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LAWS-NEW JERSEY.

1903.









# ACTS

OF THE

## ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

OF THE

STATE OF NEW JERSEY

AND

Fifty-Ninth Under the New Constitution.



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The following laws, passed by the One Hundred and Twenty-seventh 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 Twenty-seventh Legislature  
OF NEW JERSEY.

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<i>Bergen,</i> .....	EDMUND W. WAKELEE.
<i>Burlington,</i> .....	NATHAN HAINES.
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<i>Mercer,</i> .....	ELIJAH C. HUTCHINSON.
<i>Middlesex,</i> .....	THEODORE STRONG.
<i>Monmouth,</i> .....	OLIVER H. BROWN.
<i>Morris,</i> .....	JACOB W. WELSH.
<i>Ocean,</i> .....	GEORGE L. SHINN.
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<i>Sussex,</i> .....	LEWIS J. MARTIN.
<i>Union,</i> .....	JOSEPH CROSS.
<i>Warren,</i> .....	ISAAC BARBER.

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<i>Bergen</i> ,.....	GEORGE COOK, MELANCTHON S. AYERS.
<i>Burlington</i> ,.....	JOHN G. HORNER, BENJAMIN D. SHEDAKER.
<i>Camden</i> ,.....	HENRY S. SCOVEL, THEODORE B. GIBBS, JOHN S. ROBERTS.
<i>Cape May</i> ,.....	LEWIS M. CRESSE.
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<i>Essex</i> ,.....	WILLIAM B. GARRABRANTS, JOHN HOWE, ROBERT W. BROWN, WILLIAM G. SHARWELL, RALPH B. SCHMIDT, EDWARD E. GNICHTEL, EDGAR WILLIAMS, ROBERT M. BOYD, JR., WILLIAM A. LORD, FREDERICK R. LEHLBACH, EVERETT COLBY.
<i>Gloucester</i> ,.....	JOHN BOYD AVIS.
<i>Hudson</i> ,.....	JAMES A. HAMILL, CARL G. A. SCHUMANN, JOHN J. TREACY, PETER STILLWELL, FREDERICK WEISMANN, J. W. RUFUS BESSON, MICHAEL J. CANNON, JOSEPH C. DUFF, JAMES F. FIELDER, WILLIAM D. KELLY, EDGAR H. LOVERIDGE, THOMAS P. McGLENNON.

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<i>Warren</i> ,.....	JOHN A. WILDRICK.





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# LAWS

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# ACTS

PASSED BY THE

## One Hundred and Twenty-seventh Legislature.

### CHAPTER I.

An Act to annex to the township of Wall, in the county of Monmouth, a portion of the borough of Spring Lake and a portion of the borough of North Spring Lake in said county.

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

1. All that portion of the borough of Spring Lake and all that portion of the borough of North Spring Lake included within the following boundaries, to wit: Beginning at a point in the westerly line of the right of way of the New York and Long Branch Railroad in a line at right angles to the point formed by the intersection of the middle line of said railroad right of way with the centre line of its pipe or culvert through which the waters of Pollypod bog and marsh are drained into Lake Como; thence westerly at right angles to the centre line of said railroad right of way to a point distant two hundred feet westerly from the westerly side of said railroad right of way; thence southerly parallel with said westerly side or line of said railroad right of way to a point intersected by the prolongation of the northerly line of Ludlow avenue; thence westerly on a line with the northerly line of said Ludlow avenue to a point where the same intersects the west line of the road from Manasquan to Sea

Portions of  
Spring Lake  
and North  
Spring Lake  
annexed to  
Wall town-  
ship.

Plain; thence southerly along the west line of said road to the present division line between the boroughs of Spring Lake and North Spring Lake; thence easterly along said division line to the centre of said road; thence southerly along the centre line of said road to the north branch of Wreck Pond; thence easterly down the middle of said branch following the southerly boundary of the borough of Spring Lake until it intersects said westerly line of said railroad right of way; thence northerly along said westerly line of said railroad right of way to the place of beginning, are hereby set off from said boroughs and annexed to and made a part of the township of Wall in the county of Monmouth.

2. This act shall take effect immediately.

E. C. HUTCHINSON,

*President of the Senate.*

JOHN G. HORNER,

*Speaker of the House of Assembly.*

Approved February 24, 1903.

FRANKLIN MURPHY,

*Governor.*

## CHAPTER 2.

An Act to annex to and consolidate with the mayor and council of the borough of Spring Lake, the mayor and council of the borough of North Spring Lake.

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

North Spring  
Lake annexed  
to Spring  
Lake.

1. The mayor and council of the borough of North Spring Lake and the territory embraced within the boundaries of said municipal corporation, shall be and the same is hereby annexed to and made a part of the mayor and council of the borough of Spring Lake, in the county of Monmouth.

2. This act shall take effect immediately.

Approved February 24, 1903.

## CHAPTER 3.

An Act to set apart a portion of the territory of the township of Gloucester, in the county of Camden, and to create a new township to be called the township of Clementon.

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

1. All that portion of the territory of the township of Gloucester, in the county of Camden, situate, lying and being northeast of a line described as follows: beginning at a corner in the northwestern side line of Gloucester township in the middle of the Evesham road between lands of Chalkley Albertson's estate and the Magnolia Villa land and improvement company; thence extending in a southerly direction along the line of lands of said Albertson and others to the middle of the Chew's Landing and Summerdale road at the corner to Martin Schubert's land; thence northeasterly along the middle of said road to the corner between said Schubert and Charles Jenkins' property; thence southeasterly in the line between said Schubert and Jenkins to the Signey run; thence down said run westerly, the several courses thereof, to its junction with the north branch of Timber creek; thence up the middle of the same easterly to its junction with the Little Mill stream; thence up the middle of the Little Mill stream southerly to its intersection with a straight line drawn from the corner of the Warrick road and the Chew's Landing and Summerdale road to the corner of the Blackwood and Clementon road and the Laurel Mill and Little Mill road; thence along said line southerly to the intersection of the Blackwood and Clementon road with the Little Mill road; thence along the middle of the Little Mill road southerly to its intersection with the middle of the Hickstown and Albion road; thence along the middle of the said Albion road easterly to

Boundaries.

the middle of Sharp's branch; thence down the said Sharp's branch, the several courses thereof, southerly to the line of Winslow township in the middle of the Berlin and Cross Keys road, and there to end, shall be and the same is set off and detached from the said township of Gloucester, and shall be and the same is hereby created a separate township, to be called the township of Clementon.

Corporate  
name.

2. The inhabitants of said township of Clementon shall be and they are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "the township of Clementon, in the county of Camden," and they shall be entitled to all the rights, powers, authority, privileges and advantages and be subject to the same regulations, government and liabilities as other townships in the county of Camden are or may be entitled or subject to by the laws of this state.

3. This act shall take effect immediately.

Approved February 24, 1903.

#### CHAPTER 4.

A Further Supplement to an act entitled "An act respecting the paving and repaving of streets, avenues and public highways in cities of the first class in this state, and providing for the payment of assessments for especial benefits to property benefited thereby, and the payment of contractors supplying the work and material therefor," approved March twenty-first, one thousand eight hundred and ninety-five.

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

Raising funds  
by general tax  
for street  
paving.

1. For the purpose of further paving and repaving streets in cities of the first class in this state, in accordance with the provisions of the act to which this is a

supplement, and to provide for payment of the same, it shall be lawful, after the expiration of the year one thousand nine hundred and three, for the common council, or other legislative body or governing board or body having the control of the finances of any city to which the provisions of the act to which this is a supplement are applicable, to annually cause to be assessed and raised by the tax ordinance or budget of each year for five consecutive years, a sum not exceeding one hundred thousand dollars, which money, so raised as aforesaid, shall be added to the capital fund and account of said city for the paving and repaving of streets, and said money so annually raised shall be expended exclusively for the paving and repaving of streets in such city in accordance with the provisions of the act to which this is a supplement, relating to the expenditure of the moneys of said capital fund account.

2. During the month of January in each year, for five consecutive years after the expiration of the year one thousand nine hundred and three, it shall be the duty of the common council or other legislative body or board having the control of the finances of such city, to determine whether said sum of one hundred thousand dollars, or some portion thereof, shall be raised by taxation as aforesaid, and if said body or board of such city shall determine by resolution to raise said sum of money, or any portion thereof, in such year, and shall pass a resolution determining so to do, in the manner prescribed by the laws governing such city, then it shall not be lawful for such board or body or common council to afterwards change, repeal or amend the resolution so passed, and it shall be incumbent upon and the duty of such common council, board or body of such city, to insert in the tax ordinance or budget of such year the said sum of one hundred thousand dollars, or such other sum as may have been determined upon as aforesaid, and cause the same to be assessed and raised by tax in said year in like manner as other taxes in such city are assessed and raised.

Procedure  
for raising  
funds.

3. Where in any such city the amount authorized to be raised for current general expense is fixed and limited, then so much of the sum annually raised under

Amount not  
included in  
limitation.

the provisions of this act as exceeds the amount so authorized to be raised by taxation therein for the purpose aforesaid, shall not be included in such limitation but shall be raised in addition thereto.

Repealer.

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

Approved February 26, 1903.

## CHAPTER 5.

An Act to amend an act entitled "An act providing 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:*

Section amended.

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

Manner of becoming a town.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the inhabitants of any town, village, borough or township which has, or hereafter may have, a population exceeding four thousand inhabitants, may become a body politic and corporate in fact and in law by the name and title of "the town of (specifying the name borne by such town, borough or township), in the county of (specifying the county in which the same is situated)," whenever, at any special election called for that purpose, or at any town or charter meeting or election, at which the question of incorporating under this act is submitted, as hereinafter provided, it shall be so decided by a majority of the voters thereof voting at any such election.

2. This act shall take effect immediately.

Approved February 26, 1903.



## CHAPTER 6.

An Act to enable the boards of chosen freeholders of two or more counties in this state, where such counties now or hereafter maintain and operate a bridge or bridges, such bridge or bridges being wholly within the territorial limits of one of said counties only, to jointly erect new bridge or bridges, to replace ones dilapidated, unsuitable, or in decay, or to rebuild the same, and to enable said counties to agree as to the proportion of the expense to be borne by each, and to issue bonds for the payment of the same.

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

1. Whenever two or more counties in this state now or hereafter maintain and operate a bridge or bridges, where such bridge or bridges happen to be wholly within the territorial limits of one of said counties only, it shall be lawful for such counties to jointly erect a new bridge or bridges to replace ones dilapidated, unsuitable, or in decay, or rebuild the same; and each county may agree to bear and pay therefor the same share or proportion of the expense of such erection or rebuilding as it bears and pays of the cost of maintenance and repair, or such other sum as they may deem equitable and just.

Joint maintenance of bridges by counties.

2. Such boards shall have prepared plans and specifications of said work, and if the cost thereof is in excess of one thousand dollars, shall advertise for bids, for two weeks, in at least two daily newspapers, or four weeks in two weekly newspapers, in each county; and the contract shall be awarded to the lowest responsible bidder who shall furnish satisfactory security, to be approved of by said boards; and said boards, voting separately, shall approve of the plans and specifications, and award the contract.

Plans and approval.

Joint  
committee.

3. In order to receive the bids each board shall appoint certain of its members, who together shall constitute a joint committee, and such joint committee shall receive the bids at the time and place specified in the advertisement, and shall open the bids, in open meeting of such committee, and publicly announce the amount or items composing each bid, and the members of the committee from each county shall forthwith report the bids to their board for action thereon.

Liability  
specified.

4. The contract for said work shall specify the share or proportion of the cost of erecting or rebuilding such bridge or bridges to be borne and paid by each county, and each county shall be liable for such share or proportion, and no more.

Payment  
may be by  
bonds.

5. If in the opinion of said boards, or either of them, to be determined by a resolution passed by either of said counties separately for the purpose, to place in the tax levy for any one fiscal year its share or proportion of the cost of erecting or rebuilding such bridge or bridges, would be too burdensome on the taxpayers of such county or counties, then it shall be lawful for such board to issue the bonds of such county, to raise the funds wherewith to defray the cost aforesaid, which bonds shall run for a period not exceeding twenty years, shall bear interest at not exceeding five per centum per annum, and shall be sold for not less than par, and shall be signed by the director of the board and the county collector, under the corporate seal of the county; and the board so issuing such bonds 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 said bonds at maturity.

6. This act shall take effect immediately.

Approved February 26, 1903.

## CHAPTER 7.

A Supplement to the act entitled "An act to facilitate the acquirement of lands and the erection of buildings for county purposes," approved March twenty-second, nineteen hundred.

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

1. In addition to the amount of bonds authorized to be issued by the act to which this is a supplement it shall be lawful for the board of chosen freeholders of any county in this state which has proceeded, or shall proceed, under the provisions of said act, to issue and sell the bonds of such county corporation to a further aggregate amount not to exceed two-tenths of one per centum of the total assessed value of the real and personal property in such county, as ascertained by the county board of assessors at or before the issue of the bonds herein authorized; such bonds shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually, with such provisions as to registration and payment of interest or coupons as may be found expedient; shall be payable at a time not exceeding forty years from their date, and shall not be sold at either public or private sale for less than their par value; and it shall be the duty of such board of freeholders to 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 also to include in the annual county tax levy a sum sufficient to pay the interest on such bonds from year to year.

2. The proceeds of said bonds shall be used to pay the cost of lands and erecting buildings and furnishing the same, and for improving the grounds about said county buildings, and for taking down and removing any buildings occupying any part of the grounds needed for the new county buildings or for the approaches

Further  
issue of  
bonds.

Amount.

Rate.

Sale and  
maturity.

