of approval of this act) 1908;" the election officers shall give to each elector presenting himself to vote one of each of the said ballots, and the elector may cast one of said ballots as selected by him, and the ballots cast shall be deposited in the ballot box without being enclosed in any envelope.

Votes canvassed.

Result certified in duplicate.

121. At the close of the polls, the local election board shall canvass the votes cast in their respective precincts and forthwith certify the result of such election in duplicate, and the number of votes cast for and against the adoption of this act, over their signatures, to the county clerk of said county, and file one complete set of said certificates in the office of said clerk and one in the office of the clerk of the county board of election of said county; the said county board of election shall thereupon forthwith canvass the return of said election from the certificate so filed with them and certify over their signatures to the said justice of the Supreme Court, the result of their said canvass, showing distinctly the total number of votes cast for the adoption of this act and the total number of votes cast against the adoption of this act in said city.

Declaration by court.

If adopted, election to be held.

122. The said justice of the Supreme Court being satisfied of the correctness of the return evidenced by the certificate presented to him shall make an order declaring said act adopted or rejected as the case may be, which order shall forthwith be filed in the office of the clerk of said county; and, if said order shall declare this act adopted in the manner aforesaid, then the next

municipal election in such city shall be held under the provisions of this act, and on the first day of January following such election, the provisions of this act shall in all respects become operative and binding on the inhabitants thereof, and upon all persons and property to be affected thereby, and shall abrogate, repeal and annul all acts and parts of acts then existing, whether general or special, in any wise affecting the government of such city which are contrary to or inconsistent with the provisions of this act; *provided, however,* that the provisions of this act relative to the methods of its adoption shall take effect immediately; and, *provided* further that nothing in this act shall repeal or annul an act entitled "An act concerning district courts" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight, or any amendment thereof or supplements thereto. Proviso.

Approved April 11, 1908.

CHAPTER 180.

A Supplement to an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases," (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Whenever the board of chosen freeholders of any county shall provide and furnish work and labor in and about the county jail or penitentiary, the county almshouse, county poor farm or any other county institution or county property, such board may make application to the judge of the court of common pleas of such county for an order directing that all or such number of persons Prisoners in
county jail
put to work.

as may be necessary, then confined, under sentence, in the county jail or penitentiary, shall be put and kept at such work and labor, as may be furnished and provided by such board of chosen freeholders, and upon the said judge making such an order, it shall be the duty of the sheriff, warden or keeper of the county jail or penitentiary of such county to put and keep at such work and labor, at such place or places as directed by said order, all the persons in his custody under sentence or such number of persons as named in such order and such sheriff, warden or keeper shall provide for the safe transport and custody of such persons while being conveyed to and from such county jail or penitentiary and shall safely keep and guard such persons at all times while employed at such work and labor.

Expenses met
by freeholders.

The board of chosen freeholders of any such county shall pay the expense incurred for the transportation, keep and guarding of any persons so as aforesaid, conveyed to and from such county jail or penitentiary, upon presentation of a verified statement of such sheriff, warden or keeper of such cost and expense, approved by the judge of the court of common pleas of such county.

2. This act shall take effect immediately.

Approved April 11, 1908.

CHAPTER 181.

An Act to amend an act entitled "An act to make the proceedings of the Department of New Jersey of the Grand Army of the Republic a part of the military archives of the State, and to provide for the printing of the same," approved April fifteenth, one thousand nine hundred and seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Section
amended.

1. Section one of the act to which this is an amendment be amended to read as follows:

1. Whenever the commander of the Department of New Jersey, Grand Army of the Republic, shall forward to the Adjutant-General of New Jersey a properly prepared and duly certified copy of the proceedings of their annual encampments, together with a complete series of the general and special orders, circulars and other data which may form a part of said proceedings, then the said proceedings, so reported, shall be considered part of the military archives of this State, and, in the discretion and under the direction of the Adjutant-General of New Jersey, such part of said proceedings as he shall approve shall be printed and bound; and a printed and bound copy thereof shall be sent to each Grand Army post, and to each public library, in the State of New Jersey, together with an additional fifty printed and bound copies for exchange under the direction of the Adjutant-General of New Jersey; also five hundred advance copies of the annual report of the department commander and sundry officers for the use of the annual encampment, unbound. It being *provided*, *however*, that such publication of the proceedings of the annual encampment, as aforesaid, shall commence with the proceedings of the annual encampment of the Department of New Jersey, Grand Army of the Republic, for the year one thousand nine hundred and seven, and continue annually thereafter during the existence of said organization, or so long as its commander shall continue to report such proceedings to the Adjutant-General of New Jersey.

Annual proceedings of Grand Army, with orders, etc., part of military archives.

Printed and distribution.

Proviso.

2. This act shall take effect immediately.

Approved April 11, 1908.

CHAPTER 182.

A Supplement to an act entitled, "An act for the reduction and limitation of the rate of taxation into several taxing districts of this State," approved April thirteenth, one thousand nine hundred and six.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Increase of
tax rate.

For county
purposes.

For school
and local pur-
poses.

Limit.

1. The county boards of taxation in the several counties of this State are hereby authorized upon application of the board of chosen freeholders of any county in this State, to allow an increase of the tax rate for county purposes in said county in any year to an amount not exceeding ten cents on the one hundred dollars of assessed valuation of said county in excess of the lawful rate as allowed by the act to which this act is a supplement; and upon application of the governing body or board having charge of the finances of any taxing district in their respective counties, to allow an increase of the tax rate of said taxing district for county, school district and local purposes in any year, to an amount not exceeding thirty cents on each one hundred dollars of assessed valuation in excess of the lawful rate for county, school district or local purposes in said district as allowed by the act to which this act is a supplement, but the total increase to be allowed under this act shall in no case exceed in any taxing district, thirty cents on each one hundred dollars of assessed valuation.

2. This act shall take effect immediately.

Approved April 11, 1908.

CHAPTER 183.

An Act to amend an act entitled "A supplement to an act entitled, 'An act to incorporate the chosen freeholders in the respective counties of this State,' approved April sixteenth, one thousand eight hundred and forty-six;" which said supplement was approved February twenty-first, one thousand nine hundred and five.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section one of the act to which this is an amendment, be and the same is hereby amended so as to read as follows:

Section amended.

1. Whenever any vacancy occurs in the board of chosen freeholders of any county in this State by reason of the failure of any city or ward to elect a member of said board of chosen freeholders or by reason of the death, resignation, removal or other disqualification from any other cause of any member of said board, it shall be lawful for the governing body of such municipality to fill such vacancy until the next general election, and it shall be the duty of the said board of chosen freeholders to at once notify the county clerk of said county and the clerk of the city or the municipality from which such member of said board was elected of the fact that such vacancy has occurred.

Filling vacancy in board of freeholders

2. This act shall take effect immediately.

Approved April 10, 1908.

CHAPTER 184.

An Act to amend an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture and provide open and closed seasons for such capture and possession," approved April fourteenth, one thousand nine hundred and three, which said act is known as Chapter 246, page 526, of the pamphlet laws of 1903.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Section 25
amended.

1. Section 25 of the act to which this is an amendment is hereby amended to read as follows:

Angling only
allowed.

25. It shall be unlawful to take or attempt to take any fish from any of the waters of this State by means of any contrivance whatsoever excepting in the manner commonly known as angling with hand line or with rod and line, under a penalty of twenty dollars for each offense; *provided, however*, that this provision shall not apply to the catching of eels, at any time, by means of wicker eel baskets, anchored on the bottom of streams and ponds, nor to the taking of eels by means of eel weirs, from the fifteenth day of September to the last day of October, both dates inclusive, nor to the taking of cat-fish or carp with a spear in all streams and in all lakes and ponds of less than one hundred acres, from the twentieth day of February to the twentieth day of April, both dates inclusive, of each year, nor to the taking of eels and suckers with a spear in all streams and in all lakes and ponds of less than one hundred acres, from the twentieth day of February to the thirtieth day of June, both dates inclusive, of each year; *provided*, also that it shall be lawful to take minnow and other baitfish with a seine not over fifty feet in length in all ponds and lakes which have an area of over one hundred

Proviso.

Proviso.

acres, and in all other waters with a seine not over thirty feet in length; in every case, however, all trout, pickerel, bass, pike and pike perch captured therein shall be immediately released therefrom uninjured as far as practicable; *provided further*, that it shall be lawful to take fish in any manner under the direction of or by permission given by the board of fish and game commissioners for stocking purposes. Proviso.

2. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately. Repealer.

Approved April 11, 1908.

CHAPTER 185.

Supplement to an act entitled "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Any person owning, keeping or having the management or control of any public dance house or hall, or any concert saloon, whether licensed as such or not, his agents or servants, who shall admit thereto or permit or suffer to be or remain therein any child under the age of sixteen years, unaccompanied by a parent or guardian, shall be guilty of a misdemeanor; *provided, however*, that this section shall not apply to entertainments held upon piers devoted to public entertainment. Children in
dance halls.

2. Any person having the management or control of any theatre or place wherein theatrical, acrobatic or vaudeville performances are given by paid performers, or wherein any moving-picture show is given, his agents or servants, who shall admit thereto or permit or suffer to be or remain therein any child under the age of sixteen Proviso;
piers ex-
cepted.

Children in
theatres,
moving
picture shows,
etc.

Proviso;
social enter-
tainments
and piers
excepted.

years, unaccompanied by a parent, or guardian, or adult friend with the knowledge and consent of the parent or guardian, shall be guilty of a misdemeanor; *provided*, this section shall not apply to any performance given by or under the auspices of any public or private school or any church or Sunday school, or by any charitable organization or society, nor to entertainments held upon piers devoted to public entertainment.

Liquor not to
be given or
sold to chil-
dren.

3. Any person having a license to sell spirituous, vinous, malt or brewed liquors, his agents or servants, who shall sell or give to any minor under the age of eighteen years any such liquors, or shall suffer or permit any such minor to frequent or lounge in the room or place where such liquors are kept or sold, shall be guilty of a misdemeanor.

Children in
billiard or
pool rooms.

4. Any person owning, keeping or having the management or control of any public room or public place wherein the game commonly called billiards or pool is played, his agents or servants, who shall knowingly allow any minor under the age of eighteen years unaccompanied by a parent or guardian to play the said game or to frequent or lounge in the room or place where such game is played, shall be guilty of a misdemeanor.

5. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 186.

An Act to amend an act entitled "An act to regulate elections" (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Section 19
amended.

1. Section nineteen of the act to which this act is amendatory is hereby amended so as to read as follows:

Organization
of election
board.

19. Each of said boards shall, on the seventh day next preceding the first day of registration, meet to-

gether and organize, and at such meeting shall elect one of its members as judge, who shall be chairman of said board, and another of its members as inspector; such judge and inspector shall be nominees of different chairmen, and the other two members of the board shall be clerks of election, and shall perform all the duties required by law of the clerks of registry and election. In case of failure to elect a judge as herein provided, after balloting or voting three times, the member of the board oldest in years shall become judge, and in case of failure to elect an inspector, after balloting or voting three times, the next oldest member of the board in years shall become the inspector; *provided*, that both chairman and inspector shall not be nominees of the same chairman.

Proviso.

2. Section fifty-four of said act is hereby amended so as to read as follows:

Section 54 amended.

54. The county clerks of the several counties, not later than three days prior to any election for which they are required by this act to provide the ballots, shall cause to be delivered to the clerk of each township, city or other municipality within their respective counties, the number of ballots and envelopes hereinbefore required to be provided for each election district within his township, city or municipality at such election; the same shall be sent in sealed packages, one for each election district of said township, city or other municipality, with marks or directions on the outside of each clearly stating the election district for which it is intended, together with the number of ballots and envelopes inclosed; receipts for ballots and envelopes thus delivered shall be given by the clerk receiving the same and filed with the county clerk, who shall also keep a record of the time when and the manner in which each of said packages was sent; the said township or other clerk shall, on the day preceding any such election (but on the Saturday preceding, when such election occurs on a Monday), deliver to one of the clerks of each election district within his township, city or other municipality, the ballots and envelopes by him received from the county clerk for such election

County clerk to deliver ballots and envelopes to municipal clerks.

Distribution by municipal clerk to clerk of election board.

Delivery to
election
board.

Action when
election in
single munic-
ipality.

district, and take the receipt of such election clerk therefor, which last mentioned receipt the clerk of such township, city or other municipality shall file and preserve; said election clerk shall, on the morning of election and before the proclamation of the opening of the polls, deliver the packages of ballots and envelopes by him received to the election board of his election district, with the seals thereof unbroken, and shall take a receipt therefor from said election board, which receipt said election clerk shall carefully preserve for at least one year. In cases of elections within and for a single municipality of any county where, under this act, the ballots and envelopes are required to be provided by the clerk of such municipality, the duties by this section imposed upon the county clerk with reference to the delivery of the ballots and envelopes shall, the necessary changes being made, devolve upon and be performed by the clerk of such municipality.

3. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 187.

An Act relating to Arbor Day.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Arbor day.

1. For the purpose of encouraging the planting of shade and forest trees, the first Friday of May in each year is hereby designated as a day for the general observance of such purpose, and to be known as Arbor Day.

School
exercises.

2. On said day appropriate exercises shall be introduced in all the schools of the State, and it shall be the duty of the several county and city superintendents to prepare a program of exercises for that day in all the schools under their respective jurisdiction.

Repealer.

3. All acts, part of acts, or other legislative enactment, inconsistent with this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 188.

An Act providing for the stamping of gold, silver and the alloys thereof, and imposing penalties for the violation of the provisions thereof.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

I. Any person, firm, corporation or association, who or which makes for sale, or sells, or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, any article of merchandise made in whole or in part of gold or any alloy of gold, and having stamped, branded, engraved or imprinted thereon, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed, any mark, indicating, or designed or intended to indicate, that the gold, or alloy of gold, in such article is of a greater degree of fineness than the actual fineness or quality of such gold or alloy, unless the actual fineness of such gold or alloy in the case of flat ware and watch cases be not less by more than three one-thousandths parts, and in the case of all other articles be not less by more than one-half karat than the fineness indicated by the marks stamped, branded, engraved or imprinted upon any part of such article, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which such article is encased or enclosed, according to the standards and subject to the qualifications hereinafter set forth, is guilty of a misdemeanor; *provided* that, in any test for the ascertainment of the fineness of the gold or its alloy in any such article, according to the foregoing standards, the part of the gold or its alloy taken for the test, analysis or assay shall be such part or portion as does not contain or have attached thereto any solder or alloy of inferior fineness used for brazing or uniting the

Illegal to stamp or sell gold as of greater fineness than it is.

Proviso.

Proviso.

parts of said article; *provided further*, and in addition to the foregoing tests and standards, that the actual fineness of the entire quantity of gold and of its alloys contained in any article mentioned in this section (except watch cases and flat ware), including all solder, or alloy of inferior metal used for brazing or uniting the parts of the article (all such gold, alloys and solder being assayed as one piece), shall not be less by more than one karat than the fineness indicated by the mark stamped, branded, engraved or imprinted upon such article, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed.

Standard
silver

2. (a) Any person, firm, corporation or association, who or which makes for sale, or sells, or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, any article of merchandise made in whole or in part of silver or of any alloy of silver, and having marked, stamped, branded, engraved or imprinted thereon, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed, the words "sterling silver" or "sterling," or any colorable imitation thereof, unless nine hundred and twenty-five one-thousandths of the component parts of the metal appearing or purporting to be silver, of which such article is manufactured, are pure silver, subject to the qualifications hereinafter set forth, is guilty of a misdemeanor; *provided*, that in case of all such articles there shall be allowed a divergence in fineness of four one-thousandths parts from the foregoing standard..

Proviso.

Coin silver.

(b) Any person, firm, corporation or association, who or which makes for sale, or sells, or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, any article of merchandise made in whole or in part of silver or of any alloy of silver, and having marked, stamped, branded, engraved or imprinted thereon, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which such article is encased or enclosed, the words "coin" or "coin silver," or any colorable imitation

thereof, unless nine hundred one-thousandths of the component parts of the metal appearing or purporting to be silver, of which such article is manufactured, are pure silver, subject to the qualifications hereinafter set forth, is guilty of a misdemeanor; *provided*, that in the case of all such articles there shall be allowed a divergence of in fineness of four one-thousandths parts from the foregoing standards.

Proviso.

(c) Any person, firm, corporation or association, who or which makes for sale, or sells, or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, any article of merchandise made in whole or in part of silver or of any alloy of silver, and having stamped, branded, engraved or imprinted thereon, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed, any mark or word (other than the word "sterling" or the word "coin") indicating, or designed or intended to indicate, that the silver or alloy of silver in said article is of a greater degree of fineness than the actual fineness or quality of such silver or alloy, unless the actual fineness of the silver or alloy of silver of which said article is composed be not less by more than four one-thousandths parts than the actual fineness indicated by the said mark or word (other than the word "sterling" or "coin") stamped, branded, engraved or imprinted upon any part of said article, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed, subject to the qualifications hereinafter set forth, is guilty of a misdemeanor.

Illegal to sell goods as of greater fineness than they really are.

(d) *Provided*, that in any test for the ascertainment of the fineness of any such article mentioned in this section, according to the foregoing standards, the part of the article taken for the test, analysis or assay shall be such part or portion as does not contain or have attached thereto any solder or alloy of inferior metal used for brazing or uniting the parts of such article; *and provided further*, in addition to the foregoing tests and standards, that the actual fineness of the entire quantity of metal purporting to be silver contained in

Proviso.

Proviso.

any article mentioned in this section, including all solder or alloy of inferior fineness used for brazing or uniting the parts of any such article (all such silver, alloy or solder being assayed as one piece), shall not be less by more than ten one-thousandths parts than the fineness indicated, according to the foregoing standards, by the mark stamped, branded, engraved or imprinted upon such article, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed.

Inferior gold
metal to be
indicated on
goods.

3. Any person, firm, corporation or association, who or which makes for sale, or sells, or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, any article of merchandise made in whole or in part of inferior metal, having deposited or plated thereon or brazed or otherwise affixed thereto a plate, plating, covering or sheet of gold, or of any alloy of gold, and which article is known in the market as "rolled gold plate," "gold plate," "gold filled," or "gold electroplate," or by any similar designation, and having stamped, branded, engraved or imprinted thereon, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed, any word or mark usually employed to indicate the fineness of gold, unless said word be accompanied by other words plainly indicating that such article, or some part thereof, is made of rolled gold plate, or gold plate, or gold electroplate, or is gold filled, as the case may be, is guilty of a misdemeanor.

Inferior
silver metal
to be indi-
cated on
goods.

4. Any person, firm, corporation or association, who or which makes for sale, or sells or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, any article of merchandise made in whole or in part of inferior metal, having deposited or plated thereon or brazed or otherwise affixed thereto, a plate, plating, covering or sheet of silver, or of any alloy of silver, and which article is known in the market as "silver plate" or "silver electroplate," or by any similar designation, and having stamped, branded, engraved or imprinted thereon, or

upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed, the word "sterling," or the word "coin," either alone or in conjunction with any other words or marks, is guilty of a misdemeanor.

5. Every person, firm, corporation or association guilty of a violation of any one of the preceding sections of this act, and every officer, manager, director or managing agent of any such person, firm, corporation or association directly participating in such violation, or consenting thereto, shall be punished by a fine of not more than \$500, or imprisonment for not more than three months, or both, at the discretion of the court; *provided*, that this act shall not affect any article manufactured prior to the time this act shall take effect.

Penalty.

Proviso.

Approved April 13, 1908.

CHAPTER 189.

An Act to amend an act entitled "An act to provide for the summary investigation of county and municipal expenditures," approved February sixth, one thousand nine hundred and seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Section one of the act to which this is an amendment be and the same is amended to read as follows:

Section amended.

1. If twenty-five freeholders in any incorporated village, borough, town or city, or in any township or county in this State, shall present to any justice of the Supreme Court an affidavit, sworn to and subscribed by themselves, and setting forth that they are freeholders and have paid taxes on real estate within one year, and that they have cause to believe that the moneys of such incorporated village, borough, town or city, or of such township or county, are being, or have been,

Petition for summary investigation of municipal expenditures.

Aid in in-
vestigation.

Expenses
met.

unlawfully or corruptly expended, said justice may, in his discretion, after ten days' notice to the disbursing officer and the legislative body of such village, borough, town, city, township or county to be heard, make a summary investigation into the affairs of such corporation, and, at his discretion, he may appoint experts to prosecute such investigation, and may cause the results thereof to be published in such manner as he may deem proper. It shall be the duty of the officers and the legislative body of any such corporation to obey any orders of such justice for facilitating such investigation, and any refusal or failure to obey such orders may be punished by such justice as for contempt. The costs incurred under this act shall be taxed by said justice, and upon his order paid by the disbursing officers of the corporation whose expenditures may have been investigated.

2. This act shall take effect immediately.

Approved, April 13, 1908.

CHAPTER 190.

An Act to amend an act entitled "An act concerning District Courts (Revision of 1898)," approved April fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Section 30
amended.

Jurisdiction
of court.

Amount.

1. Section thirty of the act to which this is an amendment, is hereby amended to read as follows:

30. Every suit of a civil nature at law, or to recover any penalty imposed or authorized by any law of this State, where the debt, balance, penalty, damage or other matter in dispute does not exceed, exclusive of costs, the sum or value of five hundred dollars, shall be cognizable in the District Courts of this State; District

Courts shall also have jurisdiction in proceedings between landlords and tenants and in actions of forcible entry and detainer, and in actions of replevin, and in attachment, as hereinafter provided in this act.

2. This act shall take effect immediately.

Approved, April 13, 1908.

Other matters.

CHAPTER 191.

An Act to amend an act entitled "An act to regulate elections" (Revision of 1898), approved one thousand eight hundred and ninety-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section ninety-six of the act to which this is an amendment is hereby amended so as to read as follows:

Section 96 amended.

96. The judge of election, or such one of their number, as the Board of Registry and Election shall designate, shall, within two days next after every election, deliver or safely transmit one of said statements of the result of such election to the clerk of the county, who shall forthwith file the same; and whenever an election shall be held for Senator, members of Assembly or for any county, township, city or other municipal officers, such judge or member so designated shall, at the same time and with the ballot boxes, as hereinafter provided, deliver or safely transmit the other of said statements to the clerk of the township, city or municipality wherein such election is held, who shall forthwith file the same; but whenever an election shall be held for member of the House of Representatives or for electors of President and Vice-President, or for Governor, separate statements of the result of such election for representative, electors or governor shall be made and certified by said board, and such judge or member so designated shall within two days next after such election deliver or

Statements of result to be filed with proper officers.

safely transmit one of said statements to the clerk of the county, and shall enclose, seal up and transmit the other statement to the Secretary of State by mail, directing the same in the following manner: "To the Secretary of State of New Jersey, Trenton, New Jersey," and the Secretary of State on receiving such statement shall forthwith file the same in his office.

2. This act shall take effect immediately.

Approved, April 13, 1908.

CHAPTER 192.

A Supplement to an act entitled "An act to provide for the consolidation of county hospitals for the insane in any county in this State, and for the erection of new buildings, and for the sale of buildings and lands rendered unnecessary for such purposes," approved March twenty-seventh, one thousand nine hundred and five.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Bond issue
for asylum
buildings.

I. For the purpose of obtaining further means for the erection of such hospital building or buildings, and the furnishing thereof, as are or may be necessary, pursuant to the provisions of the act to which this is a supplement, it shall be lawful for the board of chosen freeholders of any such county to issue and sell the corporate bonds of said county to an amount, additional to that already authorized, not exceeding the sum of four hundred thousand dollars; said bonds shall bear interest at a rate not exceeding five per centum, and the principal thereof shall be payable at a time not exceeding forty years from their date, and the sinking fund, provided for by the said act to which this is a supplement, shall also be applied to the redemption of the bonds herein authorized.

Amount.

Rate.

Time.

Sinking fund.

2. The proceeds of the sale or disposition by the board of chosen freeholders of any such county of any lands and buildings owned by said county, and used for the purposes of a hospital for the insane, located in a part of the county remote from the site of the hospital buildings, provided for by the act to which this is a supplement, and which are rendered unnecessary to be further used for such hospital purposes, by reason of the consolidation of hospital buildings in said original act provided, shall be applied by the board of chosen freeholders of such county to the sinking fund in said act provided, and not otherwise.

Proceeds
from bonds.

3. None of the moneys authorized to be raised under the provisions of this act shall be used or expended in payment or fulfillment of any contract heretofore entered into by the board of chosen freeholders of any such county, nor shall any of the funds derived from the proceeds of the sale of the bonds authorized by this act be expended or used except in settlement and discharge of obligations hereafter incurred by the board of chosen freeholders under contracts entered into with said board, and which said contracts shall have been given to the lowest responsible bidder.

Money not to
be used to
settle former
contracts.

4. All acts and parts of acts inconsistent herewith, are hereby repealed.

Repealer.

5. This act shall take effect immediately.

Approved, April 13, 1908.

CHAPTER 193.

An Act to authorize cities to construct and repair sidewalks and curbs, and to provide for the payment of the cost thereof.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The board or body having the control and regulation of the streets, avenues and highways in any city of

Sidewalks
and curb-
stones.

this State is hereby authorized and empowered to pass, amend and repeal ordinances requiring the owner or owners of any lands in such city to pave or curb, or pave and curb or to repair the sidewalks thereof, and to prescribe the kind of material to be used for that purpose, and the manner of constructing the same.

On neglect to
make im-
provement,
city to do so.

2. If after the passage of any such ordinance, the owner or owners of lands thereby affected shall neglect for the space of thirty days to make the improvement to the sidewalks thereof by said ordinance directed and required, it shall be lawful for the common council, or other body having charge of the streets and highways in said city to cause such improvements to be made under the direction and supervision of the street commissioner, or other officer having the direct and active supervision of the streets, or to award one or more contracts for the making of such improvements upon open competitive bidding, or otherwise, at the discretion of said body, but in all cases where bids shall be invited by any public notice, the contracts shall only be awarded to the lowest responsible bidder or bidders.

Notice of in-
tended im-
provements.

3. Before proceeding to make any such improvement or awarding any contract for the making thereof, it shall be the duty of said common council or other body to cause notice of such contemplated improvement to be given to the owner or owners of any lands thereby affected; such notice shall contain a description of the property affected sufficiently definite in terms to identify the same as well as a description of the required improvements, and a notice that unless said improvement shall be completed within thirty days after the service thereof, it is the intention of said city to make said improvement or cause the same to be made pursuant to the authority of this act. Such notice shall be served upon the owner or owners, resident in such city, in person, or by leaving the same at their usual place of residence with a member of their family above the age of fourteen years; in case any owner shall be non-resident of such city such notice may be served upon such owner in person, or it may be served upon the occupant of the property, or by posting the same in a

Service of
notice.

conspicuous place thereon if the same be not occupied, and by publication in two newspapers printed and circulating in said city for a period of five days, a copy of which said advertisement shall, within five days after the publication thereof, be mailed to such owner at his last known post-office address, if the same can be ascertained. Notice to infant owners, or owners of unsound mind, shall be served upon their respective guardians. When lands are held by two or more persons, as joint tenants, tenants in common or tenants by the entirety, service upon any one or more of such owners shall be sufficient and shall be deemed and taken as notice to all. Proof under oath of the publication or service of such notice shall be filed within two days thereafter in the office of the city comptroller or other officer charged with the duty of making official searches for liens.

When joint
tenancy.

4. When any improvement of the character hereinbefore mentioned shall be made by the city pursuant to this act, a true and accurate account of the cost and expense thereof shall be kept and apportioned among the several properties improved in proportion to the frontage of their respective lands, and a true statement of such cost, under oath or affirmation shall forthwith be filed by the person or persons making such improvements with the officer charged with the duty of making collections for betterments in said city, whereupon said charge shall be and remain a first lien upon the lands and real estate thereby improved, notwithstanding any error or omission in stating the name or names of the owner or owners of any such lot or lots of land and real estate, to the same extent as taxes and assessments are now a lien under the general laws of this State, and shall bear the same rate of interest as other assessments made under the laws governing such city, and shall be collected in the same manner as assessments are now collected under such laws. In case of the non-payment of such charges the land and real estate subject to such liens may be sold in the manner provided for the sale of lands for the non-payment of assessments made under such laws.

Expense
apportioned.

Charges a
lien.

Sale for
non-payment.

As to
searches
against land
affected by
improve-
ment.

5. In all searches against any lands affected by any such improvement it shall be the duty of the comptroller, or other officer making such search, to set out the amount due and unpaid for such improvement, if such amount appear of record. If the amount of such cost shall not have been reported as herein provided for, it shall be his duty to set forth on such search a brief reference to the notice to the owner, and the purposes for which said notice was given.

Provision for
payment by
city council.

Temporary
certificates.

Bonds issued
to refund
certificates.

6. It shall be lawful for the common council or other body authorizing or directing the making of such improvements to provide for the payment of the cost thereof by the issuance from time to time, of temporary certificates, which certificates shall bear interest at a rate not exceeding six per centum per annum, and shall be payable at the expiration of not more than two years from the date of their issue. For the purpose of refunding said temporary certificates, said common council or other body shall have power to issue bonds, either registered, or coupon, or both, to run for a period of ten years, which shall be of such denomination, shall bear such rate of interest, not exceeding six per centum per annum, and shall be made payable at such place as the common council or other governing body of such city may determine.

All receipts
paid into
sinking fund.

7. That all receipts shall, when collected, and as received, be paid over to the commissioners of the sinking fund of the city, if such commissioners exist therein, and if not such receipts shall be set apart for the payment of the interest on such bonds as it accrues, and for the payment of the principal at their maturity.

Any addi-
tional sum
raised by
taxation.

8. In case it shall be found that the charges will not furnish a sufficient fund to meet the interest as it accrues and redeem and pay said bonds when due, it shall be the duty of the common council or other governing body in such city to raise in the tax ordinance such additional sum as shall be adequate for that purpose.

9. This act shall take effect immediately.
Approved April 13, 1908.

CHAPTER 194.

An Act to regulate the practice of chiropody, to license chiropodists and to punish persons violating the provisions thereof.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. That the State Board of Medical examiners as established by an act entitled "An act to regulate the practice of medicine and surgery, to license physicians and surgeons and to punish persons violating the provisions thereof," approved May twenty-second, one thousand eight hundred and ninety-four and the several supplements thereto and acts amendatory thereof, shall, in addition to the examinations therein provided for, hold meetings for examination of all applicants under this act for a license to practice chiropody in this State, at the capitol building of this State on the third Tuesday of June and October of each year, and at such other times and places as the board may deem expedient; said board shall keep an official record of all its meetings, and an official register of all applicants for a license to practice chiropody in this State; said register shall show the name, age, nativity, last and intended place of residence of each candidate, the time he or she has spent in obtaining a competent common-school education, and in chiropody, in or out of a school teaching chiropody, and the names and location of all chiropody schools or examining and licensing boards which have granted said applicant any degree or certificate of attendance upon lectures upon chiropody or state examinations; said register shall also show whether said applicant was examined, licensed or rejected under this act, and said register shall be prima facie evidence of all matters therein contained.

State medical examiners to examine applicants to practice chiropody.

Records to be kept.

Application
to State.

2. All persons hereafter desiring to commence the practice of chiropody in this State shall apply to said Board for a license so to do; applicants for examination shall present to the secretary of said board, at least ten days before the commencement of the examination at which he or she is to be examined, a written application on a form or forms provided by said board, together with satisfactory proof that the applicant is more than twenty-one years of age, is of good moral character, that he or she has received a preliminary education equal to that furnished by the common schools of this State; has received a diploma conferring the degree of Doctor Surgeon Chiropodist from some legally incorporated school of chiropody (which in the opinion of said board was in good standing at the time of issuing said diploma) in the United States, or a diploma conferring the full right to practice chiropody in some foreign country; or shall present the written recommendation of at least five licensed chiropodists of this State certifying that he or she is qualified for such examination; any member of the board may inquire of any applicant for examination concerning his qualifications, and may take testimony of anyone in regard thereto, under oath, which he is hereby empowered to administer. Each applicant shall pay to the Secretary of said board a fee of twenty dollars at the time of filing said application and present himself or herself for examination at the first regular meeting of the board after such application; such fee shall not be refunded, unless from sickness or other good cause appearing to the satisfaction of the board such applicant was prevented from attending and completing such examination; further or subsequent examinations under such application may be given to applicants, in the discretion of the board, without payment of additional fee.

Fee paid by
applicant.

Nature of
examination.

3. All examinations shall be written in the English language, but the board, in its discretion, may use supplementary oral examinations, either of the whole class or of individuals; the examinations shall be in the following subjects, namely, anatomy and physiology of the feet, therapeutics, chemistry, minor surgery and

bandaging pertaining to the ailments of the feet, not including, however, the amputation of such members or of any part thereof; all examinations shall be both scientific and practical, and of sufficient severity to test the candidate's fitness to practice chiropody; if said examination is satisfactory, the board shall issue a license, entitling the applicant to practice chiropody in this State; said application and examination papers shall be deposited in the State library in the capitol building, and they shall be prima facie evidence of all matters therein contained; all licenses shall be signed by the president and secretary of the board and shall be attested by the seal thereof.

•
Issue of
license.

4. The board may refuse to grant or may revoke a license for the following causes, to wit: chronic and persistent inebriety; conviction of crime involving moral turpitude; or where any person shall present to this board any diploma, license or certificate that shall have been illegally obtained, or that shall have been signed or issued unlawfully or under fraudulent representations; in complaints for violating the provisions of this section, the accused person shall be furnished with a copy of the complaint, and given a hearing before said board in person or by an attorney; and any person, after such refusal or revocation of license, who shall attempt or continue the practice of chiropody, shall be subject to the penalties hereinafter prescribed.

Refusal or
revocation of
license.

5. The person so receiving said license shall file the same or a certified copy thereof, with the clerk of the county in which he or she resides, and said clerk shall file said certificate or copy thereof and enter a memorandum thereof, giving the date of said license, with the name of the person to whom the same is issued, and the date of said filing, in a book to be kept by them for that purpose, and for which registry the said county clerk shall be entitled to demand and receive from each person registering the sum of one dollar; in case the person so licensed shall move into another county of this State, he or she shall procure from the said clerk a certified copy of such registration, and then file the same with the clerk of the county to which he or she shall remove, and the said clerk shall file and enter the same

Copy filed
with county
clerk.

Fee.
Removal
from county.

County clerk
to furnish
annually a
list of cer-
tificates.

with like effect as if the same was an original license, and for which registry the said clerk shall be entitled to demand and receive the sum of one dollar; and each county clerk in the counties of this State shall, upon the last day of November of each year, furnish to the secretary of said board a list of all the certificates of this board filed in his office during the previous year, and upon notice to him of the change of location or death of the person so licensed, or of the revocation of said license, said county clerk shall enter at the appropriate place in the records so kept by him a memorandum of said fact, and said memoranda shall be furnished to the secretary of this board in the annual report above required.

Present
practitioners
to receive
license.

6. Any person who, at the time of the passage of this act, shall actually be engaged in the practice of chiropody in this State, and who shall present to the State board an affidavit to that effect within three months after the passage of this act shall be entitled to receive from said board a license to practice chiropody, upon the payment to said board of a fee of ten dollars; each person so licensed shall cause such license to be filed with the clerk of the county in which he or she resides as provided in the fifth section of this act.

Fee.

Construction
of act.

7. Nothing in this act shall be construed to prohibit a duly licensed physician from treating diseases or ailments of the feet, or a lawfully qualified chiropodist residing in another State meeting registered chiropodists of this State in consultation, or to any legally qualified chiropodist of another State taking charge of the practice of a legally qualified chiropodist of this State temporarily during the latter's absence therefrom upon the written request of said registered chiropodist of this State.

Penalties.

8. Any person, practicing or holding himself or herself out to the public as practicing chiropody, not being at the time of said practice or holding out legally licensed to practice as such in this State, shall be guilty of a misdemeanor and punishable upon conviction of a first offense by a fine of not less than fifty dollars, and, upon conviction of a subsequent offense, by a fine of not

less than one hundred dollars, or by imprisonment of not less than two months, or by both fine and imprisonment.

9. Any person, for failure to comply with each and every provision and condition contained in the fourth, fifth and sixth sections of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished with a fine of not less than fifty dollars, or by imprisonment of not less than two months, or by both fine and imprisonment.

Other penalties.

10. Any person shall be guilty of misdemeanor, and upon every conviction thereof shall be punished with a fine of not less than fifty dollars, or more than two hundred dollars, or by imprisonment, for not less than thirty days, or not more than six months, or by both fine and imprisonment, who

Penalties for sundry misdemeanors.

(1) Shall sell or barter, or offer to sell or barter, any diploma or document-conferring or purporting to confer any chiropodist degree, or any certificate or transcript, made or purporting to be made, pursuant to the laws regulating the license and registration of chiropodists; or

Selling diploma.

(2) Shall purchase or procure by barter any such diploma, certificate or transcript with intent that the same shall be used as evidence of the holder's qualification to practice chiropody, or in fraud of the laws regulating such practice; or

Purchasing diploma.

(3) Shall with fraudulent intent, alter in a material regard any such diploma, certificate or transcript; or

Alter diploma.

(4) Shall use or attempt to use any such diploma, certificate or transcript which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license or color of license to practice chiropody, or in order to procure registration as a chiropodist; or

Improper use of diploma.

(5) Shall practice chiropody under a false or assumed name; or

Act under false name.

(6) Shall assume any title or append any letters to his or her name with the intent to represent falsely that he has received a chiropodist degree or license; or

Assume false title.

(7) Any person who, in any affidavit or examination required of an applicant for examination, license or reg-

Make false statements.

Penalty. istration under the laws regulating the practice of chiropody, shall wilfully make a false statement in a material regard, shall be guilty of a high misdemeanor, punishable upon conviction thereof by a fine not exceeding two hundred dollars, or by imprisonment at hard labor not exceeding two years, or both, at the discretion of the court.

Division of penalties collected. 11. All fines, penalties or forfeitures imposed or collected for the violation of any of the foregoing provisions of this act, shall be paid as follows: One-half thereof to the county collector of the county in which the prosecution is had, and one-half thereof to the secretary of this board, to be held, disposed and accounted for by him as hereinafter directed; and it shall be the duty of the county collector of each county, upon receipt by him of any such fine, penalty or forfeiture, to forthwith pay over to the secretary of this board, one-half of the same; said board or any member or officer thereof may prefer a complaint for violation of the law regulating the practice of chiropody before any court, tribunal or magistrate having jurisdiction, and may by its officers, counsel and agents aid in presenting the law or facts before said court, tribunal or magistrate in any proceeding taken thereon; and it shall be the duty of the prosecutor of the pleas of the counties in this State to prosecute all violations of the aforesaid provisions of this act.

Civil proceedings may be instituted. 12. In addition to all of the fines, forfeitures and penalties hereinabove provided for, it shall be lawful for the said board to institute civil proceedings in any court of competent jurisdiction, against any person for the violation of any of the provisions of this act; such proceeding shall be brought in an action in debt, and, upon conviction thereunder, the person so convicted shall be liable to a fine, which shall be the same amount fixed in the section of this act, for violation of which the suit shall have been brought; and all fines and penalties collected by any court under the provisions of this section of this act shall be paid over to the secretary of this board, to be received and disbursed by him in accordance with the provisions of this act.

13. The expenses of said board and of the examinations shall be paid from the license fees above provided for, and if any surplus remain, the same may be distributed among the members of said board as a compensation for their services as members, but otherwise they shall receive no compensation whatever.

Expenses
met from
license fees.

14. The term "board" when used in this act means the State Board of Medical Examiners.

"Board"
defined.

15. This act shall take effect immediately.

Approved, April 13, 1908.

CHAPTER 195.

Supplement to an act entitled "An act concerning building and loan associations," approved April eighth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The trustees appointed under the provisions of the act to which this is a supplement shall have the power to send for persons and papers, and to examine any persons, including the creditors and claimants, and the president, directors and other officers and agents of the association, on oath or affirmation (which oath or affirmation any one of the trustees may administer), respecting its affairs and transactions, and its estate, money, goods, chattels, credits, notes, bills and choses in action, real and personal estate, and effects of every kind, and also respecting its debts, obligations, contracts, and liabilities, and the claims against it; and if any person shall refuse to be sworn or affirmed, or to make answers to such questions as shall be put to him, or refuse to declare the whole truth touching the subject-matter of the said examination, the Court of Chancery may, on report by the trustees, commit such person to prison, there to remain until he shall submit himself to

Powers of
trustees to
make exami-
nations.

Contumacy.

be examined, and pay all the costs of the proceedings against him.

Right of
entry to
secure pos-
session of
effects.

2. Such trustees, with the assistance of a peace officer, may break open, in the daytime, the houses, warehouses, doors, trunks, chests or other places of the association where any of these goods, chattels, choses in action, notes, bills, moneys, books, papers, or other writings or effects have been usually kept, or shall be, and take possession of the same, and of the lands and tenements belonging to the association.

Majority may
act.

3. Every matter and thing by this act required to be done by the trustees shall be good and effectual to all intents and purposes, if performed by a majority of them.

4. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 196.

An Act to amend an act entitled "An act to regulate elections" (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Section 8
amended.

1. Section eight of the above entitled act be and the same is hereby amended so as to read as follows:

Suitable room
in which to
hold election.

8. The clerk of every township, city or other municipality shall, prior to the date of the first meeting of the board of registry and election, procure for each election district in his township, city or municipality a suitable room in which said board shall meet to make and revise the register of voters, and also to hold the election; and said clerk shall immediately notify said board of the location of such room; and if any such clerk shall omit to procure such room, then the meetings of such board and such election shall be held at such place as a majority

of such board shall designate; if, in the judgment of said clerk, it shall be inadvisable to hold the election in the place designated for holding the meeting of the board of registry, then it shall be lawful for such clerk to designate another place for holding such election, or to cause a building to be constructed in the street outside the curb line immediately in front of, or as near as possible to, the place of meeting of such registry board in which to hold such election; *provided*, no election shall be held in any building in which is located or maintained any inn or tavern or saloon where intoxicating liquors are licensed to be sold.

Street booth.

Proviso.

2. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 197.

A Supplement to an act entitled, "An act for the punishment of crimes (Revision of 1898)," approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Any person who shall sell, give away, furnish or dispose of the alkaloid cocaine, or its salt, alpha or beta eucaïne, or their salts, opium, morphine, codine, chloral, or any of the derivatives of chloral, or who shall sell, give away, furnish or dispose of any admixtures of cocaine or eucaïne or any patent or proprietary remedy containing cocaine or eucaïne, except on the written prescription of a duly licensed and practicing physician, shall be guilty of a misdemeanor.

Narcotics delivered only by prescription.

2. Any person who shall fill a prescription for any of the substances, admixtures, or remedies mentioned in the first section hereof, more than once, or who shall fail to retain and preserve any such prescription after

Prescriptions preserved.

dispensing the same, for at least five years, or who shall take or permit another to take a copy of any such prescription, shall be guilty of a misdemeanor.

May not
bring into
State drugs
wrongfully
obtained.

3. Any person who shall bring into this State, or have in his possession any of the substances, admixtures or remedies mentioned in the first section hereof, which may have been purchased or otherwise obtained in another State contrary of the law of that State shall be guilty of a misdemeanor.

Legitimate
use.

4. Notwithstanding anything herein contained it shall not be unlawful for any duly licensed practicing physician, dentist or veterinarian to use, sell or give away any of the substances, admixtures or remedies mentioned in the first paragraph hereof, for a legitimate or necessary purposes in the practice of his profession. Any physician, dentist or veterinarian who shall give to any person a prescription or order for, or sell or give away any of the substances, admixtures or remedies mentioned in the first section hereof, except for a legitimate and necessary purpose in the practice of his profession, shall be guilty of a misdemeanor.

What consti-
tutes viola-
tion.

As to whole-
saling.

5. Notwithstanding anything hereinbefore contained the substances, admixtures and remedies mentioned in the first section hereof, may be sold at wholesale, by any person regularly engaged in the wholesale drug trade and by any duly registered druggist, upon the written order of a duly registered druggist, licensed physician, dentist, or veterinarian, *provided*, that such wholesale dealer or registered druggist, shall affix or cause to be affixed to each bottle, box, vessel or package containing the article sold and upon the outer wrapper of the package as originally put up a label distinctly displaying the name and quantity of the article sold and the word "Poison," with the name and place of business of the seller, all printed in red ink; and *provided also*, that such wholesale dealer or registered druggist shall before delivering any of said articles, make or cause to be made in a book kept for that purpose, an entry of the sale thereof, stating the date of the sale, the quantity, name and form, in which sold, the name and address of the person purchasing the same and by

Proviso.

Labeled
"poison."
Proviso.

whom the entry is made, and the said book shall be always open for inspection by the proper authorities, and shall be preserved for at least five years after the date of the last entry made therein.

6. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 198.

Supplement to an act entitled "An act to provide for the planting and care of shade trees on the highways of the municipalities of this State," approved March twenty-eighth, one thousand eight hundred and ninety-three.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. In any city in this State in which a park commission now exists the governing body invested with the power of adopting the act to which this is a supplement may in the resolution adopting said act provide that the said park commission also act as a shade tree commission, in which event the park commission shall act also as a shade tree commission; and the act to which this is a supplement and all amendments thereof and supplements thereto shall take effect in said city, except that no independent shade tree commission shall be appointed.

Park commission to have care of trees.

2. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 199.

An Act to amend an act entitled "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof," approved May twenty-second, one thousand eight hundred and ninety-four.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Section 4
amended.

1. Section four of the act to which this act is an amendment is hereby amended to read as follows:

Persons de-
siring to
practice to
apply for
license.

4. All persons hereafter commencing the practice of medicine or surgery in any of its branches in this State shall apply to said board for a license so to do. Applicants for examination shall present to the secretary of this board, at least ten days before the commencement of the examination at which he or she is to be examined, a written application on a form or forms provided by said board, together with satisfactory proof that the applicant is more than twenty-one years of age, is of good moral character, has obtained at least a certificate or diploma issued after four years of study in an approved high school in this State, or in a legally constituted academy, seminary or institute of equal grade, or a student's certificate of examination for admission to the freshman class of a reputable literary college, or has received an academic education considered and accepted by the State Superintendent of Public Instruction as fully equivalent, and has either received a diploma conferring the degree of doctor of medicine from some legally incorporated medical college (which in the opinion of said board was in good standing at the time of issuing said diploma) in the United States, or a diploma or license conferring the full right to practice all the branches of medicine and surgery in some foreign country, and has also studied medicine not

Application
to state.

less than four full school years, of at least nine months each including four satisfactory courses of lectures of at least seven months each, in four different calendar years, in some legally incorporated American or foreign medical college or colleges, prior to the granting of said diploma or foreign license; *provided, however*, that candidates for license who graduated prior to July fourth, one thousand nine hundred and three, and have been in continuous and reputable practice for at least five years since graduation, may be admitted to the examinations of this board upon certified and satisfactory evidence of moral character and of three courses of medical lectures in different calendar years, and of a competent academic education according to the standard at that time, as determined in the case of non-graduates of academic institutions by the State Superintendent of Public Instruction; *provided, however*, that such substitution and exemption be specified in the license; *provided, further*, that candidates for license who graduated prior to July fourth, one thousand eight hundred and ninety-four, and have been in continuous and reputable practice since graduation, may be admitted to the examinations of this board upon certified and satisfactory evidence of moral character and of two courses of medical lectures in different calendar years, and of a competent academic education according to the standard at that time, as determined in the case on non-graduates of academic institutions by the State Superintendent of Public Instruction; *and provided further*, that such substitution and exemption be specified in the license, and if said application is approved and the said applicant shall have deposited the sum of twenty-five dollars with the treasurer of such board as an examination fee, and said applicant may, in case of failure to pass the examination, be re-examined at any regular examination within one year without the payment of an additional fee. The applicant shall sign his or her name opposite a number in a book kept for that purpose by the secretary, and shall mark his or her examination paper with said number and shall be known to the members of said board only by said number until his or her papers have been examined and marked. Appli-

Proviso.

Proviso.

Proviso.

Proviso.

Examination
fee.

License fee. cants examined and licensed by, or who are, or have been, members of state examining and licensing boards of other States, upon the payment of fifty dollars to the treasurer of said board, and on filing with the secretary of said board a copy of his or her license or certificate, certified by the affidavit of the president and secretary of such board, showing also that the standard of requirements of said board at the time said license or certificate was issued, was substantially the same as that required by the said board, and of his or her affidavit as to the personality thereof, may be granted a license by said board without further examination thereby; *provided*, that the educational qualification prescribed in this section contained shall not be construed as applying to any person who began the study of medicine prior to the first day of November, one thousand nine hundred and three, and who possessed the qualifications as to the education required by law prior to the passage of the act to which this act is an amendment.

Proviso.

2. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 200.

A Supplement to an act entitled "An act relating to the Court of Common Pleas" (Revision of 1900), approved March twenty-third, one thousand nine hundred.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Salary of
judge in
counties bor-
dering on
ocean.

1. Whenever the population of any county bordering on the Atlantic ocean in this State as ascertained by any state or federal census, is more than fifty thousand and not more than sixty-five thousand, the judge or judges of the Common Pleas Court of such county shall receive an annual salary of four thousand five hundred

dollars; such salary shall be payable in monthly instalments and shall be in lieu of all fees and other compensation, which fees shall be paid into the county treasury.

2. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect immediately.

Approved, April 13, 1908.

CHAPTER 201.

An Act to regulate the pay or salary of certain officers and other employes of paid fire departments in cities of the second class in this State.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. In all cities of the second class having a paid fire department, the pay or salary per annum of the following named officers or employes shall be as hereinafter specified, viz:

Pay of firemen.

To the chief engineer not more than the sum of twenty-five hundred dollars per annum; to the assistant chief engineers, each not more than the sum of two thousand dollars per annum; to captains or foremen of companies, each not more than fourteen hundred dollars per annum; to assistant captains, or assistant foremen of companies, and engineers of steamers each not more than thirteen hundred dollars per annum; to stokers, drivers, tillermen, hosemen, truck men and telegraph line men, each not more than nine hundred dollars for the first year of service; not more than one thousand dollars for the second year of service; not more than eleven hundred dollars for the third year of service, and not more than twelve hundred dollars for every year of service thereafter.

2. This act shall take effect immediately, but its provisions shall remain inoperative in any city of the second

Referendum.

class in this State until the same shall be submitted to the qualified voters of such municipality as hereinafter provided.

Resolution of
intention and
notice of
election.

3. Whenever it shall be deemed desirable by the governing body of any city of the second class to submit the question of the adoption of the provisions of this act to the legal voters of said municipality, said governing body shall pass a resolution directing that such question be submitted to said voters of said municipality at the next regular election to be held therein. Public notice thereof shall be given by said governing body by publication in one or more newspapers published and circulated in said city once a week for a least four weeks before said election.

Ballots.

At any election at which the question of the adoption of the provisions of this act shall be submitted to the voters of any city of the second class, there shall be printed upon the official ballots for such municipality the word "For" and the word "Against" above, and immediately preceding, the words "An act to regulate the pay or salary of certain officers and other employes of paid fire departments in cities of the second class." If the word "For" be marked off or defaced upon the ballot, it shall be counted as a vote against the acceptance of this act; if the word "Against" be marked off or defaced upon the ballot, it shall be counted as a vote in favor of the acceptance of this act; and in case neither the word "For" nor the word "Against" be marked off or defaced upon the ballot, it shall not be counted as a vote either for or against such acceptance. A canvass and return of the votes upon the question of the acceptance of this act shall be made by the election officers in the same way and manner as for officers voted at such election, and if a majority of the votes cast for and against the acceptance of this act shall be found to be in favor of its acceptance it shall then, but not otherwise, become operative in such municipality.

Canvass of
votes.

Majority to
decide.

Approved, April 13, 1908.

CHAPTER 202.

A Supplement to an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture and provide open and close seasons for such capture and possession," approved April fourteenth, one thousand nine hundred and three.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Whenever by the laws of any other State or country it shall be lawful to take out of the confines of the said State or country any game, whether the same be fowl or animal, it shall be lawful to bring such game within the State of New Jersey; *provided, however,* that nothing herein contained shall permit the sale or exposure for sale of any such game. Any person violating the provisions of this act shall be liable to a penalty of twenty dollars for each fowl or animal so sold or exposed for sale.

Right to
bring game
into State.

Proviso.

Penalty.

2. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act take effect immediately.

Repealer.

Approved April 13, 1908.

CHAPTER 203.

An Act to amend an act entitled "An act concerning savings banks," approved May second, nineteen hundred and six.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section thirty-six of the act entitled "An act concerning savings banks," approved May second, nine-

Section 36
amended.

teen hundred and six, is hereby amended so as to read as follows:

Reserve fund.	36. The managers of every savings bank, as soon as practicable, shall invest the moneys deposited with them in the securities named in the thirty-third section, except that for the purpose of meeting current payments and expenses in excess of the receipts there may be
Amount.	kept an available fund of not exceeding ten per centum of the whole amount of deposits with such bank; and the
Where kept.	same may be kept on hand or on deposit in any solvent bank in this State, organized under the law of this State or of the United States; or the same may be deposited on call, at interest, in such solvent trust company incorporated under the laws of this State or of the States of New York or Pennsylvania, or in such solvent national bank located in the State of New York or in the State of Pennsylvania, as a majority of the managers of such bank may direct, by resolution adopted at a regular or special meeting, and duly recorded on their minutes; or
May be loaned.	such available fund or any part thereof, may be loaned upon pledge of the securities, or any of them, named in section thirty-three of this act, but not in excess of eighty per centum of the market value of such securities so pledged; and should any of the securities so held in pledge depreciate in value after making any loan thereon, the managers shall require the immediate payment of such loan, or a part thereof, or additional security therefor, so that the amount loaned shall at no time exceed eighty per centum of the cash market value of the securities pledged for the same.
Limit of loan.	

2. This act shall take effect immediately.

Approved, April 13, 1908.

CHAPTER 204.

An Act to amend an act entitled "An act to amend an act entitled 'An act concerning trespassing on private lands,' " approved April eighteenth, one thousand nine hundred and three, known as chapter one hundred and seventy-six, page three hundred and forty-nine, pamphlet laws of one thousand nine hundred and three.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Section one of the act to which this is an amendment is hereby amended so as to read as follows:

Section
amended.

1. It shall be unlawful for any person or persons to trespass upon the occupied lands of any other person or persons within this State for the purpose of hunting with gun, or fishing, killing, or catching any of the game or fish enumerated in the statutes without the consent of the owner or person or persons in possession of such lands being first had and obtained; and every person violating this act shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine not exceeding ten dollars, or by imprisonment in the county jail for a term not exceeding ten days, or both; such fine and imprisonment at the discretion of the court before which said conviction is had.

Trespassing.

Penalty.

2. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved, April 13, 1908.

CHAPTER 205.

An Act to authorize and empower cities of the second class in this State to fix and regulate the salaries and compensation of collectors of taxes, treasurers and their assistants.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Salary of
collector of
taxes and
assistants.

1. It hereafter shall be lawful for any city of the second class, by its common council, board of aldermen or other governing body having control of the finances, to fix and regulate by ordinance the salary or compensation of the collector of revenue and his assistants, or collector of taxes and his assistants, or other like officer charged by law in such city with the collection of taxes therein, and also the city treasurer and his assistant; *provided, however*, that the salary or compensation of any such officer shall not be reduced during his present term of office.

Proviso.

Repealer.

2. All acts and parts of acts, general, local or special, inconsistent herewith are hereby repealed.

3. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 206.

An Act to confer upon the fire department in all municipalities of this State the right of way for fire apparatus of all kinds when on duty.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Right of fire-
men when on
duty in
streets.

1. The officers and men of the fire department and the insurance patrol with their apparatus of all kinds

when on duty shall have the right of way in responding to any alarm of fire in any highway, street or avenue over any and all vehicles of any kind except those carrying United States mail; and any person in or upon any vehicle who shall wilfully refuse the right of way, or in any way obstruct any fire apparatus, or any said officer, while in performance of his duty shall be guilty of misdemeanor and be liable to punishment for the same.

2. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 207.

An Act to authorize cities to purchase steam fire engines and apparatus and appliances and to repair the same, and to repair or reconstruct buildings used for fire department purposes and to provide a method for raising money for the payment thereof.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. It shall be lawful for the council or other governing body in cities of this State, when in the judgment of a majority of the members thereof it is necessary so to do, to purchase steam fire engines and apparatus and appliances and to repair the same, and to reconstruct or repair the buildings used for fire department purposes in such cities at a cost not to exceed the sum of thirty-five thousand dollars.

Fire apparatus and buildings.

Expenditures.

2. Any purchase of such steam fire engine or steam fire engines, or apparatus or appliances, and all work and labor done and material furnished for the repair of the same, or the reconstruction or repair of such building, shall be done and furnished by contract awarded, upon at least two weeks' advertisement in the official newspapers of such city, to the lowest responsible bidder or bidders for the same.

Furnished by contract.

Bond issue.

Time.

Rate.

Sinking fund.

3. The council or other body of such city having the management and control of the finances of such city, are hereby authorized and empowered to issue bonds, either registered or coupon, in an amount not exceeding the sum of thirty-five thousand dollars, to raise money to pay for the purchase of such steam fire engine or engines and apparatus and appliances and for the repair of the same, or the reconstruction or repair of said buildings; that said bonds shall be payable in twenty years from the date thereof, and shall bear interest not exceeding five per centum per annum, to be sold at not less than par; and that there shall be a sufficient sum appropriated and put in the tax levy of such city each year to pay the interest on such bonds, and also there shall in each year be appropriated and put in the tax levy of such city a further sum equal to one-twentieth of the amount of the bonds issued for the purpose aforesaid, towards the payment of such bonds, to be properly invested and deposited in the sinking fund of such city to meet the payment of said bonds when they shall become due and payable.

4. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 208.

A Supplement to an act entitled "A supplement to an act entitled 'A further supplement to an act entitled "An act to regulate elections," approved April fourth, one thousand eight hundred and ninety-eight,' which further supplement was approved April fourteenth, one thousand nine hundred and three," and which supplement was approved October twenty-eighth, one thousand nine hundred and seven.

Petition to
place names
for free-
holder on
primary
ticket.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. In all cases where the voters of two or more municipalities of this State vote jointly for the office of chosen

freeholder not less than three legal voters of any political party in each municipality may file with the clerk of their respective municipality a petition endorsing any member of their political party as a candidate for the nomination of said party to the said office of chosen freeholder, in the manner provided by the act to which this act is a supplement for the endorsing of candidates for nomination in a single ward or township. And such municipal clerk shall cause the names of all persons so nominated to be printed upon the official primary ballots of his municipality, and the result of said primary election shall be transmitted to the municipal clerk, and by the municipal clerk in each of said municipalities to the county clerk of said county in the manner provided in the act to which this act is a supplement; and the person receiving in the aggregate the highest number of votes in the various municipalities entitled to vote for said office, shall be the candidate of his political party at the ensuing election; and the county clerk shall cause his name to be printed as such candidate upon the official ballot of his party to be used in the election districts entitled to vote for said office.

Candidate of
party at
ensuing
election.

2. This act shall take effect immediately.

Approved, April 13, 1908.

CHAPTER 209.

An act to amend an act entitled "A supplement to an act entitled 'A further supplement to an act entitled "An act to regulate elections," approved April fourth, one thousand eight hundred and ninety eight,' which further supplement was approved April fourteenth, one thousand nine hundred and three," and which supplement was approved October twenty-eighth, one thousand nine hundred and seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

I. Section three of the act to which this act is an amendment is hereby amended to read as follows:

Section 3
amended.

Result of
primary
election filed
with county
clerk, who is
to canvass
returns.

3. The board of registry and election in each election district of every county in this State shall include the results of such primary election as to the candidates affected by this act in the statement which they are now required by law to transmit to the municipal clerk, and the said municipal clerk shall forthwith transmit the said results to the county clerk, who shall forthwith canvass said returns, and the person having in the aggregate the highest number of votes shall be the candidate of his respective party for the office to be filled. In case more than one person is to be elected to the same or similar office, the persons having the highest number of votes to the extent of the number of offices to be filled shall be the candidates of their respective parties for the said offices. In the event of a failure to select a candidate of any political party for any office affected by this act, by reason of two or more persons receiving the highest and the same number of votes, the chairman of the county committee of said political party shall select from said candidates one to be the party candidate for the office in question, and file a statement of such selection with the county clerk, and the person so selected shall be the candidate of the party at the ensuing election. The county clerk shall cause to be printed upon the official ballots of the respective political parties, to be used at the succeeding general election, the names of the candidates nominated as aforesaid to fill the respective offices.

Names of
candidates on
ballots.

Section 4
amended.

2. Section four of the act to which this act is an amendment is hereby amended to read as follows:

Endorsement
by petition to
place name on
primary
ticket.

4. Not less than fifty voters of any political party in any municipality of this State other than a county, may file with the clerk of such a municipality a petition endorsing any member of their political party as a candidate for the nomination of said party to public office in said municipality in accordance with and in the manner provided by the act to which this is a supplement for the endorsing of candidates for nomination in a single ward or township, and such municipal clerk shall cause the names of all persons so nominated to be printed upon the official primary ballots of the respective

Name on
official ballot.

political parties, in the election districts, the voters of which are entitled to vote for such candidate, and the result of said primary election shall be transmitted to the municipal clerk, and by him to the county clerk of said county in the manner provided in the preceding section of this act, and the person receiving the highest number of votes shall be the candidate of his political party at the ensuing election, and the county clerk shall cause his name to be printed as such candidate upon the official ballot of his party, to be used in the election districts entitled to vote for said office; *provided*, that nothing in this section contained shall interfere with or alter the provisions of an act to which this act is a supplement, providing for the nomination of candidates for public office in a single borough, ward or township.

Proviso.

3. Section five of the act to which this act is an amendment is hereby amended to read as follows:

Section 5 amended.

5. The provisions of this act shall be construed in conjunction with the provisions of the act to which this is a supplement and the several supplements thereto and amendments thereof, and said acts shall apply to the nominations provided by this act, except where inconsistent therewith.

Act how construed.

4. This act shall take effect immediately.

Approved, April 13, 1908.

CHAPTER 210.

An Act to amend "A further supplement to the act entitled 'An act regulating the granting by municipalities of consent to the use of streets, avenues, parks, parkways and other public places,'" approved March twenty-seventh, one thousand nine hundred and six, which supplement was approved May eighth, one thousand nine hundred and seven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The first section of the supplement, to which this is amendatory, is hereby amended to read as follows:

Section amended.

Granting
franchise by
referendum
in municipali-
ties over
12,000.

Proviso.

1. The provision of the act entitled "An act regulating the granting by municipalities of consent to the use of streets, avenues, parks, parkways and other public places," approved March twenty-seventh, one thousand nine hundred and six, so far as they relate to the term for which any franchise or use may be granted, and which provide for a referendum in case application shall be made to a municipality for the consent of said municipality to the use of any street, avenue, park, parkway, highway or other public place for a period of more than twenty years, shall not hereafter apply to, affect or be binding upon any municipality of this State, except those having a population of twelve thousand inhabitants and upwards; *provided, however*, that no consent to the use of any street, avenue, park, parkway, highway, or other public place, hereafter granted by any municipality of this State, shall be, in any case, for a longer term than fifty years.

2. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 211.

An Act creating the department of public reports.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Commis-
sioner of
reports.

Salary.

Office.

1. There shall be created a department of public reports, consisting of a commissioner who shall be a resident and citizen of this State, and who shall be appointed by the Governor, by and with the advice and consent of the Senate, to serve for a term of five years at an annual salary of two thousand dollars, payable monthly by the Treasurer upon the warrant of the Comptroller. The said department shall be provided with quarters in the State House, in the city of Trenton, and the said commissioner shall be empowered to employ,

with the approval of the Governor, a stenographer at a salary not to exceed six hundred dollars a year.

Stenographer.

2. It shall be the duty of said commissioner to critically examine, edit and index, subject to the approval of the Governor, all official reports presented by any official, institution or department of this State, and determine what parts thereof, if any, shall be printed, and to prepare satisfactory indices thereof.

Duties of commissioner.

3. Hereafter all reports shall be filed with the Secretary of State. No report of any official, institution, board, commission or department of this State shall be printed, except such as shall have been edited and approved of by the commissioner of reports and the Governor.

All reports filed with Secretary of State.

4. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 212.

An Act to regulate the public service of stallions in New Jersey

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Every person, firm or company standing, traveling or offering for use any stallion or jack in this State shall cause the name, description and pedigree of such stallion or jack to be enrolled by the Stallion Registration Board hereinafter provided for, and shall secure a license from said board as provided in section three of this act. The enrollment and verification of pedigree and the issuing of license certificates shall be done by the Animal Husbandman of the State Experiment Station.

Registration of stallions and jacks.

2. In order to carry out the provisions of this act, the active members of the Live Stock Commission, namely, the Animal Husbandman of the State Experiment Station, who shall be secretary and executive officer, a graduate veterinarian and a prominent breeder

Examining board.

Compensation.

Duties.

Examination
of stallions
and jacks.Freedom
from disease.Certificate
issued.Disqualify-
ing diseases.

of live stock, shall constitute a Stallion Examining and Registration Board, whos compensation shall be while engaged in personally examining stallions and jacks five dollars per diem and traveling expenses in addition to the regular compensation, as provided for by the law establishing the Live Stock Commission; to pass upon certificate of veterinary examination; to provide, when necessary, for veterinary inspection; to issue stallion license certificates; to make all necessary rules and regulations, and to perform such other duties as may be deemed necessary to carry out and enforce the provisions of this act.