Use of  
proceeds.

thereto, and also, when any former county building upon said premises shall, in the judgment of such county building commission, be worthy of preservation, said county building commission may cause the same to be taken down, removed and again erected, with such reconstruction and improvement thereof as such county building commission shall approve, upon some public park or other public ground of said county, and there devoted to some public use; and the expense of such removal and subsequent erection and improvement may be defrayed out of the proceeds of bonds sold under this act.

3. This act shall take effect immediately.

Approved February 26, 1903.

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## CHAPTER 8.

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 the state,'" approved April second, one thousand nine hundred and two.

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

Law reports  
at court  
houses.

1. It shall be lawful for the board of chosen freeholders of any county to provide for the use of the county, at the court house, full and complete sets or parts of sets of the reports of this and other states and countries, and the statutes of this state and such text-books as may be designated by the judge of the circuit court or the president judge of the court of common pleas; the amount to be expended not to exceed five hundred dollars in any one year.

2. This act shall take effect immediately.

Approved February 26, 1903.

## CHAPTER 9.

A Supplement to the act entitled "An act concerning townships (Revision 1899)."

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

1. The township committee of every township of this state having a population of more than forty-five hundred shall consist of five members, and, in such townships, at the next annual township election, in addition to the number to be otherwise chosen there shall be elected two additional members of said committee, one for a term of two years and the other for a term of three years; except as herein provided, the members of said committee shall hold office for a term of three years as heretofore; no ordinance shall be finally passed and no resolution involving the payment of money, or obligating the payment thereof, by such townships shall be adopted, unless by a majority vote of the whole committee; three members of said township committee shall be a quorum for the transaction of business; no ordinance shall require the vote of more than three members of the committee on its passage.

When township committee may consist of five members.

2. In the townships affected by this act there shall be elected a road supervisor who shall hold office for three years, and who, under the general direction of the township committee, shall have complete charge and supervision of the opening, making and repairing of the roads and streets controlled by the township committee in such townships; he shall receive such compensation as the township committee shall fix and determine.

Road supervisor.

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

Repealer.

Approved February 26, 1903.

## CHAPTER 10.

An Act to amend an act entitled "An act to establish a system of public instruction," 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:

Section  
amended.

1. Amend section two hundred and forty-four of an act entitled "An act to establish a system of public instruction," approved March twenty-sixth, one thousand nine hundred and two, so that it shall read as follows:

Trustees and  
funds for  
joint districts.

244. The board of education in any school district which comprises a municipality and a portion of an adjoining municipality or municipalities shall be hereafter deemed to be incorporated under the provisions of section eighty-nine of the act to which this is an amendment, and shall have all the powers and be charged with all the duties conferred or imposed upon a board of education as provided in article seven of said act; in any such district members of the board of education shall be selected in all respects as they are selected in said district at the time of the passage of this act, and moneys for the maintenance of public schools therein shall be ordered, assessed, levied and collected in the same manner as they are ordered, assessed, levied and collected therein at the time of the passage of this act; bonds for the purpose of purchasing or taking and condemning land for school purposes, or building a school-house or school-houses, or making addition, alterations, repairs or improvements in or upon any school-house and the lands upon which the same shall be located, and of purchasing school furniture and other necessary equipment shall be ordered and issued in such district in the manner provided in article twenty of the act to which this is an amendment; all appropriations, bonds, taxes and as-

assessments heretofore made, authorized, issued, levied and imposed in any such district, in substantial compliance with the provisions of the act to which this is an amendment, are hereby validated and confirmed as fully and to the same extent as though done after the passage of and in conformity with this act.

2. Amend section two hundred and fifty so that it shall read as follows: Section amended.

250. All school districts shall hereafter be governed solely by the provisions of this act, and all acts and parts of acts, general, special or local, so far as they are inconsistent with the provisions of this act, are hereby repealed; *provided*, this repealer shall not revive any act heretofore repealed. Government of school districts.  
Proviso.

3. This act shall take effect immediately.

Approved March 2, 1903.

## CHAPTER II.

An Act to incorporate the borough of Woodbine, in the county of Cape May, and to fix the boundaries thereof.

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 Dennis, in the county of Cape May and state of New Jersey, hereinafter mentioned and described, shall be and they are set off from the township of Dennis and hereby constituted a body politic and corporate in law by the name of, "The borough of Woodbine," 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 stone monument in the bounding line between Dennis and Upper townships, standing on the westwardly side of the main road leading from Woodbine station to Tuckahoe, and running thence by Boundaries.

said township line southeastwardly nine hundred and sixty-eight rods to the intersection of the most southeastwardly line of the Woodbine land and improvement company tract with the said township line, as said company's lines are shown on the map of said tract recorded in the county clerk's office at Cape May Court House, New Jersey, said company's line to be designated as line number one of said tract, for the purpose of this description; thence southwestwardly by said line number one, and said line number one extended to its intersection with line number six of said tract extended eastwardly; thence westwardly to said line number six; thence by lines numbers six and seven to line number eight; thence westwardly eighty-six rods to the corner between lines numbers fifteen and sixteen; thence by line number sixteen to line number seventeen; thence northwestwardly one hundred and ninety rods to a corner between lines numbers twenty-two and twenty-three; thence by lines numbers twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one and thirty-two to line number thirty-three; thence northeastwardly five hundred and ninety-seven rods to a point in the said township line one hundred and forty-six rods northwestwardly from the said beginning point; thence by said township line southeastwardly to the beginning.

3. This act shall take effect immediately.

Approved March 3, 1903.



## CHAPTER 12.

An Act to amend an act entitled "An act to authorize the erection of engine houses and buildings for the protection of fire apparatus and for other municipal purposes in towns of this state, and the purchase of lands whereon to erect said buildings," approved March sixth, one thousand nine hundred.

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

1. Section one of an act entitled "An act to authorize the erection of engine houses and buildings for the protection of fire apparatus and for other municipal purposes in towns of this state, and the purchase of lands whereon to erect said buildings," is hereby amended so as to read as follows:

Section amended.

1. The common council or other governing body of any incorporated town in this state are hereby authorized and empowered to erect one or more buildings suitable for the use of the fire department of said town and other municipal purposes, and to purchase land whereon to erect said building or buildings; *provided*, that the aggregate cost of said land and of the erection of said building or buildings in such town shall not exceed seventy-five thousand dollars.

Purchase lands and erect buildings.

Proviso.

2. Section two of said act be amended so as to read as follows:

Section amended.

2. To provide moneys necessary to carry this act into effect the common council or other governing body of any such incorporated town shall have power to issue bonds of such town to an amount not exceeding seventy-five thousand dollars, having not more than twenty years to run and bearing interest at a rate not exceeding five per centum per annum, and to pledge the faith, credit and property of said town for the pay-

Issue bonds to pay for same.

ment of the principal and interest thereof, and to provide for the redemption of said bonds by taxation.

3. This act shall take effect immediately.

Approved March 3, 1903.

### CHAPTER 13.

A Further Supplement to an act entitled "An act concerning landlords and tenants," approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

Removal of  
tenant.

1. Any lessee or tenant at will or at sufferance or for a part of a year, or for one or more years, of any houses, lands or tenements, and the assigns, under tenants or legal representatives of such tenant or lessee, may be removed from such premises by any district court of any city in the county where such premises are situated, or, if such premises do not lie within a city in which there is a district court then by any justice of the peace of the county where such premises are situated in the manner hereinafter prescribed in the following cases; *provided* that this act shall not be construed so as to give justices of the peace jurisdiction in cities where district courts are established by law:

Proviso.

Service of  
notice of  
removal.

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; or where for any reason, such service cannot be

had, then the same may be served by affixing a copy of such notice to the door of any dwelling, or such demised premises, occupied by such tenant;

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.

2. Any landlord or lessor, his legal representatives, agents or assigns may make oath in writing to 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 subdivision II of section one of this act, then said oath shall state the amount of rent claimed to be in default, and may file the same with the clerk of any district court of any city within the limits of the county in which the premises are situated, or in case the premises do not lie within a city in which there is a district court, then with any justice of the peace of the county in which the premises are situated, subject to the proviso in section one of this act; and on filing such affidavit the clerk or justice of the peace with whom the same is filed, 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 court, if issued by the clerk of a district court, or before the justice of the peace, if issued by a justice of the peace, 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 if issued from such district court shall be served in the same manner as other writs of summons issued out of said court, and if issued by a justice of the peace then in the manner prescribed in the act constituting courts for the trial of small causes, and either party may demand and have a trial by a jury of twelve men; *provided*, that if proceedings shall be instituted under the provision of subdivision II of the preceding section, then if the tenant or person in possession of the demised premises shall at any time

Filing of  
claim, if in  
city.

With justice  
of the peace.

Summons.

Proviso.

before the time of appearance specified in said summons pay to the clerk of the court out of which said summons was issued, or to the justice of the peace by whom such summons was issued, the rent claimed to be in default by the oath filed with said clerk or justice of the peace, together with the accrued costs of the proceedings, all proceedings shall be stopped and the receipt of said clerk or justice of the peace shall be evidence of such payment, and the said clerk or justice of the peace shall forthwith pay all moneys so received to the landlord or to the person making oath for him.

Proof of termination of tenancy.

3. In cases arising under subdivision I of the first section of this act, no judgment for possession shall be ordered in a case of tenancy at will, or from year to year, unless the judge or justice of the peace shall be satisfied by due proof that such tenancy has been terminated by giving three months' notice to quit, which notice shall be deemed and taken to be sufficient, and in tenancies from month to month, one month's notice shall be deemed and taken to be sufficient.

Service when admission refused.

4. Where admission to the dwelling or premises occupied by the tenant is denied to the officer attempting to serve any summons issued under the provisions of this act, or where the tenant resides out of or is absent from the county in which the demised premises are located, and there is no person in actual occupation thereof, it shall be lawful service of such summons, if the said officer shall post or affix a copy of the same upon the door or other conspicuous part of such dwelling or premises, and the said officer shall make a return of such service of such summons accordingly; *provided*, that in case the tenant shall not be a resident of the county in which said demised premises are situated and the same shall be in the occupation of any other person or persons, then such summons shall be served either personally upon such person or persons, or by leaving the same with a member of his or their family above the age of fourteen years.

Proviso.

Entering judgment of possession.

5. If at the time appointed in the said summons, or at the time to which said suit may be adjourned, no sufficient cause be shown to the contrary, and it shall appear to the said judge or justice of the peace that

the summons has been duly served and (in cases arising under subdivision II of section one of this act) that the rent claimed and costs accrued have not been paid, the said court or justice of the peace shall forthwith enter a judgment for possession and shall issue a warrant to any constable of the county, in which the premises are situate, or sergeant-at-arms of the court, commanding him to remove all persons from the said premises, and to put the said claimant into full possession thereof, and to levy and make the costs out of the goods and chattels of such person or persons in possession; *provided*, it shall be necessary for said claimant, if required by the defendant, to prove to the satisfaction of the judge or the justice of the peace, or of the jury if there be a trial by jury, the facts which, according to the first section of this act authorize such proceedings against the tenant; and whenever in any suit for dispossession of a tenant, on the return day of a summons, or any adjourned day, there is no appearance by or on behalf of any tenant named therein, or if any defendant shall appear, but make no defence, the court or the justice of the peace may, if it appear that the summons has been duly issued and served, hear and determine the cause upon the affidavit filed, without the production of any witnesses or other proofs; *provided*, that no such warrant of removal shall issue until after the expiration of three days after the entry of judgment for possession.

Proviso.

Proviso.

6. If upon the said trial the plaintiff shall not be able to prove, by lease or other evidence, his right to possession of the premises claimed by him without proving title to lands, tenements and hereditaments, it shall be the duty of the said judge or justice of the peace to dismiss the action.

Dismissal upon failure to prove right of possession.

7. Proceedings had by virtue of the first section of this act shall not be appealed from nor removed by certiorari; but the landlord shall remain liable in an action of trespass for any unlawful proceedings under this act.

Landlord's liability.

8. At any time after a summons has been issued, according to the second section of this act, and before the return thereof, either the landlord or the party in

When circuit court has cognizance.

possession may apply to a justice of the supreme court, who, if he shall deem the case of sufficient importance, may order the said judge or justice of the peace forthwith to file said oath or complaint of the landlord and other papers appertaining to the proceedings in the office of the clerk of the circuit court of the county in which such proceedings were commenced, and thereupon such circuit court shall have full and exclusive cognizance of the case; and said court shall be always open for such purpose.

Proceedings,  
trial by jury,  
judgment,  
costs.

9. Immediately upon such papers being filed in said clerk's office, the judge of the circuit court shall cause a venire facias for a jury to be issued, returnable into said court in not more than one week from the time of issuing the same; and which said writ shall be served by the sheriff or other officer according to the practice of said court in like cases; and on the day of the return of the said writ the case shall be tried, unless for good cause shown the said trial shall be adjourned; said adjournment and all other adjournments shall be for the shortest period practicable, and such notice of the trial shall be given as the judge may direct; the parties, if they agree so to do, may waive a trial by jury, and submit the case to the judge on the law and facts, and a judgment shall be entered upon the finding of the judge or the jury, and if the same be in favor of the landlord a writ shall issue to the sheriff of the county commanding him to put the landlord in possession of the premises in question, and to levy, and make the costs out of the goods, chattels and lands of the person in possession; and if judgment be rendered for the defendant he shall have an execution in like manner for his costs.

Power of  
circuit court.

10. Said circuit court shall have the same power with respect to said proceedings, and the same control over the verdict and judgment, as it has in other cases within its jurisdiction, and from the judgment so entered a writ of error shall lie to the supreme court; but such writ shall not stay the execution of such judgment unless upon an order to that effect, indorsed on said writ by the said circuit judge, and upon a bond with sufficient surety being given in an amount which

he shall designate, conditioned to indemnify the party in whose favor said judgment was rendered, against all losses and damages which he may sustain by reason of final process being stayed.

11. All acts and parts of acts inconsistent with this act be and the same are hereby repealed; *provided*, that this act shall not be construed so as to repeal the supplement to "An act regulating lettings where no definite term is fixed," approved April fourteenth, one thousand eight hundred and eighty-four, which supplement was approved April sixteenth, one thousand eight hundred and eighty-eight, nor so as to repeal section one hundred and seventeen of "An act concerning district courts (Revision of 1898)," approved June fourteenth, one thousand eight hundred and eighty-eight.

Repealer.

Proviso.

12. This act shall take effect immediately.

Approved March 4, 1903.

#### CHAPTER 14.

An Act to incorporate the town of Westfield, in the county of Union.

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 Union contained within the territorial limits of the present township of Westfield, hereinafter described, are constituted and declared to be a body politic and corporate in law and in fact by the name of "the town of Westfield," and shall be governed by the general laws of this state relating to towns.

Corporate name.

2. The territorial limits of the said town shall be as follows: Beginning at the northwesterly corner of Cranford township in the dividing line between the townships of Westfield and Springfield, and running thence (1) southwesterly along the westerly boundary line of said Cranford township to an angle in said

Boundaries.

boundary line in the old Gallows hill road; thence (2) southerly still along the said westerly boundary line of Cranford township to another angle in the said westerly boundary line of said Cranford township; thence (3) southeasterly along the southwesterly boundary line of Cranford township to the northerly corner of Clark township; thence (4) southwesterly along the northwesterly boundary line of Clark township to the middle of an old road and the most easterly corner of the township of Fanwood; thence (5) along the middle of said old road and along the northeasterly boundary line of Fanwood township in a course generally northwesterly to the center line of Broad street; thence (6) northwesterly and still along the said easterly boundary line of Fanwood township to the intersection of the center line of the old Jerusalem road (now Brightwood avenue) and Morse road; thence (7) northeasterly and still along the said easterly boundary line of Fanwood township to the center line of the county road from Springfield to Scotch Plains and the southwesterly corner of the borough of Mountainside; thence (8) along the southerly boundary line of said borough of Mountainside in a course generally easterly to the southwesterly boundary line of Springfield township at the easterly corner of the borough of Mountainside; thence (9) southeasterly along the southwesterly boundary line of Springfield township to the northwesterly corner of Cranford township and the point or place of beginning.

Repealer.

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

Approved March 4, 1903.



## CHAPTER 15.

An Act relating to the appointment and fixing the compensation of a secretary and a clerk in the office of the mayor of cities of the first class in this state.

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

1. The mayor of any city of the first class in this state shall have power to appoint a secretary, to be paid such compensation as shall be fixed by said mayor not exceeding one hundred and seventy-five dollars per month, and also to appoint a clerk in his office, to receive such compensation as shall be fixed by said mayor, not exceeding seventy-five dollars per month; said secretary and clerk shall serve during the pleasure of the mayor.

Secretary  
and clerk  
to mayor.

2. This act shall take effect immediately.

Approved March 5, 1903.

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CHAPTER 16.

An Act providing for the pensioning of school teachers in this state.

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

1. Any school teacher in this state, who shall have served as such in any school district of this state for forty (40) years consecutively, shall, upon application to the board having charge of the schools in such district, be voluntarily retired from active duty upon half pay; and it shall be the duty of the body having charge

Retire  
teachers on  
half pay.

of the finances of said district to provide for such payment monthly.

2. This act shall take place immediately.

Approved March 5, 1903.

## CHAPTER 17.

An Act to amend 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*:

Section  
amended.

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

Term.

26. The commissioners appointed as aforesaid shall be commissioned by the governor and hold their offices for five years; but in case any commissioner shall remove out of the town, township, borough, ward or city in which he shall reside at the time of his appointment his commission shall thereupon become void; and further, all commissioners appointed as aforesaid may be removed from office by the governor for malconduct during the time for which they were appointed to said office; and that it shall be lawful to appoint for any county in this state commissioners of deeds as follows:

Removal for  
malconduct.

Number.

Fifteen for each of the wards in the several cities of the first class in this state; eight for each of the wards in the several cities of the second class in this state; five for each of the wards in the cities, towns and boroughs not included above whenever said cities, towns and boroughs are divided into wards; and in all other cities, towns, boroughs and townships, one for every five hundred or fraction thereof of the population of such cities, towns, boroughs and townships; *provided*, every city, town, borough and township not divided into wards or

Proviso.

polling districts shall be entitled to at least three commissioners of deeds.

2. This act shall take effect immediately.

Approved March 5, 1903.

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## CHAPTER 18.

A Further Supplement to an act entitled "An act to enable counties of the second class in this state to furnish suitable accommodations for the transaction of public business," approved March twenty-second, one thousand eight hundred and ninety-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 a further supplement shall be amended to read as follows:

Section  
amended.

4. The board of chosen freeholders of any such county is hereby authorized, empowered and directed to issue bonds, for the purposes aforesaid, in the corporate name and under the corporate seal of such county, the total amount of which shall not exceed the sum of four hundred and fifty thousand dollars.

Amount of  
bond issue.

2. This act shall take effect immediately.

Approved March 5, 1903.

## CHAPTER 19.

A Further Supplement to an act entitled "An act to authorize two or more municipalities in this state to jointly construct and maintain outlet or trunk sewers," approved March fifteenth, one thousand eight hundred and ninety-nine.

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

Continuance  
of officers and  
compensation.

1. The permanent chairman, the secretary, the treasurer and the other officers of the joint meeting appointed or elected pursuant to the provisions of the act to which this is a supplement, shall hold their several offices until the final completion of the work contracted to be performed by the municipalities jointly contracting pursuant to the provisions of the act to which this is a supplement, and shall be entitled to receive the compensation fixed for their said offices until the completion of the work, and each of the said officers shall be entitled to receive such compensation at the rate fixed by the joint meeting of the governing bodies or boards of the municipalities jointly contracting for such public improvement from the beginning of their terms until the completion of such public improvement so contracted for; upon the completion of such public improvement, the joint meeting of the governing bodies or boards of the municipalities jointly contracting therefor, shall reorganize for the purpose of maintaining and operating a joint outlet or trunk sewer so completed by them, by the election of a chairman of such joint meeting and a secretary and a treasurer and such other officers, servants and agents as may be needed for the purpose of the maintenance and operation of such joint outlet or trunk sewer, and shall fix the compensation to be paid all said officers, servants and agents for the services to be performed by them in the future operation and maintenance of said sewer.

Reorganize  
to maintain  
and operate  
sewer.

2. It shall be lawful for the municipalities which have entered into a joint contract for the construction, maintenance and operation of an outlet or trunk sewer, pursuant to the provisions of the act to which this is a supplement, to ratify, alter or modify such contract entered into by them with respect to any of the provisions of said contract, and to provide for the future management, operation and control of such joint outlet or trunk sewer; *provided*, that such supplemental or amendatory contract shall have been duly authorized by ordinance or resolution of the governing bodies or boards of said municipalities charged by law with the duty of constructing sewers or drains in such municipalities respectively.

May approve or modify contract.

Proviso.

3. It shall be lawful in any contract made for the construction of a joint outlet or trunk sewer, pursuant to the provisions of the act to which this is a supplement, or in any amendatory or supplemental contract made pursuant to the provisions of this act, for the jointly contracting municipalities to provide that no assessment for benefits upon the lands and real estate fronting upon such public improvement shall be made upon the application of the jointly contracting municipalities in joint meeting or for the joint benefit of the contracting municipalities as is provided in the act to which this is a supplement, but in lieu thereof, that each municipality contracting for the construction of such joint outlet or trunk sewer shall be authorized and empowered to treat the portion of such joint outlet or trunk sewer and its branches and appurtenances which may lie within its territory for the purpose of assessment for benefits conferred upon the land fronting thereon in such municipality, in the same manner as the local sewers or system of sewers are treated in such municipality and as part of such local sewers or system of sewers, in which case any assessment which may be levied for benefits conferred by the construction of said outlet or trunk sewer, its branches and appurtenances in any municipality shall be made under the same procedure and by the same officers and shall be collected in the same manner as in the case of assessments for benefits arising from the construction of the local sewers or system of sewers in such municipalities.

How assessments for benefits may be made.

Repealer.

4. All acts and parts of acts inconsistent with the provisions of this act shall be repealed, and this act shall take effect immediately.

Approved March 5, 1903.

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CHAPTER 20.

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 three, such time shall be and the same is hereby extended for the further period of two years from the passage of this act; *provided, however*, that this act shall not apply unless 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, 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,

Proviso.

Proviso.

Rights of state  
preserved.

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.

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

Approved March 5, 1903.

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JOINT RESOLUTION No. 1.

Joint Resolution relating to the boundary controversy between the states of New Jersey and Delaware.

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

1. Franklin Murphy, governor, Thomas N. McCarter, attorney-general, and Edward C. Stokes be and they hereby are appointed and constituted commissioners of the state of New Jersey to confer with like commissioners representing the state of Delaware for the purpose of framing a compact or agreement between the said states and legislation consequent thereon, to be submitted to the legislatures of said two states for action thereon, looking to the amicable termination of the suit between said states now pending in the supreme court of the United States and the final adjustment of all controversies relating to the boundary line between said states and to their respective rights in the Delaware river.

Commissioners to confer regarding state line.

Approved March 5, 1903.

## CHAPTER 21.

An Act to grant and release the title and interest of the people of the state of New Jersey in and to certain real estate in the city of Elizabeth, county of Union and state of New Jersey, of which John Cuff died seized, unto Catherine Cuff, now Noonan.

**Preamble.**

WHEREAS, One John Cuff, late of the city of Elizabeth, in the county of Union and state of New Jersey, departed this life on the twenty-ninth day of May, in the year eighteen hundred and sixty-seven, seized of all that certain lot, tract or parcel of land and premises situate, lying and being in the city of Elizabeth, in the county of Union and state of New Jersey, and which is more particularly laid down, designated and distinguished on a certain map entitled "map of the new manufacturing town of Elizabethport, New Jersey" (which said map is now on file in the office of the register of the county of Essex), as lot number fifty-nine (59) on block number forty-three (43) as laid down on said map; which said lot was conveyed to the said John Cuff, in his lifetime, by deed of Esther F. Kellogg and others, dated April first, eighteen hundred and sixty-four, and recorded in book twenty, on pages two hundred and twenty, etc., of deeds for Union county; and

WHEREAS, The said John Cuff departed this life on the twenty-ninth day of May, eighteen hundred and sixty-seven, leaving his last will and testament, dated on the said twenty-ninth day of May, eighteen hundred and sixty-seven, and afterwards duly probated in the surrogate's office of the county of Union, and recorded in book L, on pages three hundred and thirty-three of wills for said county of Union; and

WHEREAS, In and by the terms of said last will and testament the said John Cuff directed that the said lot of land or real estate should go to his widow, Catherine



Cuff; *provided, however*, that should any issue be born to her of her union with the said John Cuff, then that the said real estate should go to such child and to his or her heirs or assigns forever; and

Proviso.

WHEREAS, The said John Cuff died leaving him surviving his widow and no children or heirs-at-law, and subsequently a posthumous child was born to his widow, Catherine Cuff, which said posthumous child lived to be eight months of age; and

WHEREAS, The said Catherine Cuff, widow of said John Cuff (who afterwards intermarried with one Morris Noonan), has been in the undisputed possession of said lot of land since the death of her said husband, John Cuff, and has paid the taxes and assessments levied against the said land since the year of his said death in eighteen hundred and sixty-seven;

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

1. All the estate, right, title and interest of the state of New Jersey in and to the above-described lot, tract or parcel of land and premises, whereof the said John Cuff died seized, with the appurtenances thereunto belonging, or in any wise appertaining, be and the same are hereby granted and released unto the said Catherine Cuff (now Noonan), her heirs and assigns forever.

Title  
invested.

2. This act shall be deemed a private act, and take effect immediately.

Approved March 13, 1903.

## CHAPTER 22.

An Act to amend an act entitled "An act to authorize foreign corporations to acquire, own and dispose of real estate in this state."

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

1. Section one of an act entitled "An act to authorize foreign corporations to acquire, own and dispose of real

Section  
amended.

estate in this state," approved March twenty-sixth, one thousand nine hundred and two, be and the same is hereby amended to read as follows:

Use of real  
estate.

1. It shall be lawful for any foreign corporation whatsoever, other than municipal corporations, to purchase and convey, to lease, hold, occupy and use for the purposes of such corporation, such real estate in this state as may be devised or conveyed to it.

Approved March 13, 1903.

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## CHAPTER 23.

An Act concerning the fire department in cities of the first class.

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

Salaries of  
officers.

1. It shall be lawful for the board having charge and control of the fire department in any city of the first class in this state where the salaries of officers and employees thereof are now fixed by law, with the approval of the mayor of such city and the board, body or authority having charge of the finances in such city, to fix the annual salaries to be paid to the chief engineer of such department, and to the assistant engineer or deputy chief thereof, at not exceeding three thousand dollars (\$3,000) per annum for the chief engineer, and at not less than twenty-five hundred dollars (\$2,500) per annum for the assistant engineer or assistant chief; and it shall be the duty of the board having charge and control of the finances of said city to raise by taxation yearly the amount of said salaries when so fixed.

Provision for  
payment.

2. The board having charge and control of the finances of such city, shall raise by temporary loans the balance necessary to pay such salaries, if fixed after the confirmation of the tax levy for such year, and provide for the repayment of such temporary bonds in the tax levy next thereafter to be made.

3. This act shall take effect immediately.

Approved March 13, 1903.