3. In order to secure the license certificates herein provided for, the owner of each stallion or jack shall present his candidate for an examination, together with all necessary papers relative to his breeding and ownership, at the county seat of each county, or such other place and at such time as may be fixed by said board. Three insertions in one or more newspapers in each county constituting a legal notice to the owners of sires. It shall be the duty of this board to personally examine each stallion or jack and determine to the best of their knowledge and belief whether said stallion or jack is free from infectious, contagious or transmissible diseases or unsoundness, and their findings shall be final. Upon verification of pedigree and certificate of breeding (in case of pure-bred stallions or jacks), and providing said stallion or jack has satisfactorily passed said veterinary examination, a certificate shall be issued to the owner. The presence of any one or more of the following-named diseases shall disqualify a stallion or jack for public service, and are hereby defined, as infectious, contagious or transmissible diseases or unsoundness for the purpose of this act:

Cataract; amaurosis (glass eye); periodic ophthalmia (moon blindness).

Laryngeal hemiplegia (roaring or whistling).

Pulmonary emphysema (heaves, broken wind).

Chorea (St. Vitus' dance, crampiness, shivering, string-halt).

Bone spavin; ringbone; sidebone; navicular disease.

Bog spavin; curb; with curby formation of hock.
 Glanders; farcy; maladie du coit; utheral gleet;
 mange; melanosis.

Osteoperosis; canker of the foot; laminitis.

The Stallion Examining and Registration Board is hereby authorized to refuse a certificate of enrollment to any stallion or jack affected with any one of the diseases specified and to revoke a previously issued license at any time if upon examination a stallion or jack is found to be so affected.

Refusal and
 revocation
 of licenses.

4. The Stallion Examining and Registration Board is authorized in case of emergency to name a committee in each county, consisting of a graduate veterinarian and a practical horseman whose compensation shall be ten dollars per diem and expenses while making such examinations, who shall examine the various stallions or jacks in said county, and issue to the owner of said animals, under oath, a certificate stating that said animals are free from infectious, contagious and transmissible diseases or unsoundness, as herein defined. The owner shall forward same, together with all necessary papers, relative to the breeding or ownership of said animals, to the secretary of the examining and registration board, who in turn shall issue the proper certificate.

County ex-
 amining
 boards to act
 in cases of
 emergency.

5. The owner of any stallion or jack used for public service in this State shall post and keep affixed, during the entire breeding season copies of the license certificate of such stallion or jack issued under the provision of section six in a conspicuous place, both within and upon the outside of every stable or building where said stallion or jack is used for public service, at his home or elsewhere. Such copies shall be printed in bold-faced and conspicuous type, not smaller than "long primer" and the words "pure bred" or "grade" must precede the name of the stallion or jack, as the case may be.

License
 displayed.

6. The license certificate issued after proper examination of the stallion or jack, whose sire and dam are of pure breeding, and the pedigree of which is registered in a stud-book recognized by the United States Department of Agriculture, shall be in the following form:

Form of
 license certi-
 ficate of
 pure-bred
 stallion.

Stallion Examining and Registration Board.

License Certificate of Pure-Bred Stallion.

The pedigree of the stallion or jack (name)
 owned by bred by described
 as follows color breed
 foaled in the year has been examined
 at the State Experiment Station by the Animal Hus-
 bandman, and it is hereby certified that the said stallion
 is of pure breeding and is registered in a stud-book
 recognized by the United States Department of Agri-
 culture. The above-named stallion has been examined
 by and is reported as free from infectious,
 contagious, transmissible disease or unsoundness, and
 is licensed to stand for public service in the State
 of New Jersey.

Signed
 Animal Husbandman and Secretary of the
 Stallion Examining and
 Registration Board.

License cer-
 tificate of
 grade stallion.

7. The license certificate issued after a proper exam-
 ination for a grade stallion or jack (the term "grade"
 being herein defined as a stallion or a jack having for its
 sire or dam a pure-bred individual registered in a stud-
 book recognized by the United States Department of
 Agriculture) shall be as follows:

The license certificate issued after proper examination
 for a stallion whose sire or dam is not of pure breeding
 shall be in the following form:

Stallion Examining and Registration Board.

License Certificate of Grade Stallion.

The pedigree of the stallion or jack (name)
 owned by bred by described
 as follows color breed
 foaled in the year has been examined
 at the State Experiment Station Division of Animal Hus-
 bandry, and it is hereby certified that the said stallion
 or jack is not of pure breeding, and is, therefore, not
 eligible for registration in any stud-book recognized by
 the United States Department of Agriculture.

The above-named stallion or jack has been examined
 by, and is reported as free from infectious,
 contagious or transmissible disease or unsoundness, and

is licensed to stand for public service in the State of New Jersey.

Signed
Animal Husbandman and Secretary of the
Stallion Examining and
Registration Board.

8. Every bill, poster or advertisement issued by the owner of any stallion or jack, licensed under this act and used for advertising such stallion or jack shall contain a copy of his license certificate and shall not contain illustration, pedigree or other matter that is untruthful or misleading. Advertising.

9. A fee of five dollars shall be paid to the secretary of the Stallion Examining and Registration Board for the examination and enrollment of each accepted pedigree, after which he shall issue a license certificate in accordance with the breeding of the animal as above recorded. A fee of two dollars shall be paid annually for the renewal of pedigree certificate and service license. Stallions shall be examined every year until ten years of age, and after the first examination shall be exempt if ten years of age or over. Examination fee.

10. Upon the transfer of the ownership of any stallion or jack, licensed under the provision of this act, the license certificate may be transferred by the secretary of the board to the transferee upon presentation and surrender of the license certificate and upon the payment of one dollar. Renewal.

11. Any person who shall violate any of the provisions of this act shall be liable to a penalty of fifty dollars for the first offence, and to a penalty of one hundred dollars for the second and each subsequent offence. Such penalty shall be recovered in an action of debt at the suit of the Live Stock Commission of the State of New Jersey. All penalties and fees collected under any of the provisions of this act shall be paid by such Live Stock Commission to the Treasurer of the State of New Jersey. Period of examinations.

12. This act shall take effect September first, one thousand nine hundred and eight. Transfer of animal and license fee.

Approved April 13, 1908. Penalties.

In effect.

CHAPTER 213.

An Act to amend an act entitled "An act for the appointment of firewardens, the prevention of forest fires and the repeal of the sundry acts relating thereto," approved April eighteenth, one thousand nine hundred and six.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section 2
amended.

1. Section two of the act to which this is an amendment be and the same is hereby amended so as to read as follows:

Township
firewardens.

2. The township committee, or governing body of every township in this State shall, within thirty days after receiving notice in writing from the State Board of Forest Park Reservation Commissioners, appoint some suitable person to act as township firewarden for the entire township, or such part thereof as said commission shall determine, for a term of one year and until his successor shall have been appointed, and on failure so to do, the State Board of Forest Park Reservation Commissioners, shall make such appointment. Such appointment, when accepted, shall be promptly certified to the State Firewarden. The person so appointed may be summarily removed by said commission. If any person so appointed is so removed, said commission shall promptly notify the governing body making such appointment, and said governing body shall, at its next meeting, fill the vacancy for the unexpired term; *provided*, no person so removed by said commission shall be eligible for reappointment within one year from the date of said removal. When required by the State Firewarden, the township firewarden shall establish two or more districts for the township for which he is

Term.

Vacancy.

Proviso.

Township
districts.

appointed, and shall appoint suitable persons as district firewardens; *provided, however*, no district firewarden shall be appointed for the district in which the township firewarden lives. Any township firewarden shall have power to designate one or more proper persons to act as deputy or deputies in case of his absence or disability from any cause. He shall file with the State Firewarden, and with the township committee, the names and addresses of all district firewardens and deputies appointed by him, and shall specify the districts to which they are assigned.

Proviso.

Deputy firewardens.

2. Section three of said act be and the same is hereby amended so as to read as follows:

Section 3 amended.

3. The State Firewarden shall have all the powers herein granted to the township firewardens. Under the direction of said commission he shall have supervision of all township and district firewardens, shall visit each township as often as necessary and fully acquaint each firewarden with his duties, notify the commission of all vacancies on the roll of firewardens as soon as they occur, see that the townships are properly divided into districts of suitable size and proper location, and that district firewardens are appointed as provided by law, have charge of firewardens' reports, and, when the cause of a fire is not reported, ascertain its origin. When it appears that the provisions of this act have been violated he shall collect evidence of such violation, and, when duly authorized by said commission, institute prosecutions for such violations. He shall also have supervision of all bills against the State rendered by the various municipalities for fighting forest fires.

Supervision by State firewarden.

3. Section six of said act be and the same is hereby amended so as to read as follows:

Section 6 amended.

6. Firewardens and helpers shall be paid at the following rates, unless other rates shall be fixed by the township committee or other governing body, and notice thereof filed with the State Firewarden. Each township firewarden shall be paid at the rate of twenty dollars a year and each district firewarden, appointed as provided in Section 2 as amended, at the rate of ten dollars a year. Said sums shall be in lieu of all allow-

Compensation; yearly salary.

Special services; rate of pay.

ances for making reports, for postage, for posting fire-warning notices, and for issuing permits, and for services, not to exceed three days in any one year, in investigating fires and the causes thereof and in assisting the State Firewarden as he may require. For special services in excess of three days and for all time in actual fire fighting, firewardens, and their helpers, shall be paid at the following rates:

Firewardens, while engaged in fighting fires, two dollars for five hours or less, and thirty cents per hour thereafter.

Firewardens, while otherwise employed, twenty-five cents per hour.

Helpers, fighting fire, one dollar for five hours or less, and twenty cents per hour for more than five hours.

Helpers, on patrol or employed otherwise than fighting fire, twenty cents per hour.

Presentation of bills.

Firewardens shall render to the governing body of the township in which the fire occurred a statement of the services rendered by them and by the men, teams and other apparatus employed by them as provided in this act, within one month of the date of such service, which said bill shall show in detail the amount and character of the services performed, the exact duration thereof, the name of each person employed, and all disbursements made by said firewardens. If said bill be duly approved, it shall be paid in such manner, and by such official, as other bills of said township are paid.

Certified copies.

One-half repaid by State.

A certified copy of all bills paid in accordance with this section, with evidence of payment, shall be filed with the State Firewarden. On approval of said bill by the State Board of Forest Park Reservation Commissioners, one-half of said amount shall be repaid said township by the State Treasurer upon warrant of the State Comptroller; *provided, however*, the State shall pay the entire cost of extinguishing fires originating on and restricted to State forest reservations, and such bills shall not be presented to the township committee but certified to the State Firewarden directly; *and provided further*, that in no case shall the State's share of any bill be based upon a higher rate for services than as fixed above.

Proviso.

Proviso.

4. Section seven of said act is hereby amended so as to read as follows: Section 7 amended.

7. The firewarden of the township in which a fire occurs shall within ten days make such report thereof to the State Firewarden as may be prescribed by the State Board of Forest Park Reservation Commissioners. Each district warden shall report promptly any fire in his district to the township firewarden. Report of fires.

5. Section nine of said act is hereby amended so as to read as follows: Section 9 amended.

9. In any township or part thereof for which firewardens have been appointed under the provisions of this act, waste, fallows, stumps, logs, brush, dry grass or fallen timber shall not be burned unless the written permission of the State Firewarden or of the township or district firewarden of the township or district in which such fire is set has been first obtained. Such permission shall not be granted by any firewarden if, in his opinion, any forest or woodland will be endangered thereby, nor shall such permission, if granted, relieve or exonerate any person from any penalties under this act, in case by reason of such fire, any forest, brushland, or woodland be burned; *provided, however*, that permits shall not be necessary for burning said materials when the fire is set in a public road, garden or plowed field at a distance of not less than two hundred feet from any woodland, brushland or field containing dry grass or other inflammable material. Permission to burn brush, etc.

6. Section eleven of said act is hereby amended so as to read as follows: Section 11 amended.

11. No person shall set fire to or burn, or cause to be burned, any waste land, brushland or forest land, but nothing in this section shall be interpreted to forbid any person from setting a back fire, or ground fire, or a surface fire, upon his own property to protect the same; *provided, however*, if such fire be permitted to escape, or does escape, to adjoining property then the person setting such fire, or causing it to be set, shall be deemed to have violated the provisions of this section. Any firewarden, however, shall have the power to set, or direct to be set, any back fire. Back firing allowed.

Proviso.

Section 12
amended.

7. Section twelve of said act is hereby amended so as to read as follows :

Penalties.

Every person who shall violate any of the provisions of this act, and every person who shall obstruct or in anywise interfere with any firewarden, his deputies and assistants, in the performances of any duty under this act, shall be liable to a penalty of not less than fifty dollars nor more than two hundred dollars, except as otherwise provided in this act; *provided, however*, that where no forest land, brushland or woodland has been burned by a fire started in violation of section nine, the minimum penalty shall be twenty dollars. Any firewarden, or deputy, acting in the absence or disability of a firewarden, may arrest, without warrant, any person or persons taken by him in the act of violating any of the provisions of this act, and shall proceed against such person or persons in the manner prescribed by this act.

Proviso.

Right to
arrest with-
out warrant.

Section 16
amended.

8. Section sixteen of said act is hereby amended so as to read as follows :

Officers to
serve process
or execution.

16. The officers to serve and execute any process or execution issued as aforesaid shall be the sheriff or any constable of the county, and, within the jurisdiction of any district court, shall include the sergeant-at-arms thereof, which service and execution shall in all cases be made in the same manner and under the same liabilities that other processes and executions issued out of the district court of this State are served and executed under and by virtue of the provisions of the act entitled "An act concerning district courts," approved June fourteenth, in the year one thousand eight hundred and ninety-eight. The costs taxable and recoverable in any case prosecuted as aforesaid shall be the costs allowed by the act last above-mentioned in cases prosecuted in district courts. The penalty recoverable in any such action shall be paid to the prosecutor therein, who shall pay the same into the treasury of this State. The judge of the district court, justice of the peace, police justice or recorder before whom any case is prosecuted under the provisions of this act may adjourn the hearing thereof from time to time, not exceeding thirty days

Procedure.

Costs.

Disposition
of penalty.

from the return day of the summons or warrant; and, in any case where a warrant shall have been issued, may require the defendant to enter into a bond with sufficient surety to the plaintiff in the penal sum of two hundred dollars, conditioned to appear at the time and place of the hearing or trial, and, in default of such bond, may commit the defendant to the common jail of the county, to be there detained until the hearing or trial of the complaint; and if any defendant shall fail to appear at the time and place to which the hearing or trial shall be so adjourned, the bond shall be delivered to the prosecutor, who may sue thereon, and all moneys recovered in such suit shall be paid by the prosecutor into the State treasury.

Bond
demanded.

9. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 214.

A Further Supplement to an act entitled "An act for the establishment of forest park reservations by and in the State of New Jersey, and for the appointment of a State Board of Forest Park Reservation Commissioners and defining its powers and duties," approved March twenty-second, one thousand nine hundred and five.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. There shall be paid annually to the treasurer of each township or other municipality in which lands are held as State forest reserves, under the act to which this act is a supplement, the sum of two cents per acre for each acre of such reserves in said township or other municipality. Said payment shall be made on the order of the State Board of Forest Park Reservation Commissioners from the appropriation made for the maintenance of State forest reserves.

Payment to
township
per acre.

2. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 215.

A Supplement to an act entitled "A general act relating to negotiable instruments (being an act to establish a law uniform with the laws of other states on that subject)," approved April fourth, one thousand nine hundred and two.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Liability of
bank to
depositor.

1. No bank shall be liable to a depositor for the payment by it of a forged or raised check, unless within one year after the return to the depositor of the voucher of such payment such depositor shall notify the bank that the check so paid was forged or raised.

2. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 216.

A Supplement to an act entitled "An act relative to the compensation of prosecutors of the pleas in certain counties in this State," approved March sixth, nineteen hundred.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Salary of
certain
prosecutors.

1. Whenever the population of any county in this State, as ascertained by any state or federal census, is more than thirty-six thousand and less than forty thousand, the prosecutor of the pleas of such county shall receive an annual salary of one thousand eight hundred

dollars; such salary shall be payable in monthly installments in lieu of all fees and allowances; which fees shall be paid into the county treasury; *provided*, that this act shall not take effect in any such county until the prosecutor of the pleas thereof shall have filed in the office of the clerk of said county his acceptance of the salary herein fixed, and a waiver of all fees and allowances now fixed by law. Proviso.

2. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 217.

An Act to amend an act entitled "An act relating to courts having criminal jurisdiction, and regulating proceedings in criminal cases" (Revision of 1898).

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section fifty-five of the act to which this is amendatory be and the same is amended so as to read as follows: Section 55 amended.

55. After conviction and sentence the court before which such conviction was had, upon the application of the defendant for a new trial, shall have power, at any time during the term in which the judgment is entered, to open and vacate the same and grant a new trial, and discharge the defendant from custody upon bail pending such new trial; or may, at any time, either during the term in which the judgment is entered, or after the term, upon the application of the defendant, or, on its own motion, open and vacate the judgment entered on any conviction, and resentence the defendant, as right and justice may seem to require, and discharge the defendant from custody upon bail pending such resentence; *provided*, that the court shall not have power to open and vacate any judgment entered on any conviction Application for new trial.

Bail.

Proviso.

for a high misdemeanor after the term has expired in which the judgment was entered.

Repealer.

2. All acts or parts of acts, so far as they conflict herewith, be and the same are hereby repealed.

3. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 218.

An Act to repeal an act entitled "An act to provide for the regulation of the flow of torrential rivers, to protect persons and property from damage by floods, and to provide for the maintenance and regulation of river flooded districts when established by law," approved April nineteenth, one thousand nine hundred and four.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Act repealed.

1. From and after the passage and approval of this act an act entitled "An act to provide for the regulation of the flow of torrential rivers, to protect persons and property from damage by floods, and to provide for the maintenance and regulation of river flood districts when established by law," approved April nineteenth, one thousand nine hundred and four, be and the same is hereby repealed.

2. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 219.

An Act to repeal an act entitled "An act to create a flood district to be called Passaic river flood district," approved April twenty-ninth, one thousand nine hundred and five.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. From and after the passage and approval of this act, an act entitled "An act to create a flood district to be called Passaic river flood district," approved April twenty-ninth, one thousand nine hundred and five, be and the same is hereby repealed. Act repealed.

2. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 220.

An Act to perfect the title to certain real estate in the borough of Matawan, in the county of Monmouth and State of New Jersey, now or lately owned by Mary Farry and others, children of John H. Farry, deceased.

WHEREAS, On or about the twenty-fifth day of July, one thousand eight hundred and sixty-six, Jordan Woolley, then late sheriff of Monmouth county, did convey to John W. Herbert certain premises in the village of Matawan, county of Monmouth, belonging to David Craig, by virtue of a sale made by said sheriff under a fieri-facias issuing out of the Court Preamble.

of Chancery of New Jersey in a certain cause wherein Joseph H. Chapman was complainant and David Craig and others were defendants; and

WHEREAS, The said deed conveying said land has never been recorded, and has either been lost or destroyed and the said sheriff is dead; and

WHEREAS, The said John W. Herbert and wife thereafter conveyed said land to Eleanor Herbert, wife of Isaac Herbert, by deed, wherein it is duly recited that it was the same land "conveyed to him by Jordan Woolley, late sheriff of the county of Monmouth, by deed, dated July twenty-fifth, one thousand eight hundred and sixty-six, and not yet recorded"; and

WHEREAS, Thereafter the said land was sold by John H. Patterson, sheriff of Monmouth county, under a fieri facias from the Court of Chancery to Gordon D. White, Aaron Longstreet, Sidney Bray and John W. Herbert in a cause wherein the said Eleanor Herbert and others were defendants; and

WHEREAS, Thereafter the said land was sold by Gordon D. White and wife, Aaron Longstreet and wife, Sidney Bray and wife and John W. Herbert and wife to the above-named John H. Farry in the year one thousand eight hundred and seventy and remained in his ownership and possession down to the time of his death, which occurred in the year one thousand eight hundred and ninety-five; and

WHEREAS, The widow of said John H. Farry and the executors of his last will thereafter conveyed said land to Henry H. Longstreet, who thereafter, by deeds, conveyed the same so that the title became vested in Mary Farry, G. M. Farry, Ella F. Conover and Almira B. Longstreet; and

WHEREAS, The said David Craig died in the year one thousand eight hundred and seventy-six without leaving issue, or without leaving legal heirs-at-law, so that there are now no persons capable of inheriting any title which the said David Craig might have claimed to hold by reason of the non-recording of said deed; and

WHEREAS, By reason of the loss or destruction of the aforesaid sheriff's deed, doubts have arisen as to the

title of the said children of said John H. Farry in said lands; therefore,

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The title to the following-described premises be perfected by vesting the same in Mary Farry, G. M. Farry, Ella F. Conover and Almira B. Longstreet, the children of John H. Farry, deceased, or their grantees in any deed therefor made since April fifth, one thousand nineteen hundred and five, viz:

Title
perfected.

All that tract or parcel of land and premises herein-after particularly described, situate, lying and being in the borough of Matawan, in the county of Monmouth and State of New Jersey, located in the borough of Matawan and known as the Matawan Hotel property, on the east side of Main street, in the said borough of Matawan, and being the same property which Tunis T. Ten Eyck bought of Cornelius Welden by deed bearing date May seventh, A. D. one thousand eight hundred and thirty-six, and which is recorded in the county clerk's office at Freehold, in Book No. 3 of deeds, on pages 21-22, and described in said deed as:

Description
of premises.

Beginning at a point in the easterly side of Main street, in Matawan, New Jersey, where the easterly side of Main street is intersected by the division line of lands of Mrs. Mary Hayward and land of the Matawan Hotel property; thence (1) along the southerly line of lands of the aforesaid Mrs. Mary Hayward, William Tuttle and others south fifty-nine degrees forty-five minutes east eight hundred feet, more or less, to the center of Gravelly creek; thence (2) in a southwesterly direction along the center of said creek two hundred and twenty-five feet to a point where the center of said creek is intersected by the northerly line of lands of the estate of W. S. Little; thence (3) along the northerly line of lands of the estate of W. S. Little, Rose F. Schock and lands of Dunlap and Schock north fifty-two degrees forty minutes west six hundred and eighty-seven feet, more or less, to lands of the estate of Mary Crook; thence (4) along the easterly line of the aforesaid Mary Crook north thirty-seven degrees forty-six minutes east forty feet to the northeast corner of said Mary Crook's

Recital
from deed.

land; thence (5) along the northerly line of lands of the aforesaid Mary Crook north fifty-four degrees forty minutes west one hundred and fourteen feet and eighteen-hundredths of a foot to the easterly side of Main street aforesaid; thence (6) along the easterly side of Main street north twenty-eight degrees forty-five minutes east eighty-four feet and forty-eight hundredths of a foot to the place of beginning, and containing three and five-hundredths acres, be the same more or less.

Surveyed by.

Being taken from an actual survey of the premises made by George D. Cooper, civil engineer, Red Bank, New Jersey, November twenty-fourth, one thousand nine hundred and six, as the same is delineated upon a map of the said property made by said engineer and bearing said date.

2. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 221.

An Act concerning the fire departments in cities of the first class in this State.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Membership
of fire com-
panies.

1. Whenever a resolution shall be adopted, concurred in and approved as provided in the next section of this act, it shall be lawful for the board of fire commissioners or other board having charge or control of the fire department of any city of the first class in this State, to increase the number of men attached to each company to twelve, by appointing one additional man to each company each year, and that one of said number shall be designated as captain and one as lieutenant.

Officers.
Action to
effect
increase.

2. Whenever the board of fire commissioners or other like board of any such city shall pass a resolution de-

claring an intention to take advantage and put the provisions of this act into operation in any such city, a copy of such resolution, together with an itemized statement of the amount of money necessary to enable such board to carry into effect the provisions of this act shall forthwith be forwarded to the finance board or other board having control of the finances of such city, and if the said last named board shall concur in such resolution and the mayor of such city shall approve the same, then this act shall become operative and said board of finance or other body having control of the finances of such city is hereby authorized and required to raise the money necessary to carry this act into effect.

3. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 222.

A Supplement to an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture and provide open and close seasons for such capture and possession (Revision of 1903)," approved April fourteenth, one thousand nine hundred and three.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. That it shall be unlawful to capture, kill, injure, destroy or have in possession any woodcock, ruffed grouse (commonly known as partridge), quail, English or ring-necked pheasant, prairie chicken, or any wild turkey, or rabbit or squirrel, in the following counties, that is to say: In Passaic county, Sussex county, Morris county, Warren county, Essex county, Hunterdon county, Somerset county, Hudson county, Union county and Bergen county, excepting only between the fifteenth day of October and the first day of December, both dates

Open season
for certain
game in
upper part
of State.

Penalty. inclusive of each year, under a penalty of twenty dollars for each woodcock, ruffed grouse (commonly known as partridge), quail, English or ring-necked pheasant, prairie chicken or wild turkey, or rabbit or squirrel, so captured, killed injured, destroyed or had in possession, and it shall be unlawful to capture, kill, injure, destroy or have in possession any woodcock, ruffed grouse (commonly known as partridge), quail, English or ring-necked pheasant, prairie chicken or any wild turkey, or rabbit or squirrel, in the remaining counties of this State, excepting between the fifteenth day of November and the thirty-first day of December, both dates inclusive of each year, under a penalty of twenty dollars for each woodcock, ruffed grouse (commonly known as partridge), quail, English or ring-necked pheasant, prairie chicken, wild turkey, or rabbit or squirrel so captured, killed, injured, destroyed or had in possession; *provided, however,* that it shall be lawful for the owner of game preserves at present established, to capture, kill, injure or destroy on said game preserve, or to have captured, killed, injured or destroyed on said game preserve; or to have in his or their possession any English or ring-necked pheasant, at any time between the first day of October and the thirty-first day of December, both dates inclusive.

Like provisions in lower part of State.

Penalty.

Proviso.

2. This act shall take effect immediately.
Approved April 13, 1908.

CHAPTER 223.

An Act to amend an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section 185 amended.

1. Section one hundred and eighty-five of an act entitled "An act to establish a thorough and efficient

system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three, be and the same is hereby amended so as to read as follows:

185. The person designated by law as the custodian of the moneys belonging to the municipality in which the school district shall be situate, or the collector, when designated by such board of education, shall be the custodian of the school moneys of such district, and shall receive such compensation as the township committee, common council, or other governing body of such municipality shall determine, which compensation shall be paid by said township committee, common council or other governing body from the funds of the township, incorporated town, borough, city or other municipality, and the bonds given by said collector or other person for the faithful performance of his duty as such officer, shall be held to cover and secure the faithful performance of his duty as custodian of school moneys, and the bondsmen thereon shall be liable therefor; and his bondsmen shall remain and be legally bound for the faithful performance of his duties as such custodian until the final settlement of his accounts; nothing in this article shall be construed as giving to the township committee, common council or other governing body of any municipality any control over moneys belonging to the school district in the hands of the custodian of the school moneys of said district, but said money shall be held by such custodian in trust, and shall be paid out by him only on orders legally issued and signed by the president and district clerk or secretary of the board of education; any ordinance, by-law or resolution of a township committee, common council or other governing body of any municipality attempting to control such moneys, or which shall in any way prevent the custodian of the school moneys of the school district from paying the orders of the board of education as and when they shall be presented for payment shall be absolutely void and of no effect; whenever any school district shall contain more than one municipality the board of education may appoint a suitable person

Municipal
custodian
of school
funds.

Bond.

Moneys held
in trust.

Joint school
district.

as custodian of school moneys of said district, and may fix his salary and term of office. Such custodian shall give bonds for the faithful discharge of his duties in such amount and with such sureties as said board shall direct, but such bonds shall be for a sum not less than the amount apportioned to said district by the county superintendent of schools; until the appointment of a custodian of school moneys by the board of education, the collector or other person residing in the municipality situate in such school district having the largest amount of taxable property shall be custodian of the school moneys of such district.

2. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 224.

An Act to repeal an act entitled "An act to authorize the Passaic river flood district commissioners to make further investigation in regard to the best methods of regulating the flow of torrential rivers in the Passaic river flood district, to protect persons and property therein from damage by floods, and to report a plan or method for this purpose to the Legislature of this State, and providing also for the payment of the necessary expenditure made by the said commissioners for this purpose," approved April twenty-fifth, one thousand nine hundred and six.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Act repealed.

1. From and after the passage and approval of this act an act entitled "An act to authorize the Passaic river flood district commissioners to make further investigation in regard to the best methods of regulating the flow torrential rivers in the Passaic river flood district, to

protect persons and property therein from damage by floods, and to report a plan or method for this purpose to the Legislature of this State, and providing also for the payment of the necessary expenditure made by the said commissioners for this purpose," approved April twenty-fifth, one thousand nine hundred and six, be and the same is hereby repealed.

2. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 225.

An Act to amend an act entitled "An act to amend an act entitled 'An act to authorize the boards of chosen freeholders in the respective counties of this State to acquire by purchase or condemnation lands for public use in such counties, and to provide for the issue of bonds to pay for the same,'" approved February twenty-eight, one thousand nine hundred.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The first section of the act entitled "An act to amend an act entitled 'An act to authorize the boards of chosen freeholders in the respective counties in this State to acquire by purchase or condemnation lands for public use in such counties, and to provide for the issue of bonds to pay for the same,'" approved February twenty-eight, one thousand nine hundred, be and the same is hereby amended to read as follows:

1. It shall be lawful for the boards of chosen freeholders in any county of this State to acquire by purchase or condemnation, as hereinafter provided, any tracts or parcels of lands, not exceeding in all thirty acres of land, to be used for the purposes of court houses, county offices, alms houses, jails, work houses, penitentiaries, house of detention for witnesses and juveniles

Section
amended.

Right to ac-
quire land
for county
buildings.

awaiting trials and transportation after sentences, lunatic asylums, county hospitals, and such other public buildings as may be required for the convenient transaction of public business or to furnish use for the prison and pauper labor of any such county.

2. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 226.

An Act regulating the disbursements of State moneys in certain cases.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Institutions
may retain
fire insurance
money.

1. All moneys heretofore received or which may be hereafter received by any department, institution, commission, board, committee or official of this State from any source whatever, in payment for or on account of any loss sustained by reason of the loss, destruction, or damage, by fire, of any State institution, buildings or property, in the custody or control or in charge of any such department, institution, commission, board, committee or official may be retained and used by such department, institution, commission, board, committee or official for the purpose of repairing and restoring said institutions, buildings or property so lost, destroyed, or damaged, as aforesaid.

Repairs
directed.

2. All plans and specifications for restoring or repairing State buildings as provided by section one of this act shall be prepared under the direction of the Commissioner of Charities and Corrections.

Exception.

3. This act shall not apply to moneys heretofore paid to the State Treasurer.

4. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 227.

An Act to annex to the borough of Paulsboro in the county of Gloucester a portion of township of Greenwich.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. All that portion of the township of Greenwich in the county of Gloucester included within the following boundaries, to wit:

Boundaries
of portion of
Greenwich
township
annexed to
Paulsboro.

Beginning at a wharf bolt set in the side of the public road leading from David D. DeVault's to Paulsboro, corner to lands of Andrew W. Mellon, and in the northerly line of the lands of the West Jersey and Seashore Railroad (Pennsgrove Branch); thence extending along the side of said public road (1) north seventy-four degrees eighteen minutes west, three hundred fifty-four and ninety-five hundredths feet to a bolt set in the side of said public road; thence along lands of John Q. Adams and crossing a portion of the right of way of the said railroad (2) south fifteen degrees forty-two minutes west, two hundred and eighty-five and sixty-two hundredths feet to a point in the center of the right of way of the aforesaid railroad; thence along the center line of said railroad (3) north seventy-one degrees two minutes east, five hundred two and nine-hundredths feet to a point in the center of said railroad; thence (4) north seventy-four degrees eighteen minutes west fifty-eight and two-hundredths feet to the place of beginning, is hereby set off from the said township of Greenwich and annexed to and made a part of the borough of Paulsboro in the county of Gloucester.

2. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 228.

A Supplement to an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Application
for review of
summary
conviction.

1. Upon application to the justice of the Supreme Court holding the Circuit Court in each of the counties of this State, or the president judge of the Court of Common Pleas for such county, by any person who has been convicted in any summary conviction had before any police justice, justice of the peace, mayor, recorder, or other magistrate in any city, town, township or borough, for the violation of any ordinance of any such city, town, or township or borough, who desires to have the legality of his conviction reviewed, such justice of the Supreme Court or president judge of the Court of Common Pleas, shall order the complaint, warrant, proceedings and record of conviction to be forthwith brought before him, that the legality of such proceedings and conviction may be reviewed and determined; and if such proceedings and conviction shall thereupon be found to be illegal, forthwith to set aside the same and to order the discharge of the person so convicted from custody.

2. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 229.

A Supplement to an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. It shall be the duty of the committee on discharge of prisoners of any board of chosen freeholders of the several counties to visit and inspect the county jail of their respective counties at least once in each month, and to make report to their respective boards at the next meeting of such boards of all persons undergoing confinement in said county jails for default in the payment of fines and costs imposed upon them by any police justice, justice of the peace, mayor, recorder or other magistrate in any city, town, township or borough, for the violation of any ordinance of any such city, town, township or borough, or for violation of the disorderly act, and whether such persons so confined are of sufficient means to pay such fines and costs, and whenever in the judgment of such board of chosen freeholders, such persons so confined as aforesaid are unable to pay such fines and costs, and further confinement therein will not cause the payment thereof, to report all such cases to the judge of the Court of the Quarter Sessions of such county and to recommend the cases in which the fines and costs should be remitted and such persons discharged from further imprisonment.

Monthly
inspection
of county
prisons.

Report—
what to show.

May recom-
mend dis-
charge.

2. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 230.

An Act to amend an act entitled "An act for the better regulation and control of the taking, planting and cultivating of oysters and clams on lands lying under the tidal waters of the county of Atlantic, in the State of New Jersey," approved March thirtieth, one thousand nine hundred and five.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Section 16
amended.

1. Section sixteen of the act of which this act is amendatory be and the same is hereby amended to read as follows:

Unleased
land not to
be used.

16. No oysters or clams shall be planted upon, tonged for, raked or taken from any of the unleased lands of the State under the tidal waters of the county of Atlantic; *provided*, that this section shall not prevent the taking of seed oysters from the lands set apart for State seed beds and grounds from and including the first day of October of any year to and including the thirtieth day of April of each succeeding year; *provided further*, that this section shall not prevent the taking of clams from the grounds set apart for clamming purposes. No oysters shall be taken from any State seed beds and grounds, except between sunrise and sunset.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 231.

An Act to amend an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof, approved, October nineteenth, one thousand nine hundred and three."

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

I. Section one hundred and fifty three of an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three, is amended to read as follows:

Section 153
amended.

153. Every parent, guardian or other person having control of a child between the ages of seven and seventeen years inclusive, shall cause such child to regularly attend a day school in which, at least, the common school branches of reading, writing, arithmetic, spelling, English grammar and geography are taught by a competent teacher, or receive equivalent instruction elsewhere than at school, unless such child is above the age of fifteen years and has completed the grammar school course prescribed by the State Board of Education, and in addition thereto is regularly and lawfully employed in any useful occupation or service. Such regular attendance shall be during all the days and hours that the public schools are in session in the city, town or district in which the child resides, unless it be shown to the satisfaction of the Board of Education of the school district in which such parent, guardian or other person resides, that the bodily or mental condition of such child is such to prevent his or her attendance at school. If such child be within the age of seventeen years and has completed the grammar school course and is not

Regular
school at-
tendance.

Subjects
studied.

Period of
attendance.

If child un-
employed,
to attend
high school.

regularly and lawfully employed in any useful occupation or service, such child shall attend the high school or manual training school in said city, town or district in which such child resides, if there is a high school or manual training school in said city, town or district; if there is no high school or manual training school in said city, town or district, said child shall be transported to a high school or manual training school as provided in section one hundred and nineteen of this act.

Repealer.

2. All acts or parts of acts inconsistent with this act are hereby repealed.

3. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 232.

An Act to repeal an act entitled, "An act to provide for the appointment of a commission to revise and codify the law relating to master and servant," approved April third, one thousand nine hundred and five.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Act repealed.

1. An act entitled "An act to provide for the appointment of a commission to revise and codify the law relating to master and servant," approved April third, one thousand nine hundred and five, be and the same is hereby repealed.

2. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 233.

An Act to defray the incidental expenses of the Legislature of New Jersey for the session one thousand nine hundred and eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. It shall be lawful for the Treasurer of the State of New Jersey to pay, upon the warrant of the Comptroller, to the several persons hereinafter named, the following amounts, that is to say:

Treasurer
authorized
to pay cer-
tain sums.

- | | |
|--|----------|
| Item No. 1. To each clergyman for opening the sessions of the Senate and House of Assembly with prayer, during the session one thousand nine hundred and eight, ten dollars, | \$10 00 |
| Item No. 2. To each officer of the Senate and House of Assembly of the session of one thousand nine hundred and seven, who were present and rendered service in opening the session of one thousand nine hundred and eight, ten dollars, | \$10 00 |
| Item No. 3. To Thomas Sayre, for services as assistant bill clerk to the Senate, for the session one thousand nine hundred and eight, five hundred dollars, | \$500 00 |
| Item No. 4. To Louis D. Champion, for services as stenographer to the Senate, for the session one thousand nine hundred and eight, five hundred dollars, | \$500 00 |
| Item No. 5. To William L. Dill, for services as assistant stenographer to the Senate, for the session one thousand nine hundred and eight, | \$500 00 |

Item No. 6. To Frederick B. Cobett, for services as assistant to Secretary of the Senate, for the session one thousand nine hundred and eight, five hundred dollars,	\$500 00
Item No. 7. To John S. Wilkins, for services as page to the Senate, for the session one thousand nine hundred and eight, two hundred dollars,	\$200 00
Item No. 8. To Daniel Cosgrove, for services as gallery keeper to the Senate, for the session one thousand nine hundred and eight, three hundred and fifty dollars,	\$350 00
Item No. 9. To William E. Bedle, for services as gallery keeper to the Senate, for the session one thousand nine hundred and eight, three hundred and fifty dollars,	\$350 00
Item No. 10. To Andrew B. Byram, for services as gallery keeper to the Senate, for the session one thousand nine hundred and eight, three hundred and fifty dollars,	\$350 00
Item No. 11. To W. W. French, for services as doorkeeper to the Senate, for the session one thousand nine hundred and eight, three hundred and fifty dollars,	\$350 00
Item No. 12. To Harry M. Dease, for services as clerk to Committee on Appropriations, for the session one thousand nine hundred and eight, five hundred dollars,	\$500 00
Item No. 13. To John E. De Hart, for services as clerk to Senate Committee on Banks and Insurance, for the session one thousand nine hundred and eight, three hundred and fifty dollars,	\$350 00
Item No. 14. To G. W. Homan, for services as file clerk to the Senate, for the session one thousand nine hundred and eight, three hundred and fifty dollars,	\$350 00

Item No. 15. To J. MacPherson Berrien, for services as file clerk to the Senate, for the session one thousand nine hundred and eight, three hundred and fifty dollars,	\$350 00
Item No. 16. To Ernest L. Quackenbush, for services as clerk to Senate Committee on Public Health, for the session one thousand nine hundred and eight, three hundred and fifty dollars,	\$350 00
Item No. 17. To George W. Addis, for services as clerk to Senate Committee on Judiciary, for the session one thousand nine hundred and eight, three hundred and fifty dollars,	\$350 00
Item No. 18. To William G. De Meza, for services as clerk to Senate Committee on Corporations, for the session one thousand nine hundred and eight, three hundred and fifty dollars,	\$350 00
Item No. 19. To Leroy Vandenburg, for services as clerk to Senate Committee on Railroads and Canals, for the session one thousand nine hundred and eight, three hundred and fifty dollars,	\$350 00
Item No. 20. To Howard B. Keasby, for traveling expenses as clerk to Senate Committee on Printed Bills, for the session one thousand nine hundred and eight, fifty-five dollars,	\$55 00
Item No. 21. To Harry M. Dease, for traveling expenses as clerk to Committee on Appropriations, for the session one thousand nine hundred and eight, twenty-five dollars,	\$25 00
Item No. 22. To George W. Addis, for traveling expenses as clerk to Senate Committee on Judiciary, for the session one thousand nine hundred and eight, fourteen dollars and eighty cents,	\$14 80
Item No. 23. To Leroy Vandenburg, for traveling expenses as clerk to Senate	

Committee on Railroads and Canals, for the session one thousand nine hundred and eight, sixty-five dollars,	\$65 00
Item No. 24. To John E. De Hart, for traveling expenses as clerk to Senate Committee on Banks and Insurance, for the session one thousand nine hundred and eight, twenty-five dollars and twenty cents,	\$25 20
Item No. 25. To Ernest L. Quackenbush, for traveling expenses as clerk to Senate Committee on Public Health, for the session one thousand nine hundred and eight, forty-eight dollars,	\$48 00
Item No. 26. To Howard W. Miller, for traveling expenses as clerk to Senate Committee on Revision of Laws, for the session one thousand nine hundred and eight, thirty-five dollars,	\$35 00
Item No. 27. To William G. DeMeza, for traveling expenses as clerk to Senate Committee on Corporations, for the session one thousand nine hundred and eight, thirty-two dollars,	\$32 00
Item No. 28. To G. W. Homan, for traveling expenses as file clerk to the Senate, for the session one thousand nine hundred and eight, sixty-five dollars,	\$65 00
Item No. 29. To J. MacPherson Berrien, for traveling expenses as file clerk to the Senate, for the session one thousand nine hundred and eight, four dollars,	\$4 00
Item No. 30. To Frank L. Wallace, for traveling expenses as doorkeeper to the Senate, for the session one thousand nine hundred and eight, fifty-three dollars and eighty cents,	\$53 80
Item No. 31. To Edward Lyons, for traveling expenses as doorkeeper to the Senate, for the session one thousand nine hundred and eight, sixty-five dollars,	\$65 00

Item No. 32. To W. W. French, for traveling expenses as doorkeeper to the Senate, for the session one thousand nine hundred and eight, thirty-five dollars,	\$35 00
Item No. 33. To Major Henry, for traveling expenses as doorkeeper to the Senate, for the session one thousand nine hundred and eight, sixty dollars,	\$60 00
Item No. 34. To John H. Peterson, for traveling expenses as doorkeeper to the Senate, for the session one thousand nine hundred and eight, forty-six dollars,	\$46 00
Item No. 35. To William A. Kline for traveling expenses as doorkeeper to the Senate, for the session one thousand nine hundred and eight, thirty-two dollars	\$32 00
Item No. 36. To Stephen S. McDermott, for traveling expenses as page to the Senate, for session one thousand nine hundred and eight, thirty-three dollars,	\$33 00
Item No. 37. To James L. Tallon, for traveling expenses as page to the Senate, for session one thousand nine hundred and eight, two dollars,	\$2 00
Item No. 38. To John S. Wilkins, for traveling expenses as page to the Senate, for the session one thousand nine hundred and eight, twenty-one dollars and eighty cents,	\$21 80
Item No. 39. To Russel A. Clark, for traveling expenses as page to the Senate, for the session one thousand nine hundred and eight, sixty dollars,	\$60 00
Item No. 40. To Howard Pike, for traveling expenses as page to the Senate, for the session one thousand nine hundred and eight, twenty-five dollars,	\$25 00
Item No. 41. To Daniel Cosgrove, for traveling expenses as gallery keeper to the	

Senate, for the session one thousand nine hundred and eight, sixty-five dollars,	\$65 00
Item No. 42. To William E. Bedle, for traveling expenses as gallery keeper to the Senate, for the session one thousand nine hundred and eight, fifty-one dollars and twenty cents,	\$51 20
Item No. 43. To Andrew B. Byram, for traveling expenses as gallery keeper to the Senate, for the session one thousand nine hundred and eight, fifty dollars,	\$50 00
Item No. 44. To Louis D. Champion, for traveling expenses as stenographer to the Senate, for the session one thousand nine hundred and eight, sixty-five dollars,	\$65 00
Item No. 45. To William L. Dill, for traveling expenses as assistant stenographer to the Senate, for the session one thousand nine hundred and eight, sixty-nine dollars,	\$69 00
Item No. 46. To Frederick B. Cobbett, for traveling expenses as assistant to secretary of the Senate, for the session one thousand nine hundred and eight, sixty-nine dollars,	\$69 00
Item No. 47. To Frank C. Vines, for traveling expenses as clerk to President of the Senate, for the session one thousand nine hundred and eight, sixty-seven dollars and sixty cents,	\$67 60
Item No. 48. To Owen W. Kite, for services rendered Joint Committee on Appropriations, in preparation of annual and supplemental appropriation bills, etc., for the session one thousand nine hundred and eight, three hundred dollars,	\$300 00
Item No. 49. To A. L. Clark, for engrossing blank oaths of Senators and mem-	.

bers of the House of Assembly, and officers of the one hundred and thirty-second Legislature, for the session one thousand nine hundred and eight, fifty dollars,	\$50 00
Item No. 50. To Harvey F. Rohrbach, for extra services rendered the members of the Legislature as postmaster, for the session one thousand nine hundred and eight, one hundred dollars,	\$100 00
Item No. 51. To James Connell, for extra services rendered the members of the Legislature as telephone operator, for the session one thousand nine hundred and eight, twenty-five dollars,	\$25 00
Item No. 52. To James Brian, for extra services rendered the members of the Legislature as telephone operator, for the session one thousand nine hundred and eight, twenty-five dollars,	\$25 00
Item No. 53. To John Multop, for extra services rendered the Senate, for the session one thousand nine hundred and eight, one hundred dollars,	\$100 00
Item No. 54. To Frederick Petry, Jr., for services rendered Senate Committee on Incidentals, for the session one thousand nine hundred and eight, ten dollars,	\$10 00
Item No. 55. To the Legislative News Bureau, for copies of bills introduced and passed furnished the Senate, for the session one thousand nine hundred and eight, seventy eight dollars,	\$78 00
Item No. 56. To Goudaloupe A. Holl, for postage for the Senate, for the session one thousand nine hundred and eight, one hundred and ninety-five dollars,	\$195 00
Item No. 57. To A. L. Clark, for engrossing two sets of Senate resolutions to the "Hudson Companies" and the "Hudson and Manhattan Railroad	

Company," for the Senate, for the session one thousand nine hundred and eight, thirty dollars,	\$30 00
Item No. 58. To S. E. Kaufman, for stationery supplies furnished the Senate, for the session one thousand nine hundred and eight, one hundred and fifty-three dollars and thirty cents,	\$153 30
Item No. 59. To MacCrellich & Quigley, for stationery supplies furnished the Senate, for the session one thousand nine hundred and eight, fifty-five dollars,	\$55 00
Item No. 60. To The John L. Murphy Publishing Company, for stationery supplies furnished the Senate, for the session one thousand nine hundred and eight, eight hundred sixteen dollars and sixteen cents,	\$816 16
Item No. 61. To Augustus M. Crook & Son, for stationery supplies furnished the Senate, for the session one thousand nine hundred and eight, forty-one dollars and sixty-seven cents,	\$41 67
Item No. 62. To L. N. Clayton, for toilet supplies furnished the sergeant-at-arms of the Senate, for the session one thousand nine hundred and eight, forty-eight dollars,	\$48 00
Item No. 63. To Lee & Company, for stationery supplies furnished the Senate, for the session one thousand nine hundred and eight, seventy-eight dollars and seventy-five cents,	\$78 75
Item No. 64. To the Western Union Telegraph Company, for telegraph service furnished the Senate, for the session one thousand nine hundred and seven, five dollars and ninety cents,	\$5 90
Item No. 65. To Howard W. Miller, for services as clerk to Senate Committee on Revision of Laws, for the session	

one thousand nine hundred and eight, three hundred and fifty dollars,	\$350 00
Item No. 66. To Frank C. Vines, for services as clerk to the President of the Senate, for the session one thousand nine hundred and eight, three hundred and fifty dollars,	\$350 00
Item No. 67. To V. Claude Palmer, for services as assistant clerk to clerk of the House of Assembly, for the session of one thousand nine hundred and eight, one hundred dollars,	\$100 00
Item No. 68. To Thomas H. Cummings, for services as assistant to supervisor of bills of the House of Assembly, for the session one thousand nine hundred and eight, five hundred dollars,	\$500 00
Item No. 69. To Louis J. Beyer, for services as assistant to journal clerk of the House of Assembly, for the session one thousand nine hundred and eight, four hundred dollars,	\$400 00
Item No. 70. To Paul Weckmueller, for services as doorkeeper to the House of Assembly, for the session one thousand nine hundred and eight, three hundred and fifty dollars,	\$350 00
Item No. 71. To Andrew C. Briedenbach, for services as doorkeeper to the House of Assembly, for the session one thousand nine hundred and eight, three hundred and fifty dollars,	\$350 00
Item No. 72. To Charles P. Carson, for services as doorkeeper to the House of Assembly, for the session one thousand nine hundred and eight, three hundred and fifty dollars,	\$350 00
Item No. 73. To Alexis Y. Allen, for services as doorkeeper to the House of Assembly, for the session one thousand nine hundred and eight, three hundred and fifty dollars,	\$350 00

Item No. 74. To Joseph E. Sanger, for services as postmaster to the House of Assembly, for the session one thousand nine hundred and eight, one hundred dollars,	\$100 00
Item No. 75. To David L. Lewis, for services as postmaster to the House of Assembly, for the session one thousand nine hundred and eight, one hundred dollars,	\$100 00
Item No. 76. To Furman Reeves, for services as clerk to Committee on Corporations of the House of Assembly, for the session one thousand nine hundred and eight, three hundred and fifty dollars,	\$350 00
Item No. 77. To Reginald Branch, for services as stenographer to the House of Assembly, for the session one thousand nine hundred and eight, five hundred dollars,	\$500 00
Item No. 78. To H. C. Lendrin, for services as clerk to Committee on Incidentals of the House of Assembly, for the session one thousand nine hundred and eight, one hundred and fifty dollars,	\$150 00
Item No. 79. To Joseph E. Cahill, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and eight, forty-two dollars and eighty cents,	\$42 80
Item No. 80. To Joseph H. Brown, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and eight, sixty dollars,	\$60 00
Item No. 81. To J. Augustus Campbell, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and eight, thirty-five dollars,	\$35 00

Item No. 82. To Garret P. Westerhoff, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and eight, sixty-nine dollars,	\$69 00
Item No. 83. To Charles Lee, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and eight, sixty-nine dollars,	\$69 00
Item No. 84. To J. Preston Potter, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and eight, forty dollars,	\$40 00
Item No. 85. To William A. Kinney, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and eight, eighty-six,	\$86 00
Item No. 86. To Daniel Edson, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and eight, fifty-seven dollars and sixty cents,	\$57 60
Item No. 87. To Lemuel M. Greenwood, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and eight, forty-four dollars and twenty cents,	\$44 20
Item No. 88. To Jacob Wanamaker, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and eight, eighty dollars,	\$80 00
Item No. 89. To John B. Walker, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and eight, thirty-four dollars,	\$34 00

Item No. 90. To Thomas M. Cashel, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and eight, twelve dollars and forty cents,	\$12 40
Item No. 91. To Paul Weckmueller, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and eight, forty-eight dollars,	\$48 00
Item No. 92. To Andrew J. Breidenbach, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and eight, forty-eight dollars,	\$48 00
Item No. 93. To Charles P. Carson, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and eight, forty-eight dollars,	\$48 00
Item No. 94. To Frank H. Randolph, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and eight, thirty-seven dollars and forty cents,	\$37 40
Item No. 95. To Joseph E. Senger, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and eight, sixty-six dollars,	\$66 00
Item No. 96. To Robert H. Hipson, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and eight, sixty-nine dollars,	\$69 00
Item No. 97. To Charles W. Gale, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and eight, sixty dollars,	\$60 00
Item No. 98. To Willim C. Kelland, for traveling expenses as page to the House	

of Assembly, for the session one thousand nine hundred and eight, sixty dollars,	\$60 00
Item No. 99. To Van Wyck Raynor, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and eight, sixty-seven dollars and fifty cents,	\$67 50
Item No. 100. To Russell Birkhead, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and eight, sixteen dollars and eighty cents,	\$16 80
Item No. 101. To William J. Pfeifer, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and eight, forty-eight dollars,	\$48 00
Item No. 102. To Charles Read, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and eight, fifty dollars,	\$50 00
Item No. 103. To David S. Lloyd, Jr., for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and eight, twelve dollars,	\$12 00
Item No. 104. To Spencer Powell, for traveling expenses as clerk to Committee on Printed Bills of the House of Assembly, for the session one thousand nine hundred and eight, twenty dollars and eighty cents,	\$20 80
Item No. 105. To Louis J. Beyer, for traveling expenses as assistant to journal clerk of the House of Assembly, for the session one thousand nine hundred and eight, forty-eight dollars,	\$48 00
Item No. 106. To John McDowell, for traveling expenses as clerk to Committee on Judiciary of the House of As-	

sembly, for the session one thousand nine hundred and eight, forty-eight dollars,	\$48 00
Item No. 107. To Clarence M. Price, for traveling expenses as clerk to Committee on Municipal Corporations of the House of Assembly, for the session one thousand nine hundred and eight, forty-two dollars and eighty cents,	\$42 80
Item No. 108. To Harry J. Black, for traveling expenses as clerk to Committee on Railroads and Canals of the House of Assembly, for the session one thousand nine hundred and eight, twenty-eight dollars,	\$28 00
Item No. 109. To Martin B. Monroe, for traveling expenses as clerk to Committee on Revision of Laws of the House of Assembly, for the session one thousand nine hundred and eight, seventy-six dollars,	\$76 00
Item No. 110. To Thomas H. Cumming, for traveling expenses as assistant to Supervisor of Bills of the House of Assembly, for the session one thousand nine hundred and eight, sixty-five dollars,	\$65 00
Item No. 111. To Enoch S. Clouting, for traveling expenses as assistant bill clerk of the House of Assembly, for the session one thousand nine hundred and eight, eighteen dollars,	\$18 00
Item No. 112. To Furman Reeves, for traveling expenses as clerk to Committee on Corporations of the House of Assembly, for the session one thousand nine hundred and eight, fifty-one dollars and forty cents,	\$51 40
Item No. 113. To Frederick Petry, Jr., for services rendered Committee on Incidentals of the House of Assembly, for the session one thousand nine hundred and eight, ten dollars	\$10 00

Item No. 114. To Haines & Sherman, for plan of House of Assembly furnished clerk of the House of Assembly, for the session one thousand nine hundred and eight, five dollars	\$5 00
Item No. 115. To Haines & Sherman, for plan of House of Assembly furnished Speaker of the House of Assembly, for the session one thousand nine hundred and eight, ten dollars,	\$10 00
Item No. 116. To William R. Swan, for postage for the House of Assembly, for the session one thousand nine hundred and eight, one hundred and sixty-one dollars and thirty-two cents,	\$161 32
Item No. 117. To T. G. Earle & Son, for freight charges paid and cartage for the House of Assembly, for the session one thousand nine hundred and eight, one dollar,	\$1 00
Item No. 118. To the John L. Murphy Publishing Co., for stationery supplies furnished the House of Assembly, for the session one thousand nine hundred and eight, two hundred ninety-six dollars and eighty-five cents,	\$296 85
Item No. 119. To the Advocate Publishing Company, Rahway, for stationery supplies furnished the House of Assembly, for the session one thousand nine hundred and eight, seven hundred ninety-eight dollars and fifty-five cents,	\$798 55
Item No. 120. To the Baker Printing Company, for stationery supplies furnished the House of Assembly, for the session one thousand nine hundred and eight, four hundred twelve dollars and fifty cents,	\$412 50
Item No. 121. To Lee & Company, for stationery supplies furnished the House	

	of Assembly, for the session one thousand nine hundred and eight, one thousand six hundred eighty dollars and five cents,	\$1,680 05
Item No. 122.	To MacCrellich & Quigley, for stationery supplies furnished the House of Assembly, for the session one thousand nine hundred and eight, one hundred and sixty-seven dollars,	\$167 00
Item No. 123.	To the Smith Premier Typewriter Company, for typewriter cabinet and chair, furnished the House of Assembly, for the session one thousand nine hundred and eight, one hundred sixteen dollars and eighty-two cents,	\$116 82
Item No. 124.	To Daniel A. Dugan, for services as counsel to Investigating Committee of the House of Assembly, for the session one thousand nine hundred and seven, in the matter of the charges against John W. Hughes, Justice of the Peace, of Atlantic county, one hundred and fifty dollars,	\$150 00
Item No. 125.	To Ernest D. Condit, for services and traveling expenses as stenographer to Investigating Committee of the House of Assembly, for the session one thousand nine hundred and seven, in the matter of the charges against John W. Hughes, Justice of the Peace, of Atlantic county, sixty-three dollars and fifty cents,	\$63 50
Item No. 126.	To Reginald Branch, for traveling expenses as stenographer to the House of Assembly, for the session one thousand nine hundred and eight, thirteen dollars and eighty cents,	\$13 80
Item No. 127.	To Legislative News Bureau, for copies of bills introduced and passed furnished the House of Assembly, for the session one thousand	

<p> nine hundred and eight, one hundred dollars, Item No. 128. To Wm. M. Wright, for services rendered Senate Committee on Incidentals, for the session one thousand nine hundred and eight seventy-five dollars, </p>	\$100 00
<p> Item 129. To William J. Pfeifer, for services as postmaster to the House of Assembly, for the session one thousand nine hundred and eight, fifty dollars, </p>	\$75 00
<p> Item No. 130. To George H. Johnston, for traveling expenses as journal clerk to the House of Assembly, for the session one thousand nine hundred and eight, sixteen dollars, </p>	\$50
<p> Item No. 131. To Katherine E. McKenna, for reporting and transcribing arguments for and against Assembly Bill No. 92, local option and furnishing copy of same to the Committee on Municipal Corporations of the House of Assembly, for the session one thousand nine hundred and eight, eighty-four dollars, </p>	\$16 00
<p> Item No. 132. To Clarence M. Price, for services as extra assistant to journal clerk of the House of Assembly, for the session one thousand nine hundred and eight, one hundred and fifty dollars, </p>	\$84 00
<p> Item No. 133. To Joseph C. Patterson, for extra services as doorkeeper to the House of Assembly, for the session one thousand nine hundred and seven, one hundred dollars, </p>	\$150 00
<p> Item No. 134. To W. S. Snyder for services as assistant clerk to Senate Committee on Judiciary, and for typewriting in connection with investigating the condition of the courts of the State, two hundred and six dollars, </p>	\$100 00
	\$206 00

- Item No. 135. To George P. Powell, for balance of salary as sergeant-at-arms to the House of Assembly, for the session one thousand nine hundred and three, one hundred dollars, \$100 00
- Item No. 136. To Charles L. Grubb, for traveling expenses as supervisor of bills of the Senate, for the session one thousand nine hundred and eight, twenty-four dollars, \$24 00
- Item No. 137. To John Clift, for traveling expenses as journal clerk to the Senate, for the session one thousand nine hundred and eight, thirteen dollars, \$13 00
- Item No. 138. To Albert B. Batton, for services as doorkeeper to the House of Assembly for the session of one thousand nine hundred and eight, three hundred and fifty dollars, \$350 00
2. This act shall take effect immediately.
- Approved April 13, 1908.

CHAPTER 234.

An Act to amend an act entitled "An act for the better regulation and control of the taking, planting and cultivating of oysters and clams on lands lying under the tidal waters of the county of Atlantic in the State of New Jersey," approved March thirtieth, one thousand nine hundred and five.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Section 3
amended.

1. Section three of the act to which this act is amendatory be and the same is hereby amended to read as follows:

3. The State Oyster Commission shall have power, and it shall be their duty to enforce the provisions of this act and the provisions of all other acts regulating the taking, planting and cultivating of oysters in the tidal waters of Atlantic county, in this State, in force and not repealed by this act, and in furtherance and not in limitation of the above provisions they shall have power to employ such surveyors, guards and other employes as they may deem necessary, and to provide guard boats and a sufficient number of men to protect all oyster beds and grounds in the tidal waters of said county of Atlantic, in this State; and to incur such expenses as they may consider proper to fully carry out the provisions of this and the said other acts, and for the preservation and improvement of the said oyster beds or grounds; they shall however, before leasing any grounds set apart a portion of the lands under the tidal waters of the county of Atlantic, to be known and held as public clam grounds, and all natural seed beds, and any other lands under the tidal waters of the county of Atlantic, which the commissioners shall consider suitable and necessary for the improvement, preservation and extension of the seed beds or propagating grounds. No oysters shall be taken in any manner whatsoever from any natural seed beds, grounds or other lands under the tidal waters of the county of Atlantic which the commissioners have heretofore or may hereafter set apart as suitable and necessary for the improvement, preservation and extension of the seed beds and propagating grounds, except from and including the first day of October of any year to and including the thirtieth day of April of each succeeding year.

Power and
duty of State
Oyster Com-
mission.

Protect
oyster beds.

Public clam
grounds and
seed beds.

Taking
oysters from
seed beds.

2. This act shall take effect immediately.

Approved, April 13, 1908.

CHAPTER 235.

An Act to amend an act entitled "An act for the better regulation and control of the taking, planting and cultivating of oysters and clams on lands lying under the tidal waters of the county of Atlantic, in the State of New Jersey," approved March thirtieth, one thousand nine hundred and five.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Section 10
amended.

1. Section ten of the act of which this act is amendatory be and the same is hereby amended to read as follows:

License to
take oysters.

10. The oyster superintendent shall issue a license, duly certified by himself, to each and every person entitled by law to engage in tonging or catching oysters on the State seed beds and grounds in the said tidal waters of Atlantic county that shall pay the license fees fixed therefor by this act; and no person shall catch or tong for oysters on State seed beds and grounds in the said tide waters of Atlantic county, in this State, without first obtaining a license for that purpose from the said oyster superintendent and paying to him therefor the license fee of two dollars and fifty cents; no license shall be issued for a period longer than one year; all licenses shall be numbered and recorded in a book kept for that purpose in the office of the State Oyster Commission; each person so licensed shall at all times, while engaged in operating under such license, display in plain view upon the port bow of his boat the number of said license in black figures at least five inches in length; and upon the failure or neglect of any person so licensed to so display said number as above required, such person so neglecting or failing shall forfeit said license. Any license issued under the provisions of this act shall be valid and effectual for the tonging or

Fee.

Record of.

Display
license
number.

catching of oysters on State seed beds and grounds under the tidal waters of the county of Ocean; *provided*, said license issued under the provisions of this act shall be first endorsed by the oyster superintendent in and for said county of Ocean. Proviso.

2. This act shall take effect immediately.

Approved, April 13, 1908.

CHAPTER 236.

An Act to amend an act entitled "An act establishing a court for the trial of juvenile offenders and defining its duties and powers," approved April eighth, one thousand nine hundred and three.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Section two of the act to which this act is an amendment be and the same hereby is amended so as to read as follows: Section 2 amended.

2. The judge for the time being of the Court of Common Pleas of each and every county of this State shall constitute a court for the trial of juvenile offenders in and for such county, which court shall be a court of record and have and possess the jurisdiction and powers conferred by this act; the clerks of the respective counties shall be the clerks of said courts; and all precepts, writs and process issuing out of said court shall be signed by said clerk and sealed with the seal of said court and be tested on the day the same may be issued and in the name of the judge of the said court. Officers of juvenile court.

Said clerk shall keep a record of the proceedings of said court in a separate book, to be provided for that purpose by the board of freeholders of each county, but neither the record of the conviction of juvenile offenders contained therein, nor the fact of such conviction, shall be admissible in evidence, or in any way Records.

shown in any action or proceeding of a civil or criminal nature, except during the period for which the defendant has been placed on probation by any of said courts in the State of New Jersey, or in a subsequent criminal action in any of the said juvenile courts.

Sheriff's
duties.

The sheriffs of the respective counties shall be the officers of the said court and shall have and possess in all things pertaining to said courts, and to the service of process therein, the same power and authority as in the Court of Quarter Sessions.

2. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 237.

An Act relating to the State camp ground at Sea Girt.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Trolley road
across Sea
Girt camp
grounds.

1. The Quartermaster-General of this State is hereby authorized to enter into an agreement, in writing, with the Atlantic Coast Electric Railway Company for the erection, maintenance and operation by said company of a trolley road upon and over such parts of the State camp ground at Sea Girt as said Quartermaster-General and the Governor of this State shall designate. Said agreement shall be operative for such period, not exceeding forty years, as said Quartermaster-General and Governor shall designate therein, and shall be for such consideration and upon such conditions and restrictions as they shall approve. Said company shall also give a bond to the State in such sum and with such sureties as the Governor may prescribe, conditioned for the faithful performance of said agreement, which said bond, together with the agreement as aforesaid, shall first be approved by the Attorney-General.

Period of
operation.

Bond.

2. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 238.

An Act to authorize boards of chosen freeholders to lay out, open, widen, straighten, alter, change the grade or location of or otherwise improve any public highway under their control and for that purpose to acquire lands by gift, purchase or condemnation, and to vacate any part of said public highway that may be rendered unnecessary for public travel by the widening, straightening, altering or changing of location of said public highway or any part thereof.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The board of chosen freeholders of any county in this State shall have power to lay out, open, widen, straighten, alter, change the grade or location of or otherwise improve any public highway under its control or any part thereof, and to cause a map to be made and filed in the office of the clerk of the county showing the proposed laying out, opening widening, straightening, altering, change of grade or location of any such highway and after such map shall be made and filed as aforesaid it shall be lawful for such board to acquire by gift or purchase in its corporate name any real estate in the county that may be necessary for that purpose, and in case such board and the owner of any real estate required for such purpose cannot agree upon the price or terms of sale thereof, whether by reason of disagreement as to the price or the legal incapacity or absence of the owner, or his inability to convey valid title, or by reason of any other cause whatsoever, it shall be lawful for one of the justices of the Supreme Court or a Circuit Court judge on application in writing made by or on behalf of such board and verified by the oath of the engineer or agent of the board, and filed in

Freeholders
may acquire
lands for im-
provement
of highways.