## CHAPTER 24.

A Supplement to an act entitled "An act in relation to county expenditures," approved April second, one thousand eight hundred and seventy-eight.

WHEREAS, In making up their appropriations or limit of expenditure for the current fiscal year the boards of chosen freeholders of the counties in this state could not reasonably anticipate that the strike of the coal miners would result in such a considerable advance in the price of coal, and such boards may not have placed in their appropriation or limit of expenditure for the current fiscal year a sum sufficient to purchase the coal needed for county purposes during the current fiscal year, therefore

Preamble.

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

1. That wherever in any county in this state the board of chosen freeholders of such county is compelled to pay a higher price per ton for coal than the sum paid by it during the last fiscal year, such board may exceed its appropriation or limit of expenditure for the current fiscal year by the difference between the price it is compelled to pay for coal per ton during the current fiscal year and the price per ton that it paid during the last fiscal year multiplied by the number of tons it purchases for use during the current fiscal year; and it shall be the duty of such board, in making up its appropriation or limit of expenditure for the next fiscal year, to insert an appropriation to pay the excess herein authorized, under the head "special appropriation to pay coal deficiency;" and may borrow for the use of the county, on temporary loan, the amount of such deficiency, in anticipation of the collection of said moneys by taxation, as aforesaid.

Deficiency  
for fuel.

2. This act shall take effect immediately.

Approved March 13, 1903.

## CHAPTER 25.

A Supplement to an act entitled "An act in relation to county expenditures," approved April second, one thousand eight hundred and seventy-eight.

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

Meet deficiency in maintaining roads or bridges.

1. Whenever in any county or counties in this state any board of chosen freeholders, singly or in conjunction with another board or boards, has acquired any plank, turnpike or other road, including the bridge or bridges, if any, therein, of any corporation whose charter has expired, or otherwise, since the said board or boards fixed their appropriation or limit of expenditure for the current fiscal year, and such board has either no appropriation or one insufficient for the proper maintenance, operation, and repair of such road and bridges, and such board or boards is or are now engaged in the maintenance and operation thereof, including any bridge or bridges that may be in the same, then it shall and may be lawful for such board or boards to exceed their appropriation or limit of expenditure for the current fiscal year, in a sum equal to the cost of such maintenance, operation and repair, if no appropriation was made for such purpose, and if an appropriation was made for such purpose, then in a sum equal to the difference between the actual cost of maintenance, operation and repair and the sum so appropriated; and said board shall place in the tax levy for the next fiscal year a sum equal to the expense of maintaining, operating and repairing such road and bridge or bridges, if any, if no appropriation was made, and if an appropriation was made, then equal to the difference between the amount of said appropriation and the actual expense of maintaining, operating and repairing such road and bridge or bridges; and may borrow, for the use of such county, the money necessary for the purpose aforesaid, in anti-

pation of the collection of said money by taxation, as aforesaid.

2. This act shall take effect immediately.

Approved March 13, 1903.

## CHAPTER 26.

An Act to amend an act entitled "An act concerning landlords and tenants," approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

1. The seventh section of the act to which this is amendatory is hereby amended as follows:

Section  
amended.

7. That in all cases between landlord and tenant as often as it shall happen that one year's rent shall be in arrear, and the landlord or lessor to whom the same is due has right to re-enter the demised premises for the non-payment thereof, such landlord or lessor may, without any formal demand or re-entry, serve a summons in ejectment for the recovery of the demised premises, or in case the same cannot be legally served, or no tenant be in actual possession of the premises, then to affix the same upon the door of any demised messuage, or in case such ejectment shall not be for the recovery for any messuage, then upon some notorious place of the lands, tenements or hereditaments comprised in said summons in ejectment, and such affixing shall be deemed legal service thereof; which service or affixing shall stand in the place and stead of a demand and re-entry; and in case the lessee or lessees, his, her or their assignee or assignees, or other person or persons, claiming or deriving title under the said lease, shall suffer judgment on such ejectment and execution to be executed thereon, without paying the rent and arrears, together with full costs, and without filing any bill or bills for relief in

Right to re-  
enter demised  
premises for  
non-payment  
of rent.

When lessee  
barred.

When writ of  
error may be  
had.

Proviso.

equity, within six calendar months after such execution executed, then and in such case the said lessee or lessees, his, her or their assignee or assignees, and all persons claiming and deriving title under the said lease, shall be barred and foreclosed from all relief or remedy in law or equity, other than by writ of error for reversal of such judgment, in case the same shall be erroneous, and the said landlord or lessor shall, from thenceforth, hold the same demised premises discharged from such lease; and if on such ejectment verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall be nonsuited therein, then and in every such case the defendant or defendants shall have and recover his, her or their full costs; *provided, always*, that nothing herein contained shall extend to bar the right of any mortgagee or mortgagees of such lease, or any part thereof, who shall not be in possession, so as such mortgagee or mortgagees shall and do, within six calendar months after such judgment obtained and execution executed, pay all rent in arrear and all costs and damages sustained by such lessor, or person or persons entitled to the remainder or reversion as aforesaid, and perform all the covenants and agreements which on the part and behalf of the first lessee or lessees are and ought to be performed.

2. This act shall take effect immediately.

Approved March 13, 1903.

## CHAPTER 27.

An Act authorizing the changing of the location of the county buildings to be used for the courts and public offices of the county and acquiring land whereon to erect said buildings, and changing the place of holding the circuit court, court of oyer and terminer and general jail delivery, the court of common pleas, the court of general quarter sessions of the peace, and the orphans' court, in the respective counties of this state.

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

1. When in any county of this state fifty per cent. of the legal voters of the county as shown by the last general election returns shall file with the board of chosen freeholders of the county, a petition that in their judgment the county buildings used for the courts and public offices should be removed from their present location, and the place of holding the circuit court, court of oyer and terminer and general jail delivery, the court of common pleas, the court of general quarter sessions of the peace and the orphans' court changed, the board of chosen freeholders of such county shall, by resolution, call a special election to submit to the legal voters of the county, the question of the selection of a new location for the county buildings to be used for the courts and public offices; the resolution calling for said special election shall fix the time for holding the same, which shall be at least sixty days after the passage of said resolution; said special election shall be conducted by the same election officers and in the same manner as the general election is or may hereafter be conducted; *provided, however*, that there shall be no new registration required for said special election, but the several

Petition for removal of county seat.

Special election.

Notices and conduction thereof.

Proviso.

Revised  
register.

Proviso.

Proviso.

Ballots.

Returns.

boards of registry and election shall procure and use in their several districts at such special election, a copy of the register used at the last general election within such election district; the said registration, however, shall be revised and corrected on the Tuesday next preceding such special election in the manner provided for the revision of registry lists, and each city, borough, town or township clerk of every election district shall secure the place for holding such registration and special election, and to cause at least five notices of the time and place of such meeting to revise and correct such registry list, to be conspicuously posted in a public place in such district at least one week before such meeting, and at least five notices posted of the time and place said special election shall be held at least ten days before such special election; *provided further*, however, that it shall not be necessary to erect booths for the purpose of said special election or to furnish official envelopes; and *provided further*, however, that each election officer shall be entitled to receive from the collector of the county for all services rendered under this act, the sum of ten dollars, and each clerk shall receive for his services in putting up the notices required in this act, the same compensation now provided for in case of general elections; the county clerk of the county shall provide the ballots for each elector in the county to be used at said special election, and they shall be of uniform color and size, and have printed or written, or partly printed or written, either the words, "In favor of the removal of the county buildings to be used for the courts and public offices and the place of holding the courts from their present location to.....," or "Not in favor of the removal of the county buildings to be used for the courts and public offices and the place of holding the courts from their present location;" a statement in writing of the result of such special election shall be returned by the election officers to the clerk of the county, whose duty it shall be to certify and report the same to the board of chosen freeholders of the county at their next meeting, and the same shall be entered in the minutes of such county, and if it is found that a majority of the votes cast are in favor of the



removal of said county buildings to be used for the courts and public offices and the place of holding the courts to some one other municipality, that shall be the place for the erection of the new county buildings to be used for the courts and public offices and the place of holding the circuit court, the court of oyer and terminer and general jail delivery, the court of common pleas, the court of general quarter sessions of the peace and the orphans' court.

2. The lands acquired and the buildings to be erected under the provisions of this act shall be in accordance with the provisions of 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, and the several amendments and supplements thereto.

Site and  
buildings.

3. At the first term of court after the erection of said county buildings to be used for the courts and public offices, after the completion of the said buildings and the acceptance of the same by the board of chosen freeholders of the county, the place for holding the circuit court, the court of oyer and terminer and general jail delivery, the court of common pleas, the court of general quarter sessions of the peace and the orphans' court, shall be changed from the present place of holding the same to the place at which said county buildings have been erected, and that all writs and processes, recognizances and other proceedings of said several courts which are now by law required to be returned at a term of such court shall be returnable at and in conformity to the place so selected under the provisions of this act.

Time and  
place of hold-  
ing court.

4. Not more than one election shall be held in any one county under this act.

One election  
only.

5. All acts and parts of acts, whether general, special or local, inconsistent with the provisions of this act, be and the same are hereby repealed.

Repealer.

6. This act shall take effect immediately.

Approved March 13, 1903.

## CHAPTER 28.

A Supplement to an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases" (Revision of one thousand eight hundred and ninety-eight).

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

Freeholders  
may offer  
rewards.

1. It shall and may be lawful for the boards of chosen freeholders of the several counties of this state, on the recommendation and request in writing of the prosecutor of the pleas of the county, approved by the chief justice or a justice of the supreme court, or the judge of the court of common pleas of the respective county, to offer a reward not exceeding five hundred dollars for the detection and apprehension of any person guilty of murder, burglary, robbery, arson or other heinous crime in such county, such reward to be payable after conviction out of such funds of the county as may be applicable thereto.

2. This act shall take effect immediately.

Approved March 13, 1903.

## CHAPTER 29.

An Act granting the consent of the state of New Jersey to the acquisition by condemnation, purchase, grant or otherwise, by the United States, of a certain tract or tracts of land in the city of Perth Amboy for the purpose of erecting buildings thereon.

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

Consenting  
to acquisition  
of land by  
United States.

1. The consent of the state of New Jersey is hereby given to the acquisition by condemnation, purchase,

grant or otherwise, by the United States, of a tract or tracts of land situate in the city of Perth Amboy, county of Middlesex, not exceeding two acres in quantity, on which to erect buildings for a custom house, post-offices and other public purposes; and the said United States shall have, hold, use, occupy and own the said land or lands, when acquired by condemnation, purchase, grant or otherwise, and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereinafter mentioned.

2. The jurisdiction of the state of New Jersey in and over the said land or lands mentioned in the foregoing section, when acquired by condemnation, purchase, grant or otherwise as aforesaid, shall be and the same is hereby ceded to the United States, but the jurisdiction hereby ceded shall continue no longer than the United States shall own the said land or lands. Jurisdiction.

3. The said consent is given and the said jurisdiction ceded upon the express condition that the state of New Jersey shall retain concurrent jurisdiction with the United States in and over the said land or lands, so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the state of New Jersey against any person or persons charged with crimes or misdemeanors committed within said state, may be executed therein in the same way and manner as if said consent had not been given or jurisdiction ceded, except so far as such process may effect the real or personal property of the United States. Concurrent jurisdiction.

4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said land or lands by condemnation, purchase, grant or otherwise; and so long as said land or lands shall remain the property of the United States, when acquired as aforesaid, and no longer, the same shall be and continue to be exonerated from all taxes, assessments and other charges which may be levied, or imposed under the authority of the state. Limitation.

5. This act shall take effect immediately.

Approved March 13, 1903.

## CHAPTER 30.

An Act to provide a capital fund to be used in opening streets in cities of the first class in this state.

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

Capital fund  
for opening  
streets.

1. It shall be lawful for the common council, or other legislative or governing body having control of the finances of cities of the first class in this state, to cause to be assessed and raised by tax, in one or more years, a sum not exceeding one hundred thousand dollars, which sum, together with all benefit assessments made and collected for such improvements, shall be used exclusively as a capital fund for the opening of streets in any such city, and so much of said capital fund raised as aforesaid as the board or body having control of the streets of any such city shall from time to time determine to use for that purpose, may be applied to the opening of streets therein; and said board is hereby empowered, by a unanimous vote of its members, to open any street or highway, or part thereof, in such city, without any petition or consent therefor.

Assessments  
for benefits  
a lien.

2. All assessments for benefits from such street openings shall be made, levied and collected, and be a first lien upon the lands and real estate specially benefited thereby, in conformity with the provisions of existing law in force in such city with respect thereto; and the moneys collected therefrom shall be paid into said fund and expended solely for street openings, as such board or body having control of the streets of said city shall deem judicious.

Amount ad-  
ditional to  
limitation.

3. Where in any such city the amount authorized to be raised for current general expenses is fixed and limited, so much of the sum authorized to be raised by the provisions of the first section of this act as exceeds the amount so fixed and limited as aforesaid, shall not be included in such limitation, but shall be raised in addition thereto.

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

Approved March 13, 1903.

## CHAPTER 31.

An Act to amend an act entitled "An act to establish a sanatorium for persons afflicted with tuberculous diseases, and to provide for the selection of a site and the erection of buildings therefor and the government thereof," 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. Section nine of the act to which this is an amendment be and the same is hereby amended to read as follows:

Section amended.