Commission-
ers to fix
compensation.

the office of the clerk of said county, setting forth a particular description of the land and property required and the names and residences, if the same can be ascertained of the owners and occupants, if any there be, and of the persons appearing of record to have any interest in said land and property, to appoint three disinterested freeholders as commissioners to fix the compensation to be paid for such land and property.

Notice of
hearing.

2. The justice or judge to whom such application shall be made, shall assign, by order, a time and place for the hearing of said application before himself or any other justice of the Supreme Court or Circuit Court judge not less than ten days after the date of the order, and direct not less than six days notice thereof to be given said owners, occupants and persons interested therein, which notice shall be served upon parties residing in this State, either personally or by leaving at their residence, if known, and when the residence is unknown or out of the State, notice shall be given and published as the justice or judge shall direct, by publication for not less than one week, and by mailing to parties whose address can be ascertained, and notice given in the manner prescribed by said justice or judge shall be valid and effectual to bind all parties interested in the land or property; the order shall be filed in the office of the clerk of the county where the land or other property lies, and a notice of the pendency of the proceedings, which notice shall name the parties interested if known, and describe the land taken, shall be recorded in the same manner and place and for the same fees as notices of suits pending in chancery; in default whereof persons acquiring an interest in the property pending the proceedings without notice thereof, shall not be bound thereby.

Service.

Order filed;
what to show.

When title
in dispute.

3. Where the title to the land or property shall appear to be in dispute, all known claimants may be made parties, and where it shall appear to the justice or judge that the ownership is in doubt, or that the names of the owners cannot be ascertained, he may direct notice to be published addressed to the unknown owners of the property, which shall be described in the notice, and the notice shall also set forth such statement of the

former or last known owner as the justice or judge may direct, and the publication of such notice in the manner directed shall have the same force and effect as if personally served on such unknown owners.

4. Upon the day fixed for the hearing upon said application and filing in the office of the county clerk evidence satisfactory to the justice or judge before whom the hearing is held that notice has been served or published as required by this act, the said justice or judge shall appoint under his hand three disinterested freeholders, residents of the county where the land or property to be taken lies, commissioners to examine and appraise the said land or property and to assess the damages on at least six days notice to be given to the persons interested in the land or property in such manner as shall be directed by said justice or judge, who shall in the order of appointment fix the date on or before which the commissioners must file their report; the justice or judge may by order extend the time, and the report shall be made on or before the day limited by said justice; the order of appointment shall be filed in the county clerk's office.

Commissioners
to examine
and appraise
land.

5. The commissioners having first taken and subscribed an oath or affirmation faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding shall meet at the time and place appointed and proceed to view and examine the land or other property, and, after hearing if practicable such owner or his agent or representative, shall make a just and equitable appraisal of the value of the same, and an estimate and assessment of the damages that any such owner will sustain by the taking of said lands or other property with the appurtenances for the purposes aforesaid; in making such estimate and assessment of damages the commissioners shall take into account the benefits, if any, conferred by the improvement on the remainder of any lot or tract of land partly taken; in all cases where the lines of such public highway when the same shall be laid out, opened, widened, straightened, altered or the location thereof changed or otherwise improved shall include or bisect any building or the location thereof,

Oath of com-
missioners.

Considera-
tions in
making as-
sessment.

Removal of
buildings.

the said commissioner may determine, as to them shall seem most just, either to condemn and cause to be taken the whole of said building, or so much thereof as stands upon the land required for such purpose, or to require the owner thereof to remove such building beyond the proposed lines of said road in case the owner has land enough left for that purpose, and the estimate or appraisal of damages of said commissioners, having due regard to all attendant expenses, shall be made accordingly; and the said commissioner shall in such case estimate and take into account the amount likely to be realized from the sale of any building or part of any building necessary to be taken, removed or disposed of for the purpose aforesaid; and the said commissioners shall also where any such public highway or any part thereof shall be vacated, estimate and take into account the benefits likely to accrue to any owner or owners by reason of such vacation; the report of said commissioners shall state the amount to be paid by the said board of chosen freeholders for such land or other property and damage aforesaid, as of the date of filing of the petition and order therein, which report shall be made in writing under the hands of said commissioners or any two of them, and filed by them within the time limited by the justice or judge in the office of the clerk of the county in which the land or other property is situate, to remain of record therein; if the report is not made within the time limited the powers of the commissioners shall cease, and an application may be made to a justice of the Supreme Court or a Circuit Court judge for the appointment of new commissioners on such notice as the justice or judge may direct; in case any commissioner shall die pending the proceedings, or is disqualified, or is unable to act, or shall fail or refuse to act and perform the duties of the appointment the other two commissioners shall proceed to perform the duties of their appointment with the same powers as if all three were acting.

Report.

Vacancy in
commission.

Subsequent
proceedings.

6. Upon the filing of the report of the commissioners all subsequent proceedings had or taken relative thereto shall be in the manner provided by "An act to regulate the ascertainment and payment of compensation for

property condemned or taken for public use" (Revision of 1900), approved March twentieth, one thousand nine hundred, and the supplements and amendments thereto, and from said report the said board or the owner of any of the land or property taken may appeal in the manner provided by said hereinbefore mentioned act.

7. Said lands when so acquired shall be incorporated in and become a part of said public highway and thereafter built, maintained and kept as a county road.

Use of acquired land.

8. The compensation for services rendered by commissioners appointed in pursuance of this act and the necessary disbursements incurred by them in the discharge of their duties, together with counsel fees and other necessary expenses shall be fixed by order of said justice or judge and paid by the board of chosen freeholders of the county.

All expenses met by freeholders.

9. It shall be lawful for the board of chosen freeholders to borrow such sum or sums of money as may be necessary in complying with the provisions of this act, and to issue notes therefor, the payment of which shall be provided for in the tax levy next thereafter made.

Borrow to meet obligations.

10. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 239.

An Act to amend an act entitled "An act relating to, regulating and providing for the government of cities of the second class which now have or may hereafter have a population of less than twenty thousand," approved April twenty-third, one thousand nine hundred and seven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section ten of the act of which this act is an amendment be and the same is hereby amended so as to read as follows:

Section 10 amended.

Commissioners
of works,
streets, and
safety.

Term.

Section 107
amended.

Park com-
missioners.

Term.

Repealer.

10. At the annual meeting of city council, or within twenty days thereafter, said city council shall, by a call of the roll, elect one competent person as commissioner of public works and buildings, one as commissioner of streets and highways, and one as commissioner of public safety; but no such commissioner shall be elected except by the majority vote of all the members of city council. Each commissioner so elected shall hold office for the term of one year and until his successor shall have been elected and qualified, and shall have such powers and perform such duties, not by this act vested in or imposed upon other officers of said city, as city council may, by ordinance prescribe.

2. Section one hundred and seven of the act of which this is an amendment be and the same is hereby amended so as to read as follows:

107. When any such city owns or shall acquire a public park under the provisions of any law of this State, the mayor of such city shall appoint five persons, residents of such city, who shall constitute a park commission, and who shall serve without compensation; their term of office shall be as follows: one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years and one for the term of five years, all from the date of their appointment hereunder; and at the expiration of the term of each member of such commission, others shall be appointed in their place for a like term of five years; no more than three members of such commission shall belong to the same political party, and such commission shall possess all the powers and perform all the duties possessed by and enjoined upon park commissions in second-class cities by any law of this State.

3. All acts and parts of acts inconsistent with this act be and the same are hereby repealed.

4. This act shall take effect immediately.

Approved, April 13, 1908.

CHAPTER 240.

A Further Supplement to the act entitled "An act to provide for the purchase of sites for and the erection and equipment of armories in cities of the first and second class, and making appropriations therefor, and to provide for the taking of real estate for such sites by commission in case the same cannot be purchased by agreement," approved March twenty-third, one thousand eight hundred and eighty-eight.

WHEREAS, The roof of the armory at Paterson is out of repair, and as a result thereof the floor of the drill shed has become injured to an extent as to prevent its proper use for the purposes intended; and

Preamble.

WHEREAS, There is not sufficient room in said armory for the proper and safe storage of military stores and equipment; and

WHEREAS, The rifle ranges that have been excavated under said armory are wholly inadequate for the requirements of said command, and space is required to be excavated under said armory to meet the needs of said regiment, and the said roof and floor require immediate attention and repair; and

WHEREAS, No appropriation is available for these purposes, and no appropriation has ever been made or funds set aside for the repair of said armory; therefore

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the repair of the roof and floor of the armory at Paterson, and for the excavation of such cellar space under said armory as may be required

Appropriation to put Paterson armory in suitable condition.

Charge of
work.

to meet the needs of said regiment, and for the care and maintenance of the ground around said armory; said work to be done under the direction of the State Military Board, and the said sum, or so much thereof as may be necessary for the said purposes, to be disbursed by and under the direction of the said State Military Board, and the said sum of money, or so much thereof as may be necessary for the purposes aforesaid, to be paid by the State Treasurer, out of any funds in his hands not otherwise appropriated, on the warrant of the Comptroller, upon requisition of the State Military Board, approved by the Governor; and said moneys to be in addition to the appropriations now allowed by law.

2. This act shall take effect immediately.

Approved, April 13, 1908.

CHAPTER 241.

An Act to regulate fishing for sturgeon in the Delaware bay, Delaware river, and their tributaries.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Size of mesh
for sturgeon
fishing.

1. Hereafter it shall be unlawful to fish for sturgeon in the Delaware bay, Delaware river, and their tributaries within the jurisdiction of this State, with a gill net or drift net, the meshes whereof shall be less than thirteen inches in length, stretched measure.

Forbidden
hours.

2. Hereafter it shall be unlawful to fish for sturgeon in the Delaware bay, Delaware river, and their tributaries within the jurisdiction of this State, from sunset on Saturday until twelve o'clock on Sunday night of each and every week.

Penalty.

3. If any person or persons, or corporation, fish for sturgeon in the Delaware bay, Delaware river, or their tributaries within the jurisdiction of this State, with a gill net or drift net between sunset on Saturday and twelve o'clock Sunday night of each and every week, or at any time with a net, the mesh whereof shall be

less than thirteen inches in length, stretched measure, such person or persons, or corporation, violating these provisions shall forfeit and pay a fine of one hundred dollars, together with costs of suit, for each and every offense.

4. Hereafter it shall be unlawful for any person or persons, or corporation, to take from the waters of the Delaware bay, Delaware river, and their tributaries within the jurisdiction of this State, or to kill or have in possession, or offer for sale, any sturgeon which is less than five feet in length, under a penalty or fine of ten dollars and costs for each and every sturgeon under five feet in length so taken, had in possession, killed, sold or offered for sale.

Minimum
size.

Penalty.

5. The provisions of this act shall be enforced in accordance with the provisions of an act entitled "An act to provide uniform procedure for the enforcement of all laws relating to fish, game and birds, and for the recovery of penalties for violations thereof," approved March twenty-ninth, one thousand eight hundred and ninety-seven, and the acts supplemental thereto and amendatory thereof.

Enforcement.

6. All acts or parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved, April 13, 1908.

CHAPTER 242.

An Act to amend an act entitled "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sale thereof" (Revision of 1907), approved May twentieth, one thousand nine hundred and seven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section five of the act of which is amendatory is hereby amended to read as follows:

Section 5
amended.

Preparing
food products
for foreign
markets.

Proviso.

Proviso.

Proviso.

5. No article shall be deemed to be adulterated or misbranded within the meaning of this act when specially prepared for export to any foreign country, if such article shall be prepared and packed according to the directions of the foreign purchaser, and if no substance is used in the preparation or packing of such article which is prohibited by the laws of the foreign country for export to which said article was prepared; *provided*, that if such article shall be sold or offered for sale for use or consumption within the United States of America, then all the provisions of this act, with regard to adulteration and misbranding, shall apply thereto; *and provided further*, that all food products manufactured in this State during the years one thousand nine hundred and seven and one thousand nine hundred and eight, in which preservatives are used, which preservatives are not now specifically prohibited by the Department of Agriculture of the United States, shall be exempt from the provisions of this act; *provided*, the use of such preservatives is stated upon the label or in branding such products, and also the date of their manufacture.

2. This act shall take effect immediately.

Approved, April 13, 1908.

CHAPTER 243.

An Act to license non-residents of the State of New Jersey to hunt, pursue and kill game and fowl.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Non-resident
gunners to be
licensed.

1. No non-residents of the State of New Jersey shall at any time hunt, pursue or kill, in any manner, any game or fowl without first having procured a license so to do, and then only during such times as it shall be lawful by the laws of this State, to so hunt, pursue or

kill. Such license shall be procured from the clerk of any county in this State, in the following manner, to wit: The applicant shall fill out a blank application to be furnished by the Fish and Game Commission of the State of New Jersey, through a clerk of any county in this State, stating name, age, occupation and place of residence of applicant; said application shall be subscribed and sworn to by the applicant before said county clerk, who is hereby authorized to administer such oath. If any county clerk in this State fails to administer the oath as herein provided, or antedates any license, he shall be liable to the penalty hereinafter provided. And said applicant shall pay to the clerk of the county the sum of ten dollars as a license fee, together with the sum of fifty cents as the fee of the clerk for administering the oath to the applicant and issuing said license, and the license shall bear the signature of the said clerk.

Application.

Fees.

2. The license fees above provided for shall be paid at the end of each month by the county clerk receiving the same to the Treasurer of the Board of Fish and Game Commissioners of the State, by whom they shall be paid to the State Treasurer, as now provided by law, for the use of said Board of Fish and Game Commissioners.

Fees turned in monthly.

3. Every license issued shall be signed by the licensee in ink, and shall entitle the person to whom issued to hunt, pursue and kill game and fowl within the State at any time when it shall be lawful to hunt, pursue and kill game and fowl, and no person to whom a license has been issued shall be entitled to hunt, pursue, or kill game and fowl in this State without at the time of such hunting, pursuing and killing, he or she shall have such license in his or her name and upon his or her person, ready to exhibit the same for inspection, and such license shall be void after the thirty-first day of December next succeeding its issuance.

Privilege granted by license.

4. Any person licensed under the provisions of this act may, in any one day, remove from the State birds to a number not exceeding fifteen, and rabbits to a number not exceeding ten; *provided, however*, that no removal shall be made except the birds or rabbits be exposed to open view.

Limit to game taken from State.

Proviso.

Penalties.

5. Any person who shall violate any of the provisions of this act shall be liable to a penalty of twenty dollars for each offense, to be sued for and recovered in the same manner and by the person or persons authorized to sue for and recover penalties under the provisions of an act entitled "An act to provide a uniform procedure for the enforcement of all laws relating to fish, game and birds, and for the recovery of penalties for violations thereof," approved March twenty-ninth, eighteen hundred and ninety-seven, and the acts supplementary thereto and amendatory thereof.

6. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 244.

An Act to repeal "an act to require non-residents to secure license before hunting or gunning within the State of New Jersey and providing penalties for violations of its provisions," approved April twenty-second, one thousand nine hundred and two.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Act repealed.

1. "An act to require non-residents to secure license before hunting or gunning within the State of New Jersey, and providing penalties for violations of its provisions," approved April twenty-second, one thousand nine hundred and two, be and the same is hereby repealed.

2. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 245.

A Supplement to an act entitled "An act concerning the pay or salary of officers and other employes of paid fire departments in cities of the first class in this State," approved March twenty-fourth, one thousand nine hundred and three.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. It shall be lawful for the board or body having charge and control of the fire department in any city of the first class in this State, with the concurrence of the board having charge and control of the finances in such city, and with the approval of the mayor thereof, to fix and determine the annual pay or salaries for district engineers or battalion chiefs at not more than twenty-five hundred dollars (\$2500).

Salary of
battalion
chief.

2. This act shall take effect immediately.

Approved April 13, 1908.

CHAPTER 246.

An Act to provide for the election of a president of the board of aldermen, common council or council in cities of the second class in this State, and to regulate his duties, powers and term of office.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. In each city of the second class in this State there shall be elected at the next general election after this act shall take effect and every two years thereafter

Elective
president of
council.

a president of the board of aldermen, common council or council, who shall hold office for two years, and shall be president of the board of aldermen, common council or council of said city, and shall possess and exercise all the powers of a member of said board, and of the president thereof.

Question
submitted
to voters.

2. This act shall take effect immediately, but its provisions shall remain inoperative until assented to by a majority of all the legal voters of such city voting on the question at any general election at which the question of the acceptance of this act shall be submitted by resolution of the legislative body of such city, directing the clerk thereof to give public notice of the submission of such question at such general election. Such notice shall be published in two newspapers circulating in such city at least ten days before such election and such submission to vote and the canvass of votes thereon, shall be in accordance with the provisions of an act entitled "An act to regulate elections," approved April fourth, one thousand eight hundred and ninety-eight, and the several acts supplementary and amendatory thereto. This act shall be styled in such submission—"Act for election of president of board of aldermen (or common council or council, as the case may be)."

Notice of
election.

Approved, April 13, 1908.

CHAPTER 247.

An Act to amend an act entitled "An act to provide for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Section 57
amended.

1. Section fifty-seven of the act to which this is an amendment is hereby amended so as to read as follows:

Redemption
by owner or
mortgagee.

57. The owner, mortgagee, occupant or other person having an interest in the land sold for taxes, may redeem

the same at any time within two years from the date of sale, or at any time thereafter until the right to redeem has been cut off in the manner hereinafter set forth, by paying to the purchaser, or his legal representatives or assigns, the amount of purchase money shown on the certificate with twelve per cent interest thereon, together with such other fees and expenses as may be incurred by the purchaser under this act, and the fees and expenses incurred by the purchaser in ascertaining the owner or owners, mortgagee or mortgagees, occupant or other person or persons having an interest or a lien in or on such premises so sold for taxes; *provided, however,* that such fees and expenses incurred by the purchaser, as last aforesaid, shall not exceed the following rates, to wit: on any one lot or parcel of land containing five thousand square feet or less, ten dollars; on any lot or plot of land containing more than five thousand square feet, and not exceeding three acres, twenty-five dollars, and on any lot or plot of land containing more than three acres, forty dollars; and the purchaser, on receiving such payment, shall restore to the owner said land, and the sale shall be void, or where the redemption is by a mortgagee or other person having a lien on the land, not primarily liable to pay the tax, the person so paying shall succeed to the tax lien paid by him, and the purchaser shall on receipt of the redemption money, at the option of the party making the payment, either assign the certificate of sale by assignment under seal and acknowledge as a conveyance of land to the person redeeming, or execute as satisfaction of the certificate of sale or cancel the same by endorsement in the manner required by law to satisfy or cancel a mortgage, whereupon the record of the lien shall be canceled by the county clerk or register in like manner and for the same fees as in the case of mortgages.

2. Section fifty-eight of the act to which this is an amendment be and the same hereby is amended so as to read as follows:

58. In case the purchaser is absent from the State, or cannot be found therein, or is under disability, or will not on proper tender cancel, satisfy or assign the certificate, the redemption may be made by payment of

Proviso.

Fees.

Restoration
of property.Section 58
amended.Redemption
when pur-
chaser does
not cancel
certificate.

Fees.

Treasurer's
receipt and
certificate of
redemption.

the proper amount to the treasurer of the taxing district, and filing with him an affidavit showing the right to redeem in that manner, and paying him one per centum of said amount as his compensation. Such amount paid to the treasurer shall be the amount shown to be due by the certificate of sale, together with interest thereon from the date of sale at the rate of twelve per cent. per annum. The amount of fees paid for recording such certificate and the maximum fees allowed, having regard to the area of the lot or tract of land in question in ascertaining the names of the owners, mortgagee or mortgagees or other persons interested therein; the treasurer shall thereupon give to the person paying a receipt and certificate of redemption, which may be filed with the county clerk or register, who shall thereupon mark the record of the certificate, as canceled by certificate of redemption, whereupon the land shall be discharged from the lien and sale. The treasurer shall forthwith mail notice of the receipt of such money to the person mentioned in the certificate of tax sale, or his assigns if his or their address can be ascertained; and upon demand and the surrender of the certificate of tax sale, properly endorsed, shall pay to such person or persons entitled thereto the amount due, as shown by said certificate of sale, with interest thereon and fees for recording, as aforesaid, and upon presentation to him of an affidavit by the person mentioned in such certificate of tax sale, or his assigns, that necessary searches for the purpose of ascertaining the names of the owner or owners, mortgagee, mortgagees, or other persons interested therein, have actually been made, the amount paid by the person redeeming for such purpose, and in case it shall not appear that such searches have actually been made, the treasurer will forthwith refund the balance of the money paid to him for such purpose to the person redeeming, as aforesaid.

3. This act shall take effect immediately.

Approved, April 14, 1908.

CHAPTER 248.

A Supplement to an act entitled "An act relating to the Court of Common Pleas (Revision of 1900)," approved March twenty-third, one thousand nine hundred.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. In counties of the second class bordering on the Atlantic ocean having over eighty-five thousand inhabitants, the judges of the Court of Common Pleas shall be paid an annual salary of six thousand dollars. Such salary shall be paid monthly and shall be in lieu of all fees and other compensation, which fees shall be paid into the county treasury.

Salary of
judge in cer-
tain counties.

2. This act shall take effect immediately.

Approved April 14, 1908.

CHAPTER 249.

A Supplement to an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The prosecutors of the pleas in the several counties of this State, having a population of more than fifty thousand and not more than eighty thousand inhab-

County
detectives.

- Salary. itants, may appoint suitable persons, not exceeding two, in any county, to act as special officers, for the detection, arrest, indictment and conviction of offenders against the law; said appointments to be approved by the judge of the General Quarter Sessions Court in respective counties of this State, such persons so appointed shall possess all the powers and rights and be subject to all the obligations of constables and police officers in any county of this State, and shall each receive an annual salary not exceeding one thousand dollars to be paid by the county collector in equal monthly instalments out of the funds of the county, the salary to be fixed and the expenses of such officers to be approved by the prosecutor of the pleas and the judge of the General Quarter Sessions Court of each county and be paid by the county collector out of the funds of the county.
- Repealer. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect immediately.
- Approved April 14, 1908.

CHAPTER 250.

An Act concerning cities, providing for the officers, government and powers of cities adopting the same.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

- Cities adopting act become body corporate. 1. All cities of this State that may adopt the provisions of this act shall thereby be and become a body corporate, and shall have the officers, government and powers that are herein provided for or conferred.
- Corporate name. Upon the adoption of this act the name of the city adopting its provisions shall be, and it shall thereafter be known as "The City of ——." (Inserting in the said blank the territorial name by which said city has

been theretofore designated or known, not including in said name such words as "The Mayor and City Council" or other like words.)

2. Any city adopting this act shall succeed to the title to all rights and property, of every kind, nature or description, which were owned, held or enjoyed by the city of which it is the successor; and such city shall have the power and authority to continue and complete the erection or construction of any public buildings, works and improvements which shall have been actually commenced or contracted for prior to its adoption of this act; and such city shall have the power and authority to appropriate, borrow and raise moneys or funds necessary for such purposes, and to assess, levy and collect the same by taxation or otherwise; and shall have the power and authority to make and levy assessments against the land specially benefited by any such public work or improvement, to the extent of such benefit conferred thereby, and such assessments shall be collected and remain liens upon the lands assessed in the same manner and to the same extent as assessments are made and levied under the provisions of this act on account of public works or improvements made or constructed in accordance with its terms or provisions; the general procedure with respect to said public work or improvement or the making of any such assessment therefor shall be that prescribed in or by the act under which such public work or improvement was originally commenced.

Rights and
property of
succeeding
city.

3. The governing body of the city shall be a City Council composed of two members from each ward.

Council.

The members of the City Council shall meet annually for organization on the first day of January at twelve o'clock noon; at which time they shall elect one of their own number to act as chairman during the ensuing year.

Organization.

The City Council shall have the power by election to fill any vacancy in the office of chairman occasioned by death, resignation or otherwise, and in the absence or temporary disability of the chairman they shall choose one of their own number to act as chairman pro tempore.

Vacancy.

Meetings.	The City Council shall meet regularly at least as often as once in each month, at such time and place, within the city, as may be appointed.
Special meetings.	The City Council may prescribe what notice shall be given of its special meetings and shall determine and establish the rules of its own proceedings; the meetings of the City Council may be adjourned for lack of a quorum or other reason.
Presiding officer.	4. The Chairman of the City Council shall preside at all meetings and shall have power to call special meetings thereof at any time. In the event of the absence from the city or disability of the Mayor, or in case of a vacancy in the office of Mayor, for any cause or reason, then the Chairman of the City Council shall act as Mayor and he shall be vested with all the powers, rights and duties of the office until such disability be removed or vacancy be filled.
Calling special meetings.	It shall be the duty of the Chairman of the City Council to call a special meeting thereof whenever a petition signed by one hundred citizens of the city is presented to the City Council requesting that a special meeting of the City Council be called and held to consider any matter relating to the welfare of the city, referred to in such petition; and the City Council shall cause notice of such special meeting to be published in the official newspapers at least ten days prior to the date of such meeting.
Acting mayor not to take part in council.	The Chairman of the City Council while acting as Mayor shall be disabled from presiding at the meetings of the City Council and from taking any part in its deliberations.
City officers enumerated.	5. The city officers of the city shall be: A Mayor, A City Council consisting of two members from each ward, A City Clerk, A City Counsel, A City Auditor, A Collector of Taxes, A City Treasurer, A Board of Assessors consisting of three members, A Board of Health consisting of five members,

A Board of Assessments, consisting of three members,
 A Board of Sinking Fund Commissioners, consisting of five members,

A Recorder,

An Overseer of the Poor,

A Chief of Police,

A Chief of the Fire Department,

A Board of Excise Commissioners, consisting of three members,

A City Engineer,

An Engineer of the Water Department,

The members of the Board of Water Commissioners, if and when appointed.

The members of the Board of Fire Commissioners, if and when appointed.

The members of the Board of Police Commissioners, if and when appointed.

And such other officers as may be provided for by law, or be provided for by ordinance and thereby declared to be such officers.

No person shall be eligible to any city office unless he be a citizen of the United States. Must be citizens.

No person shall be eligible to any elective city office unless he be an actual resident of the city. Resident.

All city officers, during their term of office, shall be actual residents of the city and if any such officer remove from the city his office shall thereby become vacant. All officials to reside in city.

6. The Mayor and members of the City Council shall be elected at the annual general or State election, or at such other time as may be provided by law; there shall also be elected in and for such city, at said election, such number of constables, justices of the peace and chosen freeholders, with such duties and for such terms, as is now or may hereafter be provided by law. Annual election of officers.

The Mayor and members of the City Council shall each hold office for the term of two years, provided, that at the first election held under this act one member of the City Council shall be elected from each ward to serve for a term of one year, and one member shall be elected to serve for the full term of two years. Term.

7. The City Council shall have power to choose a City Clerk; and in the absence or temporary disability City clerk.

of the City Clerk the City Council may designate a suitable person to act in his place, during such absence or disability, with all his powers and duties.

Appointed
officers.

8. All city officers, except such as under the provisions of this act are to be elected or are to be otherwise appointed, shall be appointed by the Mayor subject to confirmation by the City Council.

Beginning
and ending
of terms.

The term of office of all city officers, elected or appointed, shall begin and end on the first day of January at twelve o'clock noon.

Two years'
term.

9. The City Clerk, City Counsel, City Auditor, Collector of Taxes, City Treasurer, Recorder, Overseer of the Poor and City Engineer shall each hold office for the term of two years.

Oath.

10. Every city officer under this act shall, within fifteen days after his election or appointment, take and subscribe before an officer qualified to administer oaths, an oath or affirmation, faithfully and impartially to execute the duties of his office according to the best of his ability and understanding, which oath or affirmation shall be filed in the City Clerk's office, and if any person elected or appointed shall fail so to qualify, then his office shall be deemed vacant and may be filled in the manner herein provided.

Certain offi-
cers bonded.

11. The City Clerk, City Treasurer, Collector of Taxes and such other city officers as the City Council may prescribe, before they enter on the duties of their office and within such time as the City Council may fix, shall give bonds to the city in its corporate name in such sums and with such sureties as the City Council shall require and approve for the faithful performance of their duties, and the City Council may, from time to time, require further or additional bonds; and if any officer shall fail or neglect to give bonds in the sum or with the sureties within the time fixed, the City Council may declare such office vacant, and such vacancy shall be filled in the manner herein provided.

Vacancy
filled for
unexpired
term.

12. In case a vacancy shall occur, for any reason, in any elective office the City Council shall have power to fill such vacancy by the appointment of a suitable person to hold such office for the unexpired term.

In case a vacancy shall occur, for any reason, in any appointive office the same shall be filled in the same manner as the original appointment to such office was made, but only for the unexpired term.

In case any appointive city officer be suspended or through illness or other cause temporarily be unable to perform the duties of his office, then the Mayor shall have power to designate a suitable person to act in the place and stead of such officer until such disability be removed; and such designation shall be in writing, shall be signed by the Mayor, and shall be filed in the office of the City Clerk.

13. It shall be the duty of every city officer, within ten days after the expiration of his term of office or his removal therefrom, to deliver to his successor in office, or to such person as the City Council may designate, all books, records, papers, vouchers and property of every kind in his possession or under his control belonging to said city or appertaining to such office, and for a willful refusal so to do he shall be guilty of a misdemeanor.

Delivery of records, etc., to successor.

14. The salaries and compensation to be paid to the city officers shall be fixed by ordinance; and the salary or compensation of any elected officer which has been so fixed shall not be increased or diminished during his term of office.

Salaries fixed by ordinance.

The salaries of all members of the police and fire departments and of all assistants and other city employes may be fixed or changed, from time to time, by resolution or ordinance.

15. The Mayor shall have power to remove or discharge any person in the employ of the city other than a city officer, with or without cause.

Mayor may remove, suspend or discharge city employe.

The Mayor shall have power for sufficient cause to suspend any city officer, and in case of the suspension of any such officer the Mayor shall within five days thereafter deliver to the City Clerk a specification in writing of the charges preferred against such officer and cause a copy of the same to be delivered to the accused; and it shall be the duty of the City Clerk to present such charges to the City Council at its next regular meeting and thereafter the City Council shall proceed as speed-

ily as possible to hear and determine the said charges, after reasonable notice of such hearing to the accused and an opportunity to the accused to be heard with his witnesses. If upon such hearing the charges preferred against such officer shall not be sustained by a two-thirds vote of the City Council the officer shall be thereby immediately restored to office; but if such charges be sustained by a like vote of the City Council then said office shall become and be vacant and the vacancy caused thereby may be filled as herein provided.

Mayor's
duties.

16. The Mayor shall be the chief executive officer of the city.

Enforce or-
dinances.

It shall be his duty to attend to the proper and effective enforcement of the laws and ordinances of the city; it shall be his duty to recommend to the City Council the adoption of such ordinances or resolutions as he may deem necessary or expedient for the welfare or good government of the city.

Annual
message.

The Mayor shall communicate to the City Council, at a regular meeting in the month of January in each year, a general statement with respect to the government and finances of the city, together with such recommendations as he may deem proper.

Act as re-
corder or jus-
tice of the
peace.

The Mayor shall be and he is hereby invested with all the powers which the Recorder or any justice of the peace may now or hereafter have by law; and for the purpose of quelling insurrection, riot or disorderly assemblage he shall have power to call upon the citizens, power to call out the militia of the city and to employ and direct the same in putting down any such insurrection, riot or disorderly assemblage.

Control
police.

The Mayor shall have control of the police force and police officers of the city.

Call special
meetings.

The Mayor also shall have power to call special meetings of the City Council, whenever he may deem it advisable.

Impeachment
of mayor;
charge, how
brought.

Whenever written charges of nonfeasance, malfeasance or other misconduct in office shall be preferred against the Mayor, signed by at least one hundred (100) citizens and freeholders of the city, and stating their respective residences by street and number, whose signatures and qualifications to sign the same shall be veri-

fied by their several oaths, and the same shall be filed with the City Clerk, it shall be the duty of the City Clerk to present the same to the City Council at its next regular meeting, and then it shall be the duty of the City Council to cause a true copy of such charges certified under the hand of the City Clerk, to be served upon the Mayor, and also to fix a place and time when it will meet to hear and determine such charges, which meeting shall be held in not less than fifteen (15) and not more than thirty (30) days after the date of the presentation of such charges to the City Council. The City Council shall, after fixing the date of such meeting, forthwith cause notice of such action to be given to the Mayor and persons presenting such charges, by publishing in the official newspapers a notice of said meeting and the general object for which it is called, once a week, for at least two weeks, preceding the date set for said hearing. At said hearing the City Council shall proceed to hear the testimony of the witnesses offered in support of said charges and the testimony offered by the Mayor and his witnesses, and shall forthwith, after hearing said testimony, proceed to determine by vote of its members as to whether or not the said charges are sustained. If by a two-thirds vote of all the members, as herein provided, of the City Council, the said charges shall be sustained, the said City Council shall provide for a special election to be held within thirty (30) days thereafter, at which shall be submitted to the voters of the city the proposition whether or not the Mayor shall be removed from office. If at such election the majority of the legal voters of said city shall vote to remove said Mayor, then the said Mayor shall thereby be removed from office and the office be vacant, provided, that the total number of votes cast for and against said proposition shall equal at least fifty (50) per cent. of the number of legal voters of the city enrolled at the time of the last general or city election. If the said charges shall not be so sustained by the City Council, or if, being so sustained, the proposition to remove the Mayor shall fail on a vote, as aforesaid, then no further

If charges sustained by council, question submitted to voters.

Majority to decide.

Proviso.

If charges not sustained.

If vacancy
voted, filled
by council.

action shall be taken on said charges. If the office of the Mayor becomes vacant, as aforesaid, then it shall be the duty of the City Council to forthwith call a special election to elect a Mayor for the unexpired term of the Mayor so removed, at which election the Mayor removed may be a candidate. If such removal take place within the last six months of the Mayor's term no such special election shall be held.

Clerk to keep
records.

17. The City Clerk, in addition to the duties which are or may be required of him by law or ordinance, shall have the custody of all the general records, books and documents of the city except such as are directed to be otherwise disposed of by resolution or ordinance of the City Council.

Minutes of
council.

The City Clerk shall keep a record of the proceedings of the City Council; he shall enter in full, by writing in ink or by typewriting, in a book to be provided and kept for that purpose, all ordinances, which book shall be deemed a public record, and each ordinance so recorded shall be signed in said book by the Mayor, by the Chairman of the City Council and by the City Clerk, or by the persons who at the time of the adoption of any ordinance shall be acting as such officers under the provisions of this act.

Certified
copies of
record as
evidence.

Copies from the said record of proceedings or book of ordinances or of any other writing or document on file in the office of the City Clerk, duly certified by him under the corporate seal of the city and his signature shall be received in evidence in all courts and places as proof of such proceedings, ordinances, writings or documents.

Countersign
and keep
record of
licenses.

The City Clerk shall countersign and keep a record of all licenses or permits issued by the city, the Mayor or any board, body or commission having authority to issue licenses or permits within the city, and the City Clerk shall make monthly reports to the City Auditor of all such licenses or permits for which a fee is exacted or required to be paid, which reports shall cover the business of the preceding calendar month and be delivered to the City Auditor on or before the tenth day of each month.

Monthly
report.

18. The City Counsel shall be a counsellor at law of this State; he shall be the chief law officer of the city; and he shall perform such duties as the City Council may prescribe.

City counsel.

19. The City Auditor shall audit all bills and claims against the city; he shall supervise all fiscal transactions of the city and of every board, body or commission thereof; he shall make a complete examination of all the books, accounts, vouchers and records pertaining to such fiscal transactions at the close of each fiscal year and shall make report of the same to the Mayor and to the City Council; he shall, whenever requested so to do by the Mayor or City Council, make examination and report with respect to any of the fiscal affairs of the city; he shall supervise the keeping of all records, books and accounts of the city and of every board, body or commission thereof pertaining to fiscal affairs; and he shall have the right at any time to examine any of the books, records and accounts of the city and of every board, body or commission thereof pertaining to fiscal affairs; he shall have the power to administer oaths, and he shall have the power and authority to require any city officer or employe of the city to come before him and to submit to an examination by him, under oath, pertaining to any of the fiscal affairs of the city; he shall supervise the keeping of the general books of the city in which shall be recorded and kept a general account of all fiscal transactions and he shall also keep a record of all vouchers or warrants audited by him.

City auditor;
duties.

20. All moneys due to the city, whether for taxes, assessments, arrears of taxes or otherwise, shall be paid to the Collector of Taxes.

Collector of
taxes; duties.

It shall be the duty of the Collector of Taxes to collect and receive all moneys due to the city; to keep an itemized account of all such moneys in books to be provided for that purpose, wherein shall be entered the name of the person from whom each sum of money is received, the date when received, and the purpose for which such payment is made; to pay over daily to the City Treasurer all moneys collected or received by him in each day and to take the receipt of the City Treasurer therefor; to furnish to the City Council, at its first regular

Daily settle-
ment.

Monthly
statement.

Records of
taxes, liens,
etc.

City treasurer;
duties.

All moneys
paid on
warrant.

Warrant
book.

meeting in each month, a statement of all moneys received or collected during the preceding calendar month, together with a report showing the disposition of such moneys; to prepare and furnish a detailed statement and report of all moneys collected or received during the preceding fiscal year, together with a statement of the manner in which such moneys have been disposed of by him, to the Mayor and to the City Council, within sixty days after the beginning of each fiscal year; to keep a record of all taxes, assessments or other charges which are or may be a lien upon land; to make and furnish official searches against unpaid taxes, assessments and other charges which are liens upon land; to keep a public record of tax and other liens upon land, in which he shall enter a description of each parcel of land assessed and subject to such lien, the name of the person assessed and the amount of the lien; and such record shall be constructive notice of all things therein contained and the same or copies thereof or therefrom certified to be correct under the signature of the Collector of Taxes shall be received in evidence in all courts and places.

21. The City Treasurer shall receive, safely keep and disburse, under the direction of the City Council, all moneys belonging to or under the control of the city; he shall keep an accurate account of all receipts and payments in such manner as the City Council shall direct; no money shall be paid out of the treasury except on warrants signed by the Mayor and attested by the City Clerk; and no warrant shall be drawn on the City Treasurer except in pursuance of an order or resolution of the City Council passed at a regular meeting and entered in the minutes; all such warrants shall be numbered and made payable to the order of the person entitled to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid and the appropriation against which it is to be charged; it shall be the duty of the City Clerk before he delivers any warrant so drawn to enter in the margin of the book to be called "warrant book" opposite the said warrant, the number, date, amount of the same, the appropriation to which it is charged, the date of the resolution or

order authorizing it to be drawn, the purpose for which ordered, and the name of the person or persons to whose order it is made payable.

The City Treasurer, at least once every month, and whenever required, shall furnish the City Council with a statement of all moneys received and disbursed by him during the preceding calendar month, and he shall annually, on or before the first day of March, make to the Council a full report of all receipts and expenditures during the preceding fiscal year; and he shall, whenever required, lay before the City Council, for examination and audit, all books, papers and vouchers pertaining to his office.

Monthly and
annual state-
ments.

The City Treasurer shall deposit the funds of the city as and when required by the City Council in such banks or trust companies as it may designate.

Deposit
funds.

All checks drawn upon any depository of the city funds shall be signed by the City Treasurer and by the Mayor; and the City Treasurer shall pay all warrants by check and not otherwise, unless expressly authorized so to do by resolution of the City Council.

As to checks.

22. The Board of Assessors shall be composed of three members, who shall each hold office for three years, provided, that in making the first appointments under this act one member shall be appointed to serve for one year, one for two years and one for three years.

Board of
assessors;
terms.

It shall be the duty of the Board of Assessors to assess all property in the city for taxation and to perform such other duties as may be provided by law or by ordinance.

Duties.

The Board of Assessors shall keep a record of their proceedings.

Records.

The Board of Assessors shall levy an annual tax upon every person who owns or keeps any male or female dog within the city, as follows: One dollar for each male dog, and three dollars for each female dog.

Dog tax.

23. There shall be a Board of Assessments to be composed of three resident freeholders. The members of the board shall each hold office for the term of three years; provided, that in making the first appointments, one member shall be appointed to serve for a term of

Board of as-
sessment;
terms.

	one year, one for a term of two years, and one for a term of three years.
Member interested not to act; substitute.	If any member of said board shall be interested in the matter of any assessment required to be made by such board then the Mayor shall appoint some discreet and impartial freeholder of the city to act in regard to such assessment in the place and stead of such interested member.
Reports.	Each report of said board shall be signed by at least two of its members and shall be accompanied by the oath or affirmation of each member making the same that he is not personally interested, directly or indirectly, in the matter of such assessment, and that he has performed his duties with respect to such assessment honestly, faithfully and impartially.
Duties.	The Board of Assessments shall make, in the manner hereinafter provided, all assessments for special benefits and awards for damages occasioned by the building of any drain or sewer, opening of any street, improvement of any street, or by any other improvement whatsoever.
Sinking fund; how composed.	24. There shall be a Board of Sinking Fund Commissioners composed of five members, of which number the Chairman of the City Council shall be one. The other members of the board shall be resident freeholders, and shall be appointed by the City Council; they shall each
Terms.	hold office for the term of four years, provided, however, that in making the first appointments to such board one member shall be appointed to serve for a term of one year, one for a term of two years, one for a term of three years and one for a term of four years.
Duties.	The Board shall have the custody and control of all securities, moneys, records and other property pertaining, belonging or relating to the sinking funds of the city created for the redemption of its bonds or other obligations.
Investments.	The Board shall have the power to invest and reinvest the moneys received by it, in any securities which are legal investments for funds held by trustees or guardians under the laws of this State.
Corporate name.	The Board shall take and hold all funds and other property received by it in the name of "Board of Sink-

ing Fund Commissioners of _____,"
(Inserting in the blank the corporate title of the city.).

The Board shall have power to make rules and regulations for the conduct of its proceedings and business.

Rules.

The Board shall keep a record of its proceedings; and it shall, within thirty days after the close of each fiscal year, prepare and furnish a report to the Mayor and to the City Council covering the transactions of the board during such fiscal year, as well as an account of all moneys received and disbursed and the manner in which the same have been invested, and the total amount remaining in the sinking funds of the city and the manner in which the same are held or invested.

Records.

Annual
report.

The Board shall have power, with the consent of the City Council, to employ a clerk and such other assistants as may be necessary, who shall thereby be city employes, and the compensation of the clerk or others so employed by the Board shall be paid in the same manner as other city employes are paid.

Assistants.

The Board shall not have power to use any of the moneys received by it or in any way coming to its possession for or to meet its own expenses, but the necessary expenses of the Board shall, from time to time, be paid by the City Council.

Expenses met
by council.

The Board shall, whenever there shall be a surplus in any sinking fund in excess of the amount actually required for the payment of the principal of bonds secured thereby and to be paid therefrom, pay over such surplus to the Collector of taxes; and any moneys so received shall be placed in a fund to be known and designated as the "Capital Fund," and the moneys placed in such fund shall be withdrawn and used only for such purposes as bonds could be legally issued for.

Surplus—
capital fund.

The Board shall deposit all moneys and securities coming into its custody or under its control in such depository or depositories as the City Council, from time to time, may prescribe and the Mayor, in writing, approve; and the moneys and securities so deposited shall be withdrawn therefrom by the said board only in the manner, from time to time, prescribed by the City Council and approved by the Mayor, in writing.

Moneys
deposited.

Recorder;
powers and
jurisdiction.

Issue process.

Hearing.

Right to im-
prison.

Daily court.

Power of
justice of
the peace.

Convictions
reviewable.

25. The Recorder shall have jurisdiction and is hereby empowered, on oath, affirmation or affidavit made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of the city, to issue process either in the nature of a summons or warrant, as to him may seem most advisable, against the person or persons so violating such ordinance, which process shall, when of the nature of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in not less than three nor more than five days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and on return of such process, or at the time to which the Recorder shall have adjourned the hearing of the same, the said Recorder shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleadings, and the Recorder shall, if judgment of conviction be rendered against the defendant or defendants, forthwith issue execution against the goods and chattels and against the body of the defendant or defendants; the Recorder shall also have power to cause any person or persons who shall be found guilty of a violation of an ordinance of the city, and who may refuse or neglect to pay any penalty imposed, to be committed to the county jail for any period not exceeding thirty days. The Recorder shall be present at the station-house or other place provided for him by the City Council, at such hours every day as the City Council shall designate.

The Recorder shall have the powers, authority and jurisdiction in criminal matters possessed and exercised by any of the justices of the peace of this State.

Every conviction for violating a city ordinance had before the Recorder may be reviewed by appeal to the court of common pleas of the county in which such city is located in the same manner and upon the same terms as appeals are or may be taken from courts for the trial of small causes, and in case the judgment appealed from shall be imprisonment, the said Recorder or any judge of such court of common pleas may admit to bail upon a recognizance to the city the party appealing during

the pendency of his appeal; but no judgment for the violation of any ordinance shall be reversed for any imperfection, omission, defect in or lack of form, nor for any error except such as shall or may have prejudiced the defendant in maintaining his defense upon the merits.

The Recorder shall keep a docket of his proceedings, which docket shall contain the names of the parties and a record of the proceedings in every case; said docket shall be the property of the city and shall be kept in the station-house or other place provided subject to the inspection of all persons lawfully entitled thereto, and all papers in every case (excepting complaints and recognizances required by law to be delivered to the prosecutor of the pleas of the county or grand jury), shall be filed and remain in the station-house or other place provided; and no conviction other than the record in said docket shall be necessary in any case.

To keep
docket.

The officers empowered to serve any process issued by the Recorder shall be, besides the constables elected or appointed in such city, the officers or members of the police force of such city, and such process shall be returned in the same manner as far as circumstances shall permit, as similar processes issued by any justice of the peace; and such defendant or defendants shall, if such Recorder see fit to adjourn the hearing of the cause and so order, enter into recognizance to the city, as near as may be in the same manner as in similar proceedings brought before a justice of the peace, in such sum and with such surety as may be approved by such Recorder, such recognizance to be for the appearance of the said defendant or defendants, on the day to which said hearing may be adjourned, and in default of appearance, the said recognizance may be then collected in the same manner as when taken before a justice of the peace; if a commitment shall be issued in any case when the defendant is not in custody, it shall be lawful for such defendant to be taken into custody under such commitment in the same manner as under a warrant and to be delivered to the keeper of the workhouse, city or county jail, as directed in such commitment.

Officers to
serve record-
er's court.

Return of
process.

Bail.

Overseer of poor.	26. The Overseer of the Poor shall perform such duties as the City Council shall prescribe and such duties as shall be required by law.
Chief of police.	27. The Chief of Police shall be the head of the Police Department and shall be responsible for its efficiency; he shall hold office during good behavior.
Chief of fire department.	28. The Chief of the Fire Department shall be the head of the Fire Department and shall be responsible for its efficiency; he shall hold office during good behavior.
Excise commission. Proviso.	29. The Board of Excise Commissioners shall hold their office for the term of three years— <i>provided</i> , that in making the first appointments, one member shall be appointed to serve for one year, one for two years and one for three years.
Powers.	The Board of Excise Commissioners shall have full power to regulate and license the sale or transfer of spirituous, vinous, malt and other strong or intoxicating liquors; it shall have power to transfer, revoke and annul any such license; it shall have power to fix, and from time to time change, the amount of license fee to be paid for any license to sell such liquors or for any transfer thereof; it may prescribe regulations with respect to the sale or transfer of such liquors; it shall have power to determine and establish the rules of its own proceedings; it shall keep a record of its proceedings; it shall
Annual report of licenses issued, etc.	at the expiration of each fiscal year make a report to the Mayor and to the City Council, which report shall include a statement of all licenses that have been granted during the period covered by the report as well as a statement of all licenses issued and in effect at the time of the making of such report; the Board shall have power, with the consent of the City Council, to employ
Assistants.	a clerk and such other assistants as may be necessary, who shall thereby be city employes; and the compensation of the clerk or others so employed by the Board shall be paid in the same manner as other city employes are paid. The Board shall have the power to determine and establish the manner in which its regulations shall
Proviso.	be adopted, published and enforced— <i>provided</i> , that every regulation adopted by the Board shall be published

at least twice in a newspaper printed or circulating in the city before the same shall be in effect.

All license fees shall be paid directly to the Collector of Taxes by the applicants for such licenses, under such regulations as the Board may prescribe.

License fees paid to collector of tax.

It shall be the duty of the Board to enforce all laws respecting the sale or transfer of spirituous, vinous, malt or other strong or intoxicating liquors.

Enforce excise laws.

30. The City Engineer shall be a civil engineer and surveyor; he shall have such powers and perform such duties as may be prescribed by the City Council.

City engineer.

31. The Engineer of the Water Department shall hold his office for a term of three years. His duties shall be such as the City Council shall prescribe.

Water department engineer; term.

Whenever a Board of Water Commissioners is established, pursuant to the provisions of this act, the city officer herein provided for and designated as the Engineer of the Water Department, shall thereafter be appointed by such Board of Water Commissioners and his duties shall be prescribed by such board.

Duties prescribed by board.

32. The Mayor, the members of the City Council and members of the police department shall each have the power, on witnessing any breach of the peace, or any violation of a city ordinance, to forthwith arrest without warrant and take into custody the offender or offenders, to the end that such offender or offenders may be brought before the Recorder of the city or other proper magistrate to be dealt with according to law.

Power to arrest without warrant.

33. The City Council shall yearly and within the period of three months next succeeding the close of each fiscal year, cause to be printed a report containing a full statement of all receipts and disbursements of the said fiscal year, with such other matters as may be necessary to show in a clear and concise manner the financial condition of the city as well as its fiscal operations during such period.

Annual report issued by council.

Said reports may also include such other information pertaining to the government or welfare of the city as the City Council directs; when printed the reports shall be delivered to the City Clerk for distribution to the citizens.

City officials
not to be in-
terested in
contracts.

34. Any contract to which the city, or any body, board or commission thereof is a party and in which any city officer shall be interested, either directly or indirectly, or for which any city officer may be surety for its faithful performance, shall be null and void.

Nor act as
sureties.

No city officer shall be or become surety or security for any officer or employe of the city on any contract, bond or undertaking given to the city by any such person for the faithful performance of duties or otherwise.

Quorum of
council.

35. A majority of the whole number, as herein provided, of the members of the City Council shall constitute a quorum for the transaction of business; and no corporate action shall be taken, except by the affirmative votes of at least a majority of the whole number, as herein provided, of the members of the City Council and no ordinance shall be passed on or adopted, except at a regular meeting of the City Council.

Ordinances;
introduction
and first
reading.

Every ordinance, when introduced, shall be read; if passed upon such reading, it shall then be advertised twice in each of the official newspapers, not more than one insertion of which shall be in a calendar week, before further action is taken thereon; and no ordinance shall be passed on second reading unless at least ten days have elapsed from the time of its passage on first reading.

Second read-
ing and
passage.

Upon the consideration of any ordinance on second reading, if not amended, it may be read by title.

If upon the second reading of any ordinance it shall be passed by the required vote it shall be deemed to have been adopted.

Submitted
to mayor for
consideration.

Every ordinance, upon its adoption, shall be submitted to the Mayor by the City Clerk; if the Mayor shall approve it he shall sign it, and if he shall disapprove it, he shall return it, with his objections, to the City Clerk within ten days after it was presented to him. It shall be the duty of the City Clerk, upon receiving any such ordinance with objections, from the Mayor, to report the same to the City Council at its next regular meeting, at which the objections shall be read and entered in full upon the minutes; and thereupon the City Council shall proceed to reconsider the

Course if dis-
approved.

Reconsidera-
tion by
council.

adoption of such ordinance, and if upon such reconsideration two-thirds of the whole number, as herein provided, of the members of the City Council shall vote affirmatively for its adoption, it shall be advertised and become effective, notwithstanding such objections; every ordinance approved by the Mayor as herein provided and every ordinance that shall not be returned within the said period of ten days after it is submitted to the Mayor shall be advertised and also become effective.

All ordinances advertised.

Every ordinance shall take effect on the sixth day following its advertisement in the official newspapers.

When in effect.

Every resolution, before it shall take effect, shall be presented to the Mayor by the City Clerk; if the Mayor shall approve it he shall sign it, and if he disapprove it, he shall return it, with his objections, to the City Clerk within ten days after it is presented to him.

As to resolutions; action by mayor.

It shall be the duty of the City Clerk upon receiving any such resolution, with objections, from the Mayor, to report the same to the City Council at its next regular meeting, at which the objections shall be read and entered in full on the minutes; and thereupon the City Council shall proceed to reconsider the adoption of such resolution, and if upon such reconsideration two-thirds of the whole number, as herein provided, of the members of the City Council shall vote affirmatively for its adoption it shall become effective.

If disapproved, returned to council for reconsideration.

Every resolution approved by the Mayor as herein provided and every resolution that shall not be returned within the said period of ten days after it is submitted to the Mayor shall become effective.

When effective.

Every resolution and every ordinance shall be certified by the Chairman of the City Council and City Clerk, or by the persons who at the time of the adoption thereof shall be acting as such officers under the provisions of this act, before the same is presented to the Mayor.

Certification of ordinances and resolutions.

No ordinance or resolution appropriating money or directing the payment of money shall be passed or adopted except at a regular meeting of the City Council.

Appropriations at regular meetings.

Enacting
clause.

The enacting clause of all ordinances shall be "Be it ordained by the City Council of _____."
(Inserting in the blank the corporate title of the city.)

Ordinances
granting
franchises
dealing with
utility ques-
tions, etc., in
effect after
thirty days.

No ordinance providing for or granting any franchise or privilege for the use of the streets by any public service or utility company, or providing for the purchase of any gas or other lighting system, or providing for the construction of any gas or other lighting system, or of any incinerating or garbage disposal plant or system, or providing for or involving an expenditure in excess of twenty-five thousand dollars, shall become effective until at least thirty days after its adoption by the City Council, anything herein contained to the contrary notwithstanding; and if, within a period of thirty days next succeeding the adoption of any such ordinance, a petition be filed with the City Clerk, signed by at least ten per centum of the voters of the city, legally enrolled as such at the time of the last preceding general or city election, requesting the submission of such ordinance to the voters of the city, the City Council shall provide that the same be so submitted at the next regular general or city election, and in the event that such a petition be presented, within the time above limited, then such ordinance shall not become effective unless and until the proposition to approve such ordinance be assented to by a majority of the legal voters of such city who shall vote either for or against the approval thereof at such election.

Referendum.

Notice to
voters.

Upon the filing of a petition with the City Clerk, signed by at least twenty-five per centum of the voters of the city, legally enrolled as such at the time of the last preceding general or city election, setting forth in general terms the nature of any desired municipal or public improvement or reform, the City Council shall either pass an ordinance in conformity therewith or shall provide that the proposal set forth in such petition be submitted to the legal voters of such city at the next regular general or city election, or at a special election; and the City Council may submit an alternative proposition to be voted on at such election.

Subsequent
action if
proposition
adopted.

If at such election the said proposal or alternative proposition be assented to by a majority of the legal

voters of such city, who shall vote either for or against the approval of the same, such proposal so assented to shall thereafter be carried into effect by the adoption of an ordinance by the City Council for such purpose, according to the true intent and meaning thereof.

36. The City Council shall have power:

(1) To borrow money temporarily in the name of the city in anticipation of taxes, or other appropriated revenues, to an amount not exceeding eighty per centum of such anticipated revenue in any year.

Power of council.
To anticipate taxes.

(2) To borrow money temporarily in the name of the city during the construction of any public improvement, on account of which assessments for benefits are authorized to be made and collected; *provided*, that not more than eighty per centum of the cost of any such improvement shall be so borrowed.

To borrow during improvements.

(3) To issue its bonds, notes or other obligations to secure the repayment of any money that it is authorized to borrow.

To issue bonds.

(4) To make contracts for street lighting and other municipal or public service, not exceeding a term of five years.

To light streets.

(5) To make contracts with any person, firm or corporation using the public streets—such as gas, telephone and electric light companies, and other public utility or service companies.

To contract with utility companies.

(6) To acquire, either by condemnation or purchase, land or any interest therein for any public or municipal use, and to erect thereon or upon other land of the city a suitable building or buildings; provided that not more than twenty-five thousand dollars shall be expended in any one year for the purchase of land; and also provided that not more than fifty thousand dollars shall be expended in any one year for the erection of buildings, unless the proposed additional expenditure be approved by the vote of a majority of the legal voters of such city, voting upon such proposition submitted to them, at any general election.

To acquire property.

Proviso.

(7) To issue corporate bonds of the city to provide for the cost and expense of acquiring land or erection of buildings, and the equipment of the same; and to provide the necessary funds wherewith to pay all the

To bond city for buildings.

costs and expenses of the making or maintenance of any permanent public work or improvement.

To employ
help.

(8) To employ, from time to time, such assistance, assistants and laborers as necessities of the city may require, and to make compensation for such services and to require that any such person shall give bonds for the faithful performance of his duties, and, from time to time, to require further or additional bonds of any such person.

To merge
offices.

(9) To consolidate any two appointive city offices and provide that the duties of the offices so consolidated shall be performed by one and the same person, provided that no such consolidation shall oust a person from office.

To enforce
ordinance by
injunction.

(10) To institute and maintain an action in the Court of Chancery of this State, to restrain by injunction the violation of any ordinance, notwithstanding a penalty may be provided for such violation; and also to institute and maintain, in said court, an action to require the removal or destruction of any building or part thereof or other thing erected or placed in violation of any ordinance of the city, notwithstanding a penalty may be provided for such violation.

To increase
duties.

(11) To require any of the appointive city officers to perform further or other duties, in addition to those herein specifically enumerated.

To sewer city.

(12) To construct any sewer or system of sewers at the general public expense; and to construct any additional sewers, extensions and laterals at the general public expense.

To acquire
other prop-
erty.

(13) To acquire, by purchase or condemnation, lands and real estate situated in any adjoining or neighboring municipality which are or may be deemed necessary or expedient to be taken for any public or municipal use or improvement; provided, however, the consent of the municipal authorities of such adjoining or neighboring municipality shall be first obtained to the acquisition of such lands.

Proviso.

To lay, etc.,
sewers
through
streets, etc.

(14) To lay, relay, construct or reconstruct sewers and drains and other public works of similar character under and through any avenue, street, road, railroad, highway, lane or alley in any municipalities of this

State, through which it is necessary or expedient to lay, relay, construct or reconstruct the same, upon the consent of the governing body of such municipality first had and obtained and reasonable compensation tendered to such municipality; *provided*, that in the event that the governing body of such municipality shall refuse or neglect to give such consent, then it shall be lawful for the Chancellor, upon petition of the city so applying for such consent, to make an order embodying and directing the terms upon which such sewers and drains may be laid, relaid, constructed and reconstructed, and upon the making and filing of such order, it shall be lawful for any such city to proceed with the work of laying, relaying, constructing and reconstructing of any such sewer or drain under and through any avenue, street, road, railroad, highway, lane or alley named in such order.

Proviso.

(15) To make contracts with any adjoining or neighboring municipality for space in or the right to use any sewer or drain constructed or to be constructed in such adjoining or neighboring municipality, whenever it is necessary or expedient to have such right to use any such sewer or drain, as an outlet for any sewer or drain constructed or to be constructed within such city; and the amount which the city is required to or shall pay for any such right shall be included in the cost of the sewer or drain constructed within the city, and such amount shall be assessed against the property specially benefited by the improvement in the same manner as if it were actually a part of the cost of construction of the sewer or drain, within the limits of the city.

To contract with other municipalities for use of sewers.

(16) To pay to any surety company or companies the premium or premiums on any approved bond or bonds required of any city officer or employe.

To assure employes.

37. The City Council shall have power to pass and adopt ordinances for the following purposes:

Purposes of ordinances.

(1) To manage and control the finances of the city and its fiscal operations.

Finance.

(2) To care for and protect the property of the city and to regulate the use of the same.

Care of property.

(3) To provide for the government of the city.

Government

- Contracts. (4) To establish regulations, with respect to the making of contracts or proposals and the purchase of supplies or materials; and to prescribe the manner in which all contracts of the city shall be made and executed.
- Health. (5) To establish a board of health.
- Protection. (6) To protect life and property.
- Use of streets. (7) To regulate the use of the streets, highways or other public places in the city.
- Nuisances. (8) To prohibit and abate nuisances.
- Ice and snow. (9) To enforce the removal of snow and ice from the gutters and sidewalks by the owners or occupants of the land fronting on any public street or highway.
- Drunkenness. (10) To prevent drunkenness, vice and immorality.
- Sunday observance. (11) To require the observance of the Christian Sabbath—commonly called Sunday.
- Order. (12) To preserve the public peace.
- Pounds. (13) To establish and regulate a public pound and to provide for the sale of animals impounded.
- Buildings. (14) To require the removal and to remove any building or other structure which is dangerous and a menace to life.
- Explosives and combustibles. (15) To prohibit, regulate and license the manufacture, sale, storage, keeping or use of any inflammable, explosive or highly combustible material, thing, substance or compound.
- The dead. (16) To regulate the disposal of the dead.
- License vehicles, peddlers, theatres, etc. (17) To license and regulate cartmen, porters, hackmen, cabmen, drivers of carriages, stages, wagons or other public vehicles used for the transportation of persons or goods, auctioneers, pawnbrokers, junkmen, peddlers, hucksters, theatres, shows or public performances, or any other business or occupation carried on in any such city and to fix the amount to be paid for any such license, the fees for which may be imposed either as a police regulation or for revenue.
- Penalties. (18) To fix penalties to be imposed upon the offenders on conviction of violating any of the ordinances of the city; no penalty to exceed a fine of one hundred dollars; *provided, however*, that any person convicted of a violation of any of the ordinances of
- Proviso.

the city may be imprisoned, as in this act provided, in case of a refusal or neglect to pay any fine or penalty imposed on account of such violation.

(19) To establish, regulate and maintain a fire department. Firemen.

(20) To establish, regulate and maintain a police department. Police.

(21) To establish fire limits and to prohibit and prevent the erection of buildings or other structures of wood or other combustible material therein; to regulate and require the construction of fire escapes; to prevent the erection or occupation of any building which is being or has been erected in violation of any ordinance of the city; to regulate the construction of buildings or other structures within the city and to require the payment of a fee and the filing of plans and specifications before the erection of any building or other structure is commenced; to remove or require the removal of any building, structure or part thereof erected or placed in violation of any ordinance of the city. Fire limits.
Regulate buildings.

(22) To provide for the levying of taxes. Taxes.

(23) To provide a supply of pure and wholesome water for the use of the city and its inhabitants, and water for fire and sprinkling purposes; and to establish a water department; and to regulate the use of water from any public supply; to fix and establish rates or charges, and to provide for the collection of the same. Water supply.

(24) To provide for the building of sewers and drains. Sewers.

(25) To provide for the improvement of streets. Improve streets.

(26) To establish a system of house numbers, and to require conformity therewith. House numbers.

(27) To modify, amend or repeal any of the ordinances of the city. Ordinances.

28. To lay out and open public streets, roads, highways, alleys, parks or other public places; and to cause any public street, road, highway or alley to be vacated, strengthened, widened, extended or otherwise changed as to its boundaries or location; and to acquire the necessary lands for any such purpose. Streets, parks, etc.

(29) To cause sewers or drains to be constructed and to acquire lands necessary therefor. Sewers.

Grading,
paving, etc.

(30) To cause the whole or any part of any street, road, highway, alley or other public place to be graded or regraded, paved or repaved, curbed or recurbed, guttered or reguttered, flagged or reflagged, drained or under-drained, or the roadway or sidewalk thereof to be otherwise improved.

Change
grades.

(31) To change or alter the grade of any street, road or highway.

Width of
walks and
roads.

(32) To establish the widths of the sidewalks and roadways of the public streets and to alter or change the same from time to time, and to name and change the name of public streets.

Obstructions.

(33) To prevent and remove obstructions on the streets, highways and other public places; and to prevent the placing of any waste, refuse or other thing thereon.

Free use of
highways.

(34) To prohibit any thing or practice which impedes or prevents free and safe travel upon the public streets or highways.

Procedure.

Speed of cars.

(35) To regulate the running of locomotives and cars in and through the city and to regulate the operation of any railroad, street railroad or other common carrier using or crossing the public streets and highways of the city.

Fire commis-
sioners;
their duties.

(36) To establish, maintain and abolish, from time to time, a Board of Fire Commissioners, the members of which shall thereby be city officers, whose powers and duties shall be to control and regulate the appointment, suspension and dismissal of the officers, men and employes of the fire department of such city and to fix their compensation, and to make and alter rules and regulations for the government of such department, and to provide for the care and preservation of the apparatus and other property of the department, and to expend the moneys appropriated by the City Council for the use or support of said department, whether derived from the issue of bonds or from taxes, and to sell and dispose of all personal property no longer needed by or unfitted for the use of such department, and to make contracts for the purchase of the supplies, tools, horses and apparatus required by such department, and to maintain the buildings provided for the

use of such department and to make contracts necessary for such purpose.

The moneys raised or provided for the use of the said department shall remain in the custody of the City Treasurer, and be paid out by him only on warrant signed by the President of the Board of Fire Commissioners and the Mayor.