9. Any person who has been a resident of this state for at least one year continuously next preceding the application for his or her admission to said sanatorium, and who is in indigent circumstances, and who is afflicted with tuberculous diseases of the respiratory organs of a curable nature, may be admitted into said sanatorium and treated therein without cost, subject to such rules and regulations as the board of managers may from time to time prescribe; *provided, however,* that before any person shall be admitted as an indigent patient a written application to the board of managers for such admission shall be signed by him or her, or by some relative or friend of such indigent person, which application shall be presented to the judge of the court of common pleas of the county within which such indigent person resides; and such judge, upon such application, and upon receiving a certificate from such person, signed by some physician or physicians to be selected by the board of managers of the New Jersey sanatorium for tuberculous

Admission of indigent persons.

Proviso.

Certificate of court.

diseases, certifying that such person is afflicted with tuberculous disease of the respiratory organs of a curable nature, shall, upon his being satisfied that such person has been a resident of this state for at least one year continuously next preceding such application, and is in indigent circumstances, approve such application in writing, and upon the delivery of such application and such approval thereof to the superintendent or person in charge of the sanatorium such indigent person may be admitted as a patient therein.

2. This act shall take effect immediately.

Approved March 13, 1903.

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## CHAPTER 32.

A Supplement to an act entitled "An act to establish a sanatorium for persons afflicted with tuberculous diseases, and to provide for the selection of a site and the erection of buildings therefor, and the government thereof," approved April third, one thousand nine hundred and two.

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

Preamble.

1. Whereas, by the fourth section of the act to which this is a supplement, being an act entitled "An act to establish a sanatorium for persons afflicted with tuberculous diseases, and to provide for the selection of a site and the erection of buildings therefor, and the government thereof," approved April third, one thousand nine hundred and two, it was, among other things, enacted that the board of managers of the New Jersey sanatorium should select a site for said sanatorium, and should acquire, by purchase, from the owner or owners thereof, lands for the purpose of erecting thereon buildings; and whereas, in order to acquire the said lands or any part thereof necessary, in the judgment of the said board of managers of said sanatorium, for the pur-

poses of said sanatorium, it may be necessary to condemn the same, or some part thereof, 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, the said board of managers of the New Jersey sanatorium for tuberculous diseases are hereby authorized to condemn such lands, or any part thereof, as may be necessary, in their judgment, for the purposes aforesaid whenever they may be unable to acquire the same, or any part thereof, for the reasons above set forth, or for reason of any other cause; and they are hereby authorized to take proceedings to condemn the said lands, or any part thereof, in accordance with the provisions of an act 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.

Managers  
may condemn  
land.

2. This act shall take effect immediately.

Approved March 13, 1903.

### CHAPTER 33.

A Supplement to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or rents in towns, townships, boroughs and other municipalities except 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 subject to future taxation and assessments," approved May eighteenth, eighteen hundred and ninety-eight.

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

1. In case any commissioners of adjustment that have heretofore been appointed under the provisions of

When com-  
missioners of  
adjustment  
may give  
notice of  
meeting.

the act to which this is a supplement shall have failed within thirty days after their appointment to cause a notice, signed by themselves, to be published in at least one newspaper printed or circulated in the town, township, borough or other municipality for which they were appointed, making known thereby that the said commissioners will meet at a time and place to be therein designated, not more than forty or less than thirty days from the date of the first publication of the notice, to hear all persons interested in the re-assessment or adjustment under the act to which this is a supplement, of the taxes, assessments or water rates in arrears in the said town, township, borough or other municipality, or in such part thereof as the said commissioners shall designate in the notice, which notice is provided for by the said act to which this is a supplement, it shall be lawful for the said commissioners, at any time within forty days after this act goes into effect, to cause a notice, signed by themselves, to be published in at least one newspaper printed and circulated in the town, township, borough or other municipality for which they were appointed, making known thereby that the said commissioners will meet at a time and place to be therein designated, not more than forty or less than thirty days from the first publication of the notice, to hear all persons interested in the re-assessment or adjustment, under the act to which this is a supplement, of the taxes, assessments or water rates in arrears in the said town, township, borough or other municipality, or in such part thereof as the said commissioners shall designate in the notice; such notice to be continued in said newspaper at least once each week until said meeting; and the giving and publishing of the said notice in the manner aforesaid shall to all intents and purposes be as lawful as if the said notice had been given and published within thirty days after the appointment of the said commissioners of adjustment.

2. This act shall take effect immediately.

Approved March 13, 1903.



## CHAPTER 34.

A Supplement to an act entitled "An act to establish a department of banking and insurance," approved February tenth, eighteen hundred and ninety-one.

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

1. From and after April second, nineteen hundred and three, the salary of the commissioner of banking and insurance shall be six thousand dollars. Salary of commissioner.
  2. This act shall take effect immediately.
- Approved March 13, 1903.

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CHAPTER 35.

An Act to repeal an act entitled "An act relative to fishing in Oldman's creek, in the counties of Salem and Gloucester," approved March fifth, one thousand eight hundred and thirty-six, and the supplements thereto.

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

1. The act entitled "An act relative to fishing in Oldman's creek, in the counties of Salem and Gloucester," approved March fifth, one thousand eight hundred and thirty-six, and all supplements thereto, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 13, 1903.

## CHAPTER 36.

A Further Supplement to "An act to authorize cities to construct sewers and drains and to provide for the payment of the cost thereof," approved March eighth, eighteen hundred and eighty-two.

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

Authority  
to correct  
defective or  
insufficient  
sewers.

1. Whenever the common council, board of aldermen or other governing body of any city in this state shall by resolution adopted by the votes of the majority of all the members thereof, declare that any sewer or sewers in such city is or are defective or insufficient for the proper sewerage or drainage of any part or section of such city, in which the same are located, it shall be lawful for said common council, board of aldermen or other governing body of such city to give public notice of the intention to make the proposed improvement in the manner prescribed by the said act to which this is a supplement; and at any time thereafter, notwithstanding any objection that may be made, if the said governing body shall decide that the said improvement is necessary, it shall provide for the enlargement and rebuilding of any such sewer or sewers in such city, and for the building and constructing of additional and relieving sewers therein, as in their judgment may be necessary, and to that end full power and authority is hereby conferred upon the common council, board of aldermen or other governing body of any such city to make and adopt maps, plans, specifications and estimates, and to enter into contracts for such work, which shall be given out to the lowest responsible bidder, and only after bids therefor have been solicited and received; and it shall also have the right to reject any and all of such bids.

Issue bonds  
to meet costs.

2. For the purpose of raising the money necessary to pay the cost of enlarging, rebuilding and constructing

any such sewers, or any additional or relieving sewer or sewers, and the expenses connected therewith, the said common council, board of aldermen or other governing body having charge of the finances of any such city is hereby authorized and empowered, in the first instance, to issue and sell the bonds of such city for an amount not exceeding the estimated costs and expenses of such improvement, payable in not more than thirty years from the date thereof and bearing interest not exceeding the rate of four per centum per annum, payable semi-annually; and to be of such denomination as the said common council, board of aldermen or other governing body may determine; and may be either registered or coupon bonds; *provided, however*, that the bonds issued under this act, in any one year, shall not exceed the sum of seventy-five thousand dollars.

Proviso.

3. If, in the judgment of the common council, board of aldermen or other governing body of any such city, after the completion of the work of enlarging, rebuilding and constructing any such sewer or sewers, or any additional or relieving sewer or sewers, the improvement is likely to benefit and increase the value of the lands and real estate in the vicinity thereof, the said common council, board of aldermen or other governing body of any such city shall take proceedings under the act to which this is a supplement, and the amendments and supplements thereof, for the purpose of estimating and assessing the said benefits on the lands especially benefited thereby; and in case the cost and expenses of such improvement shall exceed the amount of said benefits, the excess thereof shall be paid by the city at large and raised by general tax; and the said assessments, when made and confirmed, shall be a lien upon the said lands to the same extent as taxes and assessments are now a lien under the general laws of the state of New Jersey, and shall bear interest and have the same force and effect, and be collected and enforced in the same manner as other sewer assessments made under the provisions of the act to which this act is a supplement, and the supplements and amendments thereto.

When may  
assess for  
benefits.

4. For the purpose of discharging the bonds issued under the provisions of this act as they mature, and for

Payment of  
maturing  
bonds—sink-  
ing fund.

the payment of the interest thereon, the common council, board of aldermen or other governing body of any such city, as aforesaid, shall provide annually by taxation in the annual tax levy of such city such sum as will be sufficient to pay the interest of the said bonds as it falls due; and shall also annually appropriate and place in the tax levy for such improvement, such portion of the amount to be paid by the city at large as will be sufficient to create a sinking fund for the payment of the city's share of the said assessment to be applied in the payment of the said bonds when due; and the sum so provided shall be collected annually by the collecting officer of such city; and the portion collected for the interest on said bonds shall be annually paid by him into the treasury of such city, and such portion thereof which shall have been collected for the sinking fund shall be paid by him into the sinking fund of such city; and the moneys received for assessments levied under this act, and the interest thereon, shall be paid by the collecting officer of any such city into the sinking fund of said city and shall be only applied to the payment of said bonds at maturity.

5. This act shall take effect immediately.

Approved March 13, 1903.

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## CHAPTER 37.

An Act concerning the sinking fund of this state.

Preamble.

WHEREAS, Doubts have arisen as to the sufficiency of conveyances heretofore made by the commissioners of the sinking fund of this state, or by the state treasurer as successor to the commissioners of the sinking fund of this state, or by the governor and state treasurer jointly, of land standing in the name of the commissioners of the sinking fund of this state, or in the name of the state treasurer as successor to the commissioners of the sinking fund of this state; therefore,

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

1. All conveyances of land heretofore made by the commissioners of the sinking fund of this state, or by the state treasurer as successor to the commissioners of the sinking fund of this state, or by the governor and state treasurer jointly, by way of feoffment, grant, lease, release, confirmation, surrender, assignment, mortgage or assignment of mortgage, be and the same are hereby ratified, validated and confirmed.

Validating  
conveyances.

2. This act shall take effect immediately.

Approved March 13, 1903.

## CHAPTER 38.

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 twenty-five thousand dollars.

Supply fire  
apparatus.

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.

Advertise-  
ment and  
contract.

Issue bonds.

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 twenty-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.

Payment of  
bonds—sinking  
fund.

4. This act shall take effect immediately.

Approved March 13, 1903.

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#### CHAPTER 39.

An Act confirming, validating and legalizing deeds of conveyance of or for lands, tenements, hereditaments or real estate heretofore made and delivered by any administrator or administrators with the will annexed, or by any administrator or administrators de bonis non with the will annexed, or any substituted administrator or administrators, or by the survivor or survivors, or successor or successors of them, him or her, and making the record of said deeds admissible in evidence.

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

1. Any deed or deeds of conveyance heretofore made and delivered by any administrator or administrators with the will annexed, or by any administrator or administrators de bonis non with the will annexed, or any substituted administrator or administrators, or by the survivor or survivors, successor or successors of them, him or her, of or for any lands, tenements, hereditaments or real estate sold pursuant to the power, permission or direction in the said will annexed given to or vested in the executor or executors named in the said will annexed, is and are hereby confirmed, validated, legalized and declared to be, and is and are and shall be as good, legal, valid and effectual, and the record thereof admissible in evidence, as fully and completely as if the said deed or deeds of conveyance had been or was or were made and delivered by the executor or executors named in the said will, although the terms of said sale have not been submitted to the orphans' court of the county in which the said lands or real estate lie or have not been approved by the said court, and although the provisions of the second section of the act entitled "A supplement to an act entitled 'An act concerning executors and the administration of intestates' estates' (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, regulating the sale of lands by administrators with the will annexed, or by administrators de bonis non with the will annexed, and defining their powers," approved April sixth, one thousand eight hundred and eighty-eight, or any part of said second section, have not been complied with; except where said will has expressly confided the exercise of said power of sale to some other person or persons named therein other than the executor or executors therein named.

Validating  
certain con-  
veyances.

Exception.

2. This act shall take effect immediately.

Approved March 13, 1903.

## CHAPTER 40.

An Act to 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 amended.

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

Certificate issued; fees.

10. If the examination of any applicant for registration shall be satisfactory to the majority of the board and upon the payment of an additional fee of fifteen dollars to the said board, a certificate shall be issued to the applicant, authorizing him to practice the profession of architecture; any person who shall at the time of the passage of this act be engaged in the practice of architecture in this state and who shall present to the state board an affidavit to that effect before the first day of May, one thousand nine hundred and three, or a certificate from a similarly constituted board of another state, and any person who is a member of the American institute of architects, shall be entitled to receive such certificate upon the payment to the said board of a fee of five dollars; each person licensed shall cause such license to be recorded in the office of the secretary of state; each person licensed shall, during the month of May in each year, pay to the state board of architects a fee of five dollars or forfeit his certificate.

Section amended.

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

Surplus paid into state treasury.

18. Any surplus of fees in the treasury over and above the sum of one thousand dollars after the payment of the expenses of the members of the board and the salary of the secretary and treasurer, as herein provided for, shall be paid annually to the treasurer of the



state of New Jersey and shall thereafter be paid out only upon the warrant and authority of the comptroller of the state of New Jersey.

3. This act shall take effect immediately.

Approved March 13, 1903.

#### CHAPTER 41.

An Act to authorize and empower the chancellor to fix and determine the salary or compensation to be paid to the several sergeants-at-arms at the several chancery chambers.

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

1. The chancellor may by a certificate under his hand, filed with the comptroller, fix and designate an annual salary or compensation to be paid to each of the sergeants-at-arms connected with the several chancery chambers of this state; *provided, however*, that the same shall not exceed the sum of twelve hundred dollars, and shall be in lieu of the per diem or other allowance now fixed by law.

Salary of  
sergeants-at-  
arms.

Proviso.

2. After the filing of such certificate or certificates the comptroller shall draw his warrant or warrants monthly, and the treasurer shall pay the said sergeants-at-arms, monthly, the salary or compensation fixed in said certificate.

Payment.

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

Repealer.

Approved March 13, 1903.

## CHAPTER 42.

A Supplement to an act entitled "An act in relation to county expenditures," approved April second, one thousand eight hundred and seventy-eight.

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

Temporary  
loan bonds.

1. If in any county in this state the amount heretofore appropriated for the maintenance of courts has been or is insufficient the board of chosen freeholders of any such county may issue a temporary loan bond or bonds to raise the money wherewith to pay such deficiency.

Term, rate,  
sale.

2. All temporary loan bonds issued under this act shall run for a term not exceeding two years, shall bear interest at not more than five per centum, shall be sold at either public or private sale, in the discretion of such board, for not less than par, and shall be executed in the manner that county bonds are usually executed.

Payment.

3. To meet the payment of such temporary loan bond or bonds at maturity, such board shall, in ordering for the next fiscal year the moneys required for county purposes, order and place in the tax levy a sum sufficient to pay the principal and interest of such bond or bonds.

4. This act shall take effect immediately.

Approved March 13, 1903.

## CHAPTER 43.

An Act providing for the care and maintenance of the widows of soldiers, sailors and marines at the state institution at Vineland, organized and existing under the provisions of the act entitled "An act to provide for the organization of the New Jersey home for disabled soldiers, sailors, marines and their wives," approved April twentieth, one thousand eight hundred and ninety-eight.

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

1. The widow of any soldier, sailor or marine who, if her husband were living, indigent and disabled, would be entitled to admission with her husband in the home for disabled soldiers, sailors, marines and their wives at Vineland, organized under the act recited in the title to this act, may be admitted to the said institution and maintained there on proof that she is the widow of a soldier, sailor or marine who served in the army, navy or marine corps of the United States and had been honorably discharged from such service or died an honorable death while in the service aforesaid; that she is necessitous, and has not the ability to provide the means sufficient for her comfortable support and necessary care and maintenance; that she is a resident of this state and has been for ten years last past; that she was the wife of such soldier, sailor or marine at the time of his service aforesaid, or became married to him before the first day of January, eighteen hundred and eighty, and has never since the death of her said husband married again; the said applicant for admission shall present to the commandant of the home a certificate or statement in writing, with such proofs of the truth of the facts set forth therein as the managers of said home

Admission of  
widows to  
Vineland  
home.

Certificate  
offered.

may require, setting forth her name in full, maiden name, time and place of birth of herself and of her husband, his name in full, her residence at the time of application and during the time since her marriage to her said husband; the company and regiment or vessel in which her husband served; the time and place of his death; and a memorandum of his discharge if any; the applicant shall also agree to transfer to the state, for use in payment of the appropriation for the home, fifty per centum of the excess over six dollars per month of any quarterly pension she may receive or be entitled to from the United States during the time she shall be a patient at said home, and that she will execute any necessary power and voucher for recovering the same, and further, that she will conduct herself properly and submit to the rules, regulations and discipline of said home; no such widow shall be entitled to admission to said home under the age of fifty years unless she is wholly disabled from sickness or wounds or disease.

Care and  
expenses.

2. It shall be the duty of the managers and officers of said home to care for and maintain the persons entitled to admission to said institution under the provisions of this act, in the same manner that the wives of the present inmates are cared for and maintained; the expense thereof, not exceeding five thousand dollars in any one year, shall be paid by the treasurer on warrant of the comptroller in the manner provided by law; the said managers may take and hold in trust for the state any grant, lease or devise of land and any bequest of money or chattels for the use of the widows at said home; the said managers may care for persons admitted under this act in the buildings at present established at said home, or may acquire additional lands for farming, building or other purposes to aid in the maintenance of the widows and other inmates of said home, and may build and erect any additions to the present building or any additional structures or buildings on the lands now belonging and appurtenant to said home or those that may hereafter be acquired; *provided*, that the title to said lands and buildings shall be taken in the state, and no money for any of the purposes specified in this act shall be drawn from the state treasury unless and until the

Proviso.

same have been specifically provided for in the annual appropriation bill.

3. This act shall take effect immediately.

Approved March 13, 1903.

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#### CHAPTER 44.

An Act for the relief of Joseph M. DeLacy.

WHEREAS, Joseph M. DeLacy, a resident of the city of Trenton, state of New Jersey, while on duty at the New Jersey state prison as engineer, and master mechanic in the employ of the Bay State Shoe and Leather Company, they holding a contract with the state for the employment of convicts, and while in the performance of and in the line of his duty, was, by the breaking of the machinery controlling the elevator, the property of, and under the control of the state, injured by the breaking of his left thigh and mashing of left knee, rendering him a cripple for life and entirely preventing him from earning a living; therefore,

Preamble.

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

1. There be paid to the said Joseph M. DeLacy, in quarterly payments from the treasury of this state, a pension at the rate of fifty dollars per month, the comptroller to audit such pension and the treasurer to pay the same; said pension shall commence from the date of the passage of this act.

Monthly pension.

2. This act shall take effect immediately.

Approved March 13, 1903.

## CHAPTER 45.

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.

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

Power to  
collect, etc.,  
ashes and  
garbage.

1. That in addition to the powers now possessed by the town council under the provisions of the act to which this is a supplement, the council shall have power by ordinance to provide for the collection, removal, treatment and disposal of ashes and garbage, and to appropriate and provide for raising money by taxation for the said purposes, or any or either of them.

2. This act shall take effect immediately.

Approved March 13, 1903.

## CHAPTER 46.

An Act to amend the title of 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 extending the same so as to include debtors guilty of fraud.

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

Title  
amended.

1. The title of the 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, be and the same is hereby

amended so as to read as follows: "An act for the relief of creditors against absent, fraudulent and absconding debtors."

2. This act shall take effect immediately.

Approved March 13, 1903.

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## CHAPTER 47.

An Act to amend chapter 134 of the laws of 1902, entitled "An act to provide for the regulation and incorporation of insurance companies, and to regulate the transaction of insurance business in this state."

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

1. Section fifty-eight of the 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, is hereby amended to read as follows:

Section  
amended.

58. Any insurance company formed by authority of another state or foreign government, upon complying with the conditions hereinafter specified, may be admitted to transact in this state any class or classes of insurance authorized by the act to be transacted by an insurance company of this state; but any corporation of any state of the United States, which by its charter or the laws of the state in which it was incorporated is authorized to write life insurance and insurance against accidents to persons, may, if possessed of a paid-up capital of not less than five hundred thousand dollars, be admitted to transact in this state all of the kinds of insurance specified in subdivisions third, fourth and fifth of section one of this act.

Transaction  
of business  
by foreign  
insurance  
companies.

2. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 13, 1903.

## CHAPTER 48.

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

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

Establish  
grades.

1. It shall be lawful for the council to establish a grade for sidewalks and may require that all walks within any section of a street, that is to say, between any two cross streets, shall be laid or relaid at the grade so established; and in case any sidewalks within such section shall have been laid either by the owners of the adjoining land or by the council, and the cost thereof assessed against the owners, at a grade which does not conform to the established grade, the council may order said sidewalk to be regraded and relaid conformably to the new grade so established.

2. This act shall take effect immediately.

Approved March 17, 1903.

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CHAPTER 49.

A Further Supplement to an act entitled "An act concerning roads," approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

Review of  
survey when  
caveat is  
filed.

1. When any caveat shall be entered with the clerk of the court of common pleas or of the supreme court against receiving the return of surveyors of the highways laying out any public road in any county in this state, any three or more of the applicants for said surveyors of the highways may, upon five days' notice to



the caveator, make application to the judge of the court of common pleas to appoint five freeholders of the county, three of whom shall be residents of the municipality or municipalities through which the said road shall have been so laid out, designating the time and place of their meeting, which shall not be less than eight days after their appointment, a copy of which appointment shall be served upon the caveator not less than five days before the meeting, and the said freeholders having taken an oath or affirmation to act faithfully and impartially, shall proceed to view the said road so laid out, and if they, or a majority of them, shall believe such road to be necessary and useful, they shall certify the same to the said court at a time fixed in the order appointing them, which shall be within fifteen days after their appointment, and the court shall thereupon cause the same to be recorded in the book kept for that purpose in the office of the clerk of the county, which certificate and proceedings of the freeholders shall be binding and conclusive in all cases, and shall not be subject to an appeal or certiorari or be set aside for lack of form, and every road so laid out as aforesaid shall be a lawful highway from the time appointed for opening the same, but if said freeholders shall believe such road unnecessary or injurious, they shall certify the same to the court aforesaid and the proceedings of the surveyors shall be made null and void.

Report to  
court.

2. This act shall apply to all proceedings now pending for the purpose of laying out a public road as well as all proceedings for such purpose as may hereafter be brought.

Application  
of act

3. This act shall take effect immediately.  
Approved March 17, 1903.

## CHAPTER 50.

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 of 1898).

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

Payment of  
judgment  
against real  
estate of  
testator or  
intestate.

1. Whenever a judgment creditor or holder of any judgment against the real estate of any testator or intestate shall have filed or shall hereafter file a claim upon said judgment with the executor or administrator of said testator or intestate, and it shall appear to the orphans' court to be necessary to sell the lands and premises covered by the lien of said judgment for the payment of the debts of said testator or intestate, the court shall have power to order the said lands and premises to be sold free and discharged of the lien of said judgment, but shall order at the same time that the moneys arising from such sale be first applied to the payment of said judgment, and the balance, after paying the same, be assets in the hands of the executor or administrator; if the proceeds of said sale be insufficient to pay the judgment in full, the balance remaining due thereon shall be a claim against the other assets in the hands of the executor or administrator in the same manner as now provided by law.

2. This act shall take effect immediately.

Approved March 17, 1903.

## CHAPTER 51.

An Act to incorporate "Ventnor City," in the county of Atlantic, as a city, and fixing the boundaries thereof.

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

1. All that part or portion of the county of Atlantic formerly a part of Egg Harbor township, situate on Absecon beach, lying between the westwardly limit of Atlantic City and the eastwardly limit of South Atlantic City, the Atlantic ocean on the south as far as the jurisdiction of the state extends, and to the center of Beach Thoroughfare on the north, be and is hereby constituted a city of this state, and all the inhabitants of the 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, in fact and in name, by the name of "Ventnor City."

Corporate  
name and  
boundary.

2. This act shall take effect immediately.

Approved March 17, 1903.

## CHAPTER 52.

An Act relating to the extension and improvement of the state house grounds.

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

1. The treasurer of this state and comptroller of the treasury are hereby authorized to acquire, by gift, grant, purchase, condemnation, through municipal action, or in any other lawful manner, in the name of

Acquire  
property  
adjacent to  
state house.

**New Jersey State Library**

the state and for its use, which is hereby declared to be a public use, so much land in the city of Trenton, with the buildings thereon erected, lying between West State street and the Delaware river, and immediately adjoining the state house grounds as at present laid out, on either or both sides thereof, as in their discretion they may think desirable, not exceeding, however, one hundred feet in each direction.

Improvements.

2. The said officers are hereby further authorized, in their discretion, to remove any of the buildings from the said lands, or any portion thereof, and to lay out and improve the same as part of the capitol grounds.

3. Not more than seventy-five thousand dollars shall be expended by virtue of the authority conferred by this act.

4. This act shall take effect immediately.

Approved March 19, 1903.

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## CHAPTER 53.

A Supplement to an act entitled "An act concerning disorderly persons (Revision of 1898)," approved June fourteenth, one thousand eight hundred and ninety-eight.

Preamble.

WHEREAS, Many communities in this state are overrun and infested with disorderly wayfarers, idle vagabonds and homeless vagrants, commonly known as tramps, and crimes and outrages perpetrated by them have become frequent; and

WHEREAS, Punishment by imprisonment merely is not a sufficient deterrent to such persons, who on the contrary often commit offences for the very purpose of being imprisoned and thereby bettering their condition; for remedy whereof,

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

1. It shall be lawful for the magistrate committing any such person as is specified in section nine of the

act to which this is a supplement, to order that such person while engaged in performing the labor specified in the tenth section of said act to which this is a supplement, shall have a ball and chain fastened to his leg.

2. It shall be the duty of the board of chosen freeholders in the several counties of this state to provide a sufficient number of balls and chains for the purpose of this act.

3. This act shall take effect immediately.

Approved March 19, 1903.

Ball and  
chain.  
Provided by  
freeholders.

#### CHAPTER 54.

An Act to incorporate the borough of Garwood, in the county of Union.