(37) To establish, maintain and abolish, from time to time, a Board of Police Commissioners, the members of which shall thereby be city officers, whose powers and duties shall be to control and regulate the appointment, suspension and dismissal of the officers, men and employes of the police department of such city and to fix their compensation, and to make and alter rules and regulations for the government of said department, and to provide for the care and preservation of the property of the said department, and to expend the moneys appropriated by the City Council for the use or support of said department, whether derived from the issue of bonds or from taxes, and to make contracts for the purchase of such personal property as is necessary for the use of such department, and to maintain the buildings provided for the use of said department, and to make the necessary contracts for such purpose.

Police commissioners;
their duties.

The moneys raised or provided for the use of said department shall remain in the custody of the City Treasurer, and be paid out by him only upon warrant signed by the President of the Board of Police Commissioners and the Mayor.

(38) To establish, maintain and abolish, from time to time, a Board of Water Commissioners. Said Board of Water Commissioners, when established and appointed, shall have the custody, control and management of the water works and water supply of the city; and the said board shall have power and authority to maintain, repair, equip and extend the water works and water supply system of the city and each and every part thereof; and the said board shall have power and authority to establish and, from time to time, to change the rates to be charged for water supplied to the inhabitants of the city or others, and also to adopt and establish rules and regulations with respect to the use and

Water commissioners;
their duties.

protection of the water supply and water works and each and every part thereof.

Rules, etc.,
submitted
to mayor.

Every rule, regulation or resolution of the Board of Water Commissioners shall, after its adoption by the Board, be submitted to the Mayor of the city; if he approve it he shall sign it and thereupon it shall become effective, and if he disapprove it he shall endorse thereon his disapproval and his reason for so doing and return it to the clerk of the board; and the board shall then reconsider the same at its next regular meeting, if upon such reconsideration it receives the affirmative votes of all members of the board, then it shall become effective, notwithstanding the disapproval of the Mayor.

Action by
mayor.

The Mayor shall return to the board every rule, regulation or resolution presented to him within ten days after he receives it, otherwise the same shall become effective without the action of the Mayor thereon on the day following the expiration of said period of ten days.

Superintend-
ent and
assistants.

The board shall have power and authority to employ a superintendent, water registrar, engineers and such other assistants as may be necessary, who shall thereby be and become city employes, and also to make such contracts as are necessary or expedient in the conduct of the business intrusted to its care.

Receipts
from water
supplied.

The moneys received from the inhabitants of the city or others for water supplied or other service performed by the water department and also the moneys raised by taxation or the issue of bonds in such city for the uses or purposes of the water department shall be paid to the Collector of Taxes, and shall be paid over to the City Treasurer to be kept by him in a special fund to be known as the Water Department Fund which shall be paid out only on warrants signed by the Chairman or President of the Board of Water Commissioners and the Mayor.

As to possible
deficiency in
water receipts.

The said board shall, on or before a certain day in each year, to be fixed by the said board, cause a careful estimate to be made of the interest on the water debt and cost of managing, of keeping in repair and operation of the works for the ensuing year, and of the amount to be received during the same year for the

use of water and water rents, and of the deficiency, if any, of such receipts for the payment of such expenditures, and shall report the same, in writing, to the City Council of said city, and the said deficiency said City Council shall raise by tax as other city taxes are assessed, levied and collected.

(39) Whenever a petition shall be filed with the City Clerk, signed by at least one hundred citizens, who were enrolled as legal voters of the city at the time of the last preceding general or city election, requesting the submission to the voters of the city of a proposition to create or establish in such city any one or more of the aforesaid boards, then the City Council shall provide that such proposition or propositions be submitted to the legal voters of the city, either at the next general or city election or at a special election, in accordance with the prayer in said petition; and in the event that such proposition or propositions are submitted at a special election then the same shall be held within a period of sixty days from the date of the presentation of such petition to the City Council on a day to be fixed by it. If the time fixed for holding said election shall be the time for holding any general or city election, the former shall be consolidated with the latter, and be conducted in the manner required by law governing such general or city election. The City Clerk shall cause public notice of the time, place and purpose of holding the election to be given by advertisements signed by himself and set up at least eight days prior to and within thirty days next preceding the day of election, in at least five of the most public places within such city, and published in one or more newspapers printed or circulating therein for at least six days previous to the day of such election; and the clerk whose duty it shall be by law to provide ballots for such election, whether he be the clerk of the city in which such election shall take place or the clerk of the county in which such city is located, shall provide or cause to be provided for each voter voting at such election, ballots, upon which ballots (and beneath the list of candidates thereon if any candidates are to be voted for at such election) shall be printed the following words: "For Against the crea-

Referendum
as to estab-
lishing sundry
boards of com-
missioners.

Notice of
election and
submission.

Ballots.

tion or establishment in this city of a Board of Water Commissioners" (or as the case may be). If the word "For" be marked off or defaced upon the ballot, it shall be counted as a vote against the adoption of such proposition; if the word "Against" be marked off or defaced upon the ballot, it shall be counted as a vote in favor of such proposition; and in case neither the word "For" nor the word "Against" or both be marked off or defaced upon the ballot, it shall not be counted as a vote either for or against such proposition, nor shall the person depositing in the ballot-box a ballot on which neither the said word "For" nor the said word "Against" or both be marked off or be counted as a vote or as voting in respect of or upon the question or proposition submitted. If voting machines shall be used at any such election, all voting by means thereof shall be conducted in the manner specified by the statute in such case made and provided. The polls for such election shall be held at the usual place of holding the annual general election in such city, and shall open at six o'clock in the morning and close at seven o'clock in the evening, and shall be kept open during the whole day of election between the hours aforesaid; *provided*, the board of election may adjourn such election from one o'clock until two o'clock in the afternoon, or for such shorter time between those hours as they shall see fit; and such election shall be conducted by the proper election officers of said city for the time then being, and in the manner as may then be prescribed by the ordinance of said city, if any, regulating elections therein, and such officers shall return to the City Council of such city a true and correct statement in writing, under their hands, of the result of said election, the same to be entered at large upon the minutes of said body.

Polling
place.

Proviso.

If adopted,
council to
establish said
commission.

If at an election held as hereinabove provided any such proposition be assented to by a majority of those of the legal voters of the city, who shall vote either for or against the adoption thereof, then it shall be the duty of the City Council to forthwith create and establish a Board of Water Commissioners, or other board, according to the proposition so submitted and adopted; any board created and established pursuant to any such

vote may be abolished in a like manner and by a like vote and not otherwise.

38 The City Council shall have power and authority to pass and adopt all such ordinances, by-laws and resolutions as, from time to time, it deems necessary or proper for the general welfare, good government and proper regulation of the city, and the protection of the life, health or property of the city and its inhabitants.

Council may pass ordinances for other purposes.

The specification herein of the purposes for which ordinances may be passed and adopted shall not be construed to prevent the passage and adoption of ordinances for other purposes as, from time to time, may be necessary or expedient under the general powers herein conferred.

39 The City Council shall have power to raise moneys by taxation for the following uses and purposes:

Purposes of taxation.

(1) For the general and incidental expenses of the city government.

City government.

(2) For lighting the buildings, streets and other public places.

Lighting.

(3) For the support and maintenance of the police department, and for armory purposes.

Police and armory.

(4) For the support and maintenance of the fire department.

Fire.

(5) For the support and maintenance of the water department; including water for the extinguishment of fires, water supplied to the public buildings, and for other public purposes.

Water.

(6) For regulating, repairing, maintaining, sprinkling and cleaning the streets, highways and other public places.

Streets.

(7) For the care, preservation and repair of public buildings.

Buildings.

(8) For the relief of the poor; and for the support, in whole or in part, of any hospital.

Poor and hospitals.

(9) For the payment of interest on the public debt; and for the payment of the principal of the public debt, as the same becomes due and payable.

Principal and interest.

(10) For sinking fund payments required to be made under any ordinance or other competent and legal authority.

Sinking fund.

Schools.	(11) For the support of the public schools.
Acquire land.	(12) For the acquisition of land for any public or municipal use.
Buildings.	(13) For the erection, alteration, repair or equipment of any building for a public or municipal use.
Health.	(14) For the protection and maintenance of the public health.
Enforce laws.	(15) For the enforcement of the ordinances, rules and regulations of the city, or of any board, body or commission thereof.
Sewers.	(16) For the construction and repair of sewers or drains.
Trees.	(17) For the planting and care of shade trees.
Library.	(18) For the support of a free public library.
Recreation.	(19) For improving, regulating, maintaining and protecting public parks and playgrounds.
Temporary obligations.	(20) For the raising of moneys wherewith to pay any note or other temporary obligation of the city.
Capital fund.	(21) For providing a capital fund or funds for the purpose of enabling the city to pay the cost and expenses of permanent improvements, concerning which assessments or charges are thereafter to be levied or collected.
Ashes and garbage.	(22) For the establishment and maintenance of a scavenger system and for the disposal of garbage and other refuse.
Public improvements.	(23) For the acquisition of land necessary for any drain, sewer or other public improvement.
Music.	(24) For the purpose of providing music in parks or other public places.
Generalities.	(25) For any purpose authorized by the general laws of the State applicable to the city.
As to specified funds.	The City Council shall have power to appropriate and expend any of the general city funds or moneys, not specifically appropriated, for any of the uses and purposes hereinabove mentioned but not otherwise.
Ordinance for proposed improvement certified to board of assessment.	40. Whenever the City Council determines as herein provided, to construct any sewer or drain, or to lay out or open a public street, road, highway, alley, park or other public place, or to cause any public street, road, highway or alley to be vacated, straightened, widened, extended or otherwise changed as to its boundaries or location, the City Council shall, upon the adoption of an

ordinance for such purpose, cause a certified copy thereof to be delivered to the Board of Assessments.

Upon receipt thereof, it shall be the duty of the Board of Assessments to procure a map to be made, by a surveyor not interested in such improvement, showing the land to be taken therefor, if any, and the property which in the judgment of the said board will be specially benefited by such improvement, designating each lot and parcel on said map by letter or number. Said board shall also ascertain, so far as practicable, the names of the owners of said land to be taken and of all persons having any interest therein or liens thereon, and when such names or estates or interests are not known they shall so report. They shall also appraise the value of the interest of each owner of said land and of all others interested therein, and assess the damage of such persons by reason of the taking of the same; and where the estate or interest in any of the land to be taken is unknown, they shall appraise the value of or the damage done to the fee simple. Said board shall also estimate all other expenses likely, in their judgment, to attend the completion of the improvement; said board shall also estimate the amount likely to be realized from the sale of any buildings, or parts of buildings, required to be taken on account of said improvement, and shall so determine the probable net cost of making such improvement; this probable net cost they shall then assess upon the lands to be specially benefited, to the extent of such benefits received, in proportion to the benefit to be received. Thereupon they shall make a report, signed by them or any two of them, of the facts ascertained and of the appraisements, estimates, determinations and assessments made by them concerning said improvement, and shall file such report and their map with the City Clerk. Thereupon the City Clerk shall cause a notice of the filing of said map and report to be printed in two successive weekly issues of the official newspapers, which notice shall contain a general description of the proposed improvement, and shall state the time and place when and where the City Council will meet to consider any objections to said report or to the improvement. The City Clerk shall

Map made.

Owners' names.

Appraise and assess damages.

Assessment for benefits.

Report.

Notice of hearing objections to map and report.

- also, within said period, mail a copy of such notice to all persons whose names and addresses appear upon the tax books of the city as owning land affected by such improvement, but the failure of the City Clerk to mail such notice shall not invalidate any of the proceedings; and all objections made at such time and place the City Council shall then consider; *provided*, that if written objection to such improvement shall be made by the owners of three-fourths or more of the land in lineal feet frontage thereon, assessed for such improvement, no further proceedings shall be taken under such resolution or ordinance.
- Proviso.
- Hearing and action. At such time the City Council may correct the awards, and shall confirm said awards, with the corrections, if any, and shall pass a resolution or ordinance ordering said improvement to be made and completed in such manner as the City Council may direct; and the City Council shall direct that the said report, with the corrections, if any, shall be filed with the City Clerk; and the said City Council shall also pass a resolution directing the several sums awarded to be paid to the persons to whom the awards are made for the lands taken, and upon the passage of such resolution the fee simple of said lands shall be vested in the city; *provided*, that where the said board shall have reported the names or estates of the owners of any plot as unknown, the said resolution shall direct the amount of the award on account of such plot to be paid to the persons entitled thereto when and as their interest may appear, and any such owner or person interested in said plot of land may, by bill in chancery, according to the practice of that court, have the said amount awarded distributed in whole or in part and paid over to him, as law and justice require.
- Resolution directing awards.
- Proviso.
- Assessment upon completion of improvements. After the completion of any such improvement the Board of Assessments shall ascertain and determine the actual cost and expense thereof, and such cost and expense they shall assess upon the lands specially benefited by the improvement, so far as the same are so benefited, in proportion to the benefits received. The said board shall make a report of such assessments and shall file the same with the City Clerk, which report shall be

accompanied by a map showing what lots or parcels of land are specially benefited by the improvement, the amount assessed as such benefits upon each lot or parcel of land and the names of the owners of the several lots or parcels of land assessed, so far as the board can ascertain the same, and no assessment shall be defective by reason of any mistake or omission in the names of the owners of any land assessed. Upon the filing of such report and map the City Clerk shall notify the City Council, and thereupon the City Council shall fix a day and time, not less than fifteen and not more than thirty days distant, when it will meet to consider such report and map, and the City Council shall cause a notice to be published in the official newspapers at least two weeks prior to the date of such meeting, stating that the final report and map of the Board of Assessments with respect to the improvement (designating it in general terms) has been received, and that the City Council will meet on the certain day and time, fixed as aforesaid, to consider the same and hear objections thereto. After considering such report and map, and after hearing such objections thereto as may be presented, the City Council at any time thereafter may confirm said report and map as presented, or with corrections made by it or said board, to whom the same may be referred by the City Council for revision or correction.

Notice of hearing on map and report of assessment.

After such confirmation the said report and map, together with a copy of the resolution confirming the same, certified to be correct by the City Clerk, shall be delivered to the Collector of Taxes; and the assessments so levied upon the lands specially benefited shall thereupon be due and payable and shall become liens upon the lands assessed as hereinafter provided.

Confirmation reported to collector of taxes.

Any person aggrieved by any such award of damages or assessment may, within thirty days from the date of the confirmation of the same, appeal therefrom to the Circuit Court of the county, in which such city is located; any person desiring to make any such appeal shall present a petition of appeal, which shall contain a concise statement of the award or assessment appealed from and of the reasons relied upon by the appellant for the setting aside or modification thereof.

Right of appeal to circuit court.

Hearing on appeal.	Upon the presentation of any such petition of appeal the said Circuit Court shall proceed to hear and determine the said appeal in a summary manner, and shall have power to affirm, increase or otherwise modify any award of damages, to set aside, reduce or otherwise modify any assessment, or to affirm the same.
Action by court.	Such notice of the presentation and filing of any such petition of appeal and of the hearing thereon shall be given as the said Circuit Court shall direct; at the hearing of such appeal the parties and their witnesses shall be heard, or the court may direct that the testimony to be used at the hearing shall be taken before a Master in Chancery or Supreme Court Commissioner, and fix the terms and directions with respect to the taking of such testimony.
Judgment.	The judgment of said court upon any such appeal shall be entered on the minutes of the court and a certified copy thereof shall be served upon the City Clerk of the city; and thereupon the award of damages, or assessment appealed from shall be set aside, changed, modified or affirmed as in such judgment directed.
If award increased, city to pay.	In the event that any award of damages is increased by the judgment of said court on appeal it shall be the duty of the governing body of the city to pay such increase on demand to the person to whom such increase is awarded thereby.
Effect of appeal.	No award of damages or assessment shall be in anywise affected by an appeal therefrom except as to the award made in favor of, or assessment against, the person taking an appeal as herein provided.
Assessments payable in instalments.	Such assessment shall be payable in ten equal instalments; the first instalment shall be due and payable at or before the expiration of thirty days after the confirmation of the assessment, and the others in one, two, three, four, five, six, seven, eight and nine years after the date of such confirmation, respectively; to the second and each subsequent instalment shall be added interest at the rate of five per centum per annum on the unpaid balance of the assessment computed from the date of the confirmation of the assessment to the date when such instalment is made payable as above provided; in case any instalment of such assessment be not paid when
Interest added.	

the same is due and payable, then interest upon such instalment shall thereafter be computed, paid and collected at the rate of seven per centum per annum. Each instalment of such assessment, with the interest, shall be a first lien upon the land assessed from and after the date when such instalment of the assessment is due and payable, as herein provided, and shall remain a first lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other encumbrance thereof, and shall be enforced and collected, by the sale of the land, in the same manner as is provided by law for the enforcement and collection of taxes by the sale of the land against which the same are levied or assessed; *provided, however*, that the owner of any property assessed may, at his option, pay the whole of the assessment, without interest, within thirty days from the date of its confirmation, or thereafter may pay the whole of the assessment or the entire balance thereof then remaining unpaid, with interest to the day of payment, in satisfaction of such assessment.

Assessments
a lien.

Proviso.

41 Whenever the City Council determines to cause the whole or any part of any street, road, highway, alley or other public place to be graded or regraded, paved or repaved, curbed or recurbed, guttered or reguttered, flagged or reflagged, drained or under-drained, or the roadway or sidewalk thereof to be otherwise improved, the City Council shall, after the completion thereof, cause a certified copy of the ordinance adopted providing for such improvement to be delivered to the Board of Assessments.

Improvement
of streets,
etc.

The Board of Assessments, upon the receipt of such ordinance, shall ascertain and determine the actual cost and expense of such improvement, and such cost and expense they shall assess upon the lands specially benefited by the improvement, so far as the same are so benefited, in proportion to the benefit received. The said board shall make a report of such assessments and shall file the same with the City Clerk, which report shall be accompanied by a map showing what lots or parcels of land are so benefited by the improvement, the amount assessed as such benefits upon each lot or

Cost ascer-
tained.

Assessment
for benefits.

Report and
map.

Notice of
hearing on
objections.

Action by
council.

Assessment
delivered to
collector of
taxes.

Right of ap-
peal to circuit
court.

Summary
action by
court.

parcel of land and the names of the owners of the several lots or parcels of land assessed, so far as the board can ascertain the same, and no assessment shall be defective by reason of any mistake or omission in the names of the owners of any land assessed. Upon the filing of such report and map the City Clerk shall notify the City Council, and thereupon the City Council shall fix a day and time, not less than fifteen and not more than thirty days distant, when it will meet to consider such report and map; and the City Council shall cause a notice to be published in the official newspapers at least two weeks prior to the date of such meeting, stating that the report and map of the Board of Assessments with respect to the improvement (designating it in general terms) has been received, and that the City Council will meet on the certain day and time, fixed as aforesaid, to consider the same and hear objections thereto. After considering such report and map, and after hearing such objections thereto as may be presented, the City Council, at any time thereafter, may confirm said report and map as presented, or with corrections made by it or said board, to whom the same may be referred by the City Council for revision or correction.

After such confirmation the said report and map, together with a copy of the resolution confirming the same, certified to be correct by the City Clerk, shall be delivered to the Collector of Taxes; and the assessments so levied upon the lands specially benefited shall thereupon be due and payable and shall become liens upon the lands assessed as hereinafter provided.

Any person aggrieved by any such assessment, may within thirty days from the date of the confirmation of the same, appeal therefrom to the Circuit Court of the county, in which such city is located; any person desiring to make any such appeal shall present a petition of appeal, which shall contain a concise statement of the assessment appealed from and of the reasons relied upon by the appellant for the setting aside or modification thereof.

Upon the presentation of any such petition of appeal the said Circuit Court shall proceed to hear and de-

termine the said appeal in a summary manner and shall have power to increase, set aside, reduce or otherwise modify any assessment, or to affirm the same.

Such notice of the presentation and filing of any such petition of appeal and of the hearing thereon shall be given as the said Circuit Court shall direct; at the hearing of such appeal the parties and their witnesses shall be heard or the court may direct that the testimony to be used at the hearing shall be taken before a Master in Chancery or Supreme Court Commissioner and fix the terms and directions with respect to the taking of such testimony.

May order
testimony
taken.

The judgment of said court upon any such appeal shall be entered on the minutes of the court and a certified copy thereof shall be served upon the City Clerk of the city; and thereupon the assessment appealed from shall be set aside, reduced, modified or affirmed as in such judgment directed.

Judgment
certified.

No assessment shall be in anywise affected by an appeal therefrom except as to the assessment against the persn taking an appeal as herein provided.

Effect of
appeal.

Such assessment shall be payable in ten equal instalments; the first instalment shall be due and payable at or before the expiration of thirty days after the confirmation of the assessment, and the others in one, two, three, four, five, six, seven, eight and nine years after the date of such confirmation, respectively; to the second and each subsequent instalment shall be added interest at the rate of five per centum per annum on the unpaid balance of the assessment computed from the date of the confirmation of the assessment to the date when such instalment is made payable as above provided; in case any instalment of such assessment be not paid when the same is due and payable, then interest upon each instalment shall thereafter be computed, paid and collected at the rate of seven per centum per annum. Each instalment of such assessment, with the interest, shall be a first lien upon the land assessed from and after the date when such instalment of the assessment is due and payable, as herein provided, and shall remain a first lien thereon, until paid, notwithstanding any devise, descent, alienation, mortgage or other incum-

Assessments
payable in in-
stalments.

Interest
added.

Assessments
a lien.

Proviso.	<p>brance thereof and shall be enforced and collected, by sale of the land, in the same manner as is provided by law for the enforcement and collection of taxes by the sale of the land against which the same are levied or assessed; <i>provided, however</i>, that the owner of any property assessed may, at his option, pay the whole of the assessment, without interest, within thirty days from the date of its confirmation, or thereafter may pay the whole of the assessment or the entire balance thereof then remaining unpaid, with the interest to the day of payment, in satisfaction of such assessment.</p>
Character of bonds.	<p>42. Whenever the City Council determines to issue bonds of the city, such bonds shall bear the name of the improvement or purpose for which they are issued; such bonds may be either registered or coupon or both, as may be determined by the City Council, and, if registered, may be registered as to principal and interest or as to principal only; they shall be signed by the Mayor, City Treasurer and City Clerk, and shall have affixed thereto the corporate seal of the city; they shall be made payable in not more than forty years from the respective dates thereof and shall be of such denominations and bear such interest (not exceeding six per centum per annum) as shall be determined by the City Council; the interest shall be payable semi-annually or otherwise as determined by the City Council; such bonds may be disposed of either at public or private sale, but not for less than the par value thereof and accrued interest; all moneys received from the sale of any such bonds shall be used solely for the purposes for which the same were issued; the City Council shall provide for the payment of the interest upon such bonds and also shall establish a sinking fund to provide for the payment of the bonds at maturity, and any premium realized on the sale of such bonds shall be paid into such sinking fund, and the amount thereof shall be deducted from the first moneys required to be raised by the city for the payment of such bonds at maturity.</p>
Time.	
Rate.	
Sinking fund.	
Incidental fund.	<p>43. All moneys received for licenses and all other moneys received and not specifically appropriated by law shall be paid into a fund to be known as the incidental fund.</p>

The moneys in the incidental fund shall be applied first to the payment of the general and incidental expenses of the city government.

Use of.

44. All taxes levied or imposed in any such city shall bear such rate of interest, not exceeding twelve per centum per annum, as the City Council shall from time to time determine.

Interest on taxes.

45. The City Council shall at its first meeting in each year, designate two newspapers, each of which shall be printed and published or circulated within such city, to be known as the official newspaper of the city, wherein during the then current year all ordinances, notices and other public statements required to be published, shall be printed and published.

Official newspapers.

The City Council shall determine the number of times any public notice or statement shall be published in such newspapers unless otherwise provided by law.

Insertions.

46. All funds of the city not hereby or by other law placed in the custody and control of any board or commission shall be under the control of the City Council, and no moneys shall be paid out of any such funds by the City Treasurer except upon warrants as herein provided.

Control of funds.

47. Before the City Council accepts any drain or street improvement, or makes final payment to the contractor, a notice shall be published in the official newspapers stating that such drain or street improvement has been completed and designating a time when the City Council will meet to receive and consider objections, in writing, to the work done or materials used in such improvement; and if any of the objections received at such time shall appear to be well founded it shall take such action as is deemed necessary to protect the interests of the city and the property owners interested in such improvement.

Action before making final payment for improvement.

48. When any city, in which this act shall become operative, as herein provided, has theretofore adopted the provisions of any general act, such general act shall remain in full effect and operation in such city, except so far as such general act shall be inconsistent with this act.

This act not to displace general act.

Existing ordinances in force.	All ordinances adopted and in force in any city at the time this act shall become operative therein, as herein provided, shall remain in full force and effect until and unless repealed; and the same shall be enforced in the same manner as is herein provided for the enforcement of ordinances adopted and becoming effective under the provisions of this act.
Referendum.	49. This act shall take effect immediately, but its provisions shall not be operative in any city in this State until assented to by a majority of those of the legal voters of such city who shall vote either for or against the adoption of its provisions, as herein provided, at an election to be held in such city at any time to be fixed by the board of aldermen, council or other governing body of such city, and this act shall not be operative in any such city until the first day of January next following the election of a Mayor and City Council pursuant to the provisions of this act. If the time fixed for holding said election shall be the time for holding any general election, the former shall be consolidated with the latter, and be conducted in the manner required by law governing such general election. The City Clerk of said city shall cause public notice of the time, place and purpose of holding the election to be given by advertisements signed by himself and set up at least eight days prior to, and within thirty days next preceding the day of election, in at least five of the most public places within such city, and published in one or more newspapers printed or circulating therein for at least six days previous to the day of such election; and the clerk whose duty it shall be by law to provide ballots for such election, whether he be the clerk of the city in which such election shall take place or the clerk of the county in which such city is located, shall provide or cause to be provided for each voter voting at such election, ballots, upon which ballots (and beneath the list of candidates thereon, if any candidates are to be voted for at such election) shall be printed the following words: "For Against the adoption for this city of the provisions of an act entitled 'An act concerning cities, providing for the officers, government and powers of cities adopting the same.'" If the word "For" be
Notice of submission of proposed charter to voters.	
Ballots.	

marked off or defaced upon the ballot, it shall be counted as a vote against the adoption for said city of the provisions of said act; if the word "Against" be marked off or defaced upon the ballot, it shall be counted as a vote in favor of the adoption for said city of the provisions of said act; and in case neither the word "For" nor the word "Against" or both be marked off or defaced upon the ballot, it shall not be counted as a vote either for or against such proposition, nor shall the person depositing in the ballot-box a ballot on which neither the said word "For" or the said word "Against" or both be marked off be counted as a vote or as voting in respect of or upon the question or proposition submitted. If voting machines shall be used at any such election, all voting by means thereof shall be conducted in the manner specified by the statute in such case made and provided. The polls for such election shall be held at the usual places for holding the annual general election in such city, and shall open at six o'clock in the morning and close at seven o'clock in the evening, and shall be kept open during the whole day of election between the hours aforesaid; provided the board of election may adjourn such election from one o'clock until two o'clock in the afternoon, or for such shorter time between those hours as they shall see fit; and such election shall be conducted by the proper election officers of said city for the time then being, and in the manner as may then be prescribed by the ordinances of said city, if any, regulating elections therein, and such officers shall return to the board of aldermen, council or other legislative body of such city a true and correct statement in writing, under their hands, of the result of said election, the same to be entered at large upon the minutes of said body.

Polling
places.

Proviso.

Returns.

50. Whenever the provisions of this act shall be adopted by any city, at the next general or city election held thereafter in such city, there shall be elected a Mayor and City Council under and pursuant to the provisions of this act whose terms of office shall begin on the first day of January next succeeding their election; and on the first day of January all the provisions of this act shall become operative in such city and the

First
election.Present
officers to
cease.

terms of officers holding office in such city under the pre-existing municipal government shall on said date cease and determine.

All obligations valid.

51. All contracts, bonds and other obligations of any city, in which this act shall become operative, shall remain valid, binding and obligatory notwithstanding the change of name of said city or any change in the government thereof provided for by this act.

Invalidity of a section not to affect others.

52. Each section of this act and every part of each section are hereby declared to be independent sections and parts of sections and the holding of any section or part thereof to be void, ineffective or unconstitutional for any cause shall not affect any other section or part thereof.

Approved April 14, 1908.

CHAPTER 251.

An Act to regulate crematory companies.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Crematory companies licensed.

1. It shall not be lawful for any cremation or crematory company incorporated or hereafter incorporated under the laws of this State to engage in the business for which it was incorporated without first obtaining a license or permit so to do from the State Board of Health.

Disposition of ashes and bodies.

2. No company incorporated as aforesaid shall use the ground adjacent to the crematorium of such company for the interment of dead bodies or the ashes thereof unless it shall first obtain from the local board of health in the municipality in which said crematorium is situated a permit or license to use such adjacent ground for said purposes. In order to obtain such permission such corporation shall make application in writing to such local board of health and file therewith

a description of the lands so adjacent to such crematorium; and thereupon, said local board of health shall at its option grant or reject such request; *provided*, that such permit shall not extend to land exceeding in any case five acres in area. Proviso.

3. In the event of such local board of health refusing the request made in the manner hereinbefore stated, or failing to act thereon within thirty days from the date of receiving same, the company making such a request may apply to the State Board of Health in the same manner and for the purpose aforesaid, and the State Board of Health is hereby empowered to grant or reject the application so made and their action in so doing shall be final. May appeal to State Board of Health.

4. It shall be the duty of the officer, agent or clerk in charge of the crematorium of any such company incorporated as aforesaid, to keep at such crematorium a full and complete record of any and all bodies cremated thereat; said record shall contain a statement showing the full name, place of birth and death of the deceased; also age, weight, height, color and occupation of the deceased, and the disposition of the ashes of each body; and, the name and address of the undertaker or other person delivering each and every such body at such crematorium; and, within, five days from the date of such cremation, said officer, agent or clerk shall file in the office of the board of vital statistics of the county in which said crematorium is situated, a certificate setting forth all the details called for in this section, and it shall be the duty of said board to receive said certificate and cause them to be properly indexed and filed as a permanent record in his office. Records kept at crematory.

5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect immediately. Report to county authorities.

Approved April 14, 1908. Repealer.

CHAPTER 252.

A Supplement to an act entitled "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof," approved March twenty-first, nineteen hundred and one.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Standard
pharma-
copœia.

1. The book printed and published under the authority of the United States Pharmacopœial Convention, known as the United States Pharmacopœia, or any of the printed copies of such book, shall in any action or proceeding brought under any of the provisions of the act to which this act is a supplement, or any of the supplements or amendments thereof, be received as evidence of the contents of the United States Pharmacopœia in any court of this State, or before any magistrate, and the court or magistrate may determine whether the book offered as such was so printed and published, either from inspection or the knowledge of the judge, judges or magistrates, or from testimony, and no error shall be assigned, or judgment reversed because of the admission of such book, unless it be shown by the party assigning such error or seeking to reverse such judgment that the book so offered in evidence was not, in fact, printed and published as such United States Pharmacopœia under the authority of such convention, or was not, in fact, the edition of such United States Pharmacopœia which it purported to be.

2. This act shall take effect immediately.

Approved April 14, 1908.

CHAPTER 253.

A Supplement to an act entitled "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof" (Revision 1907), approved May twentieth, one thousand nine hundred and seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The book printed and published under the authority of the United States Pharmacopœial Convention, known as the United States Pharmacopœia, or any of the printed copies of such book, shall in any action or proceeding brought under any of the provisions of the act to which this act is a supplement, or any of the supplements or amendment thereof, be received as evidence of the contents of the United States Pharmacopœia in any court of this State, or before any magistrate, and the court or magistrate may determine whether the book offered as such was so printed and published, either from inspection or the knowledge of the judge, judges or magistrates, or from testimony, and no error shall be assigned, or judgment reversed because of the admission of such book, unless it be shown by the party assigning such error or seeking to reverse such judgment that the book so offered in evidence was not, in fact, printed and published as such United States Pharmacopœia under the authority of such convention, or was not, in fact, the edition of such United States Pharmacopœia which it purported to be.

Standard
pharma-
copœia.

2. This act shall take effect on the first day of October, one thousand nine hundred and eight. In effect.

Approved April 14, 1908.

CHAPTER 254.

An Act to annex to the Borough of Clayton, in the county of Gloucester, the township of Clayton, in said county.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Clayton town-
ship included
in borough of
Clayton.

1. The township of Clayton, in the county of Gloucester, be and the same is hereby annexed to and made a part of the borough of Clayton, in said county, and the governmental authority of said borough of Clayton be and the same is hereby extended to and shall be exercised within the boundaries hereby annexed.

2. This act shall take effect immediately.

Approved April 14, 1908.

CHAPTER 255.

An Act to amend section one of an act entitled "An act to provide for the formation and regulation of co-operative societies of workingmen," approved March tenth, one thousand eight hundred and eighty-four.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Section
amended.

1. The first section of the act entitled "An act to provide for the formation and regulation of co-operative societies of workingmen," approved March tenth, one thousand eight hundred and eighty-four, is hereby amended so that the same shall read as follows:

Co-operative
societies.

1. It shall be lawful for any number of persons, not less than seven, residents in this State, to associate

themselves into a society for the purpose of carrying on any lawful mechanical, mining, manufacturing or trading business, or for the purpose of trading and dealing in goods, wares and merchandise or chattels, or for the purpose of buying, selling, mortgaging, settling, owning, leasing and improving real estate and erecting buildings thereon, within this State, upon making and filing a certificate of association, in writing, in manner hereinafter mentioned, and as such shall be deemed to be a corporation, and to possess all the powers incident thereto.

2. This act shall take effect immediately.

Approved April 14, 1908.

CHAPTER 256.

A Further Supplement to an act entitled "An act relating to, regulating and providing for the government of cities, approved April eighth, nineteen hundred and three."

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. In all cities heretofore or hereafter existing under and by virtue of the act to which this is a further supplement, there shall be elected at the general election, an officer to be known as "Councilman-at-large," who shall hold his office for a period of two years. He shall be the president of said city council, and shall have all the powers of a member of such city council; he shall appoint all committees of said council.

Councilman-at-large.

2. In all such cities the city comptroller shall be elected at the general election held in any such city, whose term shall be for a period of two years.

Comptroller elected.

3. The mayor of each such city shall appoint all officers provided for, or authorized by the said act or supplements thereto, except those elected by popular vote.

Officers appointed by mayor.

May approve
or disapprove
any item.

4. The mayor shall have the power to veto any item or items contained in any ordinance or resolution for any purpose and to approve of the residue of such ordinance or resolution passed by the city council; and before such ordinance or resolution shall take effect the city clerk shall present a certified copy thereof to the mayor, who, if he approves the same, shall sign it; and if he shall fail to approve it shall return it with his objections to the clerk within ten days after the same shall have been so presented to him; the city council may pass any ordinance, resolution or other matter, notwithstanding the objections of the mayor, by a vote of two-thirds of all the members thereof.

Wards.

5. The wards into which such city may be divided shall always be an even number.

Ordinance.

6. The city council of such city shall have power to make, establish, publish, modify, amend or repeal ordinances for the following purposes:

For parks,
boardwalks,
etc.

I. To provide for the hiring, leasing and farm letting of the public parks, public grounds, boardwalk, pavilions, casino and piers of such city, or such parts thereof, as it may see fit, and for the granting of privileges therein and thereon, for the purpose of carrying on and conducting amusements and trades, and to prescribe a method for the fixing of the compensation to be paid for the same; *provided, however*, that the exercise of this grant shall not extend to lands, the conveyance whereof, restrict amusements or trades being prosecuted thereon, unless upon consent in writing of the grantor of the same to such city.

Proviso.

Press bureau.

II. To provide for advertising in the public press, or otherwise, the attractions, advantages and inducements of such city, and if desired, to create a press bureau to have charge of the same; *provided, however*, that in any one year, not more than an amount equal to one fiftieth part of the then annual tax budget shall be raised by taxation for that purpose.

Proviso.

Justice of the
peace as
recorder.

7. Any justice of the peace residing within the corporate limits of any such city may exercise the jurisdiction, powers and authority, exclusively conferred upon and vested in the recorder's court and the recorder thereof, by the act to which this is a further supple-

ment, and such justice shall exercise and perform such duties in the manner prescribed in said act.

8. In the absence of the said recorder from any such city, or in case of his inability for any reason to discharge the duties of his office, the city council may appoint to such office any justice of the peace residing within the corporate limits of such city, who shall, during such time be the recorder with full power and authority to perform the duties of said office as herein provided.

In recorder's absence.

9. All acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved April 14, 1908.

CHAPTER 257.

An Act to consolidate with and annex to the city of Newark, in the county of Essex, the territory embraced within the bounds of the town of Irvington, in the county of Essex; provided, a majority of the votes cast in said town upon the question of such annexation and consolidation shall be in favor thereof, and the mayor and common council of said city shall consent thereto.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. On the first day of January, in the year one thousand nine hundred and nine, there shall be annexed to and made part of the city of Newark, in the county of Essex, all the territory embraced within the bounds of the town of Irvington, in the county of Essex; *provided, however,* that this act shall not operate to effect such annexation and consolidation unless a majority of the legal voters in said town shall be in favor thereof; the

Irvington annexed to Newark.

Proviso.

Referendum.

said question of annexation and consolidation shall be submitted to the voters of said town in the manner provided by law, at the next general election held in the said town of Irvington; and if a majority of the votes upon the said question cast at the said election in the town shall be in favor thereof, and said result shall be duly certified to the mayor and common council of the said city of Newark, then, and not otherwise, the said question of said annexation and consolidation shall forthwith be considered and determined by the mayor and common council of said city; and if said the mayor and common council shall determine, by resolution, to accept said annexation and consolidation, then this act shall become operative.

Approval by
Newark
council.

2. This act shall take effect immediately.

Approved April 14, 1908.

CHAPTER 258.

A Supplement to an act entitled "An act to provide for the regulation and incorporation of insurance companies, and to regulate the transaction of insurance business in this State," approved April third, one thousand nine hundred and two.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Special
reserve fund.

1. Any fire insurance company of this State having a net surplus of more than the amount of its capital stock may, by resolution of its board of directors and with the consent of the Commissioner of Banking and Insurance, set aside a part, or the whole, of its net surplus in excess of an amount equal to its capital stock and not to exceed in amount five hundred thousand dollars as a special reserve fund, which, in case of any extraordinary conflagration or conflagrations, shall not be liable for any claims for loss by its policy-holders

arising out of such conflagration or conflagrations, but shall, with such company's fund for unearned premiums, be held by such company for the protection of its other policy-holders. In case the losses sustained by any such company by conflagration or conflagrations shall exceed its general net surplus (not including therein such special reserve fund) such special reserve fund shall be applied to make up any impairment of the capital of such company; any balance of such fund not required for that purpose shall be carried to the general surplus account of such company. Upon payment to the claimants against such company, for losses caused by such conflagration or conflagrations, of the amounts to which they are respectively entitled in proportion to their several claims out of the capital and general net surplus fund of such company (not including such special reserve fund), such company shall be forthwith discharged from any and all further liability to such claimants and to each of them. Such special reserve fund may be increased from time to time, but shall never exceed the capital of such company, and the amount thereof shall be set forth in such company's annual statement to the Department of Banking and Insurance. No company, so long as it continues to operate under this law, shall diminish its special reserve fund by paying dividends therefrom.

Used to
protect policy-
holders.

Company's
liability.

Total amount
of special
fund.

2. This act shall take effect immediately.

Approved April 14, 1908.

CHAPTER 259.

An Act to establish a uniform standard of weights and measures and balances in this State and to punish the fraudulent use thereof (Revision of 1908).

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Weights, measures and balances which have been or may hereafter be received from the United States,

Standard
weights and
measures.

under a resolution of Congress, approved June fourteenth, one thousand eight hundred and thirty-six, and such new weights, measures and balances as shall be received from the United States as standard weights, measures and balances in addition thereto or in renewal thereof, shall be the authorized standards by which all county and municipal standards of weights and measures in this State shall be tried, proved and sealed.

Where
standards
kept.

2. Such standards shall be deposited in the office of the Secretary of State at Trenton and in the offices of the clerks of the several counties of this State. The said Secretary of State and clerks of the several counties, and their successors in office, are hereby required to preserve and care for such standards and to keep them in proper condition for comparison with those used by the inhabitants of this State, when required by the provisions of this act.

THE STANDARD BUSHEL.

Bushel.

3. The standard bushel shall contain two thousand one hundred and fifty and forty-two one-hundredths (2,250.42) cubic inches which capacity shall apply to all articles usually sold by the bushel and not weighed. On all sales by weight of the agricultural products hereinafter enumerated, the number of pounds per bushel, as stated in the following schedule, shall be the true and legal standard.

Pounds per
bushel.

Apples,	50 pounds.
Apples (dried),	25 pounds.
Barley,	48 pounds.
Beans,	60 pounds.
Beets,	60 pounds.
Buckwheat,	50 pounds.
Carrots,	50 pounds.
Clover Seed,	64 pounds.
Flaxseed (linseed),	55 pounds.
Indian corn or maize,	56 pounds.
Oats,	30 pounds.
Onions,	57 pounds.
Peaches matured,	50 pounds.
Peaches, dried, peeled and unpeeled, ..	33 pounds.

Peas,	60 pounds.
Potatoes (Irish),	60 pounds.
Potatoes (Sweet),	54 pounds.
Rye,	56 pounds.
Sugar Cane (Amber),	57 pounds.
Timothy seed,	45 pounds.
Wheat,	60 pounds.

THE STANDARD LIQUOR GALLON AND QUART.

4. The standard gallon shall contain two hundred and thirty-one (231) cubic inches. The standard liquid quart shall contain fifty-seven and seventy-five one-hundredths (57.75) cubic inches. Gallon and quart.

THE STANDARD YARD.

5. The standard yard shall contain three (3) feet of thirty-six inches. Yard.

THE STANDARD AVOIRDUPOIS POUND.

6. The standard avoirdupois pound shall contain seven thousand (7,000) grains Troy which shall be the standard for all commodities usually sold by weight except gold, silver, jewels and drugs. In the sale of gold, silver, jewels and drugs the standard pound shall contain five thousand seven hundred and sixty (5,760) grains Troy. Avoirdupois pound.
Troy pound.

7. If any person or persons, corporation or corporations within this State shall wilfully vend or sell any wares or merchandise or any commodity whatever by any weight or measure of a less length, weight or capacity than those hereinbefore mentioned, for the purpose of defrauding the person or persons purchasing the same, the person or persons so offending shall on conviction thereof, forfeit and pay for every offense a sum of not less than two or more than five times the value of the article so illegally sold. Such sum shall be recovered by action of debt, with costs, in any court having cognizance of that sum, one-half of said penalty to go to the prosecutor and the other half to the edu- Penalty.
Recovery of.

cational fund of the township, or other municipality in which the offense may have been committed.

Comparison of measures with standards. 8. For the protection of any person or persons, corporation or corporations against prosecution for violating this act, he, she or they may have access to the standard weights or measures which now are, or may hereafter be, deposited in the clerk's office of their respective counties, for the purpose of comparing the several weights and measures by them used with those so deposited. The said clerks shall be entitled to receive one cent for every weight, two cents for every measure and ten cents for every scale compared, adjusted or corrected, to be paid by the person by whom application is made.

Fees.

THE STANDARD FOR LAND MEASUREMENTS.

Chain. 9. The standard chain for the measurement of land shall consist of four (4) rods of sixty-six (66) feet.

Standard steel tape kept in geologist's office. 10. The State geologist is hereby directed and required to preserve in his office a surveyor's hardened steel tape, fifty feet in length, of United States standard measurement, graduated to feet and hundredths, with proper adjustment for temperature, and with a spring balance attachment to pull not less than six nor more than seven pounds. The said tape shall be the standard of measurement for the surveying of all land in the State of New Jersey. The said standard shall be subject to the use, in the office of the State geologist, or under his supervision, of any surveyor of this State for the purpose of testing chains or tapes used by any such surveyor.

THE STANDARD FOR WEIGHT OF COAL.

Gross and net ton. 11. The standard gross ton by which coal shall be weighed shall consist of two thousand two hundred and forty (2,240) pounds. The standard net ton by which coal shall be weighed shall consist of two thousand (2,000) pounds.

Penalty for short ton. 12. Any person, firm or corporation that shall sell or deliver or attempt to sell or deliver less than two thou-

sand pounds by weight to a net ton or two thousand two hundred and forty pounds by weight to a gross ton, or a proper proportion thereof for fractions of a ton, shall be liable to a penalty of fifty dollars for each offence; *provided*, that in all cases one per centum of weight shall be allowed for variation of scales and wastage.

Proviso.

13. No person, firm or corporation shall deliver or cause to be delivered any coal which shall have been sold by weight, without each load being accompanied with a delivery ticket and a duplicate thereof. On both tickets there shall be distinctly and indelibly expressed in ink or otherwise, the quantity or quantities in pounds of coal contained in the cart, wagon or other vehicle used in such delivery, the name of the purchaser thereof and the name of the dealer from whom purchased. One of such tickets shall be delivered to the person receiving such coal, and the other ticket shall be retained by the seller of the coal; *provided, however*, that the provisions of this section shall not apply to coal sold to be delivered by the entire cargo direct from the vessels, boats or cars containing the same, to one destination and accepted by the purchaser on the original bill of lading as proof of weight. Any person, firm or corporation that shall violate any of the provisions of this section shall be liable to a penalty of fifty dollars for each offence.

Duplicate ticket with each delivery.

Proviso.

Penalty.

Public scales.

14. The mayors of cities and boroughs and the governing bodies of other municipalities are hereby authorized to designate stationary or movable scales, suitable for the purpose of weighing coal. The owners thereof may tender the same for public use, in such convenient parts of the municipality and in such numbers as shall be deemed necessary, on which the coal and vehicle in which the same is carried may be weighed at the request of the purchaser of the coal. The designation of such scales shall be in writing, and a notice thereof shall annually be inserted in a newspaper circulating in the municipality. The owners of the scales so designated shall provide, at their own expense, test weights, and the said scales shall be subject at all times to the inspection and supervision of the official sealer or inspector of weights and measures, if there be such

Notice of.

Test weights.

Weigh master.	in the municipality. The owner of such scales shall employ, at his expense, a competent weigh master, and shall be entitled to charge for weighing coal and the vehicle containing the same a fee not exceeding twenty-five cents for each load; <i>provided</i> , that empty vehicles returning to such scales after delivery of the coal weighed therein shall be re-weighed without additional charge. The owner of scales so designated shall enter
Proviso.	into bond to the municipality in which such scales are situated in the sum of one hundred dollars, conditioned that the said scales shall be kept in such condition as at all times to properly register the weight of coal, and that the person weighing coal thereon shall perform his duties faithfully and furnish correct certificates to all persons having coal or vehicles weighed at such scales. Any owner of such scales, or any agent or representative of such owner, or any weigh-master employed by him, who shall be in any manner concerned in any fraudulent weighing of coal or vehicles, at such scales, shall be liable to a penalty of fifty dollars for each offence. Every owner of such scales shall keep
Bond to keep scales in condition.	a book in which shall be entered in ink a memorandum of every load of coal weighed at such scales, showing the name of the person, firm or corporation delivering said coal, the net weight thereof as shown by the delivery ticket thereof, the name of the purchaser thereof, the gross weight of the coal and vehicle, and net weight of the coal as weighed, and the date of the weighing thereof; such books shall be open to the inspection of the purchaser and seller of the coal.
Penalty for fraudulent weighing.	15. Every purchaser of coal before accepting delivery of the same, may require any load of said coal to be weighed at his expense either at scales designated under the provisions of section four, nearest to the point of delivery, or, if the seller so prefer, at the public scales of the municipality, if such there be. Upon request of the said purchaser or his servant or agent, the driver or other person in charge of any vehicle containing coal to be delivered to said purchaser shall take the vehicle containing coal immediately and directly to such scales, and shall there have said vehicle and the coal contained
Record book.	
Purchaser may require load weighed.	
Procedure.	

therein weighed, and shall at the time exhibit to the person weighing the same the delivery ticket accompanying such load and permit a copy of said ticket to be made, and after the delivery of the coal shall take the empty vehicle from which the same was delivered immediately and directly to the same scales to be weighed. A certificate of the weight of such coal, so weighed as aforesaid, shall thereupon be furnished to the purchaser of such coal by the person in charge of the scales at which said coal is weighed. If any seller of coal shall refuse to permit coal purchased from him to be weighed, at the request of the purchaser or his servant or agent as herein provided, or if any driver or other person in charge of a vehicle containing coal or from which coal has been delivered, shall refuse to take the same, at the request of the purchaser or his servant or agent as aforesaid, immediately and directly to the scales for the purpose of having the same weighed, or the empty vehicle re-weighed, or if any such driver or other person in charge of a vehicle containing coal shall fail, upon the request of the purchaser or his servant or agent as aforesaid, to go immediately and directly to the scales for the purpose of weighing the said coal and vehicle, and reweighing the empty vehicle, or shall refuse to exhibit to the person weighing the same the delivery ticket or refuse to permit a copy of said ticket to be made, the person, firm or corporation selling the said coal shall be liable to a penalty of fifty dollars for each offense.

Certificate
of weight.

Penalty for
refusing to
weigh load.

16. The penalties provided by this act shall be recoverable in an action upon contract at the suit and for the benefit of the municipality in which the said seller of coal shall have made the sale, which action may be brought in any court having jurisdiction of civil suits for the amount demanded.

How penalties
recovered.

THE REGULATION OF WEIGHING LIVE STOCK, HAY AND GRAIN.

17. The standard gross ton by which hay shall be weighed shall consist of two thousand two hundred and forty (2,240) pounds. The standard net ton by which hay shall be weighed shall consist of two thousand (2,000) pounds.

Gross and net
ton of hay.

Penalty for
falsely weigh-
ing live stock,
hay, etc.

18. If any person or persons, corporation or corporations owning or keeping or having charge of any scales or steelyards for the purpose of weighing live stock, hay or grain shall knowingly and wilfully report any false or untrue weight whereby any other person or persons, corporation or corporations may be defrauded, deceived or injured, such person or persons, upon conviction thereof, shall be fined in any sum not exceeding fifty dollars, or be imprisoned in the county jail not exceeding thirty days, or both, at the discretion of the court, and also be answerable to the party defrauded in double damages, to be collected in an action of debt before any court having competent jurisdiction.

Record kept
at public
scale.

19. Whenever the person or persons, corporation or corporations keeping such scales or steelyards shall weigh any of the aforesaid articles for hire or reward, he or they shall, on demand of the party interested, report the weight of such article or articles, in writing, to the owner thereof, and shall keep a record of the same in a suitable book to be kept for that purpose.

THE STANDARD PEACH BASKET.

Peach
baskets.

20. The standard size of peach baskets shall be sixteen (16) quarts Winchester half-bushel measure. The height of the basket shall be twelve and one-quarter ($12\frac{1}{4}$) inches, the width across the top shall be thirteen and one-half ($13\frac{1}{2}$) inches; that the inside measurement shall contain one thousand and seventy-five and ten one-hundredths ($1075\frac{10}{100}$) cubic inches. Each basket shall be marked "Standard N. J." upon the staves just below the rim in Roman letters, which marking shall be burned on or printed thereon with permanent red paint in a straight line. Each of them shall not be less than one inch (1) in length, and not less than one-half ($\frac{1}{2}$) inch in width. All person or persons, corporation or corporations who shall manufacture for sale, or who shall offer or expose for sale any basket to be used for shipping or selling peaches, not standard, shall distinctly and durably stamp, brand or mark upon such basket upon the stave just below the rim the number of quarts such basket contains.

How marked.

Other sized
baskets dis-
tinctly
marked.

21. All person or persons, corporation or corporations who shall manufacture, sell or offer or expose for sale, or have in his, her or their possession with intent to sell, or to use any peach basket or baskets not stamped, branded or marked as required thereby, shall, for every such offence, forfeit and pay a fine of not less than twenty-five dollars and not more than fifty dollars, to be recovered, with costs, in any of the courts of this State having cognizance thereof, in any action to be prosecuted by any prosecutor of the pleas in the name of the State. The one-half of such recovery shall be paid to the informer, and the residue shall be applied to the support of the poor in the county where such recovery is had.

Penalty for
using baskets
not properly
stamped.

THE STANDARD FOR CRANBERRIES.

22. The standard measure for a barrel of cranberries shall be one hundred quarts. Barrels to be used for buying or selling cranberries in this State, or for transporting the same outside of this State shall be of the following size, to wit: head, sixteen (16) inches diameter; staves, twenty-eight and one-half ($28\frac{1}{2}$) inches long; bilge, fifty-eight and five-eighths ($58\frac{5}{8}$) inches, outside circumference. Such barrels shall be branded or stenciled in a durable manner "standard."

Cranberry
barrel.

Marked.

23. The using of barrels of less capacity or dimensions than those described in the preceding section, or which shall not be branded or stenciled in a durable manner "standard," shall be deemed a penal offense. The person or persons so offending shall, on conviction thereof, be subject to a fine of three dollars for each barrel so made or used in violation of this act, together with the costs of proceedings.

Penalty.

24. The standard measure for a bushel of cranberries shall be thirty-two (32) quarts, rounded measure; that crates (or boxes) to be used for buying or selling cranberries in this State or for transporting the same outside of this State, shall be of the following size, to wit: twenty-two (22) inches in length, twelve (12) inches in depth and seven and one-half ($7\frac{1}{2}$) in width, inside clear measure. When barrels are used for the same

Cranberry
bushel and
crates.

purpose, they shall be made to contain not less than three times the quantity of the crate (or box).

Penalty for
using smaller
crates or
barrels.

25. The making or using of crates (or boxes) of less dimensions or barrels of less capacity than those described in the preceding section for purposes named, shall be deemed a penal offense, and the person or persons so offending shall, on conviction thereof, be subject to a fine of two dollars for each package so made or used in violation of this act, together with the costs of proceedings.

How penalties
recovered.

26. The fines and penalties imposed by sections twenty-three and twenty-five shall be recoverable in an action of debt before any court of the State having jurisdiction, by and for the benefit of the person prosecuting.

Municipal
sealer of
weights and
measures.

27. It shall be lawful for the Common Council or other governing body of any city, town, village, township or other municipal corporation of this State to appoint a sealer of weights and measures and such deputy or deputies as may be deemed necessary.

Duties of
sealers.

28. It shall be the duty of the sealer to faithfully devote his time to the performance of the duties of his office, and to test all weights, measures, scales, beams and steelyards, used in trade, or other machinery used for weighing or measuring within his jurisdiction at least once in every year. He shall also test all scales, balances, computing scales and other devices having a device for indicating or registering the value as well as the weight of the commodity offered for sale. All such computing devices shall be tested as to the correctness of both weights and values indicated by them. Upon being notified in writing by any person that any weight, measure, scale, beam and steelyard, used in trade, or other machinery for weighing or measuring any article intended to be purchased or sold, is inaccurate, or believed to be so, or not according to the standard, the said sealer of weights and measures shall at once make an examination of the same. In the exercise of such duties he shall have full police power to enforce any and all reasonable measures for testing such weights and measures, and also in ascertaining whether false or short weights and measures are being given in any

Police power
of sealer.

sales or transfer of articles of merchandise taking place within his jurisdiction.

29. The said Common Council or other governing body shall have power to regulate by ordinance, Ordinance regulations.

(a) The tenure of office, salary, or other compensation, bond and sufficiency of surety of the sealer of weights and measures and of his deputy or deputies.

(b) The proper sealing and marking of all weights and measures and periods of inspection thereof, including computing scales and other devices for indicating or registering the value as well as the weight of the commodity offered for sale.

(c) The supplying of appliances necessary to make examinations.

(d) The manner in which all records of the office of sealer of weights and measures shall be kept.

(e) The methods necessary to secure adjustment of weights and measures.

(f) The exhibiting of all weights and measures when required.

(g) The standard by which fruits, vegetables or nuts shall be sold from cups, cans or other receptacles.

(h) The method by which wagon or cart loads of goods, wares, merchandise, or other commodities shall be sold.

(i) The fixing and collecting of penalties for violations of the terms of such ordinance.

SCHEDULE OF LAWS REPEALED.

30. The following acts are hereby repealed:

"An act to establish a uniform standard of weights and measures in this State," passed March seventeenth, one thousand eight hundred and eighty-one. (General Statutes, page 3751.)

"An act to establish a uniform standard for the measurement of land in the State of New Jersey," approved February fourteenth, one thousand eight hundred and eighty-three. (General Statutes, page 3752.)

"An act to establish a uniform standard of weights and measures in this State and to provide for the appointment of a State superintendent and inspector of the same," passed March twenty-fifth, one thousand

Sundry acts repealed.

eight hundred and seventy-two, and all supplements thereto.

"An act concerning weights and measures," passed May twenty-fifth, one thousand eight hundred and ninety-four. (General Statutes, page 3752.)

"An act establishing the weight of a bushel of apples," approved March seventeenth, one thousand eight hundred and seventy. (General Statutes, page 3753.)

"An act to punish fraud in and to regulate the weighing of live stock, hay, coal and grain," approved April twenty-first, one thousand eight hundred and eighty-seven. (General Statutes, page 3753.)

"An act for the protection of purchases of coal," approved March fifth, one thousand nine hundred. (P. L. 1900, page 28.)

"An act for the protection of peach growers in the State of New Jersey, and to prevent deception in the size of peach baskets," approved March twenty-third, one thousand eight hundred and ninety-three. (General Statutes, page 140.)

"An act to regulate the sale of candles," approved February twenty-sixth, one thousand eight hundred and fifty-five. (General Statutes, page 348.)

"An act for the inspection of flour and meal," passed February eighteenth, one thousand eight hundred and thirteen. (General Statutes, page 1737.)

"An act to regulate the packing and repacking of beef and pork for exportation," Revision, approved April tenth, one thousand eight hundred and forty-six. (General Statutes, page 1739.)

"An act to facilitate commerce," approved March twenty-seventh, one thousand eight hundred and sixty-six. (General Statutes, page 1742.)

Municipal
rights not
impaired.

31. Nothing in this act shall be construed to abrogate or impair the power of the common council or other governing body of any city, town, village, township or other municipal corporation of this State or of the courts to enforce any provision now existing or hereafter adopted in a city charter or an ordinance or regulation, not inconsistent with this act, or to prevent or punish violations thereof.

Approved April 14, 1908.

CHAPTER 260.

An Act to amend an act entitled "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof" (Revision of 1907), approved May twentieth, one thousand nine hundred and seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section six of the act to which this is an amendment be and the same is hereby amended so as to read as follows:

Section 6
amended.

6. No person shall distribute or sell, or have in his possession with intent to distribute or sell, any milk which contains less than twelve per centum of milk solids, or more than eighty-eight per cent. of watery fluids, or less than three per centum of milk fats; *provided, however,* that it shall not be unlawful for any person to distribute or sell, or have in his possession with intent to distribute or sell, in a container having a capacity of not more than twelve fluid ounces, milk especially prepared for infant or invalid feeding by adding thereto pure water, lime water, milk sugar, cereal starches, or other substances which shall not differ in purity, quality or strength from the standard fixed by this act, or by removing therefrom the sugar or any part thereof, if every such container have blown or moulded in it the words "modified milk" in letters which shall not be less than one-quarter inch in height and the several lines of which shall not be less than one-sixteenth of an inch in width; *and, provided also,* that the milk in such container, before modification, shall have been milk of the standard fixed by this act.

Standard
milk.

Proviso.

"Modified
milk."

Proviso.

2. Section eight of the act to which this is an amendment be and the same is hereby amended so as to read as follows:

Section 8
amended.

Adulterated
or treated
milk.

Proviso.

Cows kept in
proper places.

Milk from
fresh cows.

In effect.

8. No person shall distribute or sell or have in his possession with intent to distribute or sell any milk or cream which contains any water, drug, chemical, preservative, coloring matter, condensed milk or any substance of any kind or character which has been added thereto or mixed therewith; *provided, however*, it shall not be unlawful for any person to distribute or sell or have in his possession with intent to distribute or sell, any milk or cream modified especially for infant or invalid feeding, by adding thereto or mixing therewith pure water, lime water, milk sugar, cereal starches or other substances, as provided for in section six of this act, if such modified milk shall be in a container having a capacity of not more than twelve fluid ounces, which container shall be marked as provided for in section six of this act. No person shall distribute or sell, or have in his possession with intent to distribute or sell any milk or cream which is the product in whole or in any part of any animal kept in a crowded, uncleanly or unhealthy place or condition, or which is the product in whole or in part of any animal fed on swill, or any substance in a state of rottenness or putrefaction, or on any substance of an unwholesome nature, or on any food or substance which may produce diseased or unwholesome milk. No person shall distribute or sell, or have in his possession with intent to distribute or sell, any milk or cream which is produced in whole or in part from any animal within fifteen days before or five days after parturition.

3. This act shall take effect on the first day of October, one thousand nine hundred and eight.

Approved April 14, 1908.

CHAPTER 261.

An Act respecting sewers and sewer connections in towns of this State, and to provide for the payment of the costs of construction thereof:

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. In all towns of this State which have or may hereafter have a sewer system, or where sewers are being constructed, the Mayor and Board of Aldermen, or other governing body of such town, shall have power and authority by ordinance to compel owners of property fronting or abutting on any street, highway, lane or avenue, where sewers have been or are being constructed, to construct house connections, of such number, character and location, and within such time as shall be determined upon by them, such house connections to extend from the sewer to the curb line of the lot or plot, and to be of such character, and constructed in such manner as shall be designated in said ordinance.

Compel house connections.

2. The number and location of house connections to be made, shall be shown on a map to be prepared under the direction of the Mayor and Board of Aldermen, or other governing body of such town, and filed with the clerk before the introduction of such ordinance, and such connections shall be specified and designated in said ordinance by reference to said map.

Number and place shown on map.

3. In case any property owner shall not comply with the terms of said ordinance, but shall neglect to make such sewer connections within the time aforesaid, the said Mayor and Board of Aldermen or other governing body of such incorporated town may build and construct the same, and the cost and expense of so doing shall become a lien upon the said property, and collected in the manner hereinafter stated, provided however that

On neglect, connections made by town.

Expenses a lien.
Proviso.

a statement of the amount of such costs and expenses signed by the town clerk shall be filed within thirty days after such connections are made with the county clerk, and recorded by him in the clerk's office of such county. Such costs and expenses shall become a lien on the date of filing said statement in the office of the county clerk, who shall index the same.

Payments in
installments.

4. In case any sewer connection shall be made by such town, as provided for in the third section of this act, one-third of the cost and expense thereof, with interest at the rate of six per cent. per annum, shall be payable on demand, as soon as the sewer running through such street, highway, lane or avenue shall be opened and ready for use; one-third thereof with interest as aforesaid shall be due and payable one year thereafter, and the balance of said cost and expense, with interest as aforesaid, in two years thereafter; and upon failure of such owner to pay said installments as they shall become due in manner aforesaid, the amount thereof shall be certified to the collector by the town clerk and collected by him at the same time and manner as taxes are collected. Upon payment, the lien may be satisfied of record in the same way and manner as judgments are discharged of record. Any owner shall have the right at any time to anticipate the payment of any of said installments.

Town may
borrow for
such work.

5. In order to defray the costs and expenses of making such connection the Mayor and Board of Aldermen or other governing body of such town, may by resolution borrow from time to time such sums as shall be necessary to defray the costs and expenses of so doing, upon the note or notes of such town drawing interest at a rate not exceeding five per cent. per annum, which note or notes so issued as aforesaid may be renewed from time to time as occasion shall require, but shall be paid as fast as the assessments or instalments are collected as aforesaid.

House con-
nection
defined.

6. The word "house connections" in this act shall be construed to include connections to be made by pipes to be laid between the line of any sewer and the curb line of any street, highway, lane or avenue in which

such sewer is laid, whether or not there shall be any house or building upon the property or lot in front of which such connection or connections is, or shall be made for the benefit of said property or lot.

7. The power granted and provision contained in this act shall be in extension and not in limitation of the powers already conferred by statute upon towns, and this act shall take effect immediately.

Section
construed.

Approved April 14, 1908.

CHAPTER 262.

An Act to amend an act entitled "An act to provide for the regulation and incorporation of insurance companies, and to regulate the transaction of insurance business in this State," approved April third, one thousand nine hundred and two.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

I. Section one of "An act to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this State," approved April third, one thousand nine hundred and two, be and the same is hereby amended so as to read as follows:

Section 1
amended.

I. Ten or more persons may become a corporation for the purpose of making any of the following kinds of insurance, to wit:

Insurance
companies.

I. Against loss or damage to property by fire, lightning or tempest on land;

Fire.

II. Upon vessels, freights, goods, moneys, effects, bottomry and respondentia interests, and every insurance appertaining to or connected with marine and inland risks of transportation and navigation;

Marine.

III. Upon the lives or health of persons, and every insurance appertaining thereto, and to grant, purchase or dispose of annuities

Life.

Accident.	IV. Against bodily injury or death by accident and upon the health of persons; or against loss or damage to automobiles or motor vehicles of any description, or to wagons or vehicles propelled by a horse, horses or teams of any description, resulting from collision with moving or stationary objects or against loss by legal liability or damage to persons or property resulting from collision of automobiles or motor vehicles of any description, or of wagons or vehicles propelled by a horse, horses or teams of any description with moving or stationary objects;
Liability.	V. Against loss or damage resulting from accident to or injury suffered by any person for which loss or damage the insured is liable;
Explosions.	VI. Against damage to property of the insured or loss of life or damage to the person or property of others for which the insured is liable, caused by the explosion of steam boilers, pipes, engines, motors and machinery connected therewith or operated thereby;
Breaches of duty.	VII. Against loss from the defaults of persons in positions of trust, public or private, or against loss or damage on account of neglect or breaches of duty or obligations guaranteed by the insurer;
Titles.	VIII. Against loss or damage on account of encumbrances upon, or defects in titles to, real property and against loss by reason of the non-payment of principal and interest of bonds and mortgages. A company organized under this act to transact the business authorized by this subdivision shall have the right, with its capital and surplus, to take, buy, sell and deal in first mortgages on real estate;
Credit insurance.	IX. Against loss from bad debts, commonly known as credit insurance;
Burglary.	X. Against loss by burglary or theft;
Glass.	XI. Against the breakage of glass;
Water.	XII. Against loss or damage by water to any goods or premises arising from the breakage or leakage of sprinklers, pumps or other apparatus erected for extinguishing fires, and of water pipes, and against accidental injury to said sprinklers and other apparatus;
Other subjects.	XIII. Against loss or damage to property by any other casualty which may lawfully be the subject of insurance.

Companies may be formed upon the stock plan to transact any kind of insurance authorized by this section, or upon the mutual plan to transact the kinds of insurance described in subdivisions first, third, and fourth hereof. Stock or mutual plan.

2. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately. Repealer.

Approved April 14, 1908.

CHAPTER 263.

An Act providing for the transfer from State institutions, in certain cases, of inmates and patients.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. (a) Any patient or inmate in either of the New Jersey State Hospitals, the New Jersey Sanatorium for Tuberculous Diseases, Home for the Care and Training of Feeble-minded Women at Vineland, the State Home for Boys, or the State Home for Girls, who may be suffering from epileptic fits, may be transferred to the State Village for Epileptics, in the manner hereinafter provided. (b) Any patient or inmate in the New Jersey State Village for Epileptics, Home for the Care and Training of Feeble-minded Women, New Jersey Sanatorium for Tuberculous Diseases, the State Home for Boys, or the State Home for Girls, who may be insane, may be transferred to a county asylum or to either of the New Jersey State Hospitals, in the manner hereinafter provided. (c) Any female patient or inmate in either of the New Jersey State Hospitals, the New Jersey Sanatorium for Tuberculous Diseases, or the State Home for Girls, who may be feeble-minded, may be transferred to the Home for the Care and Training of Feeble-minded Women, as hereinafter provided. Transfer of inmates of institutions.

In case of
insanity.

Hearing and
determina-
tion.

If resident of
another
county, free-
holders
notified.

2. In case any patient or inmate of the State Village for Epileptics, Home for the Care and Training of Feeble-minded Women, New Jersey Sanatorium for Tuberculous Diseases, State Home for Boys, or State Home for Girls, is now, or hereafter may become, insane, it shall be the duty of the board of managers of said institution to forthwith notify the judge of the Court of Common Pleas of the county in which such institution is located, giving the name of the person alleged to be insane, and the legal residence of such person, if the same is known, whereupon the court shall fix the time and place for hearing, and if upon said hearing, the court shall determine that said patient is insane and has a legal settlement in any county of this State, he shall by his order commit said person to the insane hospital of such county, but if there be no such county hospital, then to the New Jersey State Hospital at Trenton, if such person had a legal settlement in either of the counties of Atlantic, Cape May, Salem, Gloucester, Camden, Burlington, Mercer, Ocean, Monmouth, Hunterdon, Somerset or Middlesex, and to the New Jersey State Hospital at Morris Plains, if such person had legal settlement in any other county in the State, there to be maintained at the expense of the county in which said person had a legal settlement; but if the judge shall determine that said person is insane and had no legal settlement in any county in this State, then such patient shall be maintained in either of the State Hospitals, as the case may be, at the expense of the State. The judge of the Court of Common Pleas shall, if he is satisfied that said person has a legal settlement in some county of the State other than the one in which the institution is located, cause notice to be given to the chairman or head officer of the board of chosen freeholders of the county in which such person is alleged to have a legal settlement, of the time and place when he will inquire into the question of the indigence and legal settlement of such person, which notice may be served either personally or by mailing to said chairman or head officer of the board of chosen freeholders of the county in which such

person is alleged to have a legal settlement, at least five days before the hearing.

3. Whenever any patient or inmate now or hereafter confined in either of the New Jersey State Hospitals, Home for the Care and Training of Feeble-minded Women, New Jersey Sanatorium for Tuberculous Diseases, State Home for Boys, or State Home for Girls, shall be an epileptic, the board of managers of any such institution shall cause such fact to be brought to the attention of the judge of the Court of Common Pleas of the county in which such institution is located, who shall, if the patient or inmate has a legal settlement in some other county, give the same notice of a time and place for hearing as provided in section two of this act with respect to indigent insane. If upon such hearing the judge shall determine that such patient or inmate is indigent and an epileptic and has a legal settlement in a county of this State, he shall by his order, in writing, direct the transfer of such patient or inmate to the State Village for Epileptics, there to be maintained and supported by the county and State as provided by an act entitled "An act to establish a village for epileptics and to repeal certain acts inconsistent therewith," approved March twenty-first, one thousand nine hundred and one; but if such patient or inmate has no legal settlement in this State, such patient or inmate shall be maintained in said village at the expense of the State.

In case of
epilepsy.

Hearing and
determina-
tion.

4. Any woman now or hereafter confined in any of the charitable institutions maintained by the State, or in the State Home for Girls, who is feeble-minded, may be transferred to the Home for the Care and Training of Feeble-minded Women upon the certificate of the medical director or person in charge of the institution in which such person is confined, that such person is feeble-minded, approved by the medical superintendent of said Home for the Care and Training of Feeble-Minded Women, and upon the transfer being made, such feeble-minded women shall be maintained in said home as other patients are maintained therein. Such transfer may likewise be made upon the certificate of the Commissioner of Charities and Corrections of

Feeble-
minded
women.

the State of New Jersey, approved of by the medical superintendent of said home.

Not trans-
ferable.

5. No patient who is not in fact indigent shall be transferred from either of said hospitals or the said Epileptic Village to any other institution, nor shall any transfer be made from the State Home for Boys or the State Home for Girls of persons convicted of crime, nor shall anything in this act be construed to permit the transfer from any county insane asylum or from either of the State Hospitals, of any prisoner removed from either the New Jersey State Prison or the New Jersey Reformatory as an insane person.

Order of
transfer.

6. An order of transfer authorized to be made by the judge of the Court of Common Pleas of the county in which any of the above-mentioned institutions are located, may be made upon the petition of the Commissioner of Charities and Corrections of the State of New Jersey, who is hereby authorized to exercise jurisdiction in the premises whenever in his judgment the same shall be advisable.

7. This act shall take effect immediately.

Approved April 14, 1908.

CHAPTER 264.

An Act establishing a fiscal year in all towns, townships, boroughs, villages, counties and other municipalities, excepting first and second class cities and first class counties, and the time for publishing and filing the various reports of the officers of the same.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Fiscal year in
certain mu-
nicipalities.

1. The fiscal year of all towns, townships, boroughs, villages, counties and other municipalities, excepting first and second class cities and first class counties, shall begin on the first day of January of each year and shall

terminate on the thirty-first day of December of the same year.

2. It shall be the duty of the governing body of all towns, townships, boroughs, villages, counties and other municipalities, excepting first and second class cities and first class counties, to make and file their various financial reports on the thirty-first day of December of each year.

Annual
financial
reports.

3. This act shall take effect immediately.

Approved April 14, 1908.

CHAPTER 265.

An Act to amend an act entitled "An act to provide for the permanent improvement of public roads in this State" (Revision of 1905), approved March twenty-seventh, one thousand nine hundred and five.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Section four of the act to which this is an amendment shall be and the same is hereby amended so as to read as follows:

Section 4
amended.

4. The estimated amount of all contracts for road improvements awarded in any one year by the board of chosen freeholders, together with the estimated cost of repairs of roads already constructed, shall not exceed (in excess of the amount which any county may raise in any one year) one-fifth of one per centum of the ratables of the county, as reported to the State Comptroller for the preceding year, exclusive of the State appropriation for road purposes apportioned to any county.

Excess over
contract
allowable.

2. This act shall take effect immediately.

Approved April 14, 1908.

CHAPTER 266.

A Supplement to an act entitled "An act relating to and providing for the governing of cities of this State, containing a population of less than twelve thousand inhabitants," approved March twenty-fourth, one thousand eight hundred and ninety-seven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Commis-
sioners of
assessment.

1. The common council shall appoint three discreet persons, residents and freeholders of the city, commissioners of assessment; said commissioners shall make all assessments in favor of the owners of lands or real estate damaged or taken, or upon the owner of any lands or real estate for benefits conferred by any general or local improvement hereafter made, or which has been made, and the damages or benefits not heretofore assessed.

Expenses of
improve-
ment.

2. As soon as may be, after the completion of any such improvement, provided by the act to which this is a supplement, the expense thereof including surveying when required, and a moderate allowance to be determined by the common council for the cost of making the assessment, shall be ascertained and determined by the common council, and be entered by resolution upon the record of their proceedings, and the amount so assessed and determined shall thereafter be treated as, and held to be, the true and actual expense of making such improvement.

Notice of
hearing on
improve-
ment.

3. The common council shall thereupon cause a copy of such resolution, ascertaining the costs or expense of such improvement attested by the city clerk, to be delivered by him to the commissioners of assessment, or any one of them; the said commissioners shall thereupon appoint a time and place of meeting for hearing the parties interested in such improvement. The city clerk

shall forthwith give public notice of the time and place of such meeting by posting such notices at five public places in the said city two weeks prior thereto, and by publishing the same in a newspaper circulating in said city once in each week for two weeks prior to such meeting; and the nature of such improvement shall be briefly stated in said notice, so as to sufficiently identify the same.

4. When any improvement ordinance shall require the taking of any lands or real estate, the ordinance when introduced shall be accompanied by a map prepared under the direction of the city counsel showing the location and character of the improvement; the lands and real estate, if any, to be taken therefor, and the name or names as far as can be ascertained of the owners of such lands and real estate; upon the passage of such ordinance, said map together with a copy of the ordinance duly attested by the city clerk shall without delay, be handed by him, to the commissioners of assessment, or any one of them; and the said commissioners shall thereupon appoint a time and place of meeting for hearing all parties interested in such improvements, and notice thereof shall be given in the manner hereinbefore specified.

Action if
property
taken.

5. The commissioners of assessment shall attend at the time and place provided, two of them shall be a quorum for the transaction of business and sufficient to make any assessment; but one member shall have power to adjourn any meeting; the commissioners may adjourn from time to time; they shall give all parties interested in, or affected by, the improvement, ample opportunity to be heard upon the subject of the assessment. They shall view the premises and have power to examine witnesses under oath or affirmation, administered by any one of them; they shall thereupon make a just and equitable assessment of the damages sustained by or benefits conferred upon any lands or real estate by reason of such improvement as the case may be, having due regard to the rights and interest of all persons concerned, as well as to the value of the lands and real estate taken, damaged or benefited; and if in the judgment of the said commissioners the damages

Hearing.

View
premises and
make assess-
ment.

Report to
council.

be in the aggregate in excess of the benefits, the amount of such excess shall be assessed upon the city at large and raised by a tax assessed and collected at the same time and in the same manner as other taxes are assessed and collected and may be in five or less annual installments as the common council may provide. The commissioners shall certify their assessment to the common council by a report in writing signed by at least two of their number; said report shall be accompanied by a map showing the lands and real estate taken or benefited by such improvement, and for which they have assessed damages or benefits; such report may be considered by the common council at any meeting of which at least two weeks' previous notice shall have been given by the city clerk, posted in five public places in the city, and published in a newspaper circulating therein once in each week for two weeks prior to such meeting; and also served personally upon the owner or owners named in said report, if resident in the city, or if non-resident, by mailing a copy of said notice to said owner or owners directed to them at their post-office address, if the same can be ascertained. The affidavit of the city clerk shall be conclusive as to the manner of such service, and shall be attached to the report as a part thereof; the notice shall briefly state the object of the meeting with reference to said assessment. At that or any subsequent meeting the common council, after considering the said report and map shall and may adopt and confirm the same with or without alterations as to them may seem proper, and when the report shall be so adopted and confirmed with or without alterations, the same shall be final and conclusive upon all parties, except as to such assessments from which appeals may be taken as hereinafter provided.

Confirmed
report final.

Appeal may
be taken to
circuit court.

6. Any person or persons feeling aggrieved by any such assessment of damages, for any lands and real estate taken for, or damaged by, any such improvement, may appeal to the Circuit Court of said county, at any time within sixty days after the final adoption of said report by the common council, and the said court may order a trial by jury to assess such damages anew, and the said trial shall be conducted as in other cases of

trial by jury; *provided*, that the completion of said improvement shall not be delayed thereby, and that the common council may proceed forthwith as though said appeal had not been taken.

Proviso.

7. Before any such improvement can be carried into effect, it shall be the duty of the city treasurer, under the direction of the common council, to pay or tender unto the owner or owners of lands and real estate taken therefor or damaged thereby, the amount or amounts of damages so assessed to him, her or them respectively; *provided*, that if any such owner does not reside in said city, or is in any way legally incapacitated to receive such damages, or will not accept such damages or sign a proper receipt therefor when tendered, then the said treasurer shall make an affidavit of the fact filing the same with the clerk, and the common council shall after inquiry direct the amount or amounts of said damages to be placed in a place of safe deposit for the use of the person or persons to whom the same may be due, and the same shall be paid to him, her or them, when duly authorized to receive the same, without interest; *provided*, no tender shall be necessary in any case where the benefits which may be assessed against the owner or owners are equal to or exceed the amount of damages assessed in his, her or their favor, and a tender of the difference between the assessments and the amount of benefits assessed shall have the same binding force and effect as a tender of the whole amount of the assessments for damages.

Tender made to property owners.

Proviso.

Proviso.

8. The common council may by resolution provide that the owner of any lands upon which any assessment for any improvement shall have been made, may pay such assessments in such equal yearly installments, not exceeding five, with legal interest thereon, and at such time in each year as the said common council shall determine; *provided*, that any party assessed shall have the privilege of paying the whole of any assessment or any balance of installments with accrued interest thereon at one time; in case any such installments shall remain unpaid for thirty days from and after the time the same shall have become due and payable, the whole assessment or the balance due thereon, shall become

Payments in installments.

Proviso.

Assessments
a lien.

and be immediately due and payable, and shall draw interest at the rate of one per centum per month, and shall be collected in the same manner as is provided by the act to which this is a supplement for other past due assessments. Whenever any owner shall be given the privilege of paying any assessment in installments, such assessment shall remain a lien upon the lands described therein until the same, with all installments and accrued interest thereon shall be paid and satisfied, and no proceedings to collect or enforce the same need be taken until default shall be made in the payment of any installment as above provided.

If assess-
ments set
aside.

9. In all cases where any assessments for benefits incident to any improvement shall be reversed or set aside, and such improvement shall have been actually made, it shall be the duty of the commissioners of assessment to make a new assessment for damages or benefits, as the case may be upon the property damaged or benefited by said improvement in the manner and by the proceedings herein provided for the improvements; all assessments and such new assessments shall become a lien upon the property so assessed in the same manner and with like effect, and shall be enforceable in the same way as in case of an original assessment for like improvements.

New assess-
ment to be
made.

Improvement
certificates.

10. The common council shall have power to issue improvement certificates payable at five years or less with interest for the cost of any improvement provided for in the act to which this is a supplement, when certified as correct by the engineer in charge of the work, in anticipation of the collection of the assessments made and taxes levied for said improvement.

11. This act shall take effect immediately.
Approved April 14, 1908.

CHAPTER 267.

A Supplement to an act entitled "A supplement to an act entitled 'An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof,' " approved October nineteenth, one thousand nine hundred and three, approved April twentieth, one thousand nine hundred and six.

WHEREAS, The taxes assessed and proposed to be distributed according to the provisions of an act entitled, "A supplement to an act entitled 'An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof,' " approved October nineteenth, one thousand nine hundred and three, approved April twentieth, one thousand nine hundred and six, during the year one thousand nine hundred and six, payable in one thousand nine hundred and seven, were not paid at the time required by law, by reason of litigation on the part of certain railroad companies; therefore,

Preamble.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The State Comptroller is hereby empowered and directed to make distribution of the said moneys assessed, levied and collected for the year one thousand nine hundred and six, as provided in and by an act entitled "A supplement to an act entitled 'An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof,' " approved October nineteenth, one thousand nine hundred and three, approved April twentieth, one thousand nine hundred and six,

Distribution
of school
moneys.

Moneys held
in trust.

Use of, for
year ending
June 30,
1909.

Effect of
repealer.

on and not before the first day of May, one thousand nine hundred and eight.

2. All moneys paid in accordance with this act shall be held by the official to whom paid in trust for the support and maintenance of the free public schools of such municipality. No part thereof shall be used to pay or discharge, in whole or in part, any note or other obligation heretofore incurred, or any bonds, whether temporary or for a term of years, heretofore or hereafter issued by such municipality, or by any board of education of any municipality, nor shall any part of the funds hereby authorized to be paid be used for any other purpose than for the support and maintenance of the free public schools of such municipality for the fiscal school year beginning July first, one thousand nine hundred and eight, and ending June thirtieth, one thousand nine hundred and nine, and in the reduction of local taxations for said year. Any person, or the members of any board violating this act shall be guilty of a misdemeanor.

3. This act shall be construed to repeal any existing laws relating to the same fund, only so far as the provisions of this act are strictly inconsistent therewith, and this act shall take effect immediately.

Approved April 14, 1908.

CHAPTER 268.

An Act to authorize the removal of the New Jersey State Building and the furniture therein from the Exposition Grounds of the Jamestown Ter-Centennial Exposition, held on or near the waters of Hampton Roads, in the State of Virginia, to this State.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

State build-
ing at James-
town removed
to girls'
home.

1. The Commissioner of Charities and Corrections, under the direction of the State House Commission, is

hereby authorized and empowered to remove the New Jersey State building from the Exposition Grounds of the Jamestown Ter-Centennial Exposition, held on or near the waters of Hampton Roads, in the State of Virginia, to the grounds of the State at the State Home for Girls, in the city of Trenton, and to re-erect the same on such last-mentioned grounds.

2. The New Jersey Commission to the Jamestown Ter-Centennial Exposition is hereby authorized to remove the furniture from said building on said Exposition grounds to the Governor's cottage on the State camp-grounds at Sea Girt, and to place the same in said cottage, and all necessary expenses attendant upon the removal of said furniture shall be paid by said commission out of funds heretofore appropriated to and now unexpended by them; *provided*, that nothing herein contained shall be held to relieve said commission to the Ter-Centennial Exposition from accounting as provided for in the act creating it.

Furniture
taken to
State camp.

Proviso.

3. For the expenses attendant upon removing and re-erecting the said building, the sum of fifteen thousand dollars be and the same is hereby appropriated.

Appropriation.

4. This act shall take effect immediately.

Approved April 14, 1908.

CHAPTER 269.

A Supplement to an act entitled "An act relative to the State House and adjacent public grounds," passed May twenty-fifth, one thousand eight hundred and ninety-four.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. The Governor, Treasurer and Comptroller, constituting the State House Commission, are hereby authorized to make such alterations to the present Senate

Alterations
to Senate
chamber.

chamber as they may deem advisable for the purpose of enlarging the same.

Appropriation.

2. The sum of twenty thousand dollars is hereby appropriated to said State House Commission to defray the cost of such alterations, said sum, or such portion thereof as may be necessary, to be paid out of the treasury of the State on the warrant of the Comptroller.

3. This act shall take effect immediately.

Approved April 14, 1908.

CHAPTER 270.

A Further Supplement to an act entitled "An act to incorporate trustees of religious societies," approved April ninth, one thousand eight hundred and seventy-five, vesting the title to extinct Baptist churches or Baptist religious societies in the New Jersey Missionary Convention and prescribing the procedure to establish the title of the convention to such property.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Title of extinct societies vested in missionary convention.

1. All property, both real and personal, belonging to or held in trust for any Baptist church, or any Baptist religious society that has or shall become extinct shall vest in and become the property of the New Jersey Baptist Missionary Convention and its successors and assigns; *provided*, that nothing herein contained shall affect the title to any Baptist church or Baptist religious society that is held by any of the Baptist associations of the State; *and provided further* that this act shall not affect the reversionary interest of any person or persons in such property or any valid lien thereon.

Proviso.

Proviso.

Extinct societies defined.

2. Any Baptist church or Baptist religious society in this State, which has ceased, or failed to maintain religious worship, or services, or to use its property for religious worship or services according to the tenets, usages and customs of Baptist churches in this State

for the space of two consecutive years immediately prior thereto, or whose membership has so diminished in numbers, or in financial strength, as to render it impossible or impracticable for such church, or society, to maintain religious worship or services, or to protect its property from exposure to waste and dilapidation, or to fulfil the purpose for which it was incorporated, shall be deemed and taken to be extinct, and may by an order of the Court of Chancery be so declared and thereupon dissolved, and the property of such church or society, or property which may be held in trust for such church or society, be transferred to, and the title and possession thereof vested in the said New Jersey Baptist Missionary Convention.

3. An application for such an order and disposition of property may be made by any member or officer of the said New Jersey Baptist Missionary Convention, or by any member of such church or society, when duly authorized thereto by the board of managers of said New Jersey Baptist Missionary Convention, upon a verified petition setting forth the facts authorizing such order and disposition of property. Upon the presentation of such petition to the Court of Chancery such court may proceed in a summary manner, after such notice as the court may prescribe, to inquire into the merits of such application; and if upon examination by the court, it shall satisfactorily appear that making of the order and disposition of the property applied for is necessary or proper, for any of the causes mentioned in section two of this act, such court shall make a final order, declaring such church, or society, extinct and dissolving the same, and transferring any property and the title and possession thereof, which may belong to such church, or society, or held in trust for such church, or society, and vesting the same in the said New Jersey Baptist Missionary Convention; it being the intent and purpose of this act to preserve to the Baptist denomination of this State all property owned by or held in trust for any such church, or society, for religious uses.

4. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved April 14, 1908.

Order for
disposition of
property.

Determina-
tion by Court
of Chancery.

Intent

CHAPTER 271.

An Act to authorize any municipality in this State to borrow money to meet the necessities of its free public schools, where the appropriation for any cause is exhausted.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Municipalities may borrow to meet deficiency in school moneys.

Proviso.

1. It shall be lawful for the common council or other governing body having control of finances of any municipality in this State in which for any cause the moneys necessary for the support and maintenance of the free public schools are not sufficient to meet the demands for the fiscal year from June thirtieth, one thousand nine hundred and seven, to June thirtieth, one thousand nine hundred and eight, owing to the exhaustion of the appropriation, to borrow by note or other obligation a sufficient sum to cover the deficit in the appropriation made in such municipality; *provided, however,* that the amount which may be borrowed under this act shall not exceed the sum necessary to pay the expenses of such free public schools for the months of March, April, May and June of the year one thousand nine hundred and eight.

2. This act shall take effect immediately.
Approved April 14, 1908.

CHAPTER 272.

An Act to authorize the extension and improvement of the State House Grounds.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

State House Commission authorized to secure additional land.

1. The Governor, Treasurer and Comptroller of this State, constituting the State House Commission, are

hereby authorized to acquire by gift, grant, purchase, condemnation, through municipal action, or in any other lawful manner, in the name of State of New Jersey, and for its use, so much land in the city of Trenton lying between the raceway of the Trenton Water Power Company and the Delaware river, adjoining the State House grounds, on the south and east, as in their discretion may appear desirable, and to lay out, grade and otherwise improve the said lands when acquired.

2. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for this purpose, the same to be paid by the Treasurer, upon the warrant of the Comptroller; *provided*, said sum be included in the annual appropriation act. Appropriation.
Proviso.

3. This act shall take effect immediately.
Approved April 14, 1908.

CHAPTER 273.

A Supplement to an act entitled "An act regulating the age, employment, safety, health and work hours of persons, employes and operatives in factories, workshops, mills, and all places where the manufacture of goods of any kind is carried on, and to establish a department for the enforcement thereof," approved March twenty-fourth, one thousand nine hundred and four.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. In addition to the inspectors provided by the act to which this is a supplement, and the amendments and supplements thereto, the Governor shall, immediately after the passage of this act, appoint two suitable Two additional
inspectors of
factories—
one a woman.

persons as inspectors, one of whom shall be a woman, whose salary, powers and duties and term of office, shall be the same as the inspectors already provided for.

2. This act shall take effect immediately.

Approved April 14, 1908.

CHAPTER 274.

An Act to amend section four of an act entitled "An act for the reduction and limitation of the rate of taxation into several taxing districts of this State," approved April thirteenth, one thousand nine hundred and six.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Section 4
amended.

1. That section four of an act entitled "An act for the reduction and limitation of the rate of taxation into several taxing districts of this State," approved April thirteenth, one thousand nine hundred and six, be and the same is hereby amended so that the same shall read as follows:

Limitations to
tax rate not
to apply in
certain cases.

4. The limitations imposed by sections one and two of this act upon the tax rate in any taxing district shall not apply to the tax rate required to raise the State tax, the State school tax, to pay judgments against the taxing districts, or to pay the cost of constructing and maintaining any sewerage system hereafter authorized in any borough in this State, which may be imposed in addition to the limited rate herein.

2. This act shall take effect immediately.

Approved April 14, 1908.

CHAPTER 275.

A Supplement to an act entitled "A general act relating to boroughs (Revision of 1907), approved April twenty-fourth, one thousand eight hundred and ninety-seven."

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. In addition to the officers to be elected and appointed in any borough of this State, under the provisions of the act to which this is a supplement, there may be elected at the time of the annual election for borough officers, one or more constables, whose term of office, qualifications, bonds, powers and duties shall be the same as those of constables elected in the townships of this State.

Constables
elected at
annual elec-
tion in
boroughs.

2. Until the holding of the first election after the passage of this act, and thereafter when any vacancy shall occur, it shall be lawful for the mayor of such borough to nominate, and with the advice and consent of the borough council, to appoint one or more residents of said borough as constable or constables, which appointment shall be made and shall hold good until the next borough election.

Constables
appointed by
mayor to fill
vacancies.

3. This act shall take effect immediately.
Approved April 14, 1908.

CHAPTER 276.

A Further Supplement to an act entitled "An act respecting conveyances" (Revision), approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Validating
certain
actions of
commissioner
of deeds
whose terms
had expired.

1. All acknowledgments and proofs of deeds, mortgages and other writings, and the certificates thereof, heretofore taken or made before or by any commissioner of deeds in and for this State, whose term of office had expired or whose commission was void at the time of taking such acknowledgment or proof, and the record of such deeds, mortgages and other writings, are hereby confirmed, and made valid and legal and effectual to the extent that the same would have been valid, legal and effectual if the term of office of the commissioner taking such acknowledgment or proof had not expired, nor his office been vacated, nor his commission become void as aforesaid.

2. This act shall be deemed a public act, and shall take effect immediately.

Approved April 14, 1908.

CHAPTER 277.

A Supplement to an act entitled "An act to facilitate the acquirement of lands, and the erection of buildings for county purposes," approved March nineteenth, one thousand nine hundred and one.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Freeholders
to secure
additional
land for jail.

1. Whenever in any county, which has proceeded or shall proceed to erect a new court house, under the

provisions of the act to which this is a supplement, the board of chosen freeholders shall adopt a resolution declaring the county jail unsanitary and inadequate for the needs of the county, then the commission appointed to build said new court house shall have power to acquire by purchase or condemnation any additional lands which may be, in the judgment of said commission, necessary for the construction of said jail and appurtenant buildings, and to erect thereon such jail and appurtenant buildings for the use of the county in the manner provided for in said act. The title to said premises and all proceedings in condemnation when necessary shall be taken in the name of the board of chosen freeholders of said county; *provided, however,* Proviso. that said site for the court house, county buildings and jail when enlarged shall form one contiguous tract of land.

2. The board of chosen freeholders of such county shall issue and sell the bonds of the county, as provided in said act, for the purpose of raising money to pay the cost of said jail and appurtenant buildings with the additional land, but the amount of all bonds to be raised under said act and this supplement shall not exceed in the aggregate the amount of bonds limited Bond issue to meet cost of jail. by the original act. Limitation.

3. This act shall take effect immediately.

Approved April 14, 1908.

CHAPTER 278.

A Supplement to an act entitled "An act for the punishment of crime" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Any person who shall, in public or private, by speech, writing, printing or by any other mode or means Encouraging arson or anarchy a high misdemeanor.

advocate, encourage, justify praise or incite the unlawful burning or destruction of public or private property, or advocate, encourage, justify, praise or incite assaults upon the army of the United States, the National Guard, or the police force of this or any other State or of any municipality, or the killing or injuring of any class or body of persons, or of any individual shall be guilty of a high misdemeanor.

Publishing
any threaten-
ing matter
against life
or property a
high mis-
demeanor.

2. Any person or corporation printing or publishing, or circulating, or causing or assisting to print, publish or circulate, any printed or written paper, pamphlet, book or circular containing any speech, article or communication advocating, encouraging, justifying, praising, inciting or tending to incite the unlawful burning or destruction of public or private property, or advocating, encouraging, justifying, praising, inciting or tending to incite assaults upon the army of the United States, the National Guard, or the police force of this or any other State or of any municipality, or the killing or injuring of any class or body of persons, or of any individual, shall be guilty of a high misdemeanor.

3. This act shall take effect immediately.

Approved April 14, 1908.

CHAPTER 279.

An Act to incorporate the borough of Spotswood, in the county of Middlesex.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Corporate
name.

1. The inhabitants of that portion of the township of East Brunswick, in the county of Middlesex and State of New Jersey, hereinafter mentioned and described, are hereby constituted and declared to be a body corporate, in fact and in law, by the name of "The

Borough of Spotswood," and as such shall be governed by the general laws of this State relating to boroughs.

2. The boundaries of said borough shall be as follows: Beginning at the northeasterly corner of the borough of Helmetta as the same was changed to become operative on or about March twenty-fourth, one thousand eight hundred and ninety-seven, being the northeast corner of the first lot of land conveyed to the George W. Helme Company by Georgie J. Appleby by deed dated May sixteenth, one thousand eight hundred and ninety-two, and recorded in Middlesex county clerk's office in Book 250 of Deeds, at page 470, in the line of lands now or formerly of John Outcalt; thence running (1) along his line and binding thereon, being the easterly line of the said borough of Helmetta, south twelve degrees and five minutes east six hundred and twenty-nine feet to a corner thereof; thence (2) still along said Outcalt's line and binding thereon, still being the easterly line of the said borough of Helmetta, south one degree east twenty two hundred feet more or less to the middle of the Manalapan river in the mill pond formerly of the said John Outcalt, the said river being the division line between the said borough of Helmetta, the said township of East Brunswick and the township of Monroe; thence (3) down the said Manalapan river, the said division line between the said townships of East Brunswick and Monroe the several courses thereof northeasterly to the mouth of the stream that drains the burnt meadows; thence (4) still long the division line between said townships of East Brunswick and Monroe up the stream thereof to Slab bridge; thence (5) still along the division line between the said townships of East Brunswick and Monroe, a due east course (as it was in 1860), to Matchaponix river, the line of Madison township formerly South Amboy); thence (6) down the Matchaponix river the several courses thereof northerly to where it empties into Manalapan river to form South river; thence (7) down South river the several courses thereof to the easterly line of Thomas A. Perrine's lands and lands formerly John Bell's; thence (8) along

Boundaries of
part of East
Brunswick
township set
off as Spots-
wood.

the line between said lands and binding thereon northerly about thirteen hundred feet more or less to the northerly line of the Camden and Amboy Railroad Company's land now known as the Pennsylvania Railroad, Amboy Division; thence (9) along the northerly line of the said the Camden and Amboy Railroad Company's land southwesterly about eight hundred feet more or less to a point in said line where the division line between lands formerly Edward Ernest now Miranda de' S. Canovarro's and lands formerly George W. Devoe's, now Frank W. Mankowski's and Lucy Mankowski's, if extended southeasterly thereto would intersect the same; thence (10) along the said line between said lands formerly Edward Ernest's and said lands formerly George W. Devoe's and the extension thereof and binding thereon northwesterly about two thousand feet more or less to the center of the old stage road leading from Old Bridge to Road Hall; thence (11) along the center of said old stage road the several courses thereof southwesterly about seven thousand nine hundred and twenty feet more or less to its intersection with the road leading from Spotswood to Road Hall, sometimes called "Schneider's Corner," formerly Van Deursen's Corner; thence (12) along the center of the said road leading from Spotswood to Road Hall southeasterly the several courses thereof about forty-five hundred feet more or less to the line between lands of Barnet Myerowitz, formerly George H. Snowhill's, and lands formerly James H. Everett; thence (13) along the line between said lands and binding thereon westerly about three thousand feet more or less to the center of Cedar brook; thence (14) up the center of Cedar brook the several courses thereof to the line between lands now or formerly John Outcalt's and lands of Isaac Scudder Bennett, formerly Leonard Appleby's; thence (15) along the line between said lands and binding thereon southerly about seven hundred and seventy feet more or less to the place of beginning.

Referendum.

3. This act shall take effect immediately; *provided*, it shall not operate to effect the incorporation of the territory above described as a borough of this State until it shall have been accepted by a vote of a majority

of the legal voters of the said described territory voting thereon, at a special election to be held within said territory within thirty days from the approval of this act, and within the hours of six A. M. and six P. M. of the day fixed for election, at a place within said territory, to be fixed by the clerk of said township of East Brunswick. The clerk of said township shall cause public notice of the time and place of holding said election to be given by advertisements signed by himself and set up in at least ten public places within said described territory and published in one or more newspapers printed or circulating therein at least ten days prior to such election; and said clerk shall provide for each elector voting at such election ballots to be printed or written, or partly printed and partly written, on which shall be printed the word "for" and the word "against" above and immediately preceding the title of this act; and if the word "for" be marked off or defaced upon the ballot it shall be counted as a vote against the acceptance of said act; if the word "against" is marked off or defaced upon the ballot it shall be counted as a vote in favor of the acceptance thereof; and in case neither the word "for" or the word "against" be marked off or defaced upon the ballot it shall not be counted either as a vote for or against such acceptance. Such election shall be held at the time and place so appointed, and be conducted by the officers of the second election district of said township of East Brunswick, except that no special form of ballot or envelope need be used. The officers holding such election shall make return to the township committee of said township of East Brunswick of the result thereof by a statement, in writing, under their hands, and the same shall be entered at length on the minutes of said township committee; and thereupon and upon such adoption, but not otherwise, this act shall in all respects be operative.

4. The register of voters of the voters within said described territory used at the general election next preceding the holding of such special election shall be used for the purpose of conducting such special election. It shall not be necessary for the board of registry and elections in said described territory to make a new

Notice of election.

Ballots.

Polling place.

Register.

Revision of.

New Jersey State Library

Notice of
registry day.

registry of voters for such special election, but only to revise and correct the register made for the last general election, and for that purpose the said board shall meet at such place within said described territory as shall be designated by the clerk of said township of East Brunswick at least one week next preceding said election. Notice of the place so designated shall be given by the clerk by posting in at least five of the most public places in said described territory. Said meetings of the board of registry and election shall begin at one o'clock in the afternoon and continue until nine o'clock in the evening of that day, for the purpose of revising and correcting the register and adding thereto the names of all persons entitled to vote within said described territory at said special election, who shall appear in person before them and establish to the satisfaction of the majority of the board that they are entitled to vote at said election, or who shall be sworn by a written affidavit of a voter residing in the said described territory to be entitled so to vote; a separate affidavit shall be required for each person so registered, which shall contain the address of the affiant and shall be signed by him; and on the following day one copy thereof shall be delivered to the chairman of the county board of elections of Middlesex county to be filed by said board, and one copy shall be retained for use by the said board of election at such special election.

Result of
election filed
in county
clerk's office.

5. Immediately after the statement of the result of such election shall be made to the township committee of said township of East Brunswick a copy thereof, certified by its clerk, shall be forthwith filed in the office of the county clerk of said county of Middlesex.

Approved April 15, 1908.

CHAPTER 280.

A Supplement to an act entitled "An act respecting conveyances" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Where any conveyance or conveyances of real estate has or have heretofore been made, executed and recorded in favor of any religious society, association or corporation in this State, as the grantee or grantees therein, and where such religious society or association has failed to record and file the proper certificate of incorporation in the manner provided in the act entitled "An act to incorporate trustees of religious societies" (Revision), approved April ninth, one thousand eight hundred and seventy-five, and the acts amendatory thereof and supplementary thereto, until after the making and execution of such conveyance or conveyances and the recording thereof, any and all such conveyance or conveyances of real estate shall be as valid and effectual in law as if made, executed and delivered to such religious society or societies, association or associations, after the filing and recording of the proper certificate of incorporation of such society or societies, and shall be as valid and effectual in law as if made to such corporation or corporations, society or societies during the period of its or their corporate existence; and the record of such conveyance or conveyances of real estate so made to such society or societies prior to the filing and recording of its or their certificate of incorporation as aforesaid shall be of the same force and effect as if said conveyance or conveyances had been made, executed and recorded subsequent to the filing and recording of such certificate or certificates of

Validating
conveyances
made to reli-
gious societies
prior to their
incorpora-
tion.

incorporation, and the record of every such deed of conveyance shall be admissible in evidence as fully and completely for all purposes as if such deed or deeds of conveyance had been made and recorded during the corporate existence of such society or societies.

2. This act shall take effect immediately.

Approved April 15, 1908.

CHAPTER 281.

An Act to amend an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture and provide open and close seasons for such capture and possession," approved April fourteenth, one thousand nine hundred and three.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Section 38
amended.

1. Section thirty-eight of the act of which this act is amendatory be and the same is hereby amended to read as follows:

Law applies
to game from
without State.

38. Whenever in the act of which this act is amendatory, the possession of fowl or game is prohibited, reference is had equally to such fowl or game coming from without the State as to that taken within the State: *provided, however,* that nothing contained in the act of which this act is amendatory shall apply to any fowl or game coming within this State in original packages from any foreign country during the open season, but such fowl or game shall not be kept within this State during the close season, unless within ten days before such close season shall arrive, the owner or owners, agent or agents of such owner or owners of such fowl or game shall give notice to the Fish and Game Commission of this State, of the fact that such fowl or game will be kept in possession in this

Proviso.

State during the close season, which notice shall designate the place where such fowl or game is to be kept, whereupon the fish and game commission, upon such owner or owners, agent or agents giving a bond to the State of New Jersey in the penal sum of five thousand dollars, conditioned that such fowl or game brought from such foreign shores shall not be sold or exposed for sale or removed from this State during the close season, shall issue a permit for the keeping of such fowl or game during the close season. Upon such owner or owners, agent or agents complying with the provisions of this act, such fowl or game may be kept within this State during any close season. Upon a breach of the condition of the bond given pursuant to this section, the whole penalty of the bond shall be forfeited to the State of New Jersey, in a suit to be instituted in any court of competent jurisdiction, in the name of the State, by the Board of Fish and Game Commissioners.

Conditions to
be complied
with.

2. This act shall take effect immediately.

Approved April 15, 1908.

CHAPTER 282.

An Act concerning the laying or maintaining of water pipes or conduits for supplying water for domestic, manufacturing or other uses in cities of the first class in this State, and regulating the same.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. It shall be unlawful for any person or corporation other than a municipal corporation to lay or maintain any water pipes or conduits for the supplying of water for domestic or manufacturing or other uses in, through, under or over any street, avenue or highway within the limits of any city of the first class in this State without

Consent by
ordinance to
lay water
pipes.

first obtaining the consent of such municipality by ordinance passed by the board or body having control of the streets, avenues or highways of such municipality, and approved by the mayor or executive officer of such municipality.

Conditions
stated in
ordinance.

2. Where any such city of the first class shall give its consent to the laying or maintenance of any water pipes or conduits, as provided for in the first section of this act, such ordinance shall state the terms and conditions under which said pipes or conduits shall be laid or maintained.

Enforcement.

3. Any such municipality may maintain an action at law or in equity to enforce the provisions of or enjoin the violation of any of the provisions of this act.

Repealer.

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

Approved April 15, 1908.

CHAPTER 283.

A Supplement to an act entitled "An act regulating the granting by municipalities of consent to the use of streets, avenues, parks, parkways and other public places," approved March twenty-seventh, one thousand nine hundred and six.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

One municip-
ality may
consent to
another lay-
ing water
pipes therein.

1. The provisions of the act to which this act is a supplement shall not apply to or affect the giving of consent or permission by one municipality for the use of any of its streets, avenues, parks, parkways, highways or other public places, either above, below or on the surface thereof, to another municipality for the laying therein of municipal water mains, upon obtaining such

consent or permission as is authorized by any law of this State.

2. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately. Repealer.

Approved April 15, 1908.

CHAPTER 284.

A Supplement to an act entitled "An act for the punishment of Crimes" (Revision of 1898), approved June 14, 1898.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Corrupt influencing of agents, employes or servants:

Whoever gives, offers or promises to an agent, employe or servant, any gift or gratuity whatever, without the knowledge and consent of the principal, employer or master of such agent, employe or servant, with intent to influence his action in relation to his principal's, employer's or master's business; or an agent, employe or servant who, without the knowledge and consent of his principal, employer or master, requests or accepts a gift or gratuity or a promise to make a gift, or to do an act beneficial to himself, under an agreement, or with an understanding that he shall act in any particular manner to his principal's, employer's or master's business; or an agent, employe or servant who, being authorized to procure materials, supplies or other articles, either by purchase or contract for his principal, employer or master, or to employ service or labor for his principal, employer or master, receives directly or indirectly, for himself or for another, a commission, discount or bonus from the person who makes such sale or contract, or furnishes such materials, supplies

Improperly
influencing
employes by
offers of
gratuities,
etc., a mis-
demeanor.

or other articles, or from a person who renders such service or labor, and any person who gives or offers such an agent, employe or servant such commission, discount or bonus shall be guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved April 15, 1908.

CHAPTER 285.

An Act to amend an act entitled "An act respecting licenses in cities, townships, incorporated towns, incorporated boroughs," approved April twenty-eighth, one thousand nine hundred and five.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Section 1
amended.

1. Section 1 of the act to which this is an amendment is amended to read as follows:

Ordinances to
license
various
businesses.

1. It shall be lawful for the common council, board of aldermen, township committee or other governing body of any city, township, incorporated town or incorporated borough, to make and establish ordinances for the following purposes, namely: to license and regulate cartmen, porters, hacks, cars, omnibusses, stages, and all other carriages and vehicles used for the transportation of passengers, baggage, merchandise and goods and chattels of any kind, and the owners and drivers of vehicles and means of transportation, also auctioneers, common criers, hawkers, peddlers, pawn-brokers, junk-shop keepers, junk dealers, bill posters, keepers of bath houses, boarding houses and hotels, lodging houses, or other buildings used by the public for sleeping or lodging purposes, and news stands, sweeps, scavengers, traveling or other shows, circuses, theatrical performances, plays, exhibitions, concerts, skating rinks, itinerant venders of merchandise, medicine and remedies, and also the place or places or

premises in which or at which the different kinds of business or occupation mentioned herein are to be carried on or conducted, and to fix the rates of compensation to be paid therefor, and to prohibit all persons and places and all vehicles unlicensed from acting, using or being used in said capacities and for such uses and purposes, and to fix and prescribe penalties, either by fine not to exceed one hundred dollars, or by imprisonment not to exceed ninety days, for the violation of any such ordinance or ordinances, and that fees for such licenses may be imposed for revenue.

Penalties for violations.

2. This act shall take effect immediately.

Approved April 15, 1908.

CHAPTER 286.

A Supplement to "An act concerning savings banks," approved May second, one thousand nine hundred and six.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Any savings bank shall have power, by vote of its board of managers, to retire on a pension any officer, clerk or other employe above the age of seventy years who shall have been in the employ of said bank continuously for more than thirty years and to pay to him during the term of his natural life such sum, not exceeding fifty per cent. of his salary, at the time of his retirement, as such board of managers shall fix.

Pension for employes.

Amount.

2. This act shall take effect immediately.

Approved April 15, 1908.

CHAPTER 287.

An Act to authorize the improvement of county roads by the board of chosen freeholders of any county where such road has been a toll road and purchased or condemned, and such boards are charged with the repair and maintenance of the same, and to provide for the payment of the expense of such improvement.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Improvement
of turnpikes
acquired by
county.

Bond issue.

Amount.

Road and
paving
material
designated.

1. The board of chosen freeholders of any county charged with the repair and maintenance of any road adopted by them as a county road, which road has been a toll road and purchased or condemned by such county, may, by resolution, authorize the issuing of bonds for the purpose of obtaining money from the sale thereof for the permanent improvement of any such public road of such county with permanent and durable materials of a kind to be determined in each instance by the board of chosen freeholders of the county charged with the improvement of such road before the work is commenced, to an amount not exceeding two hundred thousand dollars in any one year; that said bonds may issue before or after the work has commenced, that the board of chosen freeholders charged with the duty of improving such road may improve any such county road, or portion thereof, with such pavements as aforesaid, with the money obtained from the sale of such bonds; the roads to be improved shall be designated by resolution, together with the kind of pavement proposed to improve them with; all work, however, shall be given out upon contract to the lowest responsible bidder, and only after bids therefor have been solicited and received; and the said board of chosen freeholders shall have the right to reject any and all such bids.

2. The bonds authorized to be issued as aforesaid shall be made payable at any time within twenty years from the date of the same, and shall draw interest at a rate not exceeding five per cent. per annum, and shall be of such denomination as the board of chosen freeholders may determine, and all such bonds shall be signed by the director and such other officer as the board issuing the same may determine, and they may be either registered or coupon bonds; all of said bonds shall be numbered, and a register of the number, the date of issuing and the time of payments of the same shall be made by the county collector in a book to be provided for that purpose, and none of said bonds shall be sold for less than par value; that the interest on said bonds and the principal thereof shall be raised in the same manner as other appropriations of such board are raised.

Character
of bonds.

3. When the work under any contract shall have been fully completed, it shall be the duty of the county supervisor of road or the inspector appointed by the board for that purpose to prepare a detailed and itemized statement in duplicate of the costs of the improvement, a copy thereof shall be filed with the board of chosen freeholders.

Detailed
statement of
cost in
duplicate.

4. When the improvement prayed for as aforesaid shall have been completed, and the statement of the cost thereof filed with the board of chosen freeholders, said board may apply to the Circuit Court of the county for the appointment of commissioners to estimate and assess the peculiar benefits conferred by such improvement upon the street railway, if any, running through such road, and upon the lands and real estate fronting or bordering on the road or section thereof improved, of the time and place of which application notice shall be given by ten days' publication in two daily newspapers printed and circulating in the county or by two weeks' publication in two weekly newspapers printed and circulating therein, at which time and place or at such other time and place as the court shall designate; said court shall, without unnecessary delay, appoint three commissioners, who shall be disinterested freeholders and residents of the county in which application is made, to

Commis-
sioners to
assess
benefits.

Notice of
application.

Compensation.

estimate and assess the benefits, aforesaid; the said court shall have power to remove any commissioner and appoint another in his place, and also to fill any vacancy that may occur in the office of any commissioner from any cause; said commissioners shall each receive three dollars per day for each day they shall be actually engaged in making such assessment, to be paid by the county collector.

Oath of commissioners.

5. Said commissioners, before entering upon the duties required of them by this act, shall take and subscribe before some person duly authorized to administer the same an oath or affirmation that they will make all assessments and estimates required of them fairly, legally and equitably according to the best of their skill and understanding, which oath or affirmation shall be attached to the report that they are hereinafter required to make.

Hearing.

6. The said commissioners, having thus qualified shall give such notice as the court may direct of the time and place when and where they will hear any person in interest who may present themselves to be heard, and at such time and place and at such other times and places to which they may adjourn for that purpose the said commissioners shall attend, and shall give a public hearing to those persons in interest who may desire to be heard; the said commissioners shall have power to examine witnesses under oath or affirmation to be administered by any of them, and to enter upon and view such street railway, if any, and the lands and real estate fronting or bordering on the road or section thereof improved, and to adjourn from time to time in their discretion, or as directed by said court; they shall use diligent efforts to ascertain the names of the owners of such street railway and of the lands fronting or bordering on the road or section thereof improved, and shall state the same in the report hereinafter mentioned; but the failure to ascertain the name of any owner, or to state the same correctly or the omission of any such name from the report, shall not invalidate said assessment nor be a bar to the collection of the same.

Report and map.

7. After having given opportunity as aforesaid for a public hearing of the persons in interest, and having

viewed such street railway and the lands fronting or bordering on the road or section thereof improved as aforesaid, the said commissioners shall make a report in writing of their estimates and assessments to the said court, accompanied by a map prepared by the engineer in charge of the construction of the road showing such street railway and the several tracts or parcels of lands and real estate fronting or bordering on said road or section thereof; the said report shall state the cost of the whole work, which shall be furnished to the commissioners by the board of chosen freeholders from the report of the supervisor of construction filed with said board under the requirements of this act; and shall give the names, as far as ascertained, of the owners of such street railways and of the tracts or parcels of land and real estate fronting or bordering on said road or section thereof, the city, township, borough or other municipality in which each tract or parcel of land is situate, and the amount of the assessment upon the owner or owners of such street railway and of each of said tracts or parcels of land and real estate for the said benefits; which several assessments shall be in proportion, as near as may be, to the peculiar benefits deemed to have been conferred by said improvement upon such street railway company and upon the respective tracts of land and real estate aforesaid; if any tract shall be located in more than one city, township, borough, or other municipality, it shall be stated in said report as being in the city, township, borough, or other municipality, in which there is the greatest frontage by lineal feet on the road or section thereof improved; in no case shall such street railway or any tract or parcel of land and real estate, or any owner thereof, be assessed beyond the amount of benefit actually derived from said improvement nor shall the aggregate amount of assessments imposed upon such street railway and upon the tracts or parcels of land fronting or bordering on such road or section thereof exceed two-thirds of the total cost of the improvement.

Total cost
shown.

Assessment
on each
parcel of
land.

8. Upon the coming in of any such report signed by the said commissioners, or any two of them, said court shall cause such notice to be given as it shall

Hearing
objections.

Revision of
report.

Confirmed
report final.

Collection of
assessment.

deem proper of the time and place of hearing any objections that may be made to such assessment, and after hearing any matter that may be alleged against the same, the said court, either by rule or order, shall confirm the said report, or shall refer the same to the same commissioners for revision and correction, or to new commissioners to be appointed by said court forthwith to reconsider the subject-matter thereof, and the said commissioners to whom such report shall be so referred by the court shall return the same corrected and revised, or a new report to be made by them in the premises, to the said court without unnecessary delay, and the same being so returned, shall be confirmed, or again referred by the said court in the manner aforesaid, as right and justice shall require, and so, from time to time, until a report shall be made or returned in the premises which said court shall confirm; such report, when so confirmed, shall be final and conclusive, as well upon the said board of chosen freeholders and such street railway and the city, townships, boroughs, or other municipalities, in which said lands may be situate, as upon the owners of any lands and real estate affected thereby, and the court shall require the same to be forthwith filed with the county clerk, and certified copies thereof, and of the accompanying map, and of the rule or order confirming the report, to be promptly delivered to the county collector, one for said county collector and one for each city, township, borough, or other municipality, in which the assessed lands may lie, and one for such street railway; the county collector shall retain one of the said copies for his own use, and shall forthwith give one to the collector or receiver of taxes in each of the cities, townships, boroughs, and other municipalities, in which the assessed lands may lie, and one to such street railway; each city, township, borough, or other municipality, whose collector or receiver of taxes shall receive such certified copy shall, by its proper disbursing officer and such street railway company, within one year after the date of the said order of confirmation pay to the county collector the amount of assessments appearing by said report to have been assessed upon the lands situate in such city, township,

borough, or other municipality, and upon such street railway company. The municipality shall be paid by the county one per centum of the moneys so collected by its said collector or receiver.

9. No certiorari shall be allowed by any court to review any of the proceedings in relation to such improvement, nor in any way to affect any assessment made by such commissioners, after the lapse of thirty days from the making of the order of the court confirming such assessment; the court shall designate what notice, if any, shall be given by publication or otherwise of the confirmation of the report of said commissioners.

No certiorari
after thirty
days.

10. That the assessments made by said commissioners shall be and remain a lien upon the lands assessed, from the date of the confirmation of the report of assessments, in the same manner and to the same extent that taxes are liens upon lots or tracts of lands situate in the city, township, borough, or other municipality, in which the assessed lands may be and upon the property of such street railway, and in case any such assessment shall remain unpaid after six months from the confirmation of the same, such assessment shall bear interest at the rate of ten per centum from the date of the confirmation of the assessment.

Assessment
a lien.

Interest on.

11. The receiver or collector of said city, township, borough or other municipality shall, as soon as the said report is delivered to him, give to the owners of lots and tracts of land appearing by said report to be assessed such notice of the assessments and of the time within which the same are required to be paid as the court, in its order of confirmation hereinabove mentioned, shall prescribe; all such assessments shall become due and payable to such receiver or collector within six months from the date of the order of confirmation hereinabove mentioned.

Information
furnished
owners of
lands.

12. If any assessment upon any lot or tract of land made under the provisions of this act shall not be paid within the time appointed in said notice, the township committee, common council, or other governing body in the city, township, borough, or other municipality, within which such lot or tract of land shall be situate, or a majority of them may, as they shall deem proper,

Action in
case assess-
ment not
paid.

either bring an action on contract in any court of competent jurisdiction, in the corporate name of such city, township, borough, or other municipality, against the owner or owners of such lot or tract of land for so much money laid out and expended by them for the use of such owner or owners and declared generally, and give the special matter in evidence, and either party from any judgment rendered therein may have the same remedy by appeal or otherwise as if said parties were private individuals, or they may proceed to collect the said assessment by sale of the lot or tract of lands whereon such assessment has been imposed or may be a lien, in the same manner and to the same extent as lands are now sold for unpaid taxes in such city, township, borough, or other municipality, and the purchaser or purchasers, at any such sale or sales, and his legal representatives, shall hold and enjoy such lot or lots of land, with the rents, issues and profits thereof, in the same manner and by the same title and tenure as purchasers at the sales of lots or tracts of land for unpaid taxes can now hold and enjoy the same in said city, township, borough, or other municipality; that in case such street railway company shall not pay its assessment when due the board of chosen freeholders may bring such action for the collection of the same.

Lump sum
may be
accepted in
lieu of
assessment.

13. Instead of making assessments against such street railway company, in accordance with the provisions of this act the board of chosen freeholders may agree to accept from such company a lump sum of money for its portion of the expense of such improvement, or may enter into an agreement with such company to do a portion of the work in lieu of such assessment.

Temporary
loan to meet
payments.

14. That such board of chosen freeholders shall have the right to borrow money on temporary loans for the purpose of making payments on the contract or contracts under which any such improvement is made; which said temporary loans, together with interest accrued thereon, shall be paid from the money raised by assessment and by the sale of bonds, as in this act provided.

15. This act shall take effect immediately.

Approved April 15, 1908.

CHAPTER 288.

An Act enabling the several municipalities in this State to grant rooms in their respective city halls or other municipal buildings to any organization composed of veterans of the Civil War.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Power is hereby given to the several municipalities in this State to grant to any organization composed of veterans of the Civil War the use of any room or rooms as the governing body of the said municipality may designate, in any city hall or other municipal building in said municipality where such organization may be located or where any of the members of said organization may be located or may reside. Rooms in municipal buildings for veterans.
 2. All acts or parts of acts inconsistent with this act are hereby repealed. Repealer.
 3. This act shall take effect immediately.
- Approved April 15, 1908.

CHAPTER 289.

An Act relating to the organization and management of boards of chosen freeholders in the respective counties of this State, excepting counties of the first class, fixing the fiscal year and the terms of officers therein.

WHEREAS there exists some uncertainty as to whether the boards of chosen freeholders are included in, and to be regulated by, existing law as to annual organization and fiscal year of municipalities:

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Annual
meeting of
freeholders.

1. Hereafter all stated annual meetings of boards of chosen freeholders, excepting in counties of the first class, shall be held at the place of holding the court of common pleas in and for their respective counties at the hour of twelve o'clock noon of the first day of January annually (unless the first day of January shall fall upon a Sunday, in which event said meeting shall be held on the following Monday).

Terms of
officers
extended.

2. Every officer heretofore appointed or elected by the board of chosen freeholders of any county, excepting in counties of the first class, and holding office therein at the passage of this act, shall continue in office, and his term of office shall be and is hereby extended from the time when his term would otherwise expire until twelve o'clock noon of the first day of January next succeeding the date at which his term of office would otherwise expire; *provided*, that this section shall not apply to any officer whose term of office now expires by law on the first day of January in any year.

Proviso.

Fiscal year.

3. The fiscal year of said boards of chosen freeholders, excepting in counties of the first class, shall begin on the first day of January of each year and end on the thirty-first day of December of each year. The appropriations where not yet made by said boards shall be to the first day of January next and shall not exceed the amount which any such board may now lawfully annually raise.

4. This act shall take effect immediately.

Approved April 15, 1908.

CHAPTER 290.

An Act authorizing the acquisition by the State of New Jersey of the Arthur Home, at Summit, New Jersey.

Preamble.

WHEREAS, The board of managers of the Arthur Home, at Summit, New Jersey, have proposed to convey

to the State of New Jersey the land and buildings thereon erected, owned by said Home at Summit, New Jersey; and

WHEREAS, It is represented that there is a mortgage on said property so as aforesaid owned by the Arthur Home, amounting to five thousand dollars, and that said Home is indebted to various parties, in addition thereto, to an amount not exceeding one thousand dollars; now therefore

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The Treasurer of this State be and he is hereby authorized to acquire by purchase, for the sum of one dollar, the property known as the "Arthur Home," situate at Summit, New Jersey. On such acquisition, the Comptroller of this State shall draw his warrant on the Treasurer for the amount of the mortgage on the property of the said Arthur Home, to wit, the sum of five thousand dollars, and accrued interest thereon, and shall in addition thereto pay the debts due by the said Home to various parties to an amount not exceeding one thousand dollars. Said property shall not, however, be acquired by the State, if the total debt of said Home, including the mortgage aforesaid and interest thereon, and all other debts of said Home shall exceed in the aggregate the sum of six thousand dollars.

Acquisition of
Arthur home.

Appropriation.

Conditional
purchase.

2. This act shall take effect immediately.

Approved April 15, 1908.

CHAPTER 291.

An Act to authorize the State Treasurer to repay to the executors of Cortlandt Parker, deceased, late of the county of Essex, certain taxes levied under and by virtue of the provisions of an act entitled "An act to tax intestates' estates, gifts, legacies, devises and collateral inheritance in certain cases," approved May fifteenth, one thousand eight hundred and ninety-four, and the various supplements thereto and amendments thereof.

Preamble.

WHEREAS Eaton Stone, late of the township of Nutley, in the county of Essex, departed this life on the eighth day of August, one thousand nine hundred and three, having first made, published and declared his last will and testament, in the following words, that is to say:

"I, Eaton Stone, of Franklin, Essex county, New Jersey, do make, publish and declare this to be my last will and testament.

I give, devise and bequeath all my property, real and personal, to my old friend, Cortlandt Parker, Senior, of Newark, New Jersey, his heirs and assigns forever.

I nominate and appoint the said Cortlandt Parker, Senior, executor of this my will." and,

WHEREAS, Cortlandt Parker, late of the city of Newark, in the county of Essex, died on the twenty-ninth day of July, one thousand nine hundred and seven, leaving a last will and testament, to which will a codicil was made in the following words, that is to say:

"WHEREAS, My old friend Eaton Stone has bequeathed and devised to me all his real and personal property, my will is that after payment of Eaton Stone's just debts, and all charges on the property, and all monies due to me, and a monument over his grave, and all

expenses I have been put to by reason of such bequest and devise, the balance of said property shall go to the heirs at law of said Eaton Stone as if he had died intestate." ; and,

WHEREAS, If the said Eaton Stone had originally willed his said estate to his heirs at law, no tax would have been levied against a part of said estate for the benefit of the State of New Jersey ; and

WHEREAS, There are now due to the State of New Jersey two taxes of five per centum each upon the said estate :

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. The Treasurer of the State of New Jersey is hereby authorized and empowered to repay to Richard Wayne Parker, Cortlandt Parker and Charles Wolcott Parker, being the executors of the last will and testament of Cortlandt Parker, late of the city of Newark, in the county of Essex, all or any inheritance tax or taxes levied upon the inheritances under the said wills of Eaton Stone and Cortlandt Parker, in so far as such tax or taxes would not have been levied or paid if the said estate of Eaton Stone had passed directly at his death to his heirs-at-law.

Repayment of inheritance tax to Parker estate.

Approved April 15, 1908.

CHAPTER 292.

An Act requiring the Board of Health of the State of New Jersey to initiate and prosecute measures to control epidemics in State institutions.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. It shall be the duty of the Board of Health of the State of New Jersey, whenever an epidemic shall occur in any institution maintained, in whole or in part,

To have charge in epidemics in State institutions.

by the State, to immediately initiate and prosecute vigorously all measures to check and control such epidemics, regardless of and without reference to any local board or boards of health, and to that end such State Board of Health is hereby endowed with full power and authority in the premises.

Repealer.

2. All acts and parts of acts inconsistent herewith are hereby repealed.

3. This act shall take effect immediately.

Approved April 15, 1908.

CHAPTER 293.

A Supplement to "An act relating to the management of the New Jersey reformatory," approved March twenty-first, one thousand nine hundred and one.

Preamble.

WHEREAS, contrary to the letter and spirit of the act to which this is a supplement, there are said to be many inmates of the New Jersey reformatory who are either second offenders or over thirty years of age, therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Transfer
certain
prisoners to
State prison.

1. The commissioners of the said reformatory shall transfer to the State prison any prisoners heretofore committed to the reformatory who, at the time of such commitment were over thirty years of age, or who had previously been convicted of an offence for which they were liable to be committed to such reformatory; *provided* such person shall have been convicted of a crime punishable by imprisonment in the State prison.

Proviso.

Who com-
mitted to
reformatory.

2. It shall be unlawful hereafter for any court of this State to commit to the State reformatory at Rahway any person who is over thirty years of age, or who shall have previously been convicted of an offence liable to be punished with imprisonment in such institution.

3. Hereafter no prisoner in such reformatory shall be confined in any dungeon therein for any period and no corporal punishment shall hereafter be administered to any prisoner therein unless the same be done in the presence of such superintendent. Punishment of prisoners.

4. All acts and parts of acts inconsistent herewith be and the same are hereby repealed. Repealer.

5. This act shall take effect immediately.

Approved April 15, 1908.

CHAPTER 294.

An Act in reference to the death of inmates of any State institution, and requiring the certificates of the county physician in reference thereto.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Hereafter whenever a death shall occur from any cause in any institution maintained, in whole or in part, at the expense of the State, before the body of such person shall be removed from such institution, it shall be examined by the county physician of the county wherein such institution is located, and a certificate of the cause of death shall be signed by said county physician and filed with the superintendent, medical director or other head officer of such institution. County physician to certify cause of death at State institutions.

2. All acts and parts of acts inconsistent herewith be and the same are hereby repealed. Repealer.

Approved April 15, 1908.

CHAPTER 295.

An Act regulating the construction and improvement of roads and driveways on lands owned by the State of New Jersey.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Roads built
on State
property
under super-
vision of
road com-
missioner.

1. All roads and driveways on lands owned by the State of New Jersey shall hereafter be constructed under the supervision of the State Commissioner of Public Roads, and all improvements to roads and driveways already constructed on lands owned by the State of New Jersey shall be made under the supervision of the said State Commissioner of Public Roads, who shall prepare all necessary plans and specifications and advertise for bids for such work.

Payments.

2. All payments for such roads and driveways, and improvements to existing roads and driveways on lands owned by the State, shall be paid out of appropriations made to the Commissioner of Public Roads for that purpose. All appropriations heretofore made to any board or institution for the purposes enumerated in this act, shall enure to the Commissioner of Public Roads for the purpose of carrying out the provisions of this act, but nothing in this act contained shall affect any contract heretofore made or any contract to be entered into, pursuant to bids duly invited, before this act shall take effect; nor shall any appropriation of money enure to said State Commissioner of Public Roads where any contract has been entered into or bids duly invited before the taking effect of this act; *provided, however*, that nothing in this act contained shall be construed to prevent the inmates and employes of any public institution from being employed on repairs and improvements of roads used in connection with such institutions.

Present con-
tracts not
affected.

Proviso.

3. This act shall take effect immediately.

Approved April 16, 1908.

CHAPTER 296.

An Act to terminate the terms of office of the State Sewerage Commission as the same is now constituted.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. From and after the passage and approval of this act, the terms of office of the several members of the State Sewerage Commission, as the same is now constituted, under an act entitled "An Act to prevent the pollution of the waters of this State by the establishment of a State Sewerage Commission, and authorizing the creation of sewerage districts and district sewerage boards, and prescribing, defining and regulating the powers and duties of such commission and such boards," approved March twenty-fourth, one thousand eight hundred and ninety-nine, and the acts amendatory thereof and supplementary thereto, shall be and the same are hereby terminated.

State sewerage commission abolished.

2. This act shall take effect immediately.

Approved April 16, 1908.

CHAPTER 297.

A Supplement to an act entitled "An act to prevent the pollution of the waters of this State by the establishment of a State Sewerage Commission, and authorizing the creation of sewerage districts and district sewerage boards, and prescribing, defining and regulating the powers and duties of such commission and such boards," approved March twenty-fourth, one thousand eight hundred and ninety-nine.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. From and after the passage and approval of this act all powers and duties heretofore vested in and ex-

Duties vested in State Sewerage Commission performed by State Board of Health.

ecuted by the State Sewerage Commission, pursuant to the act to which this act is a supplement, and the acts amendatory thereof and supplementary thereto, shall vest in and be executed by the Board of Health of the State of New Jersey.

Previous
actions not
affected.