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

1. The inhabitants of those portions of Westfield and Cranford, in the county of Union, 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 Garwood," and 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 point in the southerly line of the right of way of the Central railroad of New Jersey, said point being the northwesterly corner of lands of the American copper extraction company; thence north, twenty-five degrees fifty-eight minutes east, seventeen hundred seventy-one feet, more or less, to the intersection of the center lines of Maple street and Fourth avenue as said street and avenue are laid down on a map entitled "Map of building lots situated at Oakland between Cranford and Westfield, N. J.," which map is on file in the office of the clerk of Union county, and continuing on the same course five hundred fifty-six feet, more or less, to a point eighteen hundred thirty

Boundaries.

feet northerly at right angles from the center line of the Central railroad of New Jersey; thence north, seventy-nine degrees fifty-two minutes east, parallel with said railroad seven hundred twenty feet, more or less, to the boundary line between the townships of Westfield and Cranford; thence south, ten degrees eight minutes east, along said boundary line four hundred eighty-two feet to a point thirteen hundred forty-eight feet northerly at right angles from the center line of the aforesaid railroad; thence north, seventy-nine degrees fifty-two minutes east, parallel with said railroad eight hundred forty-five feet, more or less, to the division line between lands of Benjamin F. Ham and the Garwood land and improvement company; thence north, thirty-nine degrees east, along said boundary line six hundred eleven feet, more or less, to an angle in said division line seventeen hundred forty-seven feet northerly at right angles from the center line of the aforesaid railroad; thence north, seventy-nine degrees fifty-two minutes east, parallel with said railroad and still along said division line five hundred seventy feet, more or less, to another angle in said division line; thence south, fifty-three degrees thirty minutes east, still along said division line between lands of the Garwood land and improvement company and Annin on the southwesterly side thereof and lands of Benjamin F. Ham, Eugenia Marsh, A. Pandolfo, Sarah Ludlow, the Orchard land company and Henry R. Heath on the northeasterly side thereof, and in continuation of said division line twenty-four hundred sixty feet, more or less, to a point in line with the division line next hereafter described, which point is about thirty feet southerly at right angles from the center line of the aforesaid railroad; thence south, thirty-seven degrees thirty-seven minutes west, along the division line between lands formerly of Adele E. Johnson and lands of the Garwood land and improvement company seventeen hundred eighty feet, more or less, to lands of Rankin; thence north, fifty-two degrees forty-eight minutes west, along the division line between said lands of Rankin and lands of the Garwood land and improvement company seventy and two-tenths feet to an angle in said division line; thence south, forty-seven degrees west, still along said

division line fifteen hundred sixty feet, more or less, to the center line of an old road now known as Lexington avenue; thence south, fifty-four degrees thirty minutes east, along the said center line of Lexington avenue thirteen hundred eighty feet, more or less, to the division line between lands of Frederick Miller and the Garwood land and improvement company; thence south, thirty-nine degrees west, along said last-named division line between lands of Frederick Miller on the southeasterly side thereof and lands of the Garwood land and improvement company and Eunice Massett on the northwesterly side thereof thirteen hundred fifty feet, more or less, to the division line between lands of the Garwood land and improvement company and the Westfield land and improvement company extended across said lands of Eunice Massett; thence north, fifty-two degrees seven minutes west, across said lands of Eunice Massett and along said division line between lands of the Garwood land and improvement company and the Westfield land and improvement company twenty-eight hundred ninety-eight feet, more or less, to an angle in said division line; thence north, sixty-seven degrees twenty-five minutes west, still along said division line eighteen hundred feet, more or less, to the southerly corner of lands of W. S. Welch, trustee; thence north, thirty-seven degrees thirty-three minutes east, along the division line between lands of W. S. Welch, trustee, on the northwesterly side thereof and lands of the Garwood land and improvement company and the American copper extraction company on the southeasterly side thereof seven hundred thirty-four and eight-tenths feet to an angle in said division line; thence north, fifty-three degrees twenty-one minutes west, along the division line between lands of W. S. Welch, trustee, and the American copper extraction company thirty-five and seven-hundredths feet to an angle in said division line; thence north, ten degrees eight minutes west, still along said division line two hundred feet to the point or place of beginning; the courses above refer to true north and south.

3. This act shall take effect immediately.

Approved March 19, 1903.

## CHAPTER 55.

An Act defining motor vehicles and providing for the registration of the same and uniform rules regulating the use and speed thereof.

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

"Motor  
vehicle"  
defined.

1. Wherever the term "motor vehicle" is used in this act it shall be construed to include automobiles, locomobiles and all other vehicles propelled otherwise than by muscular power, excepting the cars of electric and steam railways and other motor vehicles running only upon rails or tracks; but nothing in this act contained shall be construed to apply to or affect bicycles, tricycles or such other vehicles as are propelled exclusively by muscular pedal power.

Owner to file  
declaration  
and statement.

2. Every resident of this state who is the owner of a motor vehicle, and every non-resident owner whose motor vehicle shall be driven in this state, shall file in the office of the secretary of state a declaration duly verified that such owner is competent to drive the motor vehicle for which application for license is made, and a written statement containing the name and address of such owner, together with a brief description of the character of such motor vehicle, including the name of the maker and the manufacturer's number of the motor vehicle, if number there be, and the rated horse-power of the motor vehicle, and shall pay to the secretary of state a registration fee of one dollar for each motor vehicle; the secretary of state shall issue for each motor vehicle so registered a certificate, properly numbered, stating that such motor vehicle is registered in accordance with this section, and shall cause the name of such owner, with his address, the number of his certificate, and a description of such motor vehicle or motor vehicles, to be entered in alphabetical order of the owners' names in a book to be kept for such purpose; this section

Fee.

License  
issued.



shall not apply to manufacturers or dealers in this state of motor vehicles except as to vehicles kept by such manufacturer or such dealer for private use or for hire.

3. The owner of each and every motor vehicle driving the same upon the public streets, public roads, turnpikes, parks, public parkways, public driveways or other public highways in this state shall have the number of the license issued as aforesaid by the secretary of state upon the back of every such motor vehicle, in a conspicuous place, so as to be plainly visible at all times during daylight, such numbers to be separate Arabic numerals, not less than three inches in height, the strokes to be of a width not less than three-eighths of an inch, and, excepting the numbers upon the lamps, as required by section four of this act, such owner shall not be required to place any other marks of identity upon said motor vehicle.

License  
number  
displayed.

4. Every motor vehicle shall carry, during the period from one hour after sunset to one hour before sunrise, at least two lighted lamps, showing white lights, visible at least two hundred feet in the direction toward which such motor vehicle is proceeding, and shall also exhibit at least one red light visible in the reverse direction; upon the sides or fronts of the two aforesaid lamps showing white lights shall be displayed, in such manner as to be plainly visible when said lamps are lighted, the number of the license issued as aforesaid by the secretary of state, the same to be in separate Arabic numerals, not less than one inch in height; every motor vehicle shall also be provided with good and efficient brake or brakes, and shall also be provided with suitable bell, horn or other signal device.

Lamps; brake;  
signal device.

5. The following rates of speed may be maintained, but shall not be exceeded, upon any public street, public road, or turnpike, public park or parkway, or public driveway, or public highway in this state by anyone driving a motor vehicle:

Speed.

(1) A speed of one mile in six minutes upon the sharp curves of a street or highway and at the intersection of prominent cross roads where such street, road or highway passes through the open country, meaning thereby portions of a town, township, borough or village where houses are more than one hundred feet apart.

(2) A speed of one mile in seven minutes where such street or highway passes through the built-up portion of a city, town, township, borough or village where the houses are and average less than one hundred feet apart.

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(3) Elsewhere and except as otherwise provided in subdivisions one and two of this section a speed of one mile in three minutes; *provided, however*, that nothing in this section contained shall permit any person to drive a motor vehicle at any speed greater than is reasonable, having regard to the traffic and use of highways, or so as to endanger the life or limb or to injure the property of any person; and it is further provided that nothing in this section contained shall affect the right of any person injured either in his person or property by the negligent operation of a motor vehicle to sue and recover damages as heretofore.

Proviso.

Request to stop.

6. Every person driving a motor vehicle shall, at request or upon signal by putting up the hand or otherwise from a person riding or driving a horse or horses in the opposite direction, cause the motor vehicle to stop and remain stationary so long as may be necessary to allow said horse or horses to pass.

Rights of licensee.

7. No owner of a motor vehicle who shall have obtained a certificate from the secretary of state as hereinbefore provided shall be required to obtain any other license or permit to use or operate the same, nor shall such owner be excluded or prohibited from or limited in the free use thereof, nor limited as to speed upon any public street, avenue, road, turnpike, driveway, parkway, or other public place, at any time, when the same is or may hereafter be opened to the use of persons having or using other pleasure carriages, nor be required to comply with other provisions or conditions as to the use of said motor vehicle, except as in this act provided; *provided, however*, that nothing in this section contained shall be construed to apply to or include any speedway created and maintained in pursuance of an act of the legislature of the state of New Jersey entitled "An act to provide for the construction and maintenance of speedways in the counties of this state," approved March nineteenth, one thousand nine hundred and two; nor to any parks or parkways created and maintained in accordance with an act of the legislature of the state of New Jersey

Proviso.

entitled "An act to establish public parks in counties of this state and to provide for the acquirement, improvement and regulation of the same," approved March twentieth, one thousand nine hundred and one; no city, town, township, borough or other municipality shall have power to make any ordinance, by-law or resolution limiting or restricting the use or speed of motor vehicles, and no ordinance, by-law or resolution heretofore or hereafter made by any city, town, township, borough or other municipal or local authority by whatever name known or designated in respect to or limiting the use or speed of motor vehicles shall have any force, effect or validity.

Local  
ordinances  
superseded.

8. Any person driving a motor vehicle the owner of which shall not have complied with the provisions of this act, and which motor vehicle shall display a fictitious number, the same being a number other than that designated for such motor vehicle by the secretary of state, shall, upon conviction, be fined in a sum not exceeding one hundred dollars, and, in default of payment thereof, be punished by imprisonment in the county jail for a period not exceeding thirty days; *provided*, this section shall not be construed to prohibit a motor vehicle displaying the proper number of its license from also displaying any other number for any lawful purpose.

Penalty for  
displaying  
fictitious  
number.

Proviso.

9. Any person driving a motor vehicle upon any public streets, public highways, public roads, turnpikes, parks, public parkways or public driveways in this state in a race or on a bet or wager shall, upon conviction, be fined in a sum not exceeding fifty dollars, and, in default of payment thereof, be punished by imprisonment in the county jail for a period not exceeding twenty days.

Penalty for  
racing.

10. Upon oath or affirmation made according to law that any person has violated any of the provisions of this act, any magistrate of the county where such offense is committed may, within three months after the commission of such offense, issue process in the nature of a summons or warrant, in his discretion, at the suit of any person, to the use of the overseer of the poor of the city, town, township or borough where such offense is committed, against the person so charged, which process shall, when in the nature of a warrant, be return-

Apprehension  
for violations.

Hearing  
before  
magistrate.

able forthwith, and when in the nature of a summons, in not less than three nor more than ten days; such process shall state what section or provision of this act is alleged to have been violated by the defendant, and the time and place of such violation, and on the return of such process, or at any time to which the trial may be adjourned, the magistrate before whom said complaint shall be made shall proceed to hear the testimony and to determine and give judgment in the matter without the filing of any pleading; if the magistrate before whom such trial is had shall find the defendant guilty, he shall give judgment for the penalty mentioned in the section or provision herein violated, and such costs as are allowed in the justice's court in like proceedings for collection of penalties; in default of the payment of the judgment and costs, the defendant so convicted may be sentenced to the county jail for such period as is provided for in this act.

Authority to  
arrest without  
warrant.

11. Any constable or police officer is hereby authorized to arrest, without warrant, any person driving a motor vehicle contrary to the ninth section of this act, and to bring the person so offending before any magistrate of the county where such offense is committed; the person so offending shall be detained in the office of such magistrate until the officer making such arrest shall make oath or affirmation, which he shall do forthwith, as provided in section ten of this act, whereupon such magistrate shall issue a warrant returnable forthwith; the said magistrate shall proceed to hear and determine said complaint and give judgment or adjourn the hearing of said complaint, as provided by sections ten and twelve of this act.

Deposit to  
secure ad-  
journment.

12. The magistrate before whom a complaint is made shall adjourn the hearing of said complaint for a time not less than three days and not exceeding ten days, if the defendant shall so request, and shall deposit the sum of fifty dollars as security to appear at the date to which such hearing may be adjourned; and if the said defendant does not appear at the time mentioned, then the said sum deposited shall be forfeited, and the balance thereof, after the payment of the costs, shall be paid to the overseer of the poor for the use of the poor of the

city, town, township or borough where the offense is committed.

13. If a person violating any of the provisions of this act shall be or reside in any other county of this state than that in which said warrant shall be issued, the magistrate issuing the same shall, in writing, thereupon direct that the sum of fifty dollars be deposited as security by any party so charged, and it shall be the duty of the party serving the same to carry it to some magistrate of the county wherein such person resides or can be found; the magistrate to whom the same shall be presented, on proof being made to him of the handwriting of the magistrate who issued such warrant, shall endorse his name thereon with an authority to arrest such person in the county where the magistrate so endorsing resides, which shall be sufficient authority to execute such warrant in the county where it shall be endorsed.

When warrant against non-resident of county.

14. The party so charged being apprehended shall be taken before the magistrate who endorsed said warrant, or some other magistrate of the same county who may, and, if tendered, shall take from such person a deposit of fifty dollars in cash to secure the appearance for trial of said defendant before the magistrate who issued said warrant, and thereupon the person so apprehended shall be released from the custody of the officer arresting him; the date of said trial shall be fixed by the magistrate accepting said deposit, and the sum so received by him shall be turned over to the magistrate issuing the warrant, to be retained and disposed of as provided in section twelve of this act in default of the appearance of the person so charged.

Action upon apprehension.

15. Any party to any proceeding instituted under this act may appeal from the judgment or sentence of the magistrate to the court of common pleas of the county in which the said proceedings shall take place; *provided*, that the party appealing shall, within fifteen days after the date of the said judgment, file a written notice of appeal, pay the costs of such proceedings and deliver to the magistrate a bond to the overseer of the poor of the city, ward, town, township or borough in double the amount of the judgment and costs, with at least one sufficient

Right of appeal.

Proviso.

surety, conditioned to prosecute the said appeal and to stand to and abide by such order or judgment as may thereafter be made against said party; a commitment, however, may issue at any time before the taking of an appeal for the imprisonment of the defendant unless security be given as provided in section eighteen of this act, which said commitment shall be vacated either by appeal or by the payment of the judgment and costs.

On appeal  
papers and  
deposit sent  
to court of  
common pleas.

16. Whenever an appeal shall be taken as aforesaid, it shall be the duty of the magistrate to send all papers and money, if any deposited, pursuant to the provisions of this act, together with a transcript of the proceedings in the case, to the next court of common pleas of the said county, which court shall try and determine all such appeals in the same way and manner that appeals from the courts for the trial of small causes are now tried and determined.