2. Nothing herein contained shall be held to abate or render invalid any notice or proceeding, or suit at law or in equity, which may have been served, begun or instituted by the State Sewerage Commission, prior to the date hereof, in accordance with the powers and duties heretofore conferred upon it, but the same shall continue in full force and effect, and be further advanced and prosecuted in the name of the Board of Health of the State of New Jersey; nor shall anything herein contained be held to abolish any sewerage district or district sewerage board heretofore created or established pursuant to law; and all appropriations which may have been heretofore made to and for the use of the State Sewerage Commission shall continue and enure to the benefit of the Board of Health of the State of New Jersey for the purpose of carrying into effect the provisions of the act to which this act is a supplement.

Appropriations.

3. This act shall take effect immediately.
Approved April 16, 1908.

CHAPTER 298.

An Act to terminate the terms of office of the members of the Board of Health of the State of New Jersey as the same is now constituted.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

State Board
of Health
abolished.

1. From and after the passage and approval of this act, the terms of office of the several members of the Board of Health of the State of New Jersey as the

same is now constituted under section one of an act of the Legislature entitled "An act to establish in this State boards of health and a bureau of vital statistics, and to define their respective powers and duties," approved March thirty-first, one thousand eight hundred and eighty-seven, shall be and the same are hereby terminated.

2. This act shall take effect immediately.

Approved April 16, 1908.

CHAPTER 299.

An Act to amend an act entitled "An act to establish in this State boards of health and a bureau of vital statistics, and to define their respective powers and duties," approved March thirty-first, one thousand eight hundred and eighty-seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. From and after the passage and approval of this act, section one of the act entitled "An act to establish in this State boards of health and a bureau of vital statistics, and to define their respective powers and duties," approved March thirty-first, one thousand eight hundred and eighty-seven, shall be and the same is hereby amended as follows:

Section 1
amended.

1. There shall be in this State a State board of health, to be known as the "Board of Health of the State of New Jersey," which shall be composed of six suitable persons, citizens and residents of this State, to be appointed by the Governor, by and with the advice and consent of the Senate, from time to time as hereinafter directed; one of whom shall be a physician of at least five years' practice in this State, who shall be the secretary of the said board, and shall also be superintendent of vital statistics. The Governor shall, at the

State Board
of health;
how com-
posed.

Secretary.

President.	time of appointment, indicate one member of said board who shall be the president thereof. Each of the members shall hold office for a term of six years, and their respective terms of office shall be so arranged that the term of office of not more than one member shall expire in any one year. The president and medical secretary of the said board shall, in each instance, upon the occasion of vacancy and reappointment, be designated by the Governor. If the office of any member shall for any cause become vacant before the expiration of the term for which such member was appointed, the same shall be filled by the Governor for the unexpired term only. The compensation of each of such members shall be fifteen hundred dollars per year, payable monthly, except the secretary, whose compensation shall be two thousand five hundred dollars per year, payable monthly.
Terms.	
Vacancy.	
Salaries.	
Section 3 amended.	2. Section three of the said act shall be and the same is hereby amended to read as follows:
Meetings.	3. The president shall call meetings as often as once in three months and also whenever in his judgment it shall be necessary, and whenever requested so to do by two members of the board. The secretary of the board shall superintend the performance of the duties prescribed by law in relation to the State Board of Health, and the classification, index and transcription of vital facts hereinbefore required to be made. The said State Board of Health shall in the month of December in each year make a report to the Governor of their investigations and inquiries for the year, with such communications and suggestions concerning the public health as they may deem proper.
Duties of secretary.	3. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.
Annual report.	
Repealer.	

Approved April 16, 1908.

CHAPTER 300.

An Act to amend an act entitled "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Section one hundred and nine of the act to which this is amendatory be and the same is hereby amended so as to read as follows:

Section 109
amended.

109. Any person who shall commit the crime of manslaughter shall be punished by fine not exceeding one thousand dollars, or imprisonment at hard labor or otherwise not exceeding ten years, or both.

Penalty for
manslaughter.

2. This act shall take effect immediately.

Approved April 16, 1908.

CHAPTER 301.

An act to authorize cities owning a public water-supply derived from sources beyond the limits of such city to issue bonds to acquire additional lands and real estate, water and water rights located within or adjacent to the territory of the watershed from which such source of public water-supply is derived, and to acquire the water rights necessary for the use of the water therefrom.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. It shall be lawful for any city of this State owning a public water-supply derived from sources beyond the limits of such city, and located wholly in the territory of a single watershed of this State, to issue and sell from time to time as may be required the bonds of such city,

Cities may
issue bonds
to acquire
additional
water rights.

Amount.	not exceeding the aggregate sum of one million dollars, and the proceeds arising from the sale of said bonds shall be solely applied to the purpose of acquiring for such city (from time to time), in the manner provided by law, additional lands and real estate and water and water rights located within or adjacent to the territory of the particular watershed from which source such public water-supply is or shall be derived, and to acquire the water rights necessary for the use of the water therefrom.
Character of bonds.	2. The common council or other governing body of such city having control of its finances may, at the request of the board or body having control of its public water-supply, cause said bonds to be issued from time to time, or at one time, to the aggregate amount herein provided, and sell the same at not less than their par value. Such bonds may run for a period not exceeding fifty years from the date of their issue, and be of such denominations and form, payable with interest not exceeding five per centum per annum, payable semi-annually, as the said common council or other governing body having control of the finances of such city may, by resolution, determine. Provision shall be made by the board having control of the water-supply in any such city whereby such bonds are issued for the payment of the semi-annual interest on the bonds issued, and for the payment to the sinking fund commissioners of such city of not less than one per centum of the face value of such bonds to provide a sinking fund for the payment of the principal when the same falls due; <i>provided, however</i> , that in case the funds under the control of such board not otherwise pledged or appropriated shall in any way be insufficient for this purpose, it shall be the duty of the common council or other governing body of such city, having control of the finances thereof, to make provision for the whole or deficiency as the case may be in the annual tax levy of such city.
Sinking fund.	
Proviso.	
Repealer.	3. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately.
	Approved April 16, 1908.

CHAPTER 302.

An Act to amend an act entitled "An act to establish fire and police commissions in certain cities of this State of less than thirty-five thousand inhabitants, and to prescribe their powers and duties," approved May eighteenth, one thousand nine hundred and six.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The title of the act to which this is an amendment be and the same is hereby amended to read as follows: "An act to establish fire and police commissions in certain cities of this State of less than fifty thousand inhabitants, and to prescribe their powers and duties."

Title amended.

2. Section one of the act to which this is an amendment be and the same is hereby amended to read as follows:

Section amended.

1. There is hereby created and established in each of the cities of the second class in this State of less than fifty thousand inhabitants, which shall accept the provisions of this act, a board of fire commissioners and a board of police commissioners, to which shall be respectively entrusted the government, control and management of the fire and police departments therein, and the direction and control of all public fire and police matters respectively, subject to the inspection and supervision of the common council of such city as hereinafter provided.

Establish fire and police commissions.

2. All acts or parts of acts inconsistent herewith are hereby repealed.

Repealer

3. This act shall take effect immediately.

Approved April 16, 1908.

CHAPTER 303.

An Act amending section two of a supplement to an act entitled "An act concerning townships (Revision 1899)," which said supplement was approved April thirtieth, one thousand nine hundred and six.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Section
amended.

1. Section two of a supplement to an act entitled "An act concerning townships" (Revision 1899), be and the same is hereby amended so as to read as follows:

Two com-
mitteemen
from each
ward in cer-
tain town-
ships.

2. The township committee of any township in this State having a population of more than eight thousand inhabitants as shown by the official State or United States census, shall have two members from each ward, who shall hold office for the term of two years, and one member-at-large, who shall hold office for the term of two years, and who shall by virtue of his election become chairman of said township committee; and a majority of the members of such committee shall constitute a quorum for the transaction of business; and no ordinance or resolution shall be adopted, nor shall any standing committees be appointed for the ensuing year, except by a vote of the majority of the members thereof; *provided, however,* that one of the members to be elected from each ward at the first annual election ensuing the passage of this act, shall be elected and hold office for the term of one year.

Proviso.

Repealer.

2. All acts or parts of acts general or special, inconsistent herewith, are hereby repealed.

3. This act shall take effect immediately.

Approved April 16, 1908.

CHAPTER 304.

An Act to amend an act entitled "An act defining motor vehicles and providing for the registration of the same and the licensing of the drivers thereof; fixing rules regulating the use and speed of motor vehicles; fixing the amount of license and registration fees; prescribing and regulating process and the service thereof and proceedings for the violation of the provisions of the act and penalties for said violations;" approved April twelfth, one thousand nine hundred and six.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Paragraph one of section four of the act of which this is an amendment shall be amended to read as follows: Section 4 amended.

4. (1) Every automobile shall carry, during the period from thirty minutes after sunset to thirty minutes before sunrise, and whenever fog renders it impossible to see a long distance, at least two lighted lamps, showing white lights, visible at least two hundred and fifty feet in the direction towards which said automobile is proceeding, and shall also exhibit one red light, visible in the reverse direction. Upon the fronts of the two aforesaid lamps showing white lights shall be displayed, in such manner as to be plainly visible when such lamps are lighted, the number of the registration certificate issued as in this act provided, the same to be in Arabic numerals not less than one inch in height. Lamps.

2. Section nine of the act of which this is an amendment shall be amended to read as follows: Section 9 amended.

9. The Assistant Secretary of State shall be ex officio commissioner of motor vehicles, and shall have personal charge and supervision of the enforcement of the pro- Commissioner.

Chief inspector.	visions of this act. The Commissioner of Motor Vehicles shall appoint a chief inspector of motor vehicles, who shall be chief clerk of the department, and who shall have practical knowledge of the mechanical arrangement and capabilities of all kinds of motor vehicles, and be capable to pass upon the efficiency of motor vehicles and the competency of motor vehicle drivers. The Commissioner of Motor Vehicles shall
Inspectors.	also appoint as many inspectors not exceeding ten, as may be necessary, in detecting violations of this act, in obtaining evidence of violations and otherwise assisting in the enforcement of the act. The said inspectors shall be chosen with especial reference to their fitness for the work, and shall be required to submit themselves to such an examination as the Commissioner of Motor Vehicles shall provide, and shall be equipped, at his discretion, with motor cycles or other means of conveyance. The Commissioner of Motor Vehicles shall organize the inspector force with the chief in-
Rules and regulations.	spector at its head, and shall adopt such rules and regulations for the regulation of the inspector force as shall appear desirable, and shall exercise the power of suspension, and when necessary, of discharge of inspectors for failure to comply with the rules of the department, or for any other cause. He shall fix the
Inspector's pay.	compensation of these inspectors, but in no case shall such compensation exceed three dollars per day. The Commissioner of Motor Vehicles shall also have the
Special inspectors.	power to appoint any number of citizens, not exceeding twenty, who shall be interested in the proper enforcement of this act, and who shall be known as special inspectors, not more than two of whom shall be residents of any one county. They shall serve without pay, and
Authority.	shall have all the power and authority of the paid inspectors as stated in this act. The Commissioner of Motor Vehicles shall also fix the compensation of clerical assistants and others employed under this act.
Salary of commissioner and chief inspector.	The compensation of the Commissioner of Motor Vehicles shall be fifteen hundred dollars per annum, in addition to any compensation he may receive by reason of any statute fixing the compensation of Assistant

Secretary of State, and that of the chief inspector shall be fifteen hundred dollars per annum.

3. Section fifteen of the act of which this is an amendment shall be amended by adding thereto the following:

Section 15
amended.

This section shall not apply to the owners or drivers of automobiles licensed pursuant to subdivision three of section sixteen of this act, but such automobiles licensed under said section shall at all times display on the back thereof the registration number of said automobile under the laws of the state in which the business of the owner shall be conducted, as provided in the said section, and no other number shall be required or shall be displayed upon the said automobile.

As to cabs
for hire.

4. Section sixteen of the act of which this is an amendment shall be amended so that it shall read as follows:

Section 16
amended.

16. (1) Every resident of this State and every non-resident, whose automobile shall be driven in this State, shall, before using such vehicle on the public highways, register the same, and no motor vehicle shall be driven unless so registered. Every registration shall expire and the certificate thereof become void on the thirty-first of December of each year; *provided*, it may be lawful for any automobile duly registered, to operate under said registration certificate for a period not exceeding thirty-one days after the expiration of said registration certificate. Such registration shall be made in the following manner: A statement in writing shall be made to the Commissioner of Motor Vehicles, or his lawful agent, containing the name and address of such owner, together with a brief description of the character of such automobile, including the name of the maker and the manufacturer's number, and the rated horse-power. The applicant shall pay to the Commissioner of Motor Vehicles for each registration, a fee of three dollars for automobiles of the first class; five dollars for the second class; and ten dollars for the third class. Automobiles of ten horse-power or less, shall be of the first class; from eleven to twenty-nine horse-power, inclusive, of the second class; and of thirty horse-power or more, of the third class. The Commissioner of Motor Vehicles

Registration
before using.

When void.
Proviso.

Manner of
registration.

Registration
fees.

Classes.

Certificate of
registration.

May refuse
registration.

Non-residents
to constitute
Secretary of
State the
agent for
service of
process.

Owner
notified by
commissioner.

Transfers.

Registration
and fee for
motor cycles.

shall issue for each automobile so registered a certificate properly numbered, stating that such automobile is registered in accordance with law, and shall cause the name of such owner with his address and the number of his certificate and description of such automobile, to be entered on the records of his department in alphabetical and numerical order. The Commissioner of Motor Vehicles may refuse registration in the case of any automobile that shall not comply with the requirements of this act or that shall seem to him unsuitable for use on the roads and highways of this State. Each owner having a residence outside of the State shall file with the Secretary of State a duly executed instrument, constituting the Secretary of State and his successors in office, the true and lawful attorney upon whom all original process in any action or legal proceeding caused by the operation of his registered motor vehicle, within this State, against such owner may be served, and therein shall agree that any original process against such owner shall be of the same force and effect as if served on such owner within this State; the service of such process shall be made by leaving a copy of the same in the office of the Secretary of State with a service fee of two dollars to be taxed on the plaintiff's costs of suit. Said Commissioner of Motor Vehicles shall forthwith notify such owner of such service by letter directed to him at the post-office address stated in his application. Upon any and every transfer of a registered automobile by the owner thereof, in whose name the same is registered, the said registration and certificate thereof shall forthwith be and become void; but the same may be validated by the endorsement of the Commissioner of Motor Vehicles, the purchaser having made written application therefor and paid a transfer fee of one dollar.

(2) Every resident who is the owner of a motor cycle, and every non-resident whose motor cycle shall be driven in this State, shall pay an annual registration or license fee of two dollars for such motor cycle, which shall include the right of such person to drive such motor cycle within this State without an exam-

ination of his ability to run a motor cycle, unless such an examination be required by the Commissioner of Motor Vehicles; and such owner shall be given a registration certificate, in which shall be designated the proper registration number, and such certificate shall expire on the thirty-first of December of each year, unless revoked by the Commissioner of Motor Vehicles, or as otherwise provided by this act.

(3) Every person or corporation regularly engaged in the business of carrying passengers for hire by means of automobiles, which business shall be conducted in a state adjoining the State of New Jersey, and the conduct of which business shall require such automobile to enter the State of New Jersey for said purposes shall make application, which application shall be in the form of a sworn statement, signed and sworn to by the applicant, or if the said applicant be a corporation, by an officer of the said corporation, and shall specify the number of automobiles which shall be operated in connection with the said business, the type and motive power of each, and the registration number of each under the laws of the adjoining state in which said business shall be connected, the Commissioner of Motor Vehicles shall issue to the said applicant, upon the payment of a fee of one hundred dollars, a registration certificate, which shall have endorsed thereon the type and state registration number of each of the said automobiles, and which shall permit the said automobiles to be operated within the State of New Jersey for a distance of not to exceed fifteen miles from the point of entry into the State; *provided, however*, that not more than fifteen of the said automobiles shall be within the State of New Jersey at any one time, and that no automobile shall be included under the provisions of such registration certificate unless the same is duly registered and licensed under the laws of the state in which such business is being conducted.

(4) Every manufacturer of or dealer in automobiles residing and having his principal place of business within this State, instead of registering each automobile owned or controlled by him, may make application, as hereinbefore provided in this section, for a

Registration
of vehicles
for hire from
adjoining
states.

Fee.

Proviso.

Dealer's
registration.

Certificate.	registration number, and the written statement, in addition to the matters hereinbefore contained, shall state that he is a manufacturer or dealer, as the case may be; that he desires to use a single number on automobiles owned or controlled by him while being used for demonstrating purposes. The Commissioner of Motor Vehicles may thereupon, if satisfied of the facts stated in said application, issue a certificate as herein set forth assigning the same a number, which certificate shall contain a statement that the same is issued to the applicant as a manufacturer or dealer, as the case may be. One certificate shall cover and be valid for the use of not more than five automobiles of said manufacturer or dealer at one time while under his control. The Commissioner of Motor Vehicles shall provide five sets of identification marks of the general style and kind hereinafter provided for motor vehicle registrations, and such identification marks shall not be used on any vehicle not actually owned by said manufacturer or dealer or operated either by him or his duly authorized agent. All such automobiles shall be regarded as registered under such general number, and in addition to the registration number displayed on the front and rear of the car as hereafter provided, there shall be added the letter "M," of equal size and prominence. The annual fee for such manufacturer's or dealer's registrations shall be five dollars for each car so authorized to be operated under such registration number, and the Commissioner of Motor Vehicles shall issue registration certificates in duplicate equal to the number of cars not exceeding five authorized to be operated under said registration number.
Number of vehicles not more than five.	
Identification mark.	
Fee.	
Section 17 amended.	5. Section seventeen of the act of which this is an amendment shall be amended to read as follows:
Driver must be licensed.	17. No person shall hereafter drive an automobile upon any public highway in this State, unless licensed to do so in accordance with the provisions of this act.
Age limit.	No person under the age of sixteen years shall be licensed to drive automobiles, nor shall any person be licensed to drive automobiles until said person shall have passed a satisfactory examination as to his ability as an operator, which examination shall include a test
Examination.	

of the knowledge on the part of said person of such portions of the mechanism of automobiles as is necessary in order to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant. Drivers' license certificates shall expire on the thirty-first of December of each year. Said licensee shall be entitled to drive any registered automobile of the horsepower or of a lesser horse-power than that for which he is licensed, but not greater. There shall be two classes of drivers' licenses. Those authorizing the licensee to drive cars of less than thirty horse-power shall be of the first class, and those authorizing the licensee to drive cars of thirty and greater horse-power shall be of the second class. The annual license fee to be charged shall be two dollars for drivers of the first class, and four dollars for drivers of the second class. If an automobile has more than one rating of horse-power, all fees shall be reckoned at the highest rating. *Provided, however,* that the Commissioner of Motor Vehicles shall, upon the application of any person who or corporation which shall have complied with the provisions of sub-division three of section sixteen of this act, issue to the said person or corporation a sufficient number of special drivers' certificates, which shall have endorsed thereon the registration number under the laws of the adjoining State in which the business of the said applicant shall be conducted of each of the automobiles of said applicant included in and covered by any license certificate issued pursuant to said sub-division three of section sixteen of this act, and which, when duly countersigned by a special agent appointed for that purpose by the said Commissioner of Motor Vehicles pursuant to the provisions of section ten of this act, shall authorize and permit the person to whom the same is issued to operate any of the automobiles registered under the laws of such adjoining state, the registration numbers of which shall appear endorsed upon the said certificate, and no others within the State of New Jersey, for a period of not to exceed twenty-four hours at any one time. Such driver shall at all times when operating any of the said vehicles within the State of New Jersey have in his possession the said

Expiration
of license.

Two classes.

Fees.

Proviso—
drivers of
vehicle com-
panies to have
special
drivers' cer-
tificates.

Good for
one day.

certificate, and shall, whenever requested so to do, exhibit the same to any motor vehicle inspector or police officer or constable within the said State of New Jersey; no other certificate of registration shall be required of the said driver and the preceding provisions of this section shall not be applicable to him.

Section 21
amended.

6. Amend section twenty-one of the act of which this is an amendment, so that it shall read as follows:

Number
displayed.

21. The owner of every automobile which shall be driven on the public highways of this State shall display on the front and rear of such vehicle, not less than fifteen inches or more than thirty-six inches from the ground an identification mark to be furnished by the

Proviso.

motor vehicle department; *provided*, that the said motor vehicle department shall not be required to furnish such identification mark to any motor vehicle already registered, prior to June first; and such motor vehicle so registered shall be permitted to display any identification mark lawful at the time of the passage of this

Description
of marker.

act prior to said June first. Said identification mark shall contain the number of the registration certificate of said vehicle in characters not less than four inches in height with a stroke of not less than one-half an inch, and shall be of such design as shall be prescribed by the

Tag numbers.

Commissioner of Motor Vehicles. On the tag shall be, in smaller characters, the manufacturer's number of the car, certified by the Commissioner of Motor Vehicles. The identification marks of vehicles shall be either of metal or leather, sufficiently enduring to be plainly legible under all atmospheric conditions for at least one year. Motor cycles shall also display such identification marks on the front and side thereof as the Commissioner of Motor Vehicles shall prescribe. All identification marks shall be kept clear and distinct and free from grease, dust, or other blurring matter, so as to be plainly visible at all times during daylight and night.

Markers
kept clear.

Section 25
amended.

7. Amend section twenty-five of the act of which this is an amendment, so that it shall read as follows:

Motors used
by military
exempt.

25. Motor vehicles belonging to the military establishment, while in use for official purposes in time of

riot, insurrection, or invasion, and motor vehicle inspectors appointed under this act, are exempt from the provisions of this act pertaining to speed.

8. Amend section thirty-seven of the act of which this is an amendment, so that it shall read as follows:

Section 37
amended.

37. Moneys received in accordance with the provisions of this act, whether from fines, penalties, registration fees, license fees, or otherwise, shall be accounted for and forwarded to the Commissioner of Motor Vehicles and by him paid over to the Treasurer of the State of New Jersey, to be appropriated annually to the Commissioner of Public Roads, to be used as a fund for the repair of the improved roads throughout the State, whether they had been originally built by State aid or not, and to be by the said Commissioner, apportioned once each year among the several counties of this State according to the mileage of improved roads in each county, the share apportioned each county to be used for the repair of improved roads in that county under the direction of the Commissioner of Public Roads or his authorized representatives, and to be paid in the same manner as State funds are now paid for the improvement of public roads. The term "improved roads" as used in this section shall not include streets paved with cobble stones, Belgium block or asphalt.

All moneys
to accrue to
State for
repair of
roads.

9. Amend section thirty-eight of the act of which this is an amendment, so that it shall read as follows:

Section 38
amended.

38. The Commissioner of Public Roads shall be authorized and full power and authority are hereby given to him to have erected at such points throughout the State as to him shall seem necessary, cautionary warnings of dangerous crossings, steep declivities or other irregularities or perils of the roadway, at a cost, however, not to exceed in the aggregate one thousand dollars per annum.

Cautionary
signs.

10. This act shall take effect immediately.

Approved April 16, 1908.

Cost.

CHAPTER 305.

An Act to create a department of accounts, and to provide for a uniform system of bookkeeping and accounts throughout the different departments and institutions of the State.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Auditor of
accounts.

1. There shall be established a department of accounts in charge of a chief whose title shall be "Auditor of Accounts," together with as many assistants, not exceeding three, as the exigency of the case, in the judgment of the chief and the Governor, shall require. The said Auditor shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall have an annual salary of three thousand dollars, payable monthly. His term of office shall be for five years. He shall have the power to appoint (with the approval of the Governor) as many assistants, not exceeding three, and a stenographer, as shall be necessary to carry into effect the provisions of this act. The salary of said assistants shall be two thousand dollars a year, and of the said stenographer six hundred dollars a year, and shall be payable monthly by the State Treasurer on the warrant of the Comptroller. Their terms shall also be for five years. The said Auditor of Accounts and his assistants shall be paid their actual necessary traveling expenses monthly by the State Treasurer on the warrant of the Comptroller.

Salary.

Term.

Assistants;
their salary.

Expenses
met.

Duties.

Audit all
accounts.

2. It shall be the duty of said Auditor of Accounts to establish a uniform system of bookkeeping to be adopted, so far as practicable, in all the departments and institutions of the State, and it shall be the duty of said Auditor of Accounts and his assistants to thoroughly examine and audit all accounts of said departments and institutions at least twice a year. Such

examination shall also extend to a complete audit and verification of the reports of all county or State officials who are now or hereafter may be charged with the duty of collecting fees or other moneys for or on behalf of the State, and for this purpose the books, papers and documents of all officials, departments, commissions, boards and institutions of this State, as well as of all State, county or other officials charged with the duty of collecting fees or other moneys for or on behalf of the State, are hereby required to be laid open and exposed to the examination of the said Auditor of Accounts or of any of his assistants.

3. The Governor may remove the said auditor of accounts or any of said assistants for neglect of duty, inefficiency or misconduct in office. Before such removal shall occur, he shall have served upon the auditor or assistants in writing the grounds for such removal and shall have given them a reasonable opportunity to have been heard thereon. Upon the making of such order of removal the same shall be filed in the office of the Secretary of State. Power of removal.

4. All acts and parts of acts inconsistent herewith be and the same are hereby repealed, including chapter one hundred and ninety-eight of the laws of nineteen hundred and four. Repealer.

5. This act shall take effect immediately.

Approved April 16, 1908.

CHAPTER 306.

An Act relating to the real and personal property of dissolved particular local churches in the State connected with the Presbyterian Church in the United States of America.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. That whenever, pursuant to the constitution, laws, usages or customs of the Presbyterian Church in the Property of dissolved church vested in presbytery.

Disposition
of property
and proceeds.

United States of America, any presbytery in this State connected with the said Presbyterian Church in the United States of America has heretofore dissolved, or shall hereafter dissolve, any particular local church subject to the ecclesiastical jurisdiction of such presbytery, the property, real and personal, of such particular local church, and of the congregation connected therewith, whether held by an incorporated board of trustees or otherwise, shall, upon such proceedings in dissolution, vest in the trustees of such presbytery (provided said trustees be incorporated), in as full and ample a manner as the same shall theretofore have been vested in the board of trustees or persons or body holding the same in trust for such particular local church and congregation, and said trustees of such presbytery may, under the direction of such presbytery, manage, sell, or otherwise freely dispose of the same, and shall apply the proceeds thereof, in such manner as to such presbytery may seem best for religious uses and purposes within the territory over which such presbytery shall have ecclesiastical jurisdiction, and in the event that such property shall be sold by the trustees of such presbytery, such sale or conveyance by such incorporated trustees of such presbytery shall be as good and effectual in law and equity as if made by the board of trustees, persons or body formerly holding the same, and shall vest in the grantee all the right, title and interest in and to such property theretofore vested in such church and its trustees, or in such congregation therewith connected, or in such persons or body holding the same in trust for such particular local church and congregation.

2. This act shall take effect immediately.

Approved April 16, 1908.

CHAPTER 307.

An Act to amend an act entitled "An act to establish schools of detention," approved March twenty-seventh, one thousand nine hundred and six.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Amend section one of an act entitled "An act to establish schools of detention," approved March twenty-seventh, one thousand nine hundred and six, so that it shall read as follows:

Section 1
amended.

1. It shall be lawful for the boards of chosen freeholders or commissioners of any county in this State where a Juvenile Court is established, or may hereafter be established, to purchase suitable land and buildings, or erect the necessary buildings on land owned by said county, to be used as a school of detention for the purpose of caring for dependent and delinquent children under sixteen years of age whom it may be necessary to hold in custody by virtue of the order or direction of any Court of Common Pleas of said county, and to furnish and maintain the same; *provided*, that no such land shall be purchased, or building or buildings shall be erected, without the consent and approval of the judge of the Juvenile Court. Such school of detention, together with the land belonging thereto, shall constitute a special school district in said county, and shall be entitled to receive, and the county superintendent of said county shall apportion and cause to be paid to the county collector, who shall be the custodian of school moneys for said special school district, such apportionments "of the State school moneys and interest and surplus revenues" as are paid to public school districts in said county. When the grounds have been secured, and the buildings erected and prepared for occupancy, the general management of such school of detention and

Building for
school of
detention.

Proviso.

Managers of
school of
detention.

school district shall be vested in a board of directors, consisting of the judge of the Juvenile Court, the county superintendent of schools, the president or director of the board of chosen freeholders, or county commissioners, and the superintendent of schools of the most populous city in said county.

Section 3
amended.

2. Section three of said act shall be amended so as to read as follows:

Arrange-
ments.

3. The said schools of detention shall be arranged and conducted, so far as practicable, for the safe custody of children committed thereto, and, so far as the length of time of their commitment permits, for their training and education for good citizenship and self-support. There shall be ample ground for farming or

Grounds and
shops.

gardening, and shops or other means, for industrial training, and the institution shall be maintained or conducted as a home. To this end the employees provided

Officers and
employes.

for and selected to control and manage such school of detention shall be a superintendent, and such teachers, matrons, farmers, and other employes as in the judgment of the board of directors may be necessary for the proper maintenance of the school and grounds, and the proper care and instruction and training of the children. The said superintendent shall be a man or a woman of good moral character, and thoroughly competent to discharge the duties of the office. The said superintendent shall be selected and employed by the said board of directors of said special school district, and he or she shall reside in said school of detention or special school district. The course of study and training for the pupils in such school of detention shall be prepared by said superintendent, or by the principal teacher of said school, subject to the approval of the board of directors and the State Board of Education. The teachers in said school shall be required to have such legal certificates to teach as are required of teachers in the public schools of the State. The principal teacher shall be the supervising principal, and the district shall be entitled to the \$600 per year now apportioned by law, or whatever sum may hereafter be apportioned to school districts under the supervision of a supervising principal. The teachers and principal of said school district

Superin-
tendent.

Teachers.

Supervising
principal.

shall make such reports and keep such records as are required to be made and kept in other public school districts of said county. The said superintendent shall have power to employ such additional help as may be necessary for the maintenance of such buildings and grounds, subject to the approval of the board of directors. The salaries or wages and terms of service of such superintendent, matron, teachers and other employes of such school shall be determined by said board of directors. Whatever sum in addition to the money received from the State may be necessary to maintain, operate and conduct said school to pay salaries or wages of employes, and to procure supplies, shall be appropriated by the board of chosen freeholders of said county. All bills shall be paid by the custodian of school moneys of said special school district on order signed by the president and secretary of the said board of directors.

School
records.

Salaries.

Additional
funds fur-
nished by
county.

3. Section five of said act shall be amended to read as follows:

Section 5
amended.

5. For the purpose of obtaining means for the purchase of such lands and buildings, or the erection of such building or buildings for the school of detention, and the furnishing thereof, it shall be lawful for the board of freeholders or commissioners of any such county to issue and sell the bonds of said county to an amount not exceeding one-half of one per centum of the ratables of said county; said bonds shall bear interest at a rate not exceeding five per centum per annum, and the principal thereof shall be payable at a time not exceeding twenty years from their date; and such board of chosen freeholders, or county commissioners, shall establish a sinking fund, to be raised by taxation from year to year, sufficient to pay off and discharge said bonds at their maturity, and shall also include in the annual tax levy a sum sufficient to pay the interest thereon.

County may
issue bonds.

Amount.

Rate.

Time.

Sinking fund.

6. In counties of the State where the total commitments of the above classes of children during the year may be so few as in the judgment of the board of chosen freeholders to render impracticable on account of the large expense involved, the building and supporting of such houses of detention, it shall be lawful for

Counties may
contract with
private in-
stitutions for
care of
children.

Proviso.

Such schools
not part of
State school
system.

such county through its respective board of chosen freeholders, with the consent of the judge of the Juvenile Court of said county, or the judge of the Orphans' Court, if there be no Juvenile Court, to enter into negotiations with any reputable and regularly incorporated society or institution in this State whose business it is to care for homeless or indigent or neglected children, for the board and care of such children as may from time to time be committed by the said judge; *provided*, such society or institution is found equipped with the facilities for, and is willing to enter into bonds to carry out in full the spirit and intent of this bill as to the length of time such child or children shall be detained, the character of the physical, the mental, and the moral discipline it shall receive, the studies to be taught, and the regular reports to be made. And the said judge, with the concurrence of the said board of chosen freeholders, is hereby authorized to fix the price to be paid per week for the board of each child so placed, not exceeding three dollars per week; the amount to be expended in clothing and whatever other expenses of books, medical attendance or incidentals may be found necessary, and to provide for the payment of all such expenses. And such private industrial school under the control of such corporate society or institution, by thus accepting such children from the county shall not thereby become a part of the public school system of the State, but retain its place and its corporate powers and its character as a private school belonging to and a part of the said corporate society or institution.

Approved April 16, 1908.

CHAPTER 308.

An Act to amend an act entitled "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof" (Revision of 1907), approved May twentieth, one thousand nine hundred and seven.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section three of the act of which this act is amendatory be and the same is hereby amended so that it reads as follows: Section 3 amended.

3. For the purposes of this act an article shall be deemed to be adulterated— Impure drugs.

In the case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia, or National Formulary, it differs from the standard of strength, quality or purity (as determined by the test) laid down in the United States Pharmacopœia, or National Formulary, official at the time of investigation; *provided*, that no drug sold under or by a name recognized in the United States Pharmacopœia, or National Formulary, except the official preparations of opium, iodine, camphor, ginger or peppermint, shall be deemed to be adulterated under this section if the standard of strength, quality or purity be plainly and correctly stated upon the bottle, box or other container thereof, although the standard may differ from that laid down in such United States Pharmacopœia or National Formulary. Proviso.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

In the case of confectionery:

If it contains terra alba, barytes, talc, chrome yellow or other mineral substance, or poisonous color or Impure confectionery.

flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug.

Impure food.

In the case of food:

First. If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed.

Proviso.

Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health; *provided*, that when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this act shall be construed as applying only when said products are ready for consumption.

Sixth. If it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

Section 4 amended.

2. Section four of the act of which this act is amendatory be and the same is hereby amended so that it reads as follows:

"Misbranded" defined.

4. The term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory or country in which it is manufactured or produced.

For the purposes of this act an article shall also be deemed to be misbranded—

In the case of drugs:

Misbranded
drugs.

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, acetphenetidine, phenacetin or antipyrin, or any derivative or preparation of any such substances contained therein; *provided*, that nothing in this subdivision contained shall be construed to apply to such preparations as are specified and recognized by the United States Pharmacopœia or National Formulary, which are in accordance therewith, or to the compounding of family or domestic recipes, or the filling of prescriptions furnished by practicing physicians, dentists or veterinarians, the originals of which recipes and prescriptions are retained and filed by the druggists compounding or filling the same; *and provided further, however*, that nothing in this act contained shall be construed to apply to such drugs or medicines as are personally dispensed by legally licensed physicians, dentists or veterinarians in the course of their practice as such physicians, dentists or veterinarians.

Proviso.

Proviso.

In the case of food:

Misbranded
foods.

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, acetphenetidine, or phenacetin or antipyrin, or any de-

rivative or preparation of any such substances contained therein.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it, or its label shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular.

Section 46
amended.

3. Section forty-six of the act of which this act is amendatory be and the same is hereby amended to read as follows:

Dealer's
exemption.

46. No dealer shall be prosecuted under the provisions of this act for distributing or selling, or having in his possession with intent to distribute or sell, any article of food or drug which under any of said provisions shall be deemed to be adulterated or misbranded; *provided*, that said article of food or drug is distributed or sold or had in possession with intent to distribute or sell in the original unbroken package in which it was received by said dealer, and that, in case said article was purchased by said dealer from a wholesaler, jobber, manufacturer, or other person residing in this State, and said dealer can establish a guarantee signed by such wholesaler, jobber, manufacturer or other person from whom he purchased such article, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it; or in case said article was purchased by said dealer from a wholesaler, jobber, manufacturer or other person residing in the United States of America, but outside of this State, and said dealer can establish a guarantee, signed by such wholesaler, jobber, manufacturer or other person from whom he purchased such article, to the effect that the same is not adulterated or misbranded within the meaning of an act of the Congress of the United States of America, entitled "An act for preventing the manufacture, sale or transportation of adulterated or misbranded, or poisonous or deleterious foods, drugs, medicines and liquors, and for regulating traffic therein, and for other pur-

Proviso.

poses," approved June thirtieth, one thousand nine hundred and six, and the supplements and amendments thereof. Such guaranty, to afford protection, shall contain the name and address of the person making the sale of such article to such dealer, and in such case said person, if he is a resident of this State, shall be amenable to the prosecution, fines and other penalties which would attach in due course to the dealer under the provisions of this act. If the guaranty is signed by a person who resides outside of this State, then the Board of Health of this State shall report the facts in the case to the Secretary of Agriculture of the United States, or the proper officer appointed for the enforcement of the above-mentioned act of Congress; *and provided further*, that no guarantee that any article is not adulterated or misbranded within the meaning of the above-mentioned act of Congress, shall be effective to exempt any dealer from prosecution under this act, unless the provisions of the above-mentioned act of Congress and of this act covering the adulteration and misbranding of such guaranteed article are identical.

Guaranty.

Proviso.

The provisions of the act relating to misbranding shall not apply to the distribution or sale or to the possession with intent to distribute or sell by any dealer of such proprietary foods and medicines as were in such dealer's stock in this State on October first, nineteen hundred and eight; *provided*, that the package or other container in which such foods or medicines shall be contained shall be plainly and conspicuously marked with the words and figures "On hand Oct. 1st, 1908."

Goods on hand not included.

Proviso.

4. Nothing in this act contained shall be taken or construed to authorize or legalize, the selling, giving away, furnishing or disposing of any article, substance, admixture or patent or proprietary remedy, the sale, gift, furnishing or disposition of which is prohibited, except upon the prescription, by any statute of this State.

Patent medicines.

5. This act shall take effect on the first day of October, one thousand, nine hundred and eight.

Approved April 16, 1908.

CHAPTER 309.

An Act to regulate and control the issue of bonds and other obligations of cities of the first class in this State.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Consent to
issue of bonds
by council.

1. It shall be unlawful for any board or body of any city of the first class in this State to issue or cause to be issued the bonds or other obligations of such city for any sum or amount whatsoever, until the consent and approval of the common council, or of the board or body having control of the finances of such city to the issue of such bonds or other obligations, is first had and obtained, any law of this State to the contrary notwithstanding; such consent and approval of the common council, or of the board or body having control of the finances of such city, shall be expressed by resolution, and any such bonds or other obligations issued without such consent and approval shall be absolutely void and of no effect as against such city. It shall be discretionary with the common council, or other board or body having control of the finances of any such city, to consent to and approve of the issue of any such bonds or other obligations of such city, any law of this State to the contrary notwithstanding.

Consent discretionary.

2. This act shall take effect immediately.

Approved April 16, 1908.

CHAPTER 310.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to regulate elections' (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight," approved April fourteenth, one thousand nine hundred and three.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Section thirty-three of the supplement of which this act is an amendment is hereby amended to read as follows: Section 33 amended.

33. The following sections of the act to which this act is a further supplement shall apply, as far as may be, to the primary elections held pursuant to this act: Sections of election law applicable to primary elections.
 Sections thirty-three (33), thirty-four (34), thirty-five (35), thirty-six (36), forty-eight (48), fifty-three (53), fifty-five (55), fifty-six (56), fifty-seven (57), fifty-eight (58), fifty-nine (59), sixty-two (62), sixty-three (63), sixty-five (65), sixty-six (66), sixty-eight (68) to seventy-nine (79) (both inclusive), eighty-one (81), eighty-two (82), eighty-three (83), eighty-four (84), eighty-six (86) to ninety-two (92) (both inclusive), ninety-eight (98), ninety-nine (99), one hundred (100), one hundred and fifty-nine (159), one hundred and sixty (160), one hundred and sixty-one (161), one hundred and seventy-nine (179), one hundred and eighty (180), one hundred and eighty-six (186), one hundred and eighty-seven (187), one hundred and eighty-eight (188), one hundred and ninety (190), one hundred and ninety-one (191), one hundred and ninety-three (193) to two hundred and thirteen (213) (both inclusive), two hundred and fourteen (214), two hundred and fifteen (215), two hundred and seventeen (217), two hundred and eighteen (218) and two hundred and nineteen (219).

2. This act shall take effect immediately.

Approved April 16, 1908.

CHAPTER 311.

An Act to provide for the care, maintenance, instruction and custody of indigent, feeble-minded men.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Care of
feeble-
minded men
at epileptic
village.

1. The Board of Managers of the New Jersey State Village for Epileptics, at Skillman, New Jersey, is hereby authorized, empowered and directed to provide for the care, maintenance, instruction and custody of indigent, feeble-minded men, not less than twenty-one years of age, by the furnishing of employment, training, medical attention, and such other oversight and care as may be necessary to insure their welfare.

Act extended.

2. The provisions of an act entitled "An act to establish a village for epileptics and to repeal certain acts inconsistent therewith," approved March twenty-first, one thousand nine hundred and one, and the supplement thereto, shall be constructed so as to include the care, maintenance, instruction and custody of feeble-minded men; and the words "epileptic" and "patient" wherever used in said act, shall be construed to include feeble-minded men.

Approved April 16, 1908.

CHAPTER 312.

A Supplement to an act entitled "An act concerning partition," approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Disposition of
proceeds of
partition sale
when person
unknown.

1. Where the residence of any person interested for life or otherwise in the proceeds of land or real estate

heretofore or hereafter sold, by virtue of any proceedings in partition in this State, which have or may hereafter be deposited in court, or invested according to law, is unknown, or where it is not known whether any person, who, if living, would be interested as aforesaid, in any proceeds of the sale of lands or real estate deposited or invested as aforesaid, is living or not, or where any person interested either for life or otherwise in the proceeds of the sale of land or real estate deposited or invested as aforesaid, whether a resident of this State or not, absents himself or herself from this State, or conceals himself or herself in this State, for seven years successively, it shall be lawful for the court having the power, by order or decree, of distributing such proceeds of sale, deposited or invested, as aforesaid, to order or decree a distribution of any share or interest in the proceeds of sale deposited or invested as aforesaid to which any such person would be entitled for life or otherwise, to and among the person or persons who are, or may be entitled by law to receive the same in the case of the death of such persons so interested therein as aforesaid, and the court may fix the time when it is supposed or deemed that such person died and may order refunding bonds to be given by or on behalf of any person or persons to whom any part of said share shall be distributed, to the clerk of the court, and his successors, in such sum, and with such condition, with or without security, as the court might direct.

After seven years, court to order distribution.

Assume time of death.

2. This act shall take effect immediately.

Approved April 16, 1908.

CHAPTER 313.

An Act providing for the retirement of certain judicial officers and former judicial officers and fixing their compensation when retired.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

Retirement of
judicial
officers.

1. The Chancellor, Chief Justice, Associate Justice of the Supreme Court or Vice Chancellor, who shall have served the State in one or more of the judicial positions named for a period of not less than twenty-one years, may retire from such service, upon filing his resignation of his judicial office in the office of the Secretary of State, accompanied by a statement that it is so filed for the purpose of taking advantage of the provisions of this act; *provided*, that no one of said judicial officers shall be permitted to retire, under the authority of this section, who shall be under the age of seventy-three years.

Proviso.

If incapacity
occurs during
term.

2. In case any of the judicial officers, mentioned in the first section of this act, shall, while in office, become, physically or otherwise, incapacitated for full and efficient service to the State in his judicial position, which physical or other disability shall have developed or occurred during his term of service, and it shall be made to appear, as hereinafter provided, not only that such physical or other disability exists but, that it will in all reasonable probability continue permanently, such judicial officer may in that event retire from the service of the State in the manner provided in case of retirement under the provisions of the first section of this act, notwithstanding he may not have served the length of time or reached the age for retirement mentioned in said first section.

Examina-
tion to estab-
lish disability.

3. Before retirement may be taken under the second section of this act, the judicial officer, seeking to retire

under the same, shall inform the Governor of his desire to do so and it shall be the duty of the Governor, thereupon to appoint three physicians of skill and repute in their profession, and residents of this State, who shall examine the applicant for retirement and report to the Governor as to his physical or other disability and as to whether in all reasonable probability, if they find such disability to exist, it will continue permanently and does and will continue to prevent the applicant from giving full and efficient service to the State in the performance of his judicial duties. Upon the coming in of such report, if the Governor approve the same, he shall file it with his approval endorsed thereon, in the office of the Secretary of State there to remain of record, and thereupon such applicant may file his resignation in such office and he shall be entitled to the benefit of this act as a retired judicial officer as fully as if retired under the first section hereof.

Approved
report filed
with Secretary
of State.

4. Any judicial officer, retiring under the provisions of this act, shall be paid an annual salary or compensation during the period of his natural life, commencing with the date of his resignation, at the rate of one-third of the annual salary or compensation he was receiving at the time of the filing of the same in the office of the Secretary of State as aforesaid. Said salary shall be paid monthly by the State Treasurer on the warrant of the Comptroller, out of any funds appropriated for that purpose or from funds not otherwise appropriated.

Pension.

5. The provisions of this act shall apply to any person otherwise qualified under sections one or two of this act, who shall have withdrawn from such service of the State by resignation, failure of reappointment or otherwise, within one year prior to the passage and approval of this act.

Applicants.

6. This act shall take effect immediately.

Approved April 16, 1908.

CHAPTER 314.

An Act in relation to the appointment of a court crier to the several courts of the counties of the first class, and fixing the salaries for same.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Appointment
of court
crier.

1. The judge of the Court of Common Pleas with the advice and consent of the board of chosen freeholders in counties of the first class is authorized to appoint in their respective counties, a person as crier for the Court of Common Pleas. The duties of said crier shall be to attend daily upon the said court in the county wherein appointed during the several terms thereof, for which services the said crier in all counties of the first class shall receive and be paid an annual compensation or salary of not more than twelve hundred dollars, to be fixed by the board of chosen freeholders of such counties, in lieu of any per diem compensation or any other fees or costs of any nature whatever, such annual salary to be paid monthly by the county collector upon the certificate of the county clerk of said county.

Duties.

Salary.

Repealer.

2. All acts and parts of acts, general or special, inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 16, 1908.

CHAPTER 315.

An Act to amend an act entitled, "An act incorporating the borough of Hawthorne, in the county of Passaic", approved March twenty-fourth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. *Section amended.* Section two of said act is hereby amended so as to read as follows:

Section
amended.

2. *Boundaries.* The boundaries of said borough shall be as follows: beginning in the middle of the Passaic river where the center line of Prescott avenue extended southerly would intersect the same, and running thence (1) north, eighteen degrees and nineteen minutes west along said center line so extended to a point in the center line of the Godwinville road; thence (2) southwesterly along the same fifty feet; thence (3) northwesterly on a line nearly parallel with said Prescott avenue so extended, to a point in the center line of North Eighth street which is distant thirty-two and one-half feet southwesterly from the center line of Prescott avenue measured along said center line of North Eighth street; thence (4) northeasterly along said center line of North Eighth street thirty-two and one-half feet to the center line of Prescott avenue which point is now the dividing line between the boroughs of Hawthorne and Prospect Park; thence (5) continuing north, eighteen degrees and nineteen minutes west, along the center line of Prescott avenue to a stake on the top of the hill which is distant two thousand nine hundred and fifty-five feet from said beginning point; thence (6) north, thirty degrees and twenty-five minutes east, seven hundred and eighty-eight feet and six inches to a stake and stone heap; thence (7) north, twenty-five degrees and ten minutes east, five hundred and forty-five feet and thirty

Boundaries of
Hawthorne.

New Jersey State Library

one-hundredths of a foot to a cross cut on a rock; thence (8) north, twenty-two degrees and two minutes east, six hundred and thirteen feet and six inches to a spike set in a rock; thence (9) north, thirteen degrees and twenty-three minutes east, four hundred and twenty-five feet and thirty one-hundredths of a foot to a cross cut on a rock; thence (10) north, one degree and fifty-five minutes east, one hundred and fifty-two feet and ninety one-hundredths of a foot to a stake; thence (11) north, fifteen degrees and fifteen minutes east, three hundred and twenty-five feet and eighty one-hundredths of a foot to a cross cut on a rock; thence (12) north, ten degrees east, two hundred and ninety feet to a cross cut on a rock; thence (13) north, seven degrees and forty-one minutes east, five hundred and seventy-eight feet and forty one-hundredths of a foot to a stake; thence (14) north, seventeen degrees and fifty-nine minutes west, two hundred and thirty-three feet and forty one-hundredths of a foot to a stake; thence (15) north, nine degrees and twenty-five minutes east, nine hundred and twenty-five feet and thirty one-hundredths of a foot to a spike set in a rock; thence (16) north, sixteen degrees and eight minutes east, two hundred feet to a stake; thence (17) north, twenty-two and a half degrees east, one hundred and fifty-four feet and forty one-hundredths of a foot to a stake; thence (18) north, twenty degrees and forty-one minutes east, one hundred and forty-three feet and twenty one-hundredths of a foot to a cross cut on a rock; thence (19) north, two degrees and thirty-three minutes east, four hundred and seventy-two feet and fifty one-hundredths of a foot to a cross cut on a rock; thence (20) north, one degree and fifty-seven minutes east, four hundred and twenty-four feet to a cross cut on a rock; thence (21) north, seven degrees and seventeen minutes east, two hundred and sixty feet and twenty one-hundredths of a foot to a cross cut on a rock; thence (22) north, two degrees and nine minutes east, nine hundred and fifteen feet and twenty one-hundredths of a foot to a cross cut on a rock; thence (23) north, six degrees and twenty minutes west, five thousand one hundred and eighty-eight feet and twenty-five one-hundredths of a foot to a stake

standing in the corner of the county line between the counties of Passaic and Bergen; thence (24) along said county line north, thirteen degrees east, two thousand four hundred and eighty-five feet to a large stone lying on the south side of the Goffle Hill road near the residence of Abner Predmore; thence (25) still along said county line south, forty-three degrees and thirty-eight minutes east, seven thousand two hundred and seventy-five feet to the end of a stone wall near Coe's Hotel; thence (26) still along said county line south, forty-four degrees and thirty minutes east, two thousand nine hundred and ninety-seven feet to the center of Cherry (formerly Goetschius) lane; thence (27) southwesterly along the center line of Cherry lane to the middle of the Passaic river; and thence (28) westerly along the middle of the Passaic river the several courses thereof to the place of beginning.

2. This act shall take effect immediately.

Approved April 16, 1908.

CHAPTER 316.

An Act to amend "An act respecting the Orphans' Court, and relating to the powers and duties of the ordinary and the Orphans' Court and surrogates" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section one hundred and sixty-nine of the act entitled "An act respecting the Orphans' Court, and relating to the powers and duties of the Ordinary and the Orphans' Court and surrogates" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight, be and the same is hereby amended so that said section shall read as follows:

Section 169
amended.

Manner of
distribution.

Share of
widow and
children.

Settlements
or advances
deducted.

If no children,
widow
allotted all.

If no widow,
children
allotted all.

Division of
estate of
deceased
children.

When illegiti-
mate child
represents
mother.

169. The whole surplusage of the goods, chattels and personal estate of every person dying intestate shall be distributed in manner following, that is to say:

I. One-third part of the said surplusage to the widow of the intestate, and all the residue, by equal portions, to and among the children of such intestate, and such persons as legally represent such children, in case any of the said children be then dead, other than such child or children, who shall have any estate by the settlement of the intestate, or shall be advanced by the intestate in his lifetime, by portion or portions equal to the share which shall, by such distribution, be allotted to the other children to whom such distribution is to be made; and in case any child shall have any estate by settlement from the said intestate, or shall be advanced by the said intestate, in his lifetime, by portion not equal to the share which will be due to the other children, by such distribution as aforesaid, then so much of the surplusage of the estate of such intestate shall be distributed to such child or children as shall have any land by settlement from the intestate, or were advanced in the lifetime of the intestate, as shall make the estate of all the said children to be equal, as near as can be estimated.

II. In case there be no children, nor any legal representative of them, then the whole of the said estate shall be allotted to the widow of the said intestate.

III. And in case there be no widow, then all the said estate to be distributed equally to and among the children; and in case there be no child, then to the next of kindred, in equal degree, of or unto the intestate and their legal representatives as aforesaid.

IV. If, after the death of a father, any of his children shall die intestate, without wife or children, in the lifetime of the mother, every brother and sister, and the representatives of them, shall have an equal share with her, anything in this act or any law to the contrary notwithstanding.

V. If the mother of any illegitimate child or children shall die without leaving a husband surviving her, and leaving no lawful issue, or the issue of any, then the surplusage of her goods, chattels and personal estate shall be paid to her illegitimate child or children.

VI. The whole surplusage of the goods, chattels and personal estate of any illegitimate person who shall die intestate and unmarried, and leaving no lawful issue, or the issue of any, him or her surviving, shall go to and be paid over to the mother of such illegitimate person; and if the mother shall have died before such illegitimate child, the next of kin of the mother shall take in the same manner as though the deceased child had been legitimate.

Estate of illegitimate person.

VII. If any person has died or shall die intestate, leaving no widow and no known kindred or relatives, the administrator or administrators of his estate shall at the expiration of one year after the death of such intestate, put the surplus of said estate, after payment of debts and necessary expenses, out at interest, and pay the net interest or income thereof annually to the treasurer of the township or city in which said intestate has so died or shall so die, to and for the use of the poor of said township or city, and shall, whenever applied to for that purpose, pay the principal of such personal estate, if thereto required by the judgment or decree of any court of competent jurisdiction, within seven years next after the decease of such intestate, to his or her legal representative or representatives applying for the same, by assigning to him, her or them the bond or other security therefor, or by otherwise satisfying him, her or them for the same; and if no person or persons legally entitled to the personal estate of such intestate shall, within the said seven years next after his or her decease, make application as aforesaid to such administrator or administrators for the said principal, he, she or they so entitled shall forever thereafter be debarred from all right, title or claim to such decedent's personal estate, and the said administrator or administrators shall, immediately after the expiration of the said seven years, pay the whole of the said principal, with the interest that may then be due thereon, to the treasurer of the township or city in which said intestate died, to and for the use of the poor of the said township or city; *provided, always*, that the right of foreigners, by treaty or otherwise, shall not be affected by anything in this section contained.

If no widow or kindred.

Surplus put at interest payable to municipality for benefit of poor.

After seven years, principal paid to municipality for poor.

Proviso.

Repealer.

2. All acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Approved April 16, 1908.

CHAPTER 317.

An Act to provide and furnish an office for the use of the county superintendent of schools, at the county seat of the several counties of this State, and to aid in maintaining the same.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Office for
county super-
intendent at
county seat.

1. The board of chosen freeholders of each county of this State may provide an office of suitably furnished rooms, at the county seat, for the use of the county superintendent of schools, in which office shall be kept the school records of the county for the use of the County and State Departments of Public Instruction, the United States Bureau of Education and the United States Commissioner of Education, said office to be kept open to the public the same as other county offices.

Appropriation.

2. A sum not exceeding five hundred dollars may be appropriated annually by said board of chosen freeholders and paid quarter-yearly to the county superintendent of schools toward the expenses incurred for clerical assistance in said office.

3. This act shall take effect immediately.

Approved April 16, 1908.

CHAPTER 318.

A Supplement to an act entitled "An act making appropriations for the support of the State government and for several public purposes for the fiscal year ending October thirty-first, one thousand nine hundred and eight," approved June fifteenth, one thousand nine hundred and seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

I. The following sums, or so much thereof as may be necessary, be and they are hereby appropriated out of the State fund for the several purposes herein specified, and for supplying deficiencies in former appropriations for the fiscal year ending October thirty-first, one thousand nine hundred and eight: Supplemental appropriations.

I.

QUARTERMASTER-GENERAL'S DEPARTMENT.

For additional allowance for blanks and stationery for use in the Quartermaster-General's department, two hundred dollars. Quartermaster-General.

2.

OFFICE OF THE SECRETARY OF STATE.

For additional allowance for services and expenses for the purpose of carrying out the provisions of "An act respecting the recording of certificates and other papers relating to and affecting corporations," approved March twenty-eighth, one thousand nine hundred and four, one thousand dollars; Secretary of State.

For additional allowance for postage, expressage and other incidental expenses for the office of Secretary of State, one thousand dollars;

For additional allowance for blanks and stationery for use in the office of the Secretary of State, one thousand dollars;

For purchase of corporation laws at a rate not to exceed fifty cents per volume, one thousand two hundred and fifty dollars;

For the care, inspection and other expenses connected with voting machines, three thousand dollars.

3.

COURT OF ERRORS AND APPEALS.

Court of
Errors.

For additional allowance for compensation of officers of the Court of Errors and Appeals, one hundred and seventy-five dollars.

4.

COUNTY LUNATIC ASYLUMS.

County
asylums.

For additional allowance for the support of county patients in the Essex county lunatic asylum, one thousand dollars;

For additional allowance for the support of county patients in the Hudson county lunatic asylum, five thousand dollars.

5.

STENOGRAPHIC REPORTERS.

Stenographic
reports.

For additional allowance for amount to be refunded to the various counties in this State for salaries of stenographic reporters appointed by the justices of the Supreme Court, pursuant to chapter eighty-one of the laws of one thousand nine hundred and one, one thousand dollars.

6.

OYSTER AND CLAM COMMISSIONER OF THE DISTRICT OF
SHARK RIVER, IN THE COUNTY OF MONMOUTH.

To A. Frank Bennett, Jr., for services as oyster and clam commissioner of the district of Shark River, in the county of Monmouth, pursuant to chapter fourteen, laws of one thousand nine hundred and five, one hundred nineteen dollars and fifty cents.

Shark river
oyster com-
missioner.

7.

CONSTITUTIONAL AMENDMENTS.

For payments to newspapers for publishing the proposed constitutional amendments of the session of one thousand nine hundred and seven, three thousand one hundred dollars.

Amend-
ments.

8.

RAILROAD TAX.

To the New York Bay Railroad Company, for amount of state railroad tax paid into the State treasury for the years one thousand eight hundred and ninety-four to one thousand nine hundred, inclusive, to be refunded pursuant to Order of the Supreme Court, entered July twenty-sixth, one thousand nine hundred and seven, one thousand four hundred and seventy dollars.

Refunded tax.

9.

ATTORNEY-GENERAL'S DEPARTMENT.

For additional allowance for compensation and expenses of assistants employed by the Attorney-General, nine hundred and twenty-five dollars.

Attorney-
General.

For compensation and expenses of counsel employed by the Attorney-General in foreign states to collect taxes

due from bankrupt and other insolvent corporations, one thousand dollars.

For the use of the Attorney-General in the employment of counsel to assist in the pending railroad tax case, one thousand dollars.

10.

STATE BOARD OF ASSESSORS.

State
assessors.

For additional allowance for compensation of local assessors and witnesses, and compensation and expenses of surveyors, pursuant to chapter one hundred and one of the laws of one thousand eight hundred and eighty-four, two thousand dollars.

11.

DEPARTMENT OF BANKING AND INSURANCE.

Banking and
insurance.

For additional allowance for blanks and stationery for use in the Department of Banking and Insurance, one thousand dollars.

For additional allowance for postage, expressage and other incidental expenses for the Department of Banking and Insurance, five hundred dollars.

12.

COURT OF CHANCERY.

Chancery.

For additional allowance for compensation of stenographers, and for services pursuant to section one hundred and three of chapter one hundred and fifty-eight, laws of one thousand nine hundred and two, one hundred dollars.

For additional allowance for compensation and allowance of Advisory Masters, one thousand dollars.

For rent of rooms in Morristown for use of the Chancellor, two hundred dollars.

For rent of rooms in Atlantic City for the use of the Chancellor, Vice-Chancellors and Advisory Masters, six hundred dollars.

For additional allowance for compensation of stenographer for the Chancellor, five hundred and twenty-five dollars.

For compensation of special masters and others in examining the trust funds and appraising securities, to be disbursed under special order of the Chancellor, one thousand five hundred dollars.

13.

To the Santa Clara Raw Sugar Company, for amount of incorporation fee to be refunded, said company having filed duplicate certificates of incorporation and not having exercised any privileges under the first certificate of incorporation, six hundred dollars.

Refunded
incorporation
fees.

14.

OFFICE OF CLERK IN CHANCERY.

For additional allowance for blanks and stationery for use in the office of the Clerk in Chancery, three hundred dollars;

Chancery
office.

For additional allowance for postage, expressage and other incidental expenses for the office of the Clerk in Chancery, two hundred and fifty dollars.

15.

ADJUTANT-GENERAL'S DEPARTMENT.

For additional allowance for compensation for clerical service in the Adjutant-General's office, six hundred fifty five dollars and thirty-two cents;

Adjutant-
General.

For printing, binding and distributing the annual report of the proceedings of the Department of New Jersey, Grand Army of the Republic, three hundred dollars;

For extra clerical service in recording the applications for the Civil War Veteran Medals, one hundred dollars;

For expenses incident to the preparation of the monograph relative to the presentation of the silver service to the battleship New Jersey, four hundred dollars.

16.

PENSIONS.

Pensions.

For additional allowance for amount required to pay pensions, pursuant to various acts relative thereto, irrespective of any provision therein that pensions shall be made in the appropriation or tax levy for the department of the public service from which the pensioner shall be so retired, nine hundred thirty-five dollars and forty-eight cents.

17.

SUPREME COURT.

Circuit Court
judges.

For additional allowance for the judges of the Circuit Court, for salaries, three thousand seven hundred and fifty dollars.

18.

AGRICULTURAL EXPERIMENT STATION.

Experiment
station.

For the purpose of carrying out the provisions of an act to amend an act entitled "An act to provide for the scientific investigation of oyster propagation," being chapter one hundred and eighty-seven of the laws of one thousand nine hundred and seven, five hundred dollars.

19.

STATE HOME FOR BOYS.

Jamesburg
school.

For water supply, five thousand dollars;
For constructing roads, four thousand dollars;

For extending dining-room, three thousand dollars;
For enlargement and improvement of building number three, two thousand five hundred dollars.

20.

COLLATERAL, INHERITANCE TAX.

For additional allowance for surrogate's fees, appraisers' compensation and expenses, legal and other disbursements, pursuant to chapter two hundred and ten of the laws of one thousand eight hundred and ninety-four, two thousand dollars.

21.

COURT EXPENSES.

For additional allowance for compensation of judges of the Court of Common Pleas, pursuant to section forty-nine, chapter one hundred and forty-nine of the laws of one thousand nine hundred, five hundred dollars.

22.

MONUMENT AT GREENWICH, CUMBERLAND COUNTY.

For the purpose of aiding in the erection of a monument at Greenwich, Cumberland county, pursuant to chapter one hundred and seventy, laws of one thousand nine hundred and six, five thousand dollars.

23.

OFFICE OF THE COMPTROLLER.

For additional allowance for postage, expressage and other incidental expenses for the Comptroller's office, three hundred dollars.

24.

OFFICES OF THE STATE COMPTROLLER AND STATE TREASURER.

Receipts and
disburse-
ments.

For the purpose of carrying out the provisions of chapter two hundred and eighty-eight of the laws of one thousand nine hundred and seven, three thousand one hundred ninety-one dollars and seventy-eight cents, being the unexpended balance of the appropriation made by said chapter for the current fiscal year.

25.

NATIONAL GUARD.

National
guard.

For amount required to provide additional tentage, clothing and equipage for the national guard, twenty-five thousand five hundred nineteen dollars and twenty-nine cents;

For allowance for extraordinary repairs necessary for the preservation of the first regiment armory, at Newark, two thousand five hundred dollars;

For repairing boilers located in the Jersey City armory, eight hundred dollars;

For allowances for uniforms and equipments for officers of regiments, troops, batteries, companies, signal corps, and the naval reserve, as provided in section one hundred and twenty-seven, of "An act concerning the militia of the State," approved May sixteenth, one thousand nine hundred and six, seven thousand and twenty dollars;

For expenses incident to the running of the Sea Girt cottage during July and August while occupied by the Governor during the encampment and rifle tournament, a sum not to exceed three thousand dollars, to be paid upon the verification of the Adjutant-General.

26.

TUBERCULOSIS COMMISSION.

Tuberculosis.

For additional allowance for expenses and payments by the State Tuberculosis Commission, four thousand dollars.

27.

STATE PRISON.

For repairs to ovens, eight hundred dollars; State prison.
For repairs to trestle, one thousand dollars;
For additional allowance for new closets in wing number six, two thousand five hundred dollars;
For additional allowance for the physicians, deputy keepers and employes, for salary, two thousand five hundred dollars.

28.

STATE HOME FOR GIRLS.

For additional allowance for the trustees of the New Jersey State Home for Girls, for the support and necessary repairs to the home, seven thousand five hundred dollars; Girls' home.
For premiums on insurance policies, two hundred and eighty-five dollars;
For painting buildings, five hundred dollars;
For construction of walks, five hundred dollars;
For the purpose of enlarging two farm-houses, two thousand dollars;
For constructing fences, three hundred and twelve dollars;
For connecting assembly hall and conservatory with the central heating plant, and installing radiation in west wing, five hundred and ninety-five dollars;
For necessary grading around assembly hall, two hundred dollars;
For furnishing assembly hall, five hundred dollars;
For a hospital fund, six hundred dollars;
For the salary of a probation officer, four hundred and fifty dollars;
For traveling expenses of the probation officer, one hundred and fifty dollars.

29.

PUBLIC ROADS.

Roads.

For additional allowance for compensation of supervisor for assisting the State Commissioner of Public Roads in supervising, constructing and performing such other duties as necessity may require, six hundred twenty-six dollars and seventeen cents;

For additional allowance for clerk hire, consulting engineer, fees, stationery and actual traveling expenses, one thousand five hundred dollars.

30.

DEPARTMENT OF CHARITIES AND CORRECTIONS.

Charities and
corrections.

For additional allowance for salary of commissioner, forty-four dollars and forty-four cents;

For additional allowance for salary of assistant (architect), forty-eight dollars and eighty-seven cents;

For additional allowance for salary of draughtsman, two hundred ninety-one dollars and sixty-two cents.

31.

STATE LIBRARY.

Library.

For additional allowance for blanks, stationery, postage, expressage and other incidental expenses for the State Library, three hundred and fifty dollars.

32.

AGRICULTURAL EXPERIMENT STATION.

Mosquito
extermina-
tion.

To the Agricultural Experiment Station for the purpose of carrying out the provisions of "An act to provide for locating and abolishing mosquito-breeding salt-marsh areas within the State, for assistance in dealing

with certain inland breeding places, and appropriating money to carry its provisions into effect," approved April twentieth, one thousand nine hundred and six, ten thousand dollars.

33.

STATE HOSPITAL AT TRENTON.

For new machinery for bakery, five thousand dollars; Trenton
asylum.
For plumbing for old part of building, for all toilets, bath-rooms, kitchens and operating room, twenty-five thousand dollars;

For tiling old part of building, all toilets, bath-rooms, kitchens and operating room, ten thousand dollars;

For boring and casing three artesian wells at a depth of three hundred feet, or thereabouts, two thousand five hundred dollars;

For pumping machinery for wells, five thousand dollars;

For equipment for operating room, four hundred dollars;

For laboratory apparatus, one thousand dollars;

For installing telephone system, two thousand five hundred dollars;

For installing fire alarm and night clock system, four thousand dollars;

For repairs to roads, buildings and grounds, one thousand dollars;

For the construction of two tuberculosis shacks, four thousand dollars;

For payment of expenses incident to the epidemic of typhoid fever at the hospital, fifteen thousand dollars.

34.

STATE HOSPITAL AT MORRIS PLAINS.

For additional allowance for salaries of officers, five hundred dollars; Morris Plains
asylum.

For constructing fire escapes, eight thousand dollars;

For installing fire alarm system, three thousand five hundred dollars;

For plumbing in main building, five thousand dollars;
For the purpose of providing for the deficiency in the fund for the support and maintenance of the State Hospital at Morris Plains, fifteen thousand dollars.

35.

PUBLIC LIBRARY COMMISSION.

Traveling
libraries.

For additional allowance for the purpose of carrying into effect the provisions of chapter one hundred and fifteen, laws of one thousand nine hundred and six, one thousand dollars.

36.

MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR COLORED YOUTH.

Bordentown
school.

For additional allowance for maintenance of the Manual Training and Industrial School for Colored Youth, five thousand dollars;

For erecting, furnishing and equipping a building to be used as an infirmary, six thousand dollars.

37.

STATE NORMAL SCHOOL AT MONTCLAIR HEIGHTS.

Montclair
school.

For support of the State Normal School at Montclair Heights, five thousand dollars;

For improvements to the grounds, purchase of additional furniture and apparatus, and for insurance, fifteen thousand dollars.

38.

INDUSTRIAL EDUCATION.

Manual
training

For additional allowance for payments to schools for manual training, ten thousand dollars.

39.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

For additional allowance for stationery and blanks, Stationery.
one thousand five hundred dollars.

40.

NEW JERSEY HOME FOR DISABLED SOLDIERS, SAILORS,
MARINES AND THEIR WIVES AND FOR THEIR
WIDOWS, AT VINELAND.

For furniture for the rooms of the commandant, and Vineland
soldiers home.
for the office, six hundred and fifty dollars;

For the installation of a new boiler, four hundred
dollars;

For the erection of inside fire stairs, eighteen hundred
dollars;

For the erection of a new boiler house and installa-
tion of all necessary boilers and machinery for the heat-
ing and lighting in the home, pursuant to chapter
twelve, laws of one thousand nine hundred and eight,
twenty thousand dollars.

41.

TEACHERS' RETIREMENT FUND.

For additional allowance for payment of expenses in- Retirement
fund.
curred in connection with the administration of the
teachers' retirement fund, pursuant to chapter one hun-
dred and thirty-nine, laws of one thousand nine hundred
and seven, one thousand five hundred dollars.

42

BUREAU OF SHELL FISHERIES.

For additional allowance for blanks, stationery and Shell
fisheries.
other incidental expenses, five hundred dollars.

43.

STATE OYSTER COMMISSION FOR THE DISTRICT OF
ATLANTIC COUNTY.Atlantic
county oyster
commission.

For additional allowance for patrol service, two hundred and fifty dollars;

For installation of new engine in launch, six hundred dollars.

44

Proviso.

For the purpose of carrying out the provisions of Assembly Joint Resolution number seven, one thousand dollars; provided, said Joint Resolution becomes a law.

45

PASSAIC VALLEY SEWERAGE COMMISSION.

Salary of
secretary.

To John S. Gibson, for services rendered as secretary and treasurer of the Passaic Valley Sewerage Commission, two thousand five hundred dollars; provided, said sum is received in full for all claims for services rendered.

Proviso.

46

NEW JERSEY REFORMATORY.

Rahway
reformatory.

For additional allowance for subordinate officers and employes, six thousand dollars;

For additional allowance for maintenance, ten thousand dollars;

For additional allowance for furniture, appliances and repairs (including industrial departments), five thousand dollars;

For additional allowance for fuel and water, three thousand dollars;

For additional allowance for traveling expenses of parole officers, five hundred dollars.

To H. Page Hough, for additional services rendered by him as physician to the New Jersey Reformatory, one thousand dollars; provided said sum is authorized by enactment of the present Legislature, by passage of Senate bill number one hundred and ninety-three; Proviso.

For repairing and enlarging stockade, two thousand five hundred dollars;

For the erection of a hospital building, fifteen thousand dollars;

For repairs to dome, four thousand dollars;

For additional allowance for sewage disposal plant and sewer, three thousand three hundred dollars;

For furniture for south-east wing, five thousand dollars;

For farm live stock, implements, etc., one thousand dollars;

For fire insurance, five hundred dollars;

For materials for changing heating system in north-east wing, two thousand five hundred dollars.

47.

STATE PRISON, ELECTROCUTION EXPENSES.

For the purpose of carrying out the provisions of chapter two hundred and eighty, laws of one thousand nine hundred and seven, five thousand dollars. Electrocutions.

48.

SECRETARY OF STATE, DEPARTMENT OF MOTOR VEHICLE REGULATION AND REGISTRATION.

For additional allowance for postage, expressage and other incidental expenses, one thousand dollars; Motor vehicles.

For additional allowance for blanks and stationery, one thousand dollars, and the further sum of five hundred dollars; provided the proposed amendments to the law are enacted by the present Legislature; Proviso.

For the purchase, equipment and repairs of motor cycles for the use of inspectors, two thousand five hun-

- Proviso. dred dollars; provided, the proposed amendments to the law are enacted by the present Legislature;
 For the purchase and packing of identification marks and dies for use in connection with the same, twelve thousand dollars; provided, the proposed amendments to the law are enacted by the present Legislature;
 Proviso. For additional compensation for clerical service, one thousand dollars; provided, the proposed amendments to the law are enacted by the present Legislature.

49.

STATE HOUSE COMMISSION.

- Care, repairs, alterations at State House. For the State House Commission, for the purpose of changing the system of heating in the West wing of the State Capitol, constructing three vaults in the basement and the fitting up of same, altering and providing steel cases, and for furniture, carpets and extraordinary repairs to be made to the State Capitol, twenty thousand dollars;
 For the State House Commission, for additional allowance for the care and safe keeping of the State Capitol, the property therein and adjacent public grounds, and for expenses to be incurred in carrying out the provisions of chapter three hundred and thirty-nine, laws of one thousand eight hundred and ninety-four, ten thousand dollars.

50.

RIPARIAN COMMISSION.

- Riparian commission. For the Riparian Commissioners for expenses for examination and report of the condition of the monuments marking the boundary line between the states of New York and New Jersey, pursuant to chapter one hundred and seventy of the laws of one thousand eight hundred and ninety-one, five hundred dollars.

51.

VILLAGE FOR EPILEPTICS.

For railroad siding, trestle and switch, twenty-one thousand dollars; Epileptic village.

For the erection of a hospital, thirty thousand dollars;

For construction of roads, ten thousand dollars;

For a sewer system, ten thousand dollars;

For repairs and improvements, seven thousand dollars.

52.

DEEPER WATERWAYS CONFERENCE.

For traveling and other expenses of the Governor and commissioners who shall accompany him in attendance upon the deeper waterways conference called by the President of the United States, to be held in the city of Washington, May twelfth to fourteenth, one thousand nine hundred and eight, a sum not to exceed five hundred dollars, to be paid on certificate approved by the Governor. Waterways conference.

53.

HOUSE COMMITTEE TO INVESTIGATE STATE EXPENDITURES.

For additional compensation and expenses in connection with the Committee to Investigate State Expenditures, pursuant to resolution of the House of Assembly passed April twelfth, one thousand nine hundred and seven, four thousand seven hundred, fifty-seven dollars and six cents; Hahn investigation.

To Herbert W. Knight for services and expenses as official stenographer to the Committee to Investigate State Expenditures, four thousand dollars.

54.

SENATE INVESTIGATING COMMITTEE.

Senate in-
vestigation.

For additional compensation and expenses in connection with the Senate Investigating Committee, appointed by resolution of the Senate passed July seventh, one thousand nine hundred and seven, four hundred dollars.

55.

SANATORIUM FOR TUBERCULOUS DISEASES.

Glen Gardner
sanatorium.

For building shacks, five thousand dollars;
For repairs to reservoir roof, two hundred and sixty-six dollars;
For repairs to buildings, one thousand dollars;
For open ward parlor, one thousand dollars;
For ice house, one hundred and fifty dollars;
For repairs to farm house, one thousand dollars;
For furniture, one thousand five hundred dollars;
For payment due on contract, three thousand and sixty dollars;
For heating, seven hundred dollars.

56.

INVESTIGATION OF LIFE INSURANCE.

Insurance
investigation.

For additional allowance for expenses and disbursements incurred by the Committee of the Senate to investigate the whole subject of life insurance, appointed under Senate Resolution passed April twelfth, one thousand nine hundred and six, two hundred and fifty dollars.

57.

COMMISSIONERS OF THE PALISADES INTERSTATE PARK.

Palisades
park.

For expenses incurred by the commissioners of the palisades interstate park, two thousand five hundred dollars; said expenses to be approved by the Governor.

58.

TENEMENT HOUSE SUPERVISION.

For salary of chief clerk, six hundred dollars;
 For salary of a law clerk, six hundred dollars;
 For salary of additional record clerk, six hundred dollars.

Tenement
supervision.

59.

INVESTIGATING INCREASED COST OF STONE ROADS.

For additional allowance for the purpose of carrying out the provisions of Joint Resolution number two, approved April fifteenth, one thousand nine hundred and seven, two hundred and fifty dollars.

Stone, road
investigation.

60.

PASSAIC RIVER FLOOD DISTRICT COMMISSIONERS.

For salaries of commissioners, pursuant to chapter four, laws of one thousand nine hundred and four (special session), from May first, one thousand nine hundred and seven, to October twenty-third, one thousand nine hundred and seven, five thousand nine hundred and eighty-one dollars and twenty cents.

Disapproved.

61.

HOME FOR THE CARE AND TRAINING OF FEEBLE-MINDED WOMEN AT VINELAND.

For improvements, additions, alterations, machinery, implements and general improvements to gymnasium and passage way, five thousand dollars;
 For removal and alteration to the Alcott house, one thousand dollars.

Vineland
home for
feeble-
minded
women.

62.

For expenses incurred by Commissioners appointed pursuant to chapter two hundred and eighty-six, laws

Revision of
police court
laws.

of one thousand nine hundred and six, to report a revision and codification of the laws relating to police courts, six hundred seventy-two dollars and seventy-four cents.

63.

CIVIL WAR VETERAN MEDALS.

Medals.

For the purpose of carrying out the resolution of the Legislature approved March twenty-eighth, one thousand nine hundred and four, as amended March fourth, one thousand nine hundred and eight, providing for the Civil War Veteran Medal, three thousand dollars.

64.

Salary of
oyster
superin-
tendents.

For the purpose of carrying into effect so much of the provisions of chapter two hundred and thirty-five of the laws of one thousand nine hundred and seven, as applies to the county of Ocean, four hundred dollars.

65.

Charities
conference.

Proviso.

For the purpose of carrying out the provisions of Senate Joint Resolution number seven, three hundred and seventy-five dollars; *provided*, said Joint Resolution becomes a law.

66.

OLD TAVERN HOUSE AT HADDONFIELD.

Haddonfield
tavern.

For the purchase of the property adjoining the Old Tavern House in the borough of Haddonfield, and to restore said Old Tavern House as nearly as may be to its condition during Revolutionary times, pursuant to chapter one hundred of the laws of one thousand nine hundred and six, twelve thousand dollars.

67.

COMMISSION TO REVISE AND CODIFY THE LAWS RELATIVE
TO CORPORATIONS.

For services and expenses of the commissioners to revise and codify the laws of New Jersey relative to corporations, pursuant to chapter thirty, laws of one thousand nine hundred and five, two thousand two hundred and twenty-nine dollars.

Revision
corporation
laws.

68.

STATE BOARD OF HEALTH.

For additional allowance for compensation of assistants in the office of the State Board of Health, one hundred and seventy-five dollars;

Health board.

For compensation and expenses of an additional sanitary inspector, one thousand three hundred and forty-one dollars and sixty-two cents;

For additional allowance for blanks and stationery for use in the office of the State Board of Health, nine hundred dollars;

For additional allowance for maintenance of the bacteriological laboratory, three hundred and fifty dollars.

69.

BOARD OF FISH AND GAME COMMISSIONERS.

For additional allowance for the fish and game wardens, including the fish and game protector, for compensation, three thousand seven hundred and fifty dollars; *provided*, such sum is authorized by enactment of the present Legislature;

Disapproved.

Proviso.

For additional allowance for printing game laws, license blanks, et cætera, three hundred and seventy-five dollars.

Stationery.

70.

BOARD OF RAILROAD COMMISSIONERS.

Railroad
commission.

For additional allowance for salaries and expenses of members of the Board of Railroad Commissioners, fifteen thousand dollars.

71.

COMMISSION FOR THE REVISION OF THE PRIMARY AND
ELECTION LAWS.Revision
election laws.

To Frederick A. Lehlbach, for services as clerk to the Commission, preparing revision of the primary and election laws, three hundred dollars.

72

STATE WATER SUPPLY COMMISSION.

State water
supply.

For salaries of Commissioners, from date of appointment to October thirty-first, one thousand nine hundred and eight, sixteen thousand eight hundred and forty-two dollars and ninety cents.

For salary of Secretary, from October fifteenth, one thousand nine hundred and seven, to October thirty-first, one thousand nine hundred and eight, two thousand two hundred seventy dollars and eighty-three cents;

For engineers, inspectors, field work, et cætera, three thousand eight hundred and twenty-five dollars;

For blanks, stationery, postage and other incidental expenses of the Commission, two thousand dollars;

For expenses incurred in connection with new or additional water supplies, one thousand five hundred dollars.

73.

STATE BOARD OF ARBITRATION.

Disapproved.

For the payment of salaries due the members of the State Board of Arbitration up to the date said Board was abolished, two thousand five hundred dollars.

74.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

For the purpose of publishing and distributing a pamphlet commemorative of Arbor Day, five hundred dollars. Disapproved.

75.

CIVIL SERVICE COMMISSION.

For salaries and expenses of a Civil Service Commission, ten thousand dollars; provided, said Commission is created by enactment of the present Legislature. Civil service.

76.

PUBLIC UTILITIES COMMISSION.

For salaries and expenses of a Public Utilities Commission, thirty thousand dollars; provided, said Commission is created by enactment of the present Legislature. Utilities.
Proviso.

77.

COMMISSION TO INVESTIGATE CAPITAL PUNISHMENT.

For expenses of the Commissioners appointed to investigate capital punishment, four hundred dollars. Investigate
punishments.

78.

DEPARTMENT OF INLAND WATERWAYS.

For the purpose of carrying out the provisions of chapter fifteen, laws of one thousand nine hundred and eight, one thousand dollars. Commis-
sioner's salary.

79.

For the purpose of carrying out the provisions of chapter fifty-six, laws of one thousand nine hundred and eight, ten thousand dollars. Live stock
commission.

80.

Memorial
column.

For the purpose of carrying out the provisions of chapter sixty-three, laws of one thousand nine hundred and eight, two thousand dollars.

81.

Inland
waterway.

For the purpose of carrying out the provisions of chapter eighty-three, laws of one thousand nine hundred and eight, twenty-five thousand dollars.

82.

LEGISLATURE.

Incidental
expenses.

For additional allowance for incidental and contingent expenses of the present session of the Legislature, seventeen thousand dollars; all bills to be approved by the Committee on Incidental Expenses and filed with the Comptroller before final adjournment of the Legislature.

83.

Battlefield
markers.

For the purpose of carrying out the provisions of a bill pending, entitled, "An act to authorize the erection of a monument on the battlefield of Salem Church, in the State of Virginia, and a tablet on the battlefield of Spottsylvania, in the State of Virginia, to commemorate the services of the Fifteenth Regiment, New Jersey Volunteer Infantry, in the battles of Salem Church and Spottsylvania, and other engagements of the Civil War, and to appropriate money to pay the cost of the erection and dedication of the same," six thousand five hundred dollars; *provided*, said bill becomes a law.

Proviso.

84.

Title to
lands in
rear of State
House.

For the purpose of carrying out the provisions of a joint resolution entitled, "Joint Resolution authorizing the appointment of a commission to investigate the subject of the legal title to lands in the rear of the State

House at Trenton, New Jersey," one thousand dollars; *provided*, said joint resolution becomes a law.

Proviso.

85.

For the purpose of carrying out the provisions of a bill pending entitled, "An act for the relief of Frederick Barenberg," five thousand dollars; *provided*, said bill becomes a law.

Relief.

Proviso.

86.

For the purpose of carrying out the provisions of a bill pending entitled, "An Act to authorize the removal of the New Jersey State Building and the furniture therein from the Exposition Grounds of the Jamestown Ter-Centennial Exposition, held on or near the waters of Hampton Roads, in the State of Virginia, to this State," fifteen thousand dollars; *provided*, said bill becomes a law.

Removal
Jamestown
cottage.

Proviso.

87.

For the purpose of carrying out the provisions of a bill pending, entitled "A Supplement to an act entitled 'An act relative to the State House and adjacent public grounds,' passed May twenty-fifth, one thousand eight hundred and ninety-four," twenty thousand dollars; *provided*, said bill becomes a law.

Care of
State House.

Proviso.

88.

For the purpose of carrying out the provisions of a joint resolution entitled "Joint Resolution in relation to medals to be issued to the survivors of the officers and men who were enlisted in the military service of the State of New Jersey on or before April sixteenth, one thousand eight hundred and sixty-one, and were honorably discharged from said service, by order dated July sixteenth, one thousand eight hundred and sixty-one, to be known as the 'First Service Medals,'" eight hundred dollars; *provided*, said joint resolution becomes a law.

First service
medals.

Proviso.

89.

Purchase
Arthur home.

Proviso.

For the purpose of carrying out the provisions of a bill pending, entitled "An act authorizing the acquisition by the State of New Jersey of the Arthur home, at Summit, New Jersey," six thousand dollars; *provided*, said bill becomes a law.

90.

Fishing and
pollution of
Delaware
river.

For the purpose of carrying out the provisions of chapter thirty, laws of one thousand nine hundred and eight, two thousand dollars.

91.

Distributing
State publi-
cations.

For the purpose of carrying out the provisions of chapter fourteen, laws of one thousand nine hundred and eight, five hundred dollars.

92.

Bridges over
Hudson river.

Proviso.

For the purpose of carrying out the provisions of a joint resolution entitled "Joint resolution creating a commission to confer with a New York commission and fully investigate the project of one or more bridges connecting this State with New York," one thousand dollars; *provided*, said joint resolution becomes a law.

93.

State House
improve-
ments.

Proviso.

For the purpose of carrying out the provisions of a bill pending, entitled "An act to authorize the extension and improvement of the State House grounds," twenty-five thousand dollars; *provided*, said bill becomes a law.

94.

Board of
health.

For the salaries and expenses of the Board of Health of the State of New Jersey, eleven thousand five hundred dollars; provided a bill pending entitled "An act to amend an act entitled 'An act to establish in this

State boards of health and a bureau of vital statistics, and to define their respective powers and duties,' approved March thirty-first, one thousand eight hundred and eighty-seven," becomes a law.

95.

For salaries and expenses of the department of public reports, one thousand five hundred dollars; provided, a bill pending entitled "An act creating the department of public reports," becomes a law.

Department of
reports.
Proviso.

96.

For salaries and expenses for a department of accounts, five thousand five hundred dollars; *provided*, a bill pending entitled "An act to create a department of accounts, and to provide for a uniform system of book-keeping and accounts throughout the different departments and institutions of the State," becomes a law.

Department of
accounts.
Proviso.

2. Before any building or buildings shall be commenced or work undertaken for the cost of which money is appropriated by this act or by the appropriation act for the fiscal year ending October thirty-first, one thousand nine hundred and nine, the plans, specifications and contracts necessary for the entire completion thereof shall, and each of them shall, be submitted to and approved by the Governor, and such contracts shall not be approved or entered into if the total expenditure under all of the contracts necessary to the entire completion of such building, buildings or work according to such plans and specifications shall exceed the amount appropriated by this act for such building, buildings or work; and in any and every case where it shall appear that the appropriation is insufficient to complete such building, buildings or work, the appropriation hereby made therefor shall not be applied toward the construction of such building or buildings, or prosecution of such work, but shall lapse and no payment shall be made therefrom.

Approval of
plans and
contracts by
Governor.

If appropriation
insufficient,
to
lapse.

3. No money shall be drawn from the treasury except for objects as hereinabove specifically appropriated in this act and in the act to which this act is a supple-

Moneys used
as specified.

Section, how
construed.

ment, and except such sums which are by law devoted to specific purposes, namely, State school tax, United States appropriation to Agricultural College, United States appropriation for disabled soldiers, United States appropriation for disabled soldiers, sailors, marines and their wives, Agricultural College fund and taxes for the use of taxing districts in this State, moneys received by the State from the taxation of railroad and canal property, which may be by law apportioned to the various counties of the State for school purposes, and loans to "State School Fund," which last-named sums shall be paid pursuant to the laws applicable thereto; this section shall not be construed to prohibit the payment due upon any contract made under an appropriation of the previous year, nor of any payments into the State Treasury by State Institutions and Commissions pursuant to an act entitled "An act regulating the receipt and disbursement of State moneys in certain cases," approved October thirty-first, nineteen hundred and seven (Chapter two hundred and eighty-eight, laws of nineteen hundred and seven), which moneys by the provisions of chapter forty-one, laws of nineteen hundred and eight, are appropriated for the maintenance of said State institutions and commissions making such payments, but nothing herein shall be construed to apply to the payments into the State Treasury by the State Reformatory and State Prison of the receipts for the labor of the inmates of those institutions.

4. This act shall take effect immediately.

Approved, except as to items hereto attached April 16, 1908.

In Senate Bill No. 335, entitled "A Supplement to an act entitled "An act making appropriations for the support of the State government and for several public purposes for the fiscal year ending October thirty-first, one thousand nine hundred and eight," approved June Fifteenth, one thousand nine hundred and seven, I disapprove the following items of expenditure therein authorized:

Item No. 60. For salaries of commissioners, pursuant to chapter four, laws of one thousand nine hundred and

four (special session), from May first, one thousand nine hundred and seven, to October twenty-third, one thousand nine hundred and seven, five thousand nine hundred and eighty-one dollars and twenty cents.

As I understand it, these commissioners were substituted by the Potable Water Commissioners on June 28, 1907, and since then have held merely nominal positions.

Item No. 69. For additional allowance for fish and game wardens, including fish and game protector, for compensation, three thousand seven hundred and fifty dollars.

This item is one of the items which would have become available if Senate Bill No. 257 has been approved. Not being approved, this item is therefore disallowed.

Item No. 73. For the payment of salaries due the members of the State Board of Arbitration up to the date said Board was abolished, two thousand five hundred dollars.

There was no appropriation made for this Board last year, thus virtually abolishing the Board, while the Legislature at the present session has actually done so. There were no services rendered for the money represented in this Item, and for this reason it is disallowed.

Item No. 74. For the purpose of publishing and distributing a pamphlet commemorative of Arbor Day, five hundred dollars.

The Legislature at the present session, by law, directed this to be done by the County Superintendents of the respective counties, and there is no warrant in law for the expenditure of this money by the State Superintendent of Public Instruction, and is therefore disallowed.

CHAPTER 319.

An Act making appropriations for the support of the State government and for several public purposes for the fiscal year ending October thirty-first, one thousand nine hundred and nine.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

Annual
appropriations.

1. The following sums, or so much thereof as may be necessary, be and they are appropriated out of the State fund for the respective public officers and for the several purposes herein specified, for the fiscal year ending on the thirty-first day of October, in the year one thousand nine hundred and nine, namely:

I.

EXECUTIVE DEPARTMENT.

Executive
department.

For the Governor, for salary, ten thousand dollars;
For the secretary to the Governor, for salary, four thousand dollars;

For compensation for assistants in the executive department, four thousand dollars;

For blanks and stationery for the use of the executive department, one thousand dollars;

For postage, expressage and other incidental expenses for the executive department, two thousand dollars.

2.

OFFICE OF THE COMPTROLLER.

Comptroller's
office.

For the Comptroller, for salary, six thousand dollars;
For the Deputy Comptroller, for salary, three thousand six hundred dollars;

For compensation for clerical services and expenses, seven thousand one hundred dollars;

For allowance for salary and expenses of the State Auditor, provided he remains in this department, three thousand dollars;

For blanks and stationery for use in the office of the Comptroller, nine hundred dollars;

For postage, expressage and other incidental expenses for the Comptroller's office, fifteen hundred dollars.

3.

OFFICE OF THE TREASURER.

For the Treasurer, for salary, six thousand dollars; Treasurer's office.

For compensation for clerical services in the office of the Treasurer, ten thousand five hundred dollars;

For blanks and stationery for use in the office of the Treasurer, six hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of the Treasurer, six hundred and fifty dollars.

4.

OFFICE OF THE SECRETARY OF STATE.

For the Secretary of State, for salary, six thousand dollars; Secretary of State.

For the Assistant Secretary of State, for salary, three thousand dollars;

For compensation for clerical services in the office of the Secretary of State eleven thousand three hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of Secretary of State, two thousand five hundred dollars;

For blanks and stationery for use in the office of the Secretary of State, five thousand three hundred dollars;

For the purpose of compiling indices of wills, deeds and other records, in the general vault of the office of

the Secretary of State, two thousand four hundred dollars.

For services and expenses for the purpose of carrying out the provisions of "An act respecting the recording of certificates and other papers relating to and affecting corporations," approved March twenty-eighth, one thousand nine hundred and four, three thousand five hundred dollars.

For the care, inspection and other expenses connected with voting machines, four thousand dollars.

5.

ATTORNEY-GENERAL'S DEPARTMENT.

Attorney-
General's
office.

For the Attorney-General, for salary, seven thousand dollars;

For the Assistant Attorney-General, for salary, five thousand dollars;

For compensation and expenses of assistants employed by the Attorney-General, nine thousand seven hundred dollars;

For additional allowance for compensation and expenses of assistants employed by the Attorney-General, one thousand four hundred dollars.

For blanks and stationery for use in the office of the Attorney-General, six hundred dollars;

For postage, expressage and other incidental expenses for the Attorney-General's Department, eighteen hundred dollars;

For the use of the Attorney-General in the employment of special counsel to institute proceedings to ascertain by final judicial determination of the courts (1) what equity or interest the State of New Jersey has in the "tidewater basin of one thousand eight hundred and sixty-seven," and (2) by what authority the Lehigh Valley Railroad Company operates the Morris canal, since its charter does not authorize it to conduct a canal business, the sum of five thousand dollars is hereby appropriated, and the Attorney-General is hereby directed to use this sum or any part of it in the prosecution of said proceedings.

For compensation and expenses of counsel employed by the Attorney-General in foreign States to collect taxes due from bankrupt and other insolvent corporations, one thousand dollars.

6.

STATE BOARD OF ASSESSORS.

For the members of the State Board of Assessors, ^{State assessors.} salaries, ten thousand dollars;

For secretary of the State Board of Assessors, for salary, two thousand five hundred dollars;

For compensation for clerical service in the office of the State Board of Assessors, eight thousand dollars;

For blanks and stationery for use in the office of the State Board of Assessors, nine hundred dollars;

For postage, expressage and other incidental expenses for the State Board of Assessors, nine hundred dollars;

For compensation of local assessors and witnesses, and compensation and expenses of surveyors, pursuant to chapter one hundred and one of the laws of one thousand eight hundred and eighty-four, six thousand dollars.

7.

DEPARTMENT OF BANKING AND INSURANCE.

For the Commissioner of Banking and Insurance, for ^{Banking and insurance.} salary, six thousand dollars;

For the Deputy Commissioner of Banking and Insurance, for salary, two thousand five hundred dollars;

For compensation for assistants in the Department of Banking and Insurance, ten thousand dollars;

For blanks and stationery for use in the Department of Banking and Insurance, four thousand dollars;

For postage, expressage and other incidental expenses for the Department of Banking and Insurance, three thousand dollars;

For compensation of building and loan association examiners, fifteen thousand three hundred dollars;

For actual and necessary traveling and incidental personal expenses of building and loan association examiners, four thousand five hundred dollars;

For necessary appraisals of real estate and all other incidental expenses in connection with examinations of building and loan associations, one thousand dollars.

8.

BOARD OF EQUALIZATION OF TAXES.

Board of
taxation.

For salaries for president and four members, nineteen thousand dollars;

For salary of clerk, two thousand five hundred dollars;

For salary of assistant clerk, one thousand two hundred dollars;

For extra clerical services, one hundred dollars;

For blanks and stationery for use of the board of equalization of taxes, four hundred dollars;

For postage, expressage and other incidental expenses for the board of equalization of taxes, five hundred dollars.

9.

STATE LIBRARY.

State
library.

For the Librarian, for salary, three thousand dollars;

For compensation for assistants in the State Library, two thousand four hundred dollars;

For the repair, preservation and purchase of useful books for the State Library, three thousand five hundred dollars;

For blanks, stationery, postage, expressage and other incidental expenses for the State Library, five hundred dollars;

10.

STATE BOARD OF HEALTH.

Board of
Health.

For the State Board of Health, pursuant to the provisions of chapter sixty-eight, laws of one thousand

eight hundred and eighty-seven, two thousand three hundred and twenty-five dollars;

For compensation of assistants in the office of the State Board of Health, pursuant to said chapter, eight thousand five hundred and forty dollars;

For additional allowance for compensation of assistants in the office of the State Board of Health, pursuant to said chapter, two thousand one hundred dollars;

For compensation to the secretary of said board, pursuant to said chapter, two thousand five hundred dollars;

For expenses to be incurred pursuant to chapter two hundred and twenty-five, laws of one thousand eight hundred and eighty-six, two thousand dollars;

For blanks and stationery for use in the office of State Board of Health, one thousand eight hundred dollars;

For maintenance of the bacteriological laboratory, six thousand dollars;

For postage required in sending to the physicians of this State the annual report of the State Board of Health and of the Bureau of Vital Statistics, three hundred and fifty dollars;

For the purpose of carrying into effect the provisions of "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof," passed at the legislative session of one thousand nine hundred and seven, and "An act to prevent deception in the sale of oleomargarine, butterine or any imitation of dairy products, and to preserve the public health," pursuant to chapter eighty-four of the laws of one thousand eight hundred and eighty-six, twenty thousand dollars.

II.

BUREAU OF STATISTICS.

For the chief of the Bureau of Statistics, for salary, Statistics.
two thousand five hundred dollars;

For the deputy chief of the Bureau of Statistics, for salary, two thousand dollars;

For the current expenses of the Bureau of Statistics, seven thousand dollars;

For blanks and stationery for use in the office of the Bureau of Statistics, four hundred dollars.

12.

STATE HOUSE COMMISSION.

State House. For the State House Commission, for the care and safe-keeping of the State Capitol, the property therein and adjacent public grounds, and for expenses to be incurred in carrying out the provisions of chapter three hundred and thirty-nine of the laws of one thousand eight hundred and ninety-four, sixty-five thousand dollars;

For insurance upon State House and contents thereof, five hundred dollars.

13.

STATE MUSEUM.

Museum. For Curator, for salary, one thousand five hundred dollars;

For the commission to acquire new material for the museum and for blanks, stationery and other incidental expenses, one thousand five hundred dollars.

14.

GEOLOGICAL SURVEY.

Geological survey. For the State Geologist, for salary, four thousand dollars;

For the chemist, for salary, one thousand five hundred dollars;

For services and expenses of the department of the geological survey, including the continuance of forestry investigations and expenses in connection with the publication of the reports and maps of the geological survey, eleven thousand dollars.

15.

SUPREME COURT.

For the Chief Justice and Associate Justices of the Supreme Court, for salaries, eighty-two thousand dollars; Supreme Court.

For the judges of the Circuit Court, for salaries, fifty-two thousand five hundred dollars.

For compensation of sergeant-at-arms and criers, one thousand three hundred dollars;

For the payment of expenses incurred by the order of the Supreme Court pursuant to chapter one hundred and forty-nine of the laws of one thousand nine hundred, two thousand five hundred dollars;

For blanks and stationery for use of the Chief Justice and Associate Justices of the Supreme Court, two hundred dollars.

16.

OFFICE OF THE CLERK OF THE SUPREME COURT.

For the Clerk of the Supreme Court, for salary, six thousand dollars; Supreme Court clerk's office.

For compensation for clerical service in the office of the Clerk of the Supreme Court, seventeen thousand five hundred dollars;

For blanks and stationery for use in the office of the Clerk of the Supreme Court, one thousand one hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of the Clerk of the Supreme Court, one thousand seven hundred dollars.

17.

COURT OF CHANCERY.

For the Chancellor, for salary, ten thousand dollars; Court of Chancery.
For the Vice Chancellors, for salaries, seventy thousand dollars;

For compensation of sergeants-at-arms, four thousand five hundred dollars;

For compensation of stenographers, and for services pursuant to section one hundred and three of chapter one hundred and fifty-eight, laws of one thousand nine hundred and two, fifteen thousand five hundred dollars;

For compensation and allowance of Advisory Masters, three thousand two hundred and fifty dollars;

For rent of rooms in Atlantic City, Jersey City, Newark, and Morristown, for the use of the Chancellor, Vice Chancellors and Advisory Masters, seven thousand seven hundred dollars;

For miscellaneous expenses in connection with such rooms, two hundred dollars;

For compensation of stenographer for the Chancellor, six hundred dollars;

For additional allowance for compensation of stenographer for the Chancellor, nine hundred dollars;

For allowance for stationery for the Court of Chancery, five hundred dollars;

For compensation of special masters and others in examining the trust funds and appraising securities, to be disbursed under special order of the Chancellor, one thousand dollars.

18.

OFFICE OF CLERK IN CHANCERY.

Chancery
office.

For the Clerk in Chancery, for salary, six thousand dollars;

For compensation for clerical service in the office of the Clerk in Chancery, twenty-four thousand five hundred dollars;

For blanks and stationery for use in the office of the Clerk in Chancery, one thousand eight hundred dollars;

For postage, expressage and other incidental expenses for the office of the Clerk in Chancery, two thousand and seventy-five dollars.

19.

COURT OF ERRORS AND APPEALS.

For compensation of judges of the Court of Errors and Appeals, nineteen thousand dollars; Court of Errors.

For additional salary for the Chancellor, Chief Justice and Associate Justices of the Supreme Court, ten thousand dollars;

For compensation of officers of the Court of Errors and Appeals, one thousand and twenty-five dollars;

For additional allowance for compensation of officers of the Court of Errors and Appeals, two hundred and twenty-five dollars;

For furnishing printed or typewritten copies of draft opinions under the direction of the presiding judge, one thousand dollars.

20.

COURT OF PARDONS.

For compensation for judges of Court of Pardons, Court of Pardons. two thousand five hundred dollars;

For compensation of subordinate officers and incidental expenses, one thousand five hundred dollars.

21.

LAW AND EQUITY REPORTS.

For the publication of the Chancery reports, seven Legal reports. thousand dollars;

For the publication of the law reports, four thousand dollars;

For salary of Chancery reporter, five hundred dollars;

For salary of Supreme Court reporter, five hundred dollars;

For binding Chancery and law reports, one thousand dollars.

NATIONAL GUARD.

National
guard.

For expenses for division, brigade and regimental headquarters, four thousand dollars;

For allowances for two batteries of artillery, two thousand dollars each, four thousand dollars;

For allowances for two troops of cavalry, at two thousand dollars each, including rent of armory, four thousand dollars;

For allowances for sixty companies of infantry, at five hundred dollars each, thirty thousand dollars;

For allowance for one signal and telegraph corps, one thousand five hundred dollars;

For transportation for battalion drills, inspections, parades, and for pay and expenses of inspecting officers, five thousand dollars;

For compensation of officers and employes, and expenses incurred in connection with rifle practice, nine thousand five hundred dollars;

For pay of officers and enlisted men, and expenses in connection with the annual encampment, sixty-two thousand two hundred dollars;

For compensation of the superintendent and employes, and for forage, fuel and maintenance of the State camp grounds, ten thousand dollars;

For fuel, light and maintenance of the State arsenal, one thousand five hundred dollars;

For expenses of military boards and courts-martial, one thousand five hundred dollars;

For transportation of disabled soldiers of the late rebellion and the Spanish-American war, fifty dollars;

For maintaining, heating and lighting armories at Jersey City, Camden, Newark (two), Paterson and Trenton, at four thousand five hundred dollars each, twenty-seven thousand dollars;

For insuring regimental armories, buildings at the State camp grounds at Sea Girt, the State arsenal and all public military stores, four thousand dollars;

For ordnance stores, uniforms, clothing, camp and garrison equipage, freight and expressage and miscellaneous supplies, eight thousand dollars;

(For the equipment and furnishing of the First Troop Armory at Newark, four thousand dollars;
 / For allowances for uniforms and equipments for officers of regiments, troops, batteries, companies, signal corps, and the naval reserve, as provided in section one hundred and twenty-seven of "An Act concerning the Militia of the State," approved May sixteenth, one thousand nine hundred and six, seven thousand and twenty dollars.

NAVAL RESERVE.

(First battalion, in lieu of company allowances, one thousand five hundred dollars; Naval reserve.
 (For battalion headquarters, three hundred dollars;
 / For pay of shipkeeper, maintenance and expenses, five thousand five hundred dollars;
 / For pay and expenses of officers and men on annual cruise, two thousand four hundred dollars;
 (Second battalion, in lieu of company allowances, one thousand five hundred dollars;
 (For battalion headquarters, three hundred dollars;
 / For pay of shipkeeper, maintenance and expenses, five thousand five hundred dollars;
 For pay and expenses of officers and men on annual cruise, one thousand eight hundred dollars.

23.

ADJUTANT-GENERAL'S DEPARTMENT.

For the Adjutant-General, for salary, two thousand five hundred dollars; Adjutant-General's department.
 For compensation for clerical service in the Adjutant-General's office, five thousand six hundred and eighty dollars;
 For additional allowance for compensation for clerical service in the Adjutant-General's office, one thousand one hundred and forty dollars;
 For blanks and stationery for use in the Adjutant-General's office, one thousand five hundred dollars;

For postage, expressage and other incidental expenses for the Adjutant-General's office, eight hundred dollars;

For annual dues to Interstate National Guard Association, for the year one thousand nine hundred and nine, fifty dollars;

For printing, binding and distributing the annual report of the proceedings of the department of New Jersey, Grand Army of the Republic, three hundred dollars.

24.

QUARTERMASTER-GENERAL'S DEPARTMENT.

Quarter-
master-
General's
department.

For the Quartermaster-General, for salary, two thousand five hundred dollars;

For compensation for assistants in the department of the Quartermaster-General, namely:

For chief clerk, for salary, two thousand five hundred dollars;

For clerks, for salaries, one thousand seven hundred dollars;

For additional allowance for clerks, for salaries, one hundred and fifty dollars;

For military storekeeper, for salary, one thousand two hundred dollars;

For carpenter, machinist and to persons having in charge accoutrements, et cætera, cleaning arms, et cætera, teamster and laborer, for salaries, four thousand five hundred and seventy-nine dollars and twenty-five cents;

For blanks and stationery for use in the Quartermaster-General's department, five hundred dollars;

For postage, expressage and other incidental expenses for the Quartermaster-General's department, four hundred and fifty dollars.

25.

MONMOUTH BATTLE MONUMENT.

Freehold
monument.

For the commission having in charge the Monmouth battle monument and grounds, pursuant to chapter one

hundred and eighteen of the laws of one thousand eight hundred and eighty-six, five hundred dollars.

26.

TRENTON BATTLE MONUMENT.

For the Trenton Battle Monument Association, for the purpose of keeping said property in good condition and repair, five hundred dollars. Trenton monument.

27.

PENSIONS.

For amount required to pay pensions, pursuant to various acts relative thereto, irrespective of any provision therein that pensions shall be made in the appropriation or tax levy for the department of the public service from which the pensioner shall be so retired, six thousand seven hundred and eighty-four dollars. Pensions.

28.

HOME FOR DISABLED SOLDIERS AT KEARNEY.

For support of the New Jersey Home for Disabled Soldiers at Kearny, and for the chaplain thereof, fifty thousand dollars. Kearny home.

29.

SOLDIERS' STATE PAY.

For claims of volunteers in the Civil War, for State pay pursuant to chapter thirteen of the laws of one thousand eight hundred and sixty-one, one hundred dollars. Civil War claims.

30.

WASHINGTON ASSOCIATION OF NEW JERSEY.

For trustees of the Washington Association of New Jersey, twenty-five hundred dollars. Washington headquarters.

31.

STATE BOARD OF AGRICULTURE.

Board of
agriculture.

For the State Board of Agriculture, eight thousand dollars;

For the State Board of Agriculture, for the purpose of carrying out the provisions of an act to prevent the introduction into and spread of injurious insects in New Jersey, to provide a method for compelling their destruction, to create the office of State Entomologist, to authorize inspection of nurseries and to provide for certificates of inspection, three thousand dollars.

32.

TUBERCULOSIS COMMISSION.

Tubercu-
losis.

For expenses and payments by the State Tuberculosis Commission, twenty thousand dollars.

33.

AGRICULTURAL EXPERIMENT STATION.

Experiment
station.

For salaries and expenses of the Agricultural Experiment Station, twenty thousand dollars;

For printing bulletins of the Agricultural Experiment Station, one thousand five hundred dollars;

For expenses incurred by the New Jersey Agricultural Experiment Station in carrying out the provisions of "An act concerning the regulation of the sale of concentrated commercial feeding stuffs," three thousand dollars;

For expenses incurred by the New Jersey Agricultural Experiment Station in carrying out the provisions of "An act to regulate the sale of Paris green," approved April ninth, one thousand nine hundred and six, five hundred dollars;

For the purpose of carrying out the provisions of an act to amend an act entitled "An act to provide for the scientific investigation of oyster propagation," being

chapter one hundred and eighty-seven of the laws of one thousand nine hundred and seven, one thousand two hundred dollars.

To the Agricultural Experiment Station, for the purpose of carrying out the provisions of 'An act to provide for locating and abolishing mosquito-breeding salt-marsh areas within the State, for assistance in dealing with certain inland breeding places, and appropriating money to carry its provisions into effect,' approved April twentieth, one thousand nine hundred and six, fifteen thousand dollars.

34.

BOARD OF VISITORS TO THE AGRICULTURAL COLLEGE OF NEW JERSEY.

For the Board of Visitors to the Agricultural College of New Jersey, for personal expenses incurred pursuant to chapter three hundred and sixty-five of the laws of one thousand eight hundred and seventy-three, fifty dollars; Visitors to
State
college.

For advertising pursuant to chapter nine of the laws of one thousand eight hundred and seventy-nine, ninety dollars.

35.

STATE HOSPITALS.

For traveling expenses of managers, eight hundred dollars; State
asylums.

For expenses in transferring insane convicts, two hundred dollars;

For medical examination of insane convicts, three hundred dollars.

36.

STATE HOSPITAL AT TRENTON.

For maintenance of county patients, at the rate of two dollars per week; for support and clothing of insane Trenton
asylum.

convicts, at the rate of five dollars per week for each insane convict; and support and clothing of indigent patients, at the rate of four dollars per week, one hundred and fifty-eight thousand dollars;

For salaries of officers, fourteen thousand dollars;

For additional allowance for salaries of officers, one thousand dollars;

For appraisement of personal property, two hundred dollars;

For plumbing for old part of building, for all toilets, bath-rooms, kitchens and operating room, twenty-five thousand dollars;

For tiling old part of building, all toilets, bath-rooms, kitchens and operating room, ten thousand dollars;

For repairs to roads, buildings and grounds, one thousand dollars.

37.

STATE HOSPITAL AT MORRIS PLAINS.

Morris
Plains
asylum.

For maintenance of county patients, at the rate of two dollars per week; for support and clothing of insane convicts, at the rate of five dollars per week for each insane convict; and support and clothing of indigent patients, at the rate of four dollars per week, two hundred sixty-three thousand six hundred and fifty dollars;

For salaries of officers, sixteen thousand five hundred and fifty dollars;

For appraisement of personal property, seventy-five dollars;

For clothing for State indigent patients, and insane convicts, ten thousand nine hundred and fifty dollars.

38.

COUNTY LUNATIC ASYLUM.

County
asylums.

For the support of county patients in the Essex county lunatic asylum, one hundred and sixteen thousand dollars;

In the Hudson county lunatic asylum, sixty-five thousand dollars;

In the Camden county lunatic asylum, twenty-three thousand five hundred dollars;

In the Burlington county lunatic asylum, sixteen thousand dollars;

In the Passaic county lunatic asylum, four thousand dollars;

In the Gloucester county lunatic asylum, one thousand dollars;

In the Cumberland county lunatic asylum, fourteen thousand dollars;

In the Salem county lunatic asylum, one thousand eight hundred dollars;

In the Atlantic county lunatic asylum, eight thousand dollars.

39.

STATE PRISON.

For maintenance of convicts, one hundred and twelve thousand dollars;

For maintenance of principal keeper and resident physician, pursuant to chapters one hundred and sixty-three and two hundred and forty-four, of the laws of one thousand nine hundred and six, one thousand two hundred dollars;

State
prison.

For furniture, appliances and repairs of State Prison, twelve thousand dollars;

For the principal keeper, for salary, three thousand five hundred dollars;

For the supervisor, for salary, three thousand dollars;

For the physicians, deputy keepers and employes, for salary, one hundred and fifteen thousand dollars;

For the six inspectors, for salaries, three thousand dollars

For the keeper, for payments to discharged convicts, two thousand five hundred dollars;

For teacher and moral instructor to the convicts in the State Prison, pursuant to section seven, chapter one hundred and fifty-five of the laws of one thousand eight

hundred and seventy-six, for salary, one thousand dollars;

For traveling and other necessary expenses incurred by the parole agent, pursuant to chapter two hundred and thirty-two, laws of one thousand nine hundred and five, nine hundred and fifty dollars;

For maintenance of the electrocution plant, pursuant to the provisions of chapter seventy-nine, laws of one thousand nine hundred and six, and acts amendatory thereto, eight thousand dollars.

40.

STATE HOME FOR BOYS.

Jamesburg
school.

For the trustees of the New Jersey State Home for Boys, eighty thousand dollars;

For the trustees of said home, for expenses incurred by them in the discharge of their duties, five hundred dollars.

41.

STATE HOME FOR GIRLS.

Girls' home.

For the trustees of the New Jersey State Home for Girls, for the support and necessary repairs to the home, sixty thousand dollars;

For the trustees of said home, for expenses incurred in the discharge of their duties, five hundred dollars;

For the salary of a probation officer, nine hundred dollars;

For traveling expenses of the probation officer, three hundred dollars.

42.

PRESERVATION OF RECORDS.

Archives.

For the purpose of publishing and completing the early records of this State, known as "New Jersey Archives," three thousand five hundred dollars.

43.

BOARD OF FISH AND GAME COMMISSIONERS.

For the fish and game wardens, including the fish and game protector, for compensation, fifteen thousand six hundred dollars; Fish and game commission.

For additional allowance for the fish and game wardens, including the fish and game protector, for compensation, seven thousand five hundred dollars; *provided*, said sum is authorized by enactment of the present Legislature; Disapproved.

For salary of secretary, one thousand eight hundred dollars;

For clerical services and incidental expenses, three thousand four hundred dollars;

For expenses of the fish and game wardens and fish and game protector, five thousand one hundred dollars;

For the purpose of stocking the waters of the State with food fishes and for defraying the cost of maintaining a hatchery and for the protection and propagation of birds and game animals within this State, five thousand dollars;

For expenses of the fish and game commissioners, one thousand dollars;

For printing game laws, license blanks, et cætera, seven hundred and fifty dollars.

44.

BLIND AND FEEBLE-MINDED.

For clothing, maintenance, support and instruction of the blind persons, inhabitants of this State, fifteen thousand dollars; Blind and feeble-minded.

For clothing, maintenance, support and instruction of the feeble-minded persons, inhabitants of this State, seventy-two thousand dollars;

For maintenance, support and instruction of feeble-minded women, forty thousand dollars.

45.

DEPARTMENT OF LABOR.

Labor
bureau.

For the commissioner, for salary, three thousand five hundred dollars;

For the assistant commissioner, for salary, two thousand dollars;

For eleven inspectors, for salaries, sixteen thousand five hundred dollars;

For department clerks, for services, three thousand two hundred and fifty dollars;

For printing, postage, expressage and other incidental expenses, one thousand five hundred dollars;

For expenses of commissioner, assistant commissioner and inspectors, five thousand six hundred and fifty dollar.

46.

STATE CHARITIES AID ASSOCIATION.

Charities.

For expenses of the association, six hundred dollars.

47.

STATE HORTICULTURAL SOCIETY.

Horticulture.

To the treasurer of the New Jersey State Horticultural Society, the sum of six hundred dollars.

48.

STATE OYSTER COMMISSION FOR THE DISTRICT OF OCEAN COUNTY.

Ocean
county
oyster district.

For the commissioners, for salaries seven hundred and fifty dollars;

For the superintendent, for salary, one thousand dollars;

For patrol service, one thousand dollars;

For incidental expenses, five hundred dollars;
provided, all bills are approved by the Governor; Proviso.
For office rent, fifty dollars.

49.

ADVERTISING.

For advertising proclamations issued by the Governor, notices of the Attorney-General in relation to delinquent miscellaneous corporations, and notices of the Comptroller in regard to public printing, et cætera, ten thousand dollars. Advertising.

50.

PRINTING.

For printing and binding public documents, forty-five thousand dollars; Printing.

For compensation of an expert printer for services in preparation of specifications for bids, supervision of work, examination of bills, and such other duties as may by law be imposed upon him, six hundred dollars;

For preparing index of session laws, one hundred dollars;

For printing and circulation of the laws, six thousand dollars.

51.

PUBLIC ROADS.

For public roads, three hundred thousand dollars; Roads.

For State Commissioner of Public Roads, for salary, five thousand dollars;

For compensation of supervisor for assisting the State Commissioner of Public Roads in supervising, constructing and performing such other duties as necessity may require, two thousand five hundred dollars;

For additional allowance for compensation of supervisor for assisting the State Commissioner of Public

Roads in supervising, constructing and performing such other duties as necessity may require, one thousand one hundred dollars;

For expenses for clerk hire, consulting engineer, fees, stationery and actual traveling expenses, six thousand dollars.

52.

OFFICES OF THE STATE COMPTROLLER AND STATE
TREASURER.

Receipts and
expenditures.

For the purpose of carrying out the provisions of chapter two hundred and eighty-eight of the laws of one thousand nine hundred and seven, five thousand dollars.

53.

LEGISLATURE.

Legislature.

For compensation of Senators and members of the General Assembly, forty thousand eight hundred and thirty-three dollars and thirty-two cents;

For compensation of officers and employes of the Legislature, thirty thousand one hundred and fifty dollars;

For stationery for use of the legislative session, pursuant to chapter two hundred and eight of the laws of one thousand eight hundred and sixty-eight, five hundred dollars;

For manuals of the Legislature of New Jersey, two thousand dollars;

For indexing the journal of the Senate and minutes of the executive sessions and the minutes of the House of Assembly, and other incidental and contingent expenses of the Legislature, seven thousand dollars;

For toilet and other necessary supplies for use at the legislative session, to be furnished by the State House Commission, five hundred dollars.

54.

COLLATERAL INHERITANCE TAX.

Inheritance
tax.

For surrogates fees, appraisers' compensation and expenses, legal and other disbursements, pursuant to

chapter two hundred and ten of the laws of one thousand eight hundred and ninety-four, fifteen thousand dollars.

55.

REFUNDING TAXES ON MISCELLANEOUS CORPORATIONS.

For taxes improperly levied upon corporations and to be refunded, pursuant to law, five hundred dollars.

Refund
taxes.

56.

HIGH SCHOOL INSPECTION.

For high school inspection, two thousand five hundred dollars.

High school
inspection.

57.

PRACTICE TEACHING.

For extra compensation to the teachers in the various school districts in the State, for training the normal school pupils in the art of teaching, five thousand dollars.

Practice
teaching.

58.

BODIES THROWN UPON SHORES OF THE STATE BY
SHIPWRECK.

For expenses incurred in viewing bodies cast upon shores by shipwreck, one hundred dollars.

Shipwrecked
bodies.

59.

COURT EXPENSES.

For compensation of judges of the Court of Common Pleas, pursuant to section forty-nine, chapter one hundred and forty-nine of the laws of one thousand nine hundred, one thousand five hundred dollars.

Transferred
suits.

60.

AGRICULTURAL COLLEGE FUND.

Agricultural
college fund.

To the treasurer of Rutgers College, for interest on one hundred and sixteen thousand dollars, certificates of indebtedness of the State of New Jersey, due January first and July first, one thousand nine hundred and nine pursuant to the provisions of chapter one hundred and thirty-five of the laws of one thousand eight hundred and ninety-six, five thousand eight hundred dollars.

61.

RIPARIAN COMMISSION.

Riparian
commission.

For salaries of Riparian Commissioners, six thousand dollars;

For salaries and expenses incurred in the prosecution of the work of the commissioners, six thousand five hundred dollars;

62.

OBSTRUCTIONS TO NAVIGATION.

Removing
sunken
vessels.

For expenses incurred in removing any boat, barge or scow stranded or sunk in any of the navigable rivers of this State, two hundred dollars.

63.

MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR
COLORED YOUTH.

Bordentown
school.

For maintenance of the Manual Training and Industrial School for Colored Youth, twelve thousand dollars.

64.

NEW JERSEY SCHOOL FOR THE DEAF.

Deaf-mute
school.

For the New Jersey School for the Deaf, for the teaching, maintenance and clothing of pupils taught

therein, for purchase and repair of furniture, school apparatus and other appliances, for making needed improvements and repairs in the buildings and grounds, for insurance thereof, and for maintaining the system of manual and industrial education in said school, forty-five thousand dollars.

65.

STATE NORMAL SCHOOL AT TRENTON.

For the support of the State Normal School at Trenton, fifty-five thousand dollars; Trenton Normal School.

For necessary repairs to the grounds, buildings and furniture, and for keeping the same insured, five thousand dollars.

66.

FREE SCHOOL LIBRARIES.

For the formation of libraries in the free public schools of the State, seven thousand dollars. School libraries.

67.

FARNUM PREPARATORY SCHOOL.

For the support of the Farnum Preparatory School at Beverly, two thousand two hundred and fifty dollars. Farnum School.

68.

INDUSTRIAL EDUCATION.

For payments to schools established for industrial education, pursuant to chapter twenty of the laws of one thousand nine hundred and six, twenty thousand dollars; Manual training.

For payments to schools for manual training, seventy-five thousand dollars.

69.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Bureau of
instruction.

For salary of State Superintendent of Public Instruction, five thousand dollars;

For salary of Assistant Superintendent and for clerical services in the office of State Superintendent of Public Instruction, twelve thousand dollars;

For stationery and blanks, four thousand five hundred dollars;

For necessary incidental expenses incurred by the State Superintendent of Public Instruction in the performance of his official duties, two thousand five hundred dollars;

Proviso.

For one thousand copies of the manual of the Legislature of New Jersey, as provided by chapter one hundred and nine, laws of one thousand nine hundred and four, one thousand dollars; *provided*, manuals are furnished schools not heretofore having received them, so far as possible, and all public schools be included in the distribution.

70.

SCHOOL FUND EXPENSES.

School fund.

For necessary legal and other expenses incurred by or under the direction of the trustees for the support of public schools in the investment and protection of the school fund, and in the collection of the income thereof, three thousand dollars.

71.

STATE BOARD OF EDUCATION.

Board of
Education.

For necessary expenses of the State Board of Education, three thousand dollars;

For expenses of bureau of information for teachers and school officers, five hundred dollars.

72.

TEACHERS' INSTITUTES.

For expenses of teachers' institutes, two thousand dollars. Institutes.

73.

TEACHERS' LIBRARIES.

For the establishment and maintenance of libraries for use of teachers, six hundred dollars. Teachers' libraries.

74.

COUNTY SUPERINTENDENTS.

For county superintendents of schools, for salaries, forty-two thousand dollars. County superintendents.

75.

EMERGENCY.

For the Governor, to enable him to meet any emergency requiring the expenditure of money not otherwise appropriated, and to cover any incidental expense of commissioners appointed by him under statute or in his discretion, the sum of twenty thousand dollars, said sum, or any part thereof, to be paid by the Treasurer on the warrant of the Comptroller, upon accounts approved by the Governor. Emergency fund.

76.

STATE BOARD OF EXAMINERS.

For expenses incurred by the State Board of Examiners and compensation for the person appointed by the State Board of Education, two hundred and fifty dollars. Examinations.

77.

STATE SEWERAGE COMMISSION.

Disapproved.

For salaries of commissioners, seven thousand five hundred dollars;

For salary of secretary, one thousand eight hundred dollars;

For rent and necessary expenses of the commissioners, including experimental work, seven thousand five hundred dollars; *provided*, said expenses are approved by the Governor.

78.

NEW JERSEY HOME FOR DISABLED SOLDIERS, SAILORS,
MARINES AND THEIR WIVES AND FOR THEIR
WIDOWS, AT VINELAND.Vineland
home.

For salary of commandant, one thousand five hundred dollars;

For salary of adjutant, one thousand dollars;

For salaries of assistants and incidental expenses, five thousand dollars;

For maintenance and all other expenses, twenty-five thousand dollars;

For repairs to the buildings and furniture, five hundred dollars.

79.

STATE OYSTER COMMISSION.

Oyster com-
mission.

For the better regulation and control of the taking, planting and cultivating of oysters on the lands lying under the tide waters of the Delaware river, Delaware bay, Maurice river cove and Raritan bay, in the State of New Jersey, thirteen thousand dollars;

For the protection of the natural seed oyster grounds on lands lying under the tidal waters of the Delaware river and Delaware bay, north of "southwest line," in the State of New Jersey, four thousand dollars;

For expenses of surveying and mapping lands to be leased for oyster culture under the tidal waters of the Delaware river, Delaware bay, Maurice river cove and Raritan bay, in the State of New Jersey, four hundred dollars.

80.

STATE BOARD OF CHILDREN'S GUARDIANS.

To the State Board of Children's Guardians, for expenses, eight thousand dollars. Children's guardians.

81.

PUBLIC LIBRARY COMMISSION.

For the purpose of carrying into effect the provisions of chapter sixty-two, laws of one thousand nine hundred; for clerical assistance, necessary traveling and other expenses incurred by the commission, and for carrying into effect the provisions of chapter one hundred and seventy-five laws, of one thousand eight hundred and ninety-eight, and its supplements, providing for the establishing and maintenance of a system of traveling libraries, five thousand dollars; Library commission.

For the purpose of carrying into effect the provisions of chapter one hundred and fifteen, laws of one thousand nine hundred and six, five hundred dollars.

82.

TEACHERS' RETIREMENT FUND.

For payment of expenses incurred in connection with the administration of the teachers' retirement fund, pursuant to chapter one hundred and thirty-nine, laws of one thousand nine hundred and seven, three thousand dollars. Expenses retirement fund.

83.

NEW JERSEY REFORMATORY.

Rahway
reformatory.

For traveling and other official expenses of commissioners, one thousand dollars;

For the superintendent, for salary, three thousand dollars;

For the subordinate officers and employes, for salaries, fifty thousand dollars;

For additional allowance for the subordinate officers and employes, for salaries, nine thousand five hundred dollars;

For maintenance, fifty-five thousand dollars;

For furniture, appliances and repairs (including industrial departments), twenty thousand dollars;

For the superintendent, for payments to discharged inmates, three thousand dollars;

For traveling expenses of parole officers, two thousand dollars;

For fuel and water, ten thousand dollars;

For farm live stock, implements, etc., one thousand dollars.

84.

VILLAGE FOR EPILEPTICS.

Epileptic
village.

For expenses of managers, three hundred dollars;

For the superintendent, for salary, three thousand dollars;

For the steward, for salary, one thousand five hundred dollars;

For the first assistant physician, for salary, one thousand five hundred dollars;

For the second assistant physician, for salary, eight hundred dollars;

For maintenance, including fuel and light, sixty-five thousand dollars;

For additional allowance for salaries of officers, two hundred dollars;

For water supply, ten thousand dollars;

For the erection of a cottage for patients, twenty-five thousand dollars;

For repairs to buildings, five thousand dollars;

For trees and shrubbery, two thousand dollars;

For the erection of a school building and library, fifteen thousand dollars.

85.

STATE AGRICULTURAL COLLEGE.

To the treasurer of Rutgers College, to pay the State Agricultural College for the benefit of agriculture and the mechanic arts, pursuant to chapter ninety of the laws of one thousand nine hundred and five, twelve thousand dollars; State college.

For salaries, supplies and all other expenses for the maintenance of short courses in practical and scientific agriculture, pursuant to chapter fifty-five of the laws of one thousand nine hundred and five, and chapter forty-three of the laws of one thousand nine hundred and seven, eleven thousand five hundred dollars;

For the purpose of carrying into effect the provisions of "An act to provide for the establishment of a course in practical and scientific instruction in the art of clay-working and ceramics in the State Agricultural College," approved March seventeenth, one thousand nine hundred and two, and a supplement approved March fourteenth, one thousand nine hundred and seven, being chapter seven, laws of one thousand nine hundred and seven, five thousand dollars;

For the furnishing and equipment of a building known as the engineering building at the State Agricultural College, pursuant to chapter ninety-five, laws of one thousand nine hundred and eight, twenty thousand dollars.

86.

BURIAL GROUNDS.

For the care and maintenance of burial grounds purchased by the State, pursuant to chapter one hundred and Cemeteries.

seventy-one, laws of one thousand eight hundred and ninety-eight, one hundred dollars.

87.

STENOGRAPHIC REPORTERS.

County
court
stenog-
raphers.

For amount to be refunded to various counties in this State for salaries of stenographic reporters appointed by the justices of the Supreme Court, pursuant to chapter eighty-one of the laws of one thousand nine hundred and one, eleven thousand dollars.

88.

STATE SCHOOL TAX.

School tax.

For the purpose of reducing the State school tax to be assessed for the year one thousand nine hundred and nine, one hundred thousand dollars.

89.

BUREAU OF SHELL FISHERIES.

Shell
fisheries.

For the chief of the bureau, for salary, one thousand two hundred dollars;

For blanks, stationery and other incidental expenses, one thousand dollars.

90.

SANATORIUM FOR TUBERCULOUS DISEASES.

Sanatorium.

For maintenance, seventy thousand dollars;

For farming of land, feed for stock, purchase of horses and farming implements, two thousand five hundred dollars.

91.

VESSELS NAVIGATING THE WATERS ABOVE TIDEWATERS
WITHIN THE STATE.

For salary of chief inspector, six hundred dollars;
For expenses of chief inspector, two hundred and fifty dollars;
For salary and expenses of assistant inspector, five hundred dollars.

Inland
navigation.

92.

TENEMENT HOUSE SUPERVISION.

For rent of offices, two thousand dollars;
For furnishing office, three hundred dollars;
For printing and stationery, one thousand seven hundred and fifty dollars;
For clerical service and stenographer, three thousand dollars;
For salary of architect and plan examiner, one thousand eight hundred dollars;
For twenty-two inspectors, one thousand dollars each, twenty-two thousand dollars;
For assistant plan examiner, one thousand two hundred dollars;
For salary of chief clerk, one thousand two hundred dollars;
For salary of law clerk, one thousand two hundred dollars;
For salary of additional record clerk, one thousand two hundred dollars;
For secretary and executive officer, three thousand dollars;
For incidentals, postage and expressage, one thousand dollars;
For inspectors' expenses, three thousand dollars;
For traveling expenses of executive officer and plan examiners, four hundred dollars;
For salary of record clerk, one thousand two hundred dollars;

Tenement
house com-
mission.

For expenses of members of the Board of Tenement House Supervision, five hundred dollars.

93.

EVENING SCHOOLS FOR FOREIGN-BORN RESIDENTS.

Night
schools.

For the purpose of carrying out the provisions of an act entitled, "An act providing for the establishment of evening schools for foreign-born residents in the State of New Jersey," approved April eleventh, one thousand nine hundred and seven, ten thousand dollars.

94.

ARMORY FOR FIRST TROOP CAVALRY.

Newark
troop
armory.