Penalties for  
violations.

17. Any person violating the provisions of this act shall, except as otherwise provided herein, upon conviction, be fined in a sum not exceeding the amounts herein-after set forth: for a violation of section two, fifty dollars; for a violation of section three, fifteen dollars; for a violation of section four, ten dollars; for a violation of section five, subdivision one, twenty-five dollars; for a violation of section five, subdivision two, twenty-five dollars; for a violation of section five, subdivision three, fifty dollars; for a violation of section six, ten dollars; in default in the payment of any such fine there shall be imposed an imprisonment in the county jail for a period not exceeding ten days; *provided*, that any offender who shall have been found guilty of a violation of this act and sentenced therefor, and who shall be convicted of a second offense of the same violation, may for such second offense be fined in double the amount herein prescribed for the first offense, and may, in default of the payment thereof, be punished by imprisonment in the county jail for a period not exceeding ten days; *and further provided*, that any offender who shall have been found guilty of a violation of section five, subdivision three, thereof and sentenced therefor, and who shall be convicted of a second violation of the same section and subdivision, may, in the discretion of the magistrate, in-

Proviso.

Proviso.

stead of being fined as prescribed, be punished by imprisonment in the county jail for a period not exceeding ten days.

18. Every fine shall be payable forthwith, or, in default of such payment, the magistrate may accept a bond to the overseer of the poor of the township, borough, ward or city in double the amount of the judgment and costs, with at least one sufficient surety, conditioned to pay the said judgment within a period thereafter to be fixed by said magistrate, not exceeding ten days, or in lieu of such bond the magistrate may retain possession and hold the motor vehicle as security for such payment.

Payment of fine; give bond; retain vehicle.

19. All penalties collected from persons offending against the provisions of this act shall be paid by the magistrate receiving the same to the overseer of the poor of the city, ward, town, township or borough where the offense is committed, for the use of the poor in their respective districts.

Disposition of penalties collected.

20. The word "magistrate" used in this act shall be deemed and understood to mean and include all justices of the peace, judges of city criminal courts, police justices, recorders, mayors, and all other officers having the power of a committing magistrate.

"Magistrate" defined.

21. All acts and parts of acts inconsistent herewith are hereby repealed.

Repealer.

22. This act shall take effect immediately.

Approved March 23, 1903.

## CHAPTER 56.

An Act to consolidate with and annex to the town of Phillipsburg, in the county of Warren, a certain part of the township of Lopatcong, in said county.

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

1. There shall be and hereby is annexed to and made a part of the town of Phillipsburg, in the county of

Portion of township of Lopatcong annexed to Phillipsburg.

Warren, all that land and real estate lying and being in the township of Lopatcong, in the county of Warren, bounded and described as follows: beginning at the present southerly boundary line of the town of Phillipsburg at the Delaware river and extending down said river its several courses and distances to the boundary line between the township of Lopatcong and the township of Pohatcong; thence in a northeasterly course following said last mentioned boundary line to a point where said line crosses the Morris canal at or near Hunt's bridge; thence along the westerly line of the lands of the Morris canal and banking company to a point in said line where it is intersected by the easterly line of the Ingersoll-Sergeant drill company's lands extended; thence in a northerly course along said extended line and the easterly line of lands of the Ingersoll-Sergeant drill company to the northeast corner of the same, said corner being also corner to lands of John Pursel and in the southerly line of lands of the Morris and Essex railroad company; thence in a southwesterly course along the dividing line between the lands of said railroad company and the lands of the Ingersoll-Sergeant drill company and continuing in the same course through lands of Annie S. and Susan A. Feit to the public road leading from Centre street to the Morris turnpike; thence along said road to said Morris turnpike and extending in the same course across said Morris turnpike and along the dividing line between lands of Annie S. and Susan A. Feit and lands of Eliza M. Merritt to a corner of Stewart Heitsman's lands; thence in a westerly course along the line between lands of Stewart Heitsman and lands of Eliza M. Merritt and the tract known as Ingersoll Heights and continuing in a straight line through lands of the estate of Joseph Roseberry, deceased, to a point in said Roseberry's lands four hundred and fourteen feet, south seventy-two degrees west from the center line of the public road known as Lincoln street; thence in a northwesterly direction in a straight line through lands of the estate of Joseph Roseberry, deceased, along the easterly side of Fairview cemetery, through lands of Elizabeth Brown, the Warren foundry and machine company, Jane R. Cooke, the



Pennsylvania railroad company and the Lehigh and Hudson River railroad company to the Delaware river; thence southerly down said Delaware river, its several courses and distances, to the present northerly boundary line of the town of Phillipsburg; and thence following the present boundary line between the town of Phillipsburg and the township of Lopatcong its several courses and distances to the place of beginning; *provided, however,* that this act shall not operate to effect such annexation and consolidation, unless a majority of the votes cast at the next local or special election held in the said town of Phillipsburg upon the question of such annexation and consolidation shall be in favor thereof; the said question shall be submitted to the voters of the said town of Phillipsburg in the manner provided by law; notice of the time, places and object of the election shall be given in the manner now provided by law for the notice and advertisement of annual or special elections for officers in said town of Phillipsburg, and, in case the question of such annexation and consolidation shall be submitted to the voters at a special election, the time of such special election shall be fixed by the common council of the town of Phillipsburg.

Proviso.

Referendum.

2. This act shall take effect immediately.

Approved March 23, 1903.

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## CHAPTER 57.

An Act confirming the title to certain real estate of which Elise Calame died seized, and to which real estate the state of New Jersey is entitled by escheat.

WHEREAS, Elise Calame, a resident of the city of Newark, in the county of Essex and state of New Jersey, died on the twenty-third day of March, one thousand nine hundred and one, seized of certain real estate, intestate and leaving no lawful heirs who can inherit said real estate, which said real estate is situ-

Preamble.

ated in the said city of Newark, county of Essex and state of New Jersey;

AND WHEREAS, Henry E. Newhoff, a resident of the city of Newark aforesaid, was appointed administrator of said Elise Calame on the twenty-eighth day of March, one thousand nine hundred and one, by the orphans' court of the county of Essex, and having filed his bond, took upon himself the administration of said estate;

AND WHEREAS, There had been presented to the said administrator a large amount of claims duly verified, and it appearing that the personal estate in the hands of the said administrator was insufficient to pay said claims; and the said administrator having applied to the orphans' court of Essex county for an order to sell said lands for the payment of said debts, and an order to sell having been made on the fifteenth day of November, one thousand nine hundred and one, and the administrator as directed by said order, having filed his additional bond in the sum of four thousand dollars, the said administrator did, in due and legal manner, sell said lands on the fourteenth day of January, one thousand nine hundred and two, to the federal realty company, a corporation duly organized under the laws of the state of New Jersey, for the sum of one thousand one hundred and fifty dollars, exclusive of taxes and other liens; and the report of sale and proofs of posting and publication having been filed, an order confirming said sale was made on the seventeenth day of January, one thousand nine hundred and two;

AND WHEREAS, It has been suggested that the said lands, hereinafter described, have escheated to the state of New Jersey,

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

Sale  
confirmed.

1. That the said order confirming the sale of the said lands above mentioned, and hereinafter more particularly described, to the federal realty company for the sum of one thousand one hundred and fifty dollars, exclusive of taxes and other liens, be and the same is hereby confirmed and in all respects made valid and legal

and effectual to the same extent as if the said lands had not escheated to the state of New Jersey, and that the state of New Jersey hereby releases and relinquishes all its right, title, estate and interest in and to the following described lands and premises situate in the city of Newark, county of Essex and state of New Jersey, more particularly described as follows: beginning in the northerly line of Mulberry place at a point therein distant easterly one hundred and twenty-four feet and six inches from the northeasterly corner of the same and Mulberry street; thence northerly and at right angles to Mulberry place one hundred feet more or less to rear line of land fronting on Cottage street; thence easterly along the same and parallel with Mulberry place twenty-five feet and six inches; thence southerly parallel with the first course one hundred feet to Mulberry place; thence along the same westerly twenty-five feet and six inches to the place of beginning; and that upon the payment of the full purchase price by the federal realty company and the delivery of the deed by the administrator, the title in and to said lands be vested in the said the federal realty company, free and clear of any claim and demands, estate or interest of the state of New Jersey; *provided, however,* that after the payment of the debts of the said Elise Calame, deceased, and the cost of administration, the surplus, if any, in the hands of the said administrator as found by his final account, as audited and passed upon by the orphans' court of Essex county, shall be paid to the treasurer of the state of New Jersey.

Description.

Proviso.

2. The attorney-general of the state of New Jersey shall be charged with the collection of such surplus in the hands of the administrator as found by his final account, and shall institute legal proceedings, if need be, for the collection thereof, in any court of competent jurisdiction.

Duty of attorney-general.

3. This act shall take effect immediately.

Approved March 24, 1903.

## CHAPTER 58.

A Supplement to an act entitled "An act relating to courts having criminal jurisdiction, and regulating proceedings in criminal cases," 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:*

Time deduct-  
ed pending  
writ of error.

1. Henceforth whenever any defendant, after final judgment shall have been rendered in any criminal case, shall be detained and confined in any county jail, or in the county penitentiary, or in the county work-house, or in the state prison, pending the prosecution of a writ of error, the time which he shall thus serve in the county jail, or in the county penitentiary, or in the county work-house, or in the state prison shall be deducted from the period that he was sentenced to serve; *provided*, that this act shall apply to all defendants who now are or hereafter may be so detained and confined pending the determination of a writ of error.

Proviso.

Repealer.

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

3. This act shall take effect immediately.

Approved March 24, 1903.

## CHAPTER 59.

An Act to amend an act entitled "An act for the punishment of cruelty to children," approved January thirtieth, one thousand eight hundred and eighty-three.

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 act is an amendment is hereby amended so as to read as follows:

1. Whoever, having the care, custody or control of any child within the state, shall willfully cause or permit the life of such child to be endangered, or its health to be injured, or who shall willfully cause or permit such child to be placed in such situation that its life may be endangered, or its health injured, or who shall willfully, maliciously or in a cruel and inhuman manner beat, whip or punish any child so as to endanger its life or injure its health, upon conviction thereof shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail or penitentiary for a term not exceeding six months, or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment, in the discretion of the court.

Penalty for  
cruelty to  
children.

2. This act shall take effect immediately.

Approved March 24, 1903.

## CHAPTER 60.

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.

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 first class city of this state wherein the annual pay or salaries of all the officers and employes of said fire department are now regulated by law, with the concurrence of the mayor of such city and of the board, body or authority having charge of the finances in such city, to fix and determine the annual pay or salaries of said officers and employes as hereinafter provided.

Annual  
salaries.

2. To the chief engineer, three thousand dollars; to the assistant engineer, twenty-five hundred dollars; to battalion chiefs or district engineers, two thousand dollars; to the clerk of the board or body having control of the fire department, twenty-two hundred dollars; to

Officers'  
salaries.

the superintendent of telegraph, twenty-two hundred dollars; to the inspectors of horses, one thousand dollars; to the department doctor or medical examiner, seven hundred dollars.

Men's pay.

3. To captains or foremen of companies, engineers, stokers, drivers, tillermen, hosemen, truckmen and telegraph linemen, an amount equal to the annual pay or salary now fixed by law and an increase of fifteen per centum thereof; *provided, however*, that only one-third of the increase provided by this section shall be added for the first year after this act becomes operative, two-thirds shall be added for the second year after this act becomes operative, and for the third year after this act becomes operative and thereafter the total increase provided shall be added to the annual pay or salary.

Proviso.

4. This act shall take effect immediately.

Approved March 24, 1903.

## CHAPTER 61.

An Act to authorize the board of chosen freeholders of any of the several counties of this state to straighten, change the location of and vacate any portion of any public road or highway heretofore or hereafter acquired, constructed and improved in any such county by the board of chosen freeholders thereof, and to improve the portion included in such changed location, provided any owner or owners of real estate along such portion is or are willing to contribute the whole cost and expense thereof; and provided further, every owner of land upon that part of said road proposed to be vacated under this act, shall consent in writing to such change of location and vacation.

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

Change and  
improve  
roads.

1. The board of chosen freeholders of any of the several counties of this state shall have the power and au-

thority to straighten, change the location of and vacate any portion of any public road or highway heretofore or hereafter acquired, constructed and improved in any such county by the board of chosen freeholders thereof, and to improve the portion included in such changed location, provided any owner or owners of real estate along such portion is or are willing to contribute the whole cost and expense thereof; *and provided further*, every owner of land upon that part of such road or highway proposed to be vacated under this act shall consent in writing to such change of location and vacation.

Proviso.

2. The property owner or owners desiring such straightening, change of location and vacation, and the improvement of the portion included in such changed location, may present to the board of chosen freeholders of any such county a petition therefor, which shall be accompanied by a map and specifications showing the proposed straightening, change of location and vacation, and in what manner the portion included in such changed location is to be improved, and offering to contribute the whole cost and expense thereof; and said board, if it approve of the same, and is satisfied that every owner of land upon that part of said road or highway proposed to be vacated consents thereto, shall authorize the same; and thereupon it shall be lawful for said board to acquire the land necessary for said change of location, by gift, grant for nominal consideration, or by exchange of said portion so vacated for said portion necessary to be acquired; and said board is empowered, if required in any such exchange, to make, execute and deliver a deed or deeds of conveyance, conveying in fee simple the title, if any, of any such board to the land so conveyed by it; and it shall be further lawful for said board, upon such terms as it shall determine or as shall be agreed upon with such owner or owners, either to proceed and make the said improvement itself, the whole cost and expense thereof to be paid by said owner or owners, or to allow