For the purpose of erecting an armory in the city of Newark, for the use of First Troop Cavalry, pursuant to chapter two hundred and four of the laws of one thousand nine hundred and three, twenty-five thousand dollars.

95.

DIGEST OF LAW AND CHANCERY REPORTS.

Approved in
part.

For the purchase of five hundred sets Digest of the Law and Chancery Reports, pursuant to the provisions of chapter sixty-seven of the laws of one thousand nine hundred and seven, twenty-one thousand dollars.

96.

STATE OYSTER COMMISSION FOR THE DISTRICT OF ATLANTIC COUNTY.

Atlantic
county
oyster
district.

For the commissioners, for salaries, nine hundred dollars;

For the superintendent, for salary, one thousand dollars;

For patrol service, one thousand six hundred and eighty dollars;

For incidental expenses, two hundred and twenty dollars;

For surveys, one hundred and fifty dollars.

97.

ELECTORAL COLLEGE AND STATE BOARD OF CANVASSERS.

For per diem allowance of ten dollars to each member of the electoral college and board of State canvassers, and incidental expenses connected therewith, five hundred dollars.

Electoral college.

98.

DEPARTMENT OF CHARITIES AND CORRECTIONS.

For salary of commissioner, four thousand dollars;

For salary of assistant (architect), three thousand six hundred dollars;

For salary of draughtsman, two thousand dollars;

For additional allowance for salary of draughtsman, five hundred dollars;

For allowance for clerical service, one thousand dollars;

For traveling expenses of commissioner and assistant, seven hundred dollars;

For blanks, stationery, postage, et cætera, one thousand dollars.

Charities and corrections.

99.

FOREST PARK RESERVATION COMMISSION.

For the purchase of forest lands and expenses therewith by the State Board of Forest Park Reservation Commissioners, pursuant to chapter forty-seven, laws of one thousand nine hundred and five, twenty thousand dollars;

For the use of the State Board of Forest Park Reservation Commissioners, pursuant to said chapter, includ-

Forestry commission.

ing maintenance of State forest lands, six thousand dollars;

For the use of the State Board of Forest Park Reservation Commissioners, for the purpose of carrying out the provisions of chapter one hundred and twenty-three, laws of one thousand nine hundred and six, four thousand five hundred dollars.

100.

STATE NORMAL SCHOOL AT MONTCLAIR HEIGHTS.

Montclair
Normal
School.

For support of the State Normal School at Montclair Heights, thirty thousand dollars;

For necessary improvements and repairs to the grounds, buildings and furniture, and for keeping the same insured, three thousand dollars.

101.

HEALTH OFFICERS OF THE PORT OF PERTH AMBOY.

Port health
officers.

For salary of the health officer of the port of Perth Amboy, pursuant to chapter three hundred and twenty-eight, laws of one thousand nine hundred and six, one thousand dollars;

For salary of the deputy health officer of the port of Perth Amboy, pursuant to said chapter, two hundred and fifty dollars.

102.

COUNTY BOARDS OF TAXATION.

County
boards of
taxation.

For salaries of members of the County Boards of Taxation, ninety-three thousand dollars.

103.

SECRETARY OF STATE, DEPARTMENT OF MOTOR VEHICLE REGULATION AND REGISTRATION.

Motor
vehicle de-
partment.

For salary for the Commissioner of Motor Vehicles, one thousand five hundred dollars;

For salary for the chief inspector, one thousand five hundred dollars;

For compensation for inspectors, three thousand dollars;

For expenses and equipment of inspectors, two thousand dollars;

For compensation for clerical services, five thousand dollars;

For postage, expressage and other incidental expenses, two thousand dollars;

For blanks and stationery, one thousand dollars;

For the purchase and packing of identification marks and dies for use in connection with the same, twelve thousand dollars; *provided*, the proposed amendments to the law are enacted by the present Legislature. Proviso.

104.

BOARD OF RAILROAD COMMISSIONERS.

For salaries and expenses of members of the Board of Railroad Commissioners, thirty thousand dollars. Railroad
commission.

105.

STATE PRISON SCHOOL.

For the establishment and maintenance of a school in the State Prison, pursuant to chapter sixty-five, of the laws of one thousand nine hundred and seven, two thousand five hundred dollars. Prison
school.

106.

COMMISSIONERS OF THE PALISADES INTERSTATE PARK.

For expenses incurred by the commissioners of the palisades interstate park, two thousand five hundred dollars; said expenses to be approved by the Governor. Palisades
park.

107.

STATE WATER SUPPLY COMMISSION.

Water
supply com-
mission.

For salaries of commissioners, twelve thousand five hundred dollars;

For salary of secretary, two thousand five hundred dollars;

For blanks, stationery, postage and other incidental expenses of the Commission, two thousand five hundred dollars;

For expenses incurred in connection with new or additional water supplies, three thousand five hundred dollars;

For engineers, inspectors, field work, et cætera, five thousand five hundred dollars.

108.

CIVIL SERVICE COMMISSION.

Civil service.

For salaries and expenses of a Civil Service Commission, twenty-five thousand dollars; provided, said Commission is created by enactment of the present Legislature.

109.

PUBLIC UTILITIES COMMISSION.

Disapproved.

For salaries and expenses of a Public Utilities Commission, sixty thousand dollars; *provided*, said Commission is created by enactment of the present Legislature.

110.

DEPARTMENT OF INLAND WATERWAYS.

Inland
waterways.

For the purpose of carrying out the provisions of chapter fifteen, laws of one thousand nine hundred and eight, two thousand dollars.

III.

For the purpose of carrying out the provisions of chapter fifty-five, laws of one thousand nine hundred and eight, two thousand dollars.

Summer
schools.

II2.

For the purpose of carrying out the provisions of chapter fifty-six, laws of one thousand nine hundred and eight, ten thousand dollars.

Live stock
commission.

II3.

For the purpose of carrying out the provisions of chapter eighty-three, laws of one thousand nine hundred and eight, fifty thousand dollars.

Deepening
channels.

II4.

For the salaries and expenses of the Board of Health of the State of New Jersey, twenty-three thousand dollars; *provided*, a bill pending entitled, "An act to amend an act entitled 'An act to establish in this State boards of health and a bureau of vital statistics, and to define their respective powers and duties,' approved March thirty-first, one thousand eight hundred and eighty-seven," becomes a law.

Board of
Health.

Proviso.

II5.

For salaries and expenses of the department of public reports, three thousand dollars; *provided*, a bill pending entitled "An act creating the department of public reports," becomes a law.

Public
reports.
Proviso.

II6.

For the purpose of carrying out the provisions of a bill pending, entitled "An act providing for the retirement of certain judicial officers and former judicial officers and fixing their compensation when retired," ten

Judges'
pensions.

thousand three hundred thirty-three dollars and thirty-three cents; *provided*, said bill becomes a law.

Proviso.

117.

Accounts.

Proviso.

For salaries and expenses for a department of accounts, eleven thousand dollars; *provided*, a bill pending entitled "An act to create a department of accounts, and to provide for a uniform system of bookkeeping and accounts throughout the different departments and institutions of the State," becomes a law.

118.

ARMORY AT SOMERVILLE, SOMERSET COUNTY.

Somerville
armory.

For the construction of an armory at Somerville, Somerset county, pursuant to chapter two hundred and fifty-four of the laws of one thousand nine hundred and seven, twenty-five thousand dollars.

School
system.

2. The following sum is hereby appropriated out of the income of the school fund for the purpose specified for the fiscal year ending on the thirty-first day of October, in the year one thousand nine hundred and nine;

FREE PUBLIC SCHOOL.

For the support of free public schools, two hundred thousand dollars;

There shall be paid from the income of the school fund such sums required to pay premiums and accrued interest on bonds purchased by the trustees for the support of public schools.

Approval of
plans and
contracts by
governor.

3. Before any building or buildings shall be commenced or work undertaken, for the cost of which money is appropriated by this act, the plans, specifications and contracts necessary for the entire completion thereof shall, and each of them shall, be submitted to and approved by the Governor, and such contracts shall not be approved or entered into if the total expenditure under all the contracts necessary to the entire completion of such building, buildings or work according to such

plans and specifications shall exceed the amount appropriated by this act for such building, buildings or work; and in any and every case where it shall appear that the appropriation is insufficient to complete such building, buildings or work, the appropriation hereby made therefor shall not be applied toward the construction of such building or buildings, or prosecution of such work, but shall lapse and no payment shall be made therefrom.

If appropriation inadequate, to lapse.

4. No money shall be drawn from the treasury except for objects as hereinabove specifically appropriated, and except such sums which are by law devoted to specific purposes, namely, State school tax, United States appropriation to Agricultural College, United States appropriation for disabled soldiers, United States appropriation for disabled soldiers, sailors, marines and their wives, Agricultural College fund and taxes for the use of taxing districts in this State, moneys received by the State from the taxation of railroad and canal property, which may be by law apportioned to the various counties of the State for school purposes, and loans to "State School Fund," which last-named sums shall be paid pursuant to the laws applicable thereto; this section shall not be construed to prohibit the payment due upon any contract made under an appropriation of the previous year, nor of any payments into the State Treasury by State Institutions and Commissions pursuant to an act entitled "An act regulating the receipt and disbursement of State moneys in certain cases, approved October thirty-first, nineteen hundred and seven (Chapter Two hundred and eighty-eight, laws of nineteen hundred and seven), which moneys by the provisions of Chapter forty-one, laws of nineteen hundred and eight are appropriated for the maintenance of said State institutions and commissions making such payments, but nothing herein shall be construed to apply to the payments into the State Treasury by the State Reformatory and State Prison of the receipts for the labor of the inmates of those institutions;

Moneys used as specified.

5. This act shall take effect on the first day of November, one thousand nine hundred and eight.

Effective.

Approved except as to the items disapproved as per memorandum hereto annexed April 16, 1908.

In Senate Bill No. 336, entitled "An act making appropriations for the support of the State government and for several public purposes for the fiscal year ending October thirty-first, one thousand nine hundred and nine," I disapprove the following items of expenditure therein authorized:

Item No. 43 is disallowed to this extent: "For additional allowance for the fish and game wardens, including the fish and game protector, for compensation, seven thousand five hundred dollars," as the bill providing for the increase of salary to these offices, which made necessary this appropriation, was not approved.

Item No. 77. This entire item is disallowed, for the reason that this Board was abolished at the present session of the Legislature and this appropriation is therefore unnecessary.

Item No. 95. This item is disapproved to the extent of six thousand dollars, and is approved for fifteen thousand dollars only. The reason for this is that the price to the State for the volumes furnished is excessive and until further legislation is had upon the subject, I shall disapprove six thousand dollars of this item.

Item No. 107. I disapprove of the item for expenses incurred in connection with new or additional water supplies, three thousand five hundred dollars, to the extent of twenty-five hundred dollars, leaving the said item approved for one thousand dollars.

I disapprove of the item for engineers, inspectors, field work, et cætera, five thousand five hundred dollars, to the extent of three thousand dollars, leaving the said item approved for two thousand five hundred dollars.

Item No. 109. This item for salaries and expenses of a Public Utilities Commission, sixty thousand dollars, is disapproved, for the reason that the bill establishing such a commission did not pass the Legislature, and this appropriation is therefore unnecessary.

CHAPTER 320.

An Act to amend an act entitled "An act to provide for the construction of storage reservoirs, the control of flood waters and the maintenance and regulation of water-supply districts when established by law," approved June seventeenth, one thousand nine hundred and seven.

1. Section seven of the act of which this act is amendatory be and the same is hereby amended so that it reads as follows:

Section 7
amended.

When said works are completed, the same shall be maintained and operated by the said commission, and said commission is hereby authorized and empowered, not only to lease any lands acquired by it, as hereinbefore provided, for any purpose not inconsistent with the objects of this act, subject always to the right of flowage of said lands by waters impounded by the works constructed by said commission, but also the right to sell the water so impounded to any municipality in the State of New Jersey desiring to use the same for water supply purposes, at a rate to be fixed by said commission; and also to sell or lease power to be derived from the flow of water at or near any dam or dams included in said works constructed by said commission, at a rate agreeable to said commission; and also to sell or lease shore privileges or other rights upon, adjacent to or in connection with said reservoir. The moneys arising from these or any other sources shall be applied by the said commission, first, to the maintenance of said work or works; second, to the payment of interest upon said bonds; and, third, to the sinking fund for the redemption thereof, and after said bonds are wholly paid, the balance of said income, over

Commission
to maintain
and operate.

May sell
water, power,
privileges.

Use of
rentals.

and above that necessary to the maintenance of said work, shall be paid into the State treasury for the uses of the State.

2. This act shall take effect immediately.

Approved April 16th, 1908.

CHAPTER 321.

A Supplement to an act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

Stock in-
surance
companies,
how taxed.

1. Every stock insurance company, other than fire and life insurance companies, shall be assessed in the taxing district where its principal office is situated by the same method and in the same manner as fire insurance companies are assessed; the real estate belonging to every such corporation, however, shall be taxed in the taxing district where such real estate is situated, and the amount of assessment upon said real estate shall be deducted from the amount of any assessment made upon the capital stock and accumulated surplus of such corporation; no franchise tax shall be imposed upon any such company.

2. This act shall take effect immediately.

Approved April 16, 1908.

CHAPTER 322.

An Act to amend "An act to amend an act entitled 'An act to amend an act entitled "An act to provide for the recovery of damages in cases where the death of a person is caused by wrongful act, neglect or default," approved March third, one thousand eight hundred and forty-eight,' which amendatory act was approved March thirty-first, one thousand eight hundred and ninety-seven," which amendatory act was approved May eighth, one thousand nine hundred and seven.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*:

1. Section two of the act entitled "An act to provide for the recovery of damages in cases where the death of a person is caused by wrongful act, neglect or default," approved March third, one thousand eight hundred and forty-eight, be and the same is hereby amended so as to read as follows:

Section
amended.

2. Every such person shall be brought by and in the names of the personal representatives of such deceased person, and the amount recovered in every such action shall be for the exclusive benefit of the widow and next of kin of such deceased person, and shall be distributed to such widow and next of kin in proportion provided by law in relation to the distribution of personal property left by persons dying intestate; and in every such action the jury may give such damages as they shall deem fair and just with reference to the pecuniary injury resulting from such death to the wife and next of kin of such deceased person; *provided*, that where such deceased person has left or shall leave him surviving a widow, but no children or descendants of

By whom
action
brought.

Distribution
of amount
recovered.

Proviso.

Proviso.

any children, the widow shall be entitled to the whole of the damages which she shall sustain and which shall be hereafter recovered in any such action and the same shall be paid to her *and provided further*, that every such action shall be commenced within twenty-four calendar months after the death of such deceased person.

2. This act shall take effect immediately.

Approved April 16, 1908.

JOINT RESOLUTIONS.

(723)

Joint Resolutions.

JOINT RESOLUTION, No. 1.

Joint Resolution in relation to the New Jersey civil war veteran medal.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey:*

I. The Governor of the State is hereby authorized to present a New Jersey civil war veteran medal, authorized to be issued by a resolution entitled "Joint Resolution in relation to medals for the survivors of the officers and men who enlisted from the State of New Jersey during the war of the rebellion in New Jersey regiments, and to be known as the 'New Jersey civil war veteran medal,' " approved March twenty-eighth, nineteen hundred and four, to every person who has received, or is entitled to receive, a medal, pursuant to a resolution entitled "Joint resolution in relation to medals for the survivors of the officers and men who enlisted from the State of New Jersey during the war of the rebellion under the proclamation of the President, dated April fifteenth, one thousand eight hundred and sixty-one, and in consequence of the requisition of the war department for our quota of seventy-five thousand men from this State, dated April seventeenth, one thousand eight hundred and sixty-one, and to be known as the 'first defenders' medal," approved March twenty-second, nineteen hundred and one; provided, First defenders' medal. however, that such person performed subsequent ser- Proviso.

vice in a New Jersey organization during the war of the rebellion.

2. This resolution shall take effect immediately.

Approved March 4, 1908.

JOINT RESOLUTION, No. 2.

Joint Resolution providing for the creation of a commission to co-operate with the authorities of the States of Pennsylvania and New York in regard to the propagation, protection and catching of fish in the Delaware river, and to inquire into any causes of pollution of the waters of said river, and to recommend legislation in regard to such propagation, protection and catching of fish in the Delaware river, and to obviate the pollution thereof.

Preamble.

WHEREAS, The State of Pennsylvania has expressed a desire to co-operate, and has appointed a commission to frame concurrent legislation in regard to the propagation, protection and catching of fish in the Delaware river, and to inquire into any causes of pollution of the waters of said river, and to recommend legislation in regard to such propagation, protection and catching of fish in the Delaware river, and to obviate the pollution thereof; and

WHEREAS, It is desirable also that a similar commission be appointed by the State of New York; therefore,

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey:*

Commission
on fish and
pollution of
Delaware
river.

That the President of the Senate, the Speaker of the House of Assembly, two members of the Senate to be appointed by the President thereof, three members of the House of Assembly to be appointed by the Speaker of said House, the President of the New Jersey Fish and Game Commission, and one person to be selected

by the Governor, shall constitute a commission of this State to meet with the authorities or commissioners of the States of Pennsylvania and New York at such times and places as may be desirable for the purpose of drafting a uniform law with respect to the propagation, protection and catching of fish in the Delaware river, and to inquire into any causes of pollution of the waters of said river, and to recommend legislation in regard to such propagation, protection and catching of fish in the Delaware river, and to obviate the pollution thereof.

Approved March 25, 1908.

JOINT RESOLUTION, No. 3.

Joint Resolution creating a commission to confer with a New York commission and fully investigate the project of one or more bridges connecting this State with New York.

WHEREAS, The people of New York and New Jersey, recognizing the necessity of some more modern and better system of transit between this State and New York than the slow and dangerous system of ferry-boats, are desirous of having the question of one or more bridges fully investigated; and

Preamble.

WHEREAS, A New Jersey commission has made a preliminary report; and

WHEREAS, New York State has provided a commission authorized and ready to co-operate with a New Jersey commission on the subject, and said State of New York has appropriated five thousand dollars for this purpose; therefore

RESOLVED *by the Senate and State of New Jersey, the House of Assembly concurring:*

1. That the Governor appoint a commission of five members to co-operate and confer with the New York commission and fully investigate the project of the con-

Commission
on bridges
over Hudson
river.

JOINT RESOLUTIONS.

struction of one or more bridges over the waters between New York and New Jersey at the joint expense of the two States, and to report to the Legislature their conclusion on the subject with such data as they may gather. Said commissioners shall receive no compensation for their services.

Appropriation.

2. The sum of five thousand dollars is hereby appropriated for the purpose of paying the expenses of said commission, payable to the treasurer on the warrant of the Comptroller on itemized vouchers certified by the chairman of the commission.

3. This joint resolution shall take effect immediately.
Approved April 2, 1908.

JOINT RESOLUTION, No. 4.

Joint Resolution authorizing the Governor to return Confederate battle flags now in the possession of the State of New Jersey.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey:*

Return of
Confederate
flags.

1. The Governor of this State be and he is hereby authorized to return to the several organizations from which they were taken all Confederate battle flags now in the possession of the State of New Jersey, with such ceremony as he may deem appropriate, and that in case any of said flags cannot be identified or claimed by any organization as having been taken by capture from them, the Governor shall be authorized to deposit the same with such historical society as he may select for the purpose of identification and return.

Unidentified
flags.

2. This resolution shall take effect immediately.
Approved April 2, 1908.

JOINT RESOLUTION, No. 5.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey:*

1. The New Jersey Conference of Charities and Corrections be authorized to print two thousand copies of the report of their annual conference, held in Jersey City on February 10 and 11, 1908; and the sum of six hundred dollars is hereby appropriated for the printing and distribution of the same, to be paid out by the State Treasurer upon warrant of the State Comptroller, upon vouchers duly approved by the Governor.

Report of
charities con-
ference
printed.

Approved April 2, 1908.

JOINT RESOLUTION, No. 6.

Joint Resolution relative to the planting of forest trees.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey:*

1. Joint resolution approved February twenty-first, one thousand eight hundred and eighty-four, entitled "Joint resolution relative to the planting of forest trees," which provides for a proclamation by the Governor for the setting apart of a day in April in each year for the planting of forest trees and the recommending that the day be devoted by the people to that purpose, be amended and modified so that the day to be set apart by the Governor may be either in the month of April or the month of May as he may deem best.

Arbor day.

2. This resolution shall take effect immediately.

Approved April 8, 1908.

JOINT RESOLUTION, No. 7.

Preamble. WHEREAS, His Excellency, the Governor, in vetoing Assembly Bill No. 1, passed at the present session of the Legislature, has suggested that a joint commission be appointed by the respective Governors of New Jersey and Pennsylvania to inquire into and ascertain the probable cost of acquiring the toll bridges across the Delaware river between this State and the State of Pennsylvania, or in case of the failure to so acquire by agreement, the probable cost by condemnation; therefore, be it

Commission
on free
bridges over
Delaware
river.

Resolved (1), By the House of Assembly (the Senate concurring), That the Governor of this State be and he is hereby authorized to appoint three commissioners on the part of the State of New Jersey to act with three commissioners to be appointed by the Governor of the State of Pennsylvania, when that State shall adopt a resolution similar to this, whose duty it shall be to proceed to ascertain what said toll bridges can be acquired for by the two States, and if they can be acquired, to report to the Legislature, if in their judgment the price be a fair one, the amount for which such purchase can be made, and in default of their being satisfied that they can acquire the said toll bridges at a reasonable cost, they shall proceed to estimate the probable value of the said toll bridges, and each of them, and the probable cost of the condemnation of the said property, and likewise report in regard to such condemnation.

Pennsylvania
requested to
join.

Resolved (2), That the Governor of this State be requested to communicate this resolution to the Governor of the State of Pennsylvania with the request that he shall submit this resolution to the Legislature for its concurrent action.

Resolved (3), That there shall be appropriated the sum of one thousand dollars to defray the expenses of the New Jersey commission incident to this inquiry; all expenses of the commissioners to be submitted to the Governor and approved by him for payment.

Approved April 8, 1908.

JOINT RESOLUTION, No. 8.

Joint Resolution authorizing the appointment of a commission to investigate and report upon the condition of the blind residents of this State, to investigate the methods by which other States provide for the blind, and to recommend remedies by which the condition of the blind in this State may be ameliorated.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey:*

1. The Governor is hereby authorized to appoint a commission of five persons, two of whom may be women, to examine the condition of the blind in this State, and the provisions made and methods employed by other States to ameliorate the condition of their blind. This commission shall report to the next Legislature, and make such recommendations as may seem best suited for advancing the interests of the blind. Commission on the blind.
2. The members of said commission shall have power to select and employ a clerk and other necessary assistants. Report.
3. The commissioners shall serve without compensation, but shall receive their actual expenses and disbursements, to pay which, and the compensation and expenses of the clerk and other assistants, the sum of one thousand dollars is hereby appropriated, which expenses and disbursements shall be paid by the State Treasurer, upon warrant of the State Comptroller, upon itemized vouchers therefor, certified to by the commissioners and approved by the Governor. Assistants.
4. This resolution shall take effect immediately. Appropriation.

Approved April 9, 1908.

JOINT RESOLUTION, No. 9.

Joint Resolution providing for the appointment of a committee to ascertain the reasons for the disuse of the Delaware and Raritan Canal, what interest, if any, the State has therein, the rates and tolls charged for the use thereof, whether or not there is discrimination in the supplying of boats for use thereon, and the general operation and conduct of said canal, and to investigate and report upon the utility and advisability of adopting legislation tending to revive the usefulness and development of said canal.

Preamble.

WHEREAS, The Delaware and Raritan Canal, one of the most important waterways of New Jersey, connecting the waters of the Delaware river with those of New York harbor has seemingly lost a large part of the traffic heretofore carried through such canal.

Joint committee on canal.

WHEREAS, It might be of immeasurable benefit not only to the agricultural and commercial interests, but to the whole State to have the usefulness of said canal revived and developed to its fullest extent, and,

Subjects to be considered.

Now, therefore, be it resolved, That a Joint Committee consisting of three members of the Senate and three members of the House of Assembly be appointed to investigate the matters referred to in the preamble of these resolutions; the reasons why said Delaware and Raritan Canal is no longer used as it was in former years; if said canal can be restored to its former usefulness; and if so, how; whether the State has interest in said canal; whether the rights of the State were honestly and irrevocably relinquished; if not, how they can be recovered; if the State has no present interest, how and upon what terms the canal can be retaken by the State; the rates and tolls charged for the use of said canal, whether the same are excessive, what rates and

tolls would be reasonable and proper for such use; whether there is discrimination in the use of said canal or the furnishing of boats for use thereon, or if unnecessary delays and hinderances to shippers are encountered, and how the same may be remedied; all other matters and subjects which the committee may deem useful, incident or pertinent to the inquiry; and to report the result of its investigations to this or the next Legislature, with its recommendations thereon, which report shall include such information obtained or testimony taken as may aid the Legislature in adopting legislation if it shall deem it advisable, to prevent discrimination in the supply and use of boats.

And be it further resolved, That the said committee shall serve without extra compensation; they shall meet in the State House in the city of Trenton or in such other places as they may deem advisable, the times and places to be agreed upon by them; they shall have power to elect a chairman or president from among their number; they shall have power to adopt their own rules of procedure; they shall have power to employ a stenographer and such other assistants as may be necessary for the transaction of their business and fix the compensation of such employes as they may engage; the Attorney-General is directed and empowered to conduct the investigation and to act as counsel to the committee; the compensation of the employes and the actual expenses of the committee shall be paid by the State Treasurer on a certificate of the chairman or president of the committee, approved by the Governor; *provided, however,* that the expenses of the said committee and of such investigation, exclusive of necessary printing shall not exceed the sum of two thousand dollars.

Organiza-
tion, assist-
ants, ex-
penses, etc.

Proviso.

The said committee shall have power to summon and compel attendance before them of such persons as they may deem necessary and proper to testify, and any member of said committee shall have power to administer an oath to any person so summoned, and witnesses appearing before said committee shall receive the like fees as are now allowed witnesses in any of the courts of this State.

Witnesses.

This joint resolution to take effect immediately.

Approved April 14, 1908.

JOINT RESOLUTION, No. 10.

Joint Resolution in relation to medals to be issued to the survivors of the officers and men who were enlisted in the military service of the State of New Jersey on or before April sixteenth, one thousand eight hundred and sixty-one, and were honorably discharged from said service, by order dated July sixteenth, one thousand eight hundred and sixty-one, to be known as the "First Service Medals."

Preamble.

WHEREAS, The President of the United States did, on the fifteenth day of April, one thousand eight hundred and sixty-one, issue a proclamation, calling for seventy-five thousand of the militia, of the several States, under the act of Congress, approved February twenty-eighth, one thousand seven hundred and ninety-five, to "suppress insurrection," and on the sixteenth day of April, was published in the newspapers of the county, and the Governor of the State did, by his order, cause to be enrolled and mustered into the service of the State, at noon of that day Company A, National Guard, Mercer Brigade, State Militia; and

WHEREAS, By order of the proclamation and order aforesaid, this Company A, National Guard, Mercer Brigade, State Militia, fully armed and equipped, was placed upon active service, and for three months did duty within the State, being the first organized, armed and equipped militia organization in the United States in service for the suppression of the Rebellion; therefore,

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey:*

First service medal.

1. The Governor of this State be and is hereby authorized to cause a medal of honor to be prepared and

presented to each of the honorably-discharged survivors of the officers and men who were enrolled between the sixteenth day of April and sixteenth day of July, one thousand eight hundred and sixty-one, in Company A, National Guard, Mercer Brigade, State Militia, said medal to be known as the "First Service Medal," to commemorate their services to their country and State during this eventful period, the cost not to exceed eight hundred dollars, and that the resolution take effect immediately.

Approved April 14, 1908.

JOINT RESOLUTION, No. 11.

A Joint Resolution authorizing the Governor to appoint a commission to inquire into the subject of industrial education and report thereon to the next Legislature.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey:*

1. The Governor is hereby authorized to appoint a commission of five persons, citizens of New Jersey, to inquire into and report to the next Legislature upon the subject of promoting industrial and technical education; the commissioners to be appointed by virtue of this act shall serve without compensation, but shall be repaid their expenses actually incurred in and about the performance of their duties, and may employ a secretary and all necessary and clerical and other assistance; *provided however*, the total expense of said commission shall not exceed three thousand dollars. Commission
on industrial
education.
2. The commission shall investigate the needs for education in the different grades of skill and responsibility in the various industries of the commonwealth. They shall investigate how far the needs are met by existing institutions and what new forms of educational effort shall be advisable, and shall make such investiga- Subjects con-
sidered.

tions as may be practicable through printed reports as to similar educational work done by other States, by the United States government and by foreign governments.

Expenses.

3. All expenses of the commission as herein provided for shall be paid out of moneys specially provided therefor.

4. This resolution shall take effect immediately.
Approved April 14, 1908.

PROCLAMATIONS.

(737)

Proclamations by the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

WHEREAS, the Comptroller did, on the sixth day of January, nineteen hundred and eight, under the provisions of an act entitled "A further supplement to an act entitled 'An act to provide for the imposition of State taxes upon certain corporations and for the collection thereof,' approved April 18, 1884," which supplementary act was approved June 3, 1905, report to the Governor a list of all corporations coming under said act; and

WHEREAS, the following named corporations so reported have, for the two years preceding such report, failed, neglected or refused to pay the State taxes assessed against them for the year 1905, under the laws of the State of New Jersey, and made payable into the State Treasury; and

WHEREAS, under the provisions of said act the charters of said corporations are repealed and all powers conferred by law upon such corporations declared inoperative and void, unless the governor gives further time for payment; and

WHEREAS, the Governor has not given further time to the corporations so reported and hereinafter named for the payment of such taxes, and the same are still unpaid;

Therefore, I, Edward C. Stokes, Governor of the State of New Jersey, pursuant to the provisions of said act of the Legislature, do hereby issue this proclamation that the charters of the following named corporations so reported and in default, to wit:

MISCELLANEOUS CORPORATIONS UNPAID TAXES FOR THE
YEAR 1905.

Acme Book Company.
Acme Equipment Company.
Adams Crucible Steel Company.
Adamson Stock Car Company.
A. D. Burgesser Company.
Addison Conkling.
Advance Signal Company.
Affleck Concrete Steel Tie Company.
A. G. Demarest Company.
A. I. C. Coffee Company.
A. J. Beckley Company.
Alaska Mercantile Company.
Albany Granite Works.
Albin Manufacturing Company.
Alfred S. Wright Company.
Alison Land Company.
Allen Granite and Construction Company.
Allen and Vannest Company.
Allison Meldrum and Company.
Alta Manufacturing Company.
Altruist Interchange Company.
Amboy Lighterage and Transportation Company.
Amboy Machine Company.
American Air Brake Company.
American Anchor Company.
American Automatic Piano Company.
American Beauty Granite Company.
American Brick, Cement and Tiling Company.
American Brick and Clay Manufacturing Company.
American Briquetting Machinery Company.
American Chamois Company.
American Copper Goods Company.
American Corrugated Furnace Company.
American Eagle Kite Company.
American Finance and Audit Company.
American Fiscal Corporation.
American Fixture and Brass Company.
American Fuel and Distillation Company.

American Gas Manufacturing Company.
American Home and Realty Company.
American Institute of Hygiene.
American Institute of Physical Culture.
American Interlaced Curled Hair Company.
American Iron Ore Company.
American Life Belt Company.
American Mantle and Tile Company.
American Oriental Trading Company.
American Package Corporation.
American Parquetry Company.
American Process Company.
American Producer Gas Furnace Company.
American Rotary Engine Company.
American Smokeless Coal Company.
American Stamp Corporation.
American Supply and Construction Company.
American Third Rail Company.
American Timber Investment Company.
American Trimotor Company.
American Trolley Company.
American Tropical Hardwood Company.
American Water Purifying Company.
A. N. Bingham Company.
Anglo-American Rubber Shoe Company.
Anthracite Machine Works, Incorporated.
Anthracite Mining Exhibit Company.
Anticold Company.
Antilles Development Company, formerly Smith-Knapp Company.
Aplique Hosiery Company.
Arch. M. Campbell Company.
Armant Soap Company.
Army and Navy Equipment Company.
Arnold Monophase Electric Company.
Art Novelty Manufacturing Company.
Asbestos Paper Company.
Asbury Park Novelty Company.
A. Schrafft and Company.
Associated Farm Press.
Associates of the Columbia Brewing Company.
Association of Machinists.

Assured Home Company of Michigan.
Assured Investors Syndicate.
Astor Tannery.
Atlantic City Concrete Construction and Paving Company.
Atlantic City Convention Hall Company.
Atlantic Coast Development Company.
Atlantic Coast Improvement Company.
Atlantic Farms Company.
Atlantic Furnishing Company.
Atlantic Land and Investment Company.
Atlantic Match Company.
Atlantic Mercantile Company.
Atlantic Transportation Company.
Atlin Dredging Company.
A. T. Sellers Pharmacy Company.
Auburn Boarding and Livery Company.
Audit Publishing Company.
Autoforce Ventilator Company.
Automatic Opera Chair Company.
Avon Inn Company.
Avoyelles Company.
A. Weinstein and Company.
Babbitt Heat and Power Company.
Bagdad Rug Company.
Bahab Publishing Company.
Baker Mining Company.
Ball Bearing Horse Shoe Company.
Bankers and Merchants Real Estate Company.
Baracoa Fruit Company.
Barr Press Publishing Company.
Batiscan River Lumber Company.
Bayuk Brothers Cigar Company.
Beachmaking Company, Patented.
Beacon Contracting and Construction Company.
Beacon Oil and Gas Company.
Bear Run Coal Company.
Belgian American Rubber Shoe Company.
Bellows Fan Company.
Bell-Smith Company.
Benedict Machine Company.
Bergen Construction Company.

Bergen Industrial Company.
Bergen Realty Company.
Bergen Realty and Construction Company.
Bering Sea and Council City Railway Company.
Berkowitz Novelty Company.
Berlin Ink and Color Company.
Bessemer Oil and Gas Company.
B. Feeney Tobacco Company.
Bishop Company.
Bismarck Telephone and Electric Company of Bismarck, North Dakota.
Block Light Company.
Bohemian Art Glass Works.
Boonton Co-operative Canning Company.
Boston Belt and Art Metal Company.
Boston Finance Company.
Boston Mineral Reduction Company.
Boulevard Stone Company.
Bowne Engraving Company.
Bradford Traction Company.
Brandywine Summit Brick Manufacturing Company.
Bray Manufacturing Company.
Bridge Paint Company.
Broadway Supply Company.
Brockton Stain Company.
Brown-Ensor Manufacturing Company.
Brown Herb Company.
Brunswick Knitting Company.
B. and S. Mutual Savings Company.
Burdick Manufacturing Company.
Burlington Mobile and Transportation Company.
Cady Coffee and Supply Company.
Calcite Company.
California Ore Reduction Company.
Calvert Milling and Manufacturing Company.
Cambridge Delivery Company.
Cambridge Land Company.
Camden Basket-Ball Association of Camden, N. J.
Camden Cornice Company.
Camden Warehouse and Storage Company.
Cape Construction Company.
Cape May Heights Realty Company.

Capital Leather Manufacturing Company.
Carbonate Company.
Carnegie Development Company.
Carolina Copper Company.
Carpenter and Company.
Cashdollar Oil Company.
Catholic Press Association of America.
Celluloid Zapon Company.
Central American Improvement Company.
Central Electric and Construction Company.
Central Hotel Company.
Central Jersey Warehouse Company.
Central States Underwriting and Guarantee Corporation.
Central Union Realty Company.
Ceres Chemical Company.
C. F. Gessert Company.
C. F. Jean Company.
Chambersburg Woolen Mills.
Charavay-Bodvin Company.
Charles E. Hamblen Company.
Chas. Finberg Company.
Charles B. Joyce Grocery Company.
Charles J. Nauen Loom Company.
Charles Roome Parmele Company.
Charm Chemical Company.
Chartered Examiners Corporation, Limited.
Chatsworth Land Title and Improvement Company.
Chatsworth Park Company.
Cheshire Brick Company.
Chester Investment Securities Company.
Chestnut Hill Improvement Company.
"Childs."
Chronicle Printing Company.
City and Suburban Realty and Construction Company.
Claviola Company.
Cleary and Company.
Clifton Driving Park Association.
Clifton Mills Company.
Cline Smoke Purifying Company.
Cloud-Marple Pneumatic Tool and Manufacturing Company.

C. L. Peterson Company.
C. M. Allen Company of Philadelphia.
Cocoanut Company.
Coggeshall Manufacturing Company.
Coleman Automatic Refrigeration Company.
Colonial Asphalt Company.
Colonial Charcoal and Kindling Wood Company.
Colonial Construction Company, Incorporated.
Colonial Silk Company.
Colonial Tile Company.
Colonial Trading and Transportation Company.
Columbia Bottling Company.
Columbia Electric and Manufacturing Company.
Columbia Novelty Manufacturing Company.
Commercial Binder Company.
Commonwealth Electric Company.
Concentrated Flaked Potato Company.
Concrete Granette Company.
Concrete Hollow Block and Supply Company.
Coney Unhairing Fur Company.
Confectioners and Bakers Journal Publishing Company.
Conover-Bernhardt Company.
Consolidated Cross-Tie Company.
Consolidated Engraving Company.
Consolidated Feldspar Company.
Consolidated Josephine Gold Mining and Milling Company.
Consolidated Providence Gold Mining Company.
Consolidated Royal Flush and Virginia Mining Company.
Consumers Box-Board and Paper Company.
Consumers Can Company.
Consumers Electric Light and Power Company.
Consumers Liquid Gas Company.
Consumers Park Brewing Company of New Jersey.
Continental Registry Company.
Contractors Stone Company.
Conway Construction Company.
Cooley General Development Company.
Co-operative Land Company.
Co-operative Transportation Company.
Cooper Lamp Company.

C. O. Peacock Company.
Cosonez Plantation Company.
Courier Publishing Company.
Craig Rolling Mills Company.
Crescent City Construction Company.
Cresco Chemical Company.
Creque Manufacturing Company.
Crown Point Manufacturing Company.
Crude Products Company.
C. S. Trench Company of Pittsburgh, Pa.
Culecide Company.
Curtis Machine Company.
Cyanide Company.
Cyanide Development Company.
Cycle Gear Company.
Daggett Trolley Company.
Daggett Trolley Equipment Company.
Damascus Process Company.
D'Arsi Gas Lighting Company.
Datas Diamond Fields Company.
David Gilmour Door Company, Limited.
Davis-Chase Manufacturing Company.
Davis Electric Manufacturing Company.
Davis and Lakey Publishing Company.
Dayton Foundry Company.
D. B. and S. A. Milling Company.
Deal Beach Hotel Company.
Dealers Stamp Company.
De Baun and Baker Feed Company.
Delaware Foundry Company of Burlington, New
Jersey.
Delaware River and Atlantic Construction Company.
Delaware River Lumber Company.
Delany Foreign Company.
De La Vergne Engineering and Construction Company.
De Lite Manufacturing Company.
Demonstrators Fair Company.
Denney Anti-Fouling Paint Company.
Deubel Milling Company.
Deussing Manufacturing Company.
Devlin Packing Company.
Diamond Anti-Friction Metal and Refining Company.

Diamond Portland Cement Company.
Directory Publishing Company.
D. J. Daley Manufacturing Company.
D. N. Carrington and Company.
Drs. Lorence and Scholl, (Incorporated.)
Dr. Topkins Chemical Company, formerly United
Chemical Company of Califon.
Domestic Novelty Manufacturing Company.
Dominion Improvement and Development Company.
Donnelly Construction Company.
Dover Ice Company.
D. P. McGovern Company.
Drawbaugh Patents Company.
Druggists Co-operative and Protective Bureau (Incorporated).
Dumoulin-Pierce Electric Smelter Company.
Duplex Metal Company.
D. W. C. Gray Stationery Company.
Dyson Rubber Company.
Eagle Cash and Credit House Company.
Eagle Chain and Novelty Manufacturing Company.
Eagle Tile Company.
Earl Metal Bed Company.
East Foundry and Machine Company.
East Jersey Light and Power Company.
East Shore Land Title Company.
Eastern Company.
Eastern Dressed Beef Company.
Eastern Industrial Company.
Eastern Investment Company.
Eastern Iron Company.
Eastern Manufacturing and Pharmacal Company.
Eastern Railway Construction Company.
Eastern Steel Foundry Company.
Eastern Sugar Company.
E. Blunt Manufacturing Company.
Edgar Car-Lock and Seal Company.
Edgemont Building Company.
Edison-Saunders Compressed Air Company.
Edison United Phonograph Company.
Edward Barr Book Binding Company.
Edward Scheitlin Company.

Edwards Floral Hall.
Edwards Land Company.
Edwin E. Graham Company.
Eggvanola Manufacturing Company.
E. G. Harrington and Company.
E. J. Beggs and Company.
Elberon Hotel and Cottage Company.
Electric Car Lighting Company.
Electrical and Chemical Glass Company.
Electrical and Household Manufacturing Company.
Electro Mechanical Company.
El Monte Land and Water Company.
Elyria Wood Plaster Company.
Elysian Supply Store Company.
Embossed Wall Covering Company.
Empire Bung Lock Company.
Empire Furniture Store Company (Limited).
Empire Hosiery Mills Company.
Empire Machine Corporation.
Empire Noodle Company.
Empire Palm Oil Company.
Empire Realty Company.
Empire State Fish Company.
Engineering Contract Company.
Enterprise Glass Company.
Enterprise Shoe and Clothing Company.
Enterprise Silk Dyeing Company.
Enterprise Trimming Company.
Equity Sale, Exchange and Auction Company.
Erie Land Company.
E. R. Soleau Company.
Essex County Construction Company.
Essex County Real Estate Improvement Company.
Eureka Cuspidore Company.
Eureka Iron Company of New Jersey.
Evelyn Hotel Company.
Excelsior Market Company.
Fair Haven Relief and Amusement Association.
Farmers' Canning Company of Allentown, New Jersey.
Farrington Company.
Federal Brewing Company.
Federation Hardware and Manufacturing Company.

Federation Window Glass Company.
Ferrell Flameless Wood Company.
Ferry Patent Stay and Ring Company.
Fest Biscuit Company.
F. Fries Company.
F. G. Otto and Sons.
Fibre Demijohn Company.
Fidelity Audit and Guarantee Company of Pittsburg.
Fiedlers.
Fire Resisting Paint Company.
First Aid Supply of the Red Cross.
Fischer Chemical Importing Company.
Fitz Gerald Stamp and Investment Company.
F. K. Wilkins Company.
Fleming Hotel Company of New Jersey.
Foss Valve and Specialty Company.
Fountain of Youth Company.
F. P. Ward and Company.
Francis Brothers.
Franco-American Rubber Shoe Company.
Frank Atherton Grain Company.
Franklin Realty Company.
Franklin Rubber Manufacturing Company.
Frederick Schwartz Company, Incorporated.
Fried Engineering Company.
Freight Publishing Company.
Friction Door Check Manufacturing Company.
Friction Heat and Boiler Company.
Fullard Machine and Press Company.
Gardenia Hygenic Company.
Garfield Storage and Warehouse Company.
Gaynor Train Control Company.
General Light Supply Company.
General Phonosphere Corporation.
General Realty Investment and Construction Company.
General Safety Appliance Company.
George A. Moss Company.
George Ermold Company.
George Meier Company.
George O. Stacey Hotel Company.
German-American Rubber Shoe Company.
Gilchrist Specialty Company.

Gilmore Mining Company.
G. Kœhler and Company.
Gladstone Coal and Coke Company.
Glaser Confection Company.
Glassboro Company.
Glen Mills Crushed Stone Company.
Glenmore Ice and Coal Company.
Glen Riddle Manufacturing Company.
Gold Reef Mining Company.
Golden Eagle Mining and Milling Company.
Good Brothers Company.
Gouverneur Lead and Garnet Company.
Grand Central Hotel Company.
Grand View Cemetery Company.
Gray's Amusement Company.
Great Eastern Clay Manufacturing Company.
Great Northern Portland Cement Company.
Great Notch Land Company.
Greater New York Realty and Mortgage Company.
Greater New York Title Guarantee Company.
Green River Coal Mining Company.
Greenwald Company.
Greenwood Realty Company.
Guaranteed Real Estate Investors Company.
Guaranteed Warehouse-Receipt Company.
Gunn Tool and Supply Company.
Gurney Ball-Joint Umbrella Company.
G. W. Carnrick Company.
Haddon Heights Supply Company.
Hall, Hepsworth and Company.
Hamilton Gail Company.
Hamilton Noyes Company.
Hamilton Realty Company.
Handerine Manufacturing Company.
Happy Medicine Company.
Hardford Brick Company.
Harris Safety Company.
Harrow-Ryder Silk Manufacturing Company.
Hart Brewer Pottery Company.
Havana Canning Company.
Havana Securities Company.
Hawkeye Mining Company.

Hazelton and Donald Machine Company.
H. B. Chaffee Manufacturing Company.
Hecker Milling Company.
Heinze Manufacturing Company.
Heitzman Tool and Supply Company.
Helena Smelting and Refining Company.
Hemo Medicine Company.
Henry Kroder Company.
Henry McShane Manufacturing Company.
Herm Company.
Highland Park Company.
Highlander Mill and Milling Company.
Hillside Bicycle Track Association.
H. M. Wagner & Co., Inc.
Hoboken Trim Company.
Hodges Coal and Coke Company.
Hoit Engineering Company.
Holden Regealed Ice and Machine Company.
Hollywood Hotel Company, West End, New Jersey.
Holyoke Automobile Company.
Holzapfel's American Compositions Company.
Home Fuel Saving Company.
Home Press Publishing Company.
Home Real Estate Investment Company of Camden,
New Jersey.
Home Trading Stamp Company of Long Branch, New
Jersey.
Honduras Banana Company of Paterson.
Honduras Syndicate.
Hoover Ball Company.
Hope Land Company.
Horse Fair Association of New York.
Hotel Champlaine Company.
Howard Dyeing and Finishing Company.
Howard M. Hooker and Company (Incorporated).
Howland Hotel Company.
Hudson Registry Company.
Huffman Manufacturing Company.
Hull Key Can Company.
Hull Umbrella Manufacturing Company.
Humber Consolidated Mining and Manufacturing Com-
pany.

Hunterdon Power Transmission Company.
Hunterdon Water Power Company.
H. W. Carman Shoe Company.
Hygeia Ice Company.
Hygiene Supply Company.
Ideal Cash Register Company.
Ideal Steel Company.
Illinois Veterinary Laboratory (Incorporated).
Illustraphone Machine Company.
Imperial Department Store Company, formerly David
H. Brand and Company.
Imperial Metal Company.
Imperishable Paper Company.
Improved By-product Coke Oven and Gas Company.
Incandescent Light and Chemical Company.
Independent Ice and Coal Company (No. 1).
Independent Tin Can Company.
Inland Insulation and Rubber Company.
Insular Auto Company, formerly Martin Auto Com-
pany.
Inter-Gas Power Company.
Interim Bond Corporation.
Inter Lakes Transportation Company.
International Addressing Machine Company.
International Automatic Airbrake Coupler Company.
International Badge and Novelty Company.
International Bonding Company.
International Cement Company.
International Chemical Company.
International Condenser Company.
International Extracting Company.
International Forwarding Company.
International Fibre Company.
International Fuel Company.
International Glass and Bottle Company.
International Heater and Furnace Company.
International Land and Harbor Company.
International Land and Investment Company.
International Marine Governor Company.
International Metal Corporation.
International Mining Company.
International Revolving Door Company.

International Rubber Shoe Company.
International Security Manufacturing and Supply Company.
International Towing and Power Company.
International Wave Motor Company.
International Wireless Telegraph Company.
Invention Developing Company.
Jackson Typewriting Machine Company.
Jacksonville Ortega Town Company.
Jalisco Mining and Development Company.
James H. Bently and Company.
James Weidman.
Japhair Packing and Manufacturing Company.
Jarvis Terminal Cold Storage Company.
Jefferson Land Company.
Jefferson Show Company.
Jersey Horse Exchange Company.
J. F. Murphy Company.
J. O. Hesse Company.
John A. Gallagher Company.
John B. Whitaker Company.
John D. Myers Company.
John V. Rice, Jr., and Company. (Incorporated.)
Jones Cigar Company. (Incorporated).
Johnson-Van Vlaanderen Machine Company .
Johnstone Machine Company.
Jose M. Fernandez Company.
Joseph S. Qualey Company.
J. Overton Paine. (Incorporated.)
Jovis Zinc Mining Company.
Kahn Stern Company.
Kayto Company.
Kelly Asphalt Block Company.
Kensington Automobile Company.
Kent Hotel Company.
Keystone Cork Seal Company.
Keystone Exploring Company.
Keystone Medical Company.
Keystone Oil Company.
Keystone Safety Horse-Shoe Company.
Keystone State Combustion Company.
Keystone Steel Mat and Manufacturing Company.
Keystone Transit Company.

Khaki Company.
King Specialty Company.
Kingwood Water Power Company.
Kinsella Drug Company.
Kinsey-Burt Company.
Kitson Construction Company.
Kleena Company.
Kleen Kloes Manufacturing Company.
Klien Carriage Manufacturing Company.
Knickerbocker Oil Producing Company.
Knickerbocker Paper Company.
Koch Chemical Company.
Koch Lung Cure of Boston.
"La Ceiba" Copper Mining Company.
Lackawanna Amusement Company.
La Copia Mining Company.
Ladies Home Medical Company.
Ladyware Company.
Lakewood Land and Improvement Company.
Lakoid Manufacturing Company.
Lambert Snyder Vibrator Company.
Larchmont Park and Land Development Company.
Latta and Terry Company.
Lauderdale Chemical Company.
Lead Bloom Company.
Leader Match Company.
Leonard Remedy Company.
Leopold and Gould Company.
Lermann Hygeia Ice and Cold Storage Company.
Lewis Gas Engine and Machine Company.
L. F. Williams Company.
Liardet Non Re-Fillable Bottle Company.
Liberty Restaurant Company.
Lieson Company.
Liggett Speaking Figure Company.
Lima Dry Goods Company.
Lincoln Cotton Mill Company.
Lincoln Park Transportation Company.
Linden Manufacturing Company.
Little Point Sable Company.
Lock Haven Oil Company.
Lockport Cold Storage Company.

Loeffler Baking Company.
Lone Star Developing Company.
Long Branch Contracting Company.
Long Branch Wood Working Company.
L. Sternberg and Company.
Luelytic Serum Company.
Luhalcyan Mining and Milling Company.
L. W. Ferdinand Company.
Lyceum Publishing Company.
Lyons and Campbell Ranch and Cattle Company.
Lyons, Limited.
Madison Transportation Company.
Maiden-Creek Portland Cement Company.
Maine Ice, Granite and Transportation Company.
Manhattan Cigar Company.
Manhattan Screw and Novelty Company.
Manhattan Tonopah Mining Company.
Maplewood Land and Improvement Company.
Margerum and Thomson Hotel Supply Company.
Marine Fire Extinguishing Company.
Marksboro Portland Cement Company.
Mayer Millinery Company.
M. B. W. Mining Company.
McBarron Manufacturing Company.
McCutcheon Manufacturing Company, formerly Perfection Undergarment Company.
McElroy Grunow Electric Railway System .
McLewee Gas Lamp Company of Philadelphia.
Melber Company.
Memphis Securities Company.
Mercantile Agency and Bonding Company.
Merchants Collecting Association.
Merchants Saving Stamp Association.
Merchants Trading Stamp Company.
Merklin Company.
Merrimack Paving Company.
Merriewold Park Club of Sullivan county, New York.
Metal Moulds Corporation.
Metals Reduction and Recovery Company.
Metropolitan Construction Company.
Mexican Gulf Company.
Mexican Gulf Coal and Transportation Company.

Mexican National Exposition and Land Company.
Mexican Rubber Company.
Mexican Steel Company.
Meyer Manufacturing Company.
Micaroid Manufacturing Company.
Middle Field Oil Company.
Middlesex Securities Company.
Midland Oil Company.
Milford Construction Company.
Miller Pure Rye Distilling Company.
Miller Wheel Excavating Company.
Millie Iron Ore Company.
Millin Printing Company.
Mill Run Coal and Lumber Company.
Mina Grande Smelting Company.
Mine Hill Quarry Company.
Minnetonka Sanitarium Company.
Minniska Springs Company.
Mississippi Hardwood Manufacturing Company.
Missouri Asphalt and Oil Company.
Mizpah Manufacturing Company.
Mlle. Jewell Manufacturing Company.
Mockridge Jewelry Company.
Moffat's, Limited.
Monarch Engraving Company.
Monarch Grocery Company.
Monte Christo Mining Company.
Monterey Electric Street Railway Light and Power
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Moore, Pollock and Redner Company.
Morning Star Mining and Milling Company.
Motoring and Boating, Limited.
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National Chute and Dumping Coal Wagon Company.
National Clay Manufacturing Company.
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National Office Supply Company.
National Organization and Agency Company.
National Photophone Company.
National Pile Fabric Company.
National Portland Cement Company (No. 1).
National Publishing Company.
National Rendering Company.
National Sanitary Company.
National Skylight and Construction Company.
National Switchboard Company.
National Tanning and Belting Company.
National Theatre Company.
National Umbrella Company.
Navarre Manufacturing Company.
Neponset Rubber Company.
Newark and Byesville Glass Company.
Newark Cycle Specialty Company.
Newark Drug Company.
Newark Independent Ice Company.

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Newark Malleable Iron Company.
Newark Marble Company.
Newark Mining Company.
Newark Motor Vehicle Company.
Newark Pneumatic Puncture Proof Tire Company.
Newark Special Machine Company.
Newark Wagon and Carriage Works.
Newark Wire Mattress Company.
New Brunswick Hygienic Milk Company.
New Century Correspondence Schools.
New England Manganese Company.
New Jersey Bond and Mortgage Guarantee Company.
New Jersey Brick and Tile Company.
New Jersey Bridge Company of New York.
New Jersey Construction and Supply Company.
New Jersey Exhibition Company.
New Jersey Fruit Exchange.
New Jersey Knitting Company.
New Jersey News Bureau.
New Jersey Produce Company.
New Jersey Real Estate and Building Company.
New Jersey Rink Company.
New Jersey Sand-Lime Brick Company.
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New Jersey Terminal Company.
New Jersey Toy Manufacturing Company.
New Jersey Warehousing Company.
Newlife Publishing Company.
New River Coal Company.
Newton Company.
New York and Atlantic City Steamship Company.
New York Cloak and Skirt Company.
New York Combustion Company.
New York Honduras Commercial Company.
New York Hotel Company.
New York and Mexican Mining Company.
New York Mutual Optical Company.
New York and New Jersey Automobile Company.
New York and New Jersey Ice Lines.

New York Newspaper Corporation.
New York Pneumatic Horse Collar Company.
New York Securities and Commodities Company.
New York and Southern Transportation Company.
New York Standard Slate Works.
New York Stevedoring Company.
New York Suburban Land Company.
New York Supply and Equipment Company.
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Nonpareil Manufacturing Company.
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Perth Amboy Shipbuilding and Engineering Company.
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Philadelphia Cremation Society.
Philadelphia Finance Company.
Philadelphia Investment Securities Company.
Philadelphia Medical Company.
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Philadelphia Tonawanda Land Company.
Philippine Railway Company.
Phoenix Contracting Company.

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Phoenix Liquid Container Company.
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Pictorial Publishing Company.
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Pittsburg Amusement Company.
Pittsburg Bowling and Amusement Company.
Pittsburg-Clearfield Coal and Coke Company.
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Pittsburg Gravel and Dredging Company.
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Providence-Alaska Tin Mining Company.
Provident Medical and Drug Company.
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Public Finance Company.

Public Service Company of St. Cloud, Minn.
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Quaker City Hosiery Mills.
Quincy Quarries Company.
Railway Electrical Improvement Company.
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Sooysmith and Company.
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Southern Arizona Mining Exploration Company.
Southern Cotton Corporation.
Southern Hat Works.
Southern Investment Company.

Southern Mining and Lumber Company.
Southland Improvement Company.
Southworth Company.
Sporting Boiler Publishing Company.
Squamish River Lumber Company.
Stambaugh Hotel and Importation Company.
Standard Ammonia and Chemical Company.
Standard Birch Beer Company.
Standard Crushed Stone Company.
Standard Hicks Hammock Company.
Standard Land Company.
Standard Light and Heat Company.
Standard Manganese Company.
Standard Mica Company.
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Stourbridge Clay Paint and Pottery Company.
Style Comfort Home and Shoe Company.
Submarine Elevator Amusement Company.
Sultana Company.
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Summer Heights Land Company.
Sussex Record.
Swan and Company.
Switzer-Robinson Corporation.
Syndicate Construction Company.
Syndicated Securities Company.
Tabard Inn Druggist Specialty Company.
Tabard Inn Food Company.
Tabard Inn Press.

Taft Printing and Publishing Company.
Talladega Company.
Tampa Bay Hotel Company.
Taylor Compound Nut Lock Company.
Teeter Kid Company.
Telephone Electric Toll Box Company.
Terry and Gahagan Construction Company.
Textile Chemical Company.
Textile Manufacturing Company.
Thatcher Coal and Coke Company.
Thermobile Company of America.
Thomas Brick and Clay Company.
Thomas W. Leake Company.
Thompson-McShane Company.
Thornycroft Motor Wagon Company of America.
Three Bears Mining Company.
T. J. Wasser Company.
Tompkins Mountain Land Company.
Townsend Asphalt Paint Company.
Traction Elevator and Machine Company.
Transit Contract Company.
Transit Finance Company.
Transparent Cellulose Products Company.
Tredair Rubber Company.
Trent Manufacturing Company.
Trenton Driving Park Association.
Trenton Enameled Brick Company.
Trenton Engraving Company.
Trenton Grain and Hay Company.
Trenton Horse Shoeing Company.
Trinity Springs Company.
Tri-State Coal and Coke Company.
Tuck Petroleum Motor Company.
Twentieth Century Sunday School Bureau.
Twentieth Century Wall Paper Company.
Ulmer and Daly Company.
Underwriters Appraisal Bureau.
Union Automatic Merchandising Company.
Union Box Company.
Union Hotel Company.
Union Labor Co-operative Association.
Union Law Company.

Union and Middlesex Agricultural Society.
Union Potteries Company.
Union Vending Machine Company.
Union Water, Light and Power Company.
Unique Umbrella Company.
United Bottlers Association of New Jersey.
United Coal and Iron Company.
United Collieries Company.
United Cotton Improvement Company.
United Factory Supply Company.
United Gas and Water Works Construction Company.
United Light and Traction Company.
United Power and Water Development Company.
United Scrap Iron and Metal Company.
United Supply Company of America, Incorporated.
United Tunnel Improvement Company.
United States Alloy Company.
United States Boiler Cleaning Compound Company.
United States Broom Company.
United States Candle Company.
United States Combination Bracket and Lock Company.
United States Coupler and Manufacturing Company.
United States Fuel Saving Company.
United States Hardware Manufacturing Company.
U. S. Mercantile Trading Stamp Company.
United States Patent Colt Skin Company.
United States Printing and Publishing Corporation.
United States Susphate Company.
U. S. Trading Stamp Company.
Universal Ice-Cartridge Company.
Universal Registry Company.
Universal Stone Machine Company.
Universal Tie Manufacturing Company.
Upton Motor Company.
Van Aken Contracting and Supply Company.
Veneero Company.
Venezuela Cattle Company.
Ventilated Grip and Manufacturing Company.
Ventnor Concrete Company.
Verona Drug Company.
Verona Pharmacy.

Vineland Bottle and Glass Company.
Vineland Poultry Farm Company.
Vineland Window Glass Company.
Virginia Brewing Association.
Vishkurna Publishing Company.
Voglers Cove Mining Company.
Waco Brick and Manufacturing Company.
Wading River Realty Company.
Wagner Glass Works.
Wagner, Wagner and Company, Incorporated.
Waldo Foundry.
Walter Armitage Company.
Walter Land Company.
Warwick Arms Company.
Washington Rock Spring Water Company.
Watt Manufacturing Company.
Waverly Park Improvement Association.
Wayne Oil Company.
Weber Self Playing Piano Company.
Weehawken Heights Land and Improvement Company.
Weeks Bill Board Company.
Wellington Gas and Petroleum Lamp Company.
Wellsburg and Buffalo Valley Company.
Welsh Chemical Company.
Welvant Manufacturing Company.
Werner-Benjamin Company.
West End Realty Company.
West Indies Construction Company.
West Jersey and Seashore Steamboat Company.
Western Development Company.
Western Lighting Company.
Western Pennsylvania Securities Company.
Western Securities Company.
Western Water Company.
Whann Lithia Springs Company.
Wheeler Forged-Rolled Steel Wheel Company.
White Dental Company.
White Improvement Company.
White Locomotive Works.
Whitely and Collier, Incorporated.
White River and Tanana Mining Company.
Who's Shoes Company.

Whyte Brothers Corporation.
Wickenburg Mining and Smelting Company.
William Campbell and Company.
Wm. Bremerman and Brother.
Wilmarth Car Fender Company.
Wilmington Lumber Company.
Withrow Gunning Club.
Wizard Industrial Company.
Wolf Cigar Stores Company.
Woodside Park Miniature Railway Company.
Wooley Dorer Hat Manufacturing Company.
Worcester Pants Manufacturing Company.
Working Men's Investment Company.
World Axle Grease and Fluid Lubricator Company.
World Electric Specialty Company.
World Fire Killer Company.
Wyand Steam Turbine Manufacturing Company.
Yearly's Self Sealing Jar Company.
York Candy Company.
York Chemical Company.
Young, McShea Amusement Company.
Young's Pier Corporation.

are repealed, and all powers conferred by law upon such corporations, and each of them, are hereby declared inoperative and void.

In witness whereof, I have hereunto set my hand and caused the great seal to be affixed, at Trenton, this eighteenth day of January, one thousand nine hundred and eight.

By the Governor :

[GREAT SEAL]
S. D. DICKINSON,

E. C. STOKES.

Secretary of State.

PROCLAMATION.

By a statute of this State, approved June twelfth, one thousand nine hundred and seven, it is enacted that Good Friday shall annually be kept as a public holiday. While this day is not by this act made a legal holiday, it was evidently the legislative intent that the keeping of the day should be enjoined upon all the people.

Therefore, I, John Franklin Fort, Governor of the State of New Jersey, do appoint Friday, the seventeenth day of April, one thousand nine hundred and eight, as a day of devotion and of fasting and prayer, that all the people of this State may turn their thoughts and lift their hearts in devotion to Him upon whom rests the faith of the vast multitude of our people. Let all turn reverently on this day in praise of Him who is "King of Kings and Lord of Lords."

[SEAL.] Given under my hand and the great seal of the State of New Jersey, in the city of Trenton, this ninth day of April, one thousand nine hundred and eight, and of the Independence of the United States the one hundred and thirty-second.

JOHN FRANKLIN FORT.

By the Governor:

S. D. DICKINSON,
Secretary of State.

PROCLAMATION.

The conservation of the American forest is now uppermost in the minds of all thoughtful people. He

who plants a tree promotes the interest of future generations. The teaching of the young to preserve forest lands and promote tree culture is of great importance. New Jersey has taken an advanced step for the preservation and in the direction of the protection and increase of its forest area. The State, under laws permitting such purchases, now owns about ten thousand acres, and is authorized to purchase additional reservations.

The tree, both for man and for beast, is useful for shade. It tends to increase the rainfall, and it adds to the happiness and comfort of man by the fruit product which it yields.

The annual observance of Arbor Day is commended by statute, and the public schools are enjoined to observe the day and instruct the youth as to its import.

By law, the Governor is required to proclaim a day that it may be suitably observed.

Now, therefore, I, John Franklin Fort, Governor of the State of New Jersey, do hereby, by this my proclamation, designate that Friday, the first day of May, A. D. 1908, be observed as Arbor Day throughout the State and in all the public schools thereof, and I do enjoin the teaching of the children as to the importance of this day, and of what it means to all the people.

Given under my hand and the great seal of the State of New Jersey, in the city of Trenton, this ninth day of April, one thousand nine hundred and eight, and of the Independence of the United States the one hundred and thirty-second.

JOHN FRANKLIN FORT.

By the Governor:

S. D. DICKINSON,
Secretary of State.

PROCLAMATION.

WHEREAS, The One Hundred and Thirty-second Session of the Legislature of this State, which adjourned *sine die* on the tenth day of April last, passed a number of statutes and joint resolutions creating certain offices to be filled by the Governor, with the advice and consent of the Senate, and which positions, in the estimation of the Governor, are of such importance as to necessitate the calling of the Senate that they may receive and act upon nominations thereto, now, therefore,

I, John Franklin Fort, Governor of the State of New Jersey, in and by virtue of the power in him vested by the Constitution, do hereby convene the Senate of said State, at the State House, in the city of Trenton, on Friday, the eighth day of May, A. D. 1908, at twelve o'clock noon.

Given under my hand and the great seal of the State of New Jersey, at Trenton, on the first day of May, A. D. 1908.

[SEAL.]

By:

JOHN FRANKLIN FORT.

S. D. DICKINSON,
Secretary of State.

DECREES OF DISSOLUTION.

(773)

Decrees of Dissolution.

IN CHANCERY OF NEW JERSEY.

In pursuance of Chapter 185 of the Laws of 1896, copies of decrees of dissolution of the charters of the following corporations have been filed in the office of the Secretary of State.

<i>Name.</i>	<i>Filed.</i>
Para Recovery Company,	April 27, 1908.
New Jersey and Pennsylvania Concentrating Works,	April 27, 1908.

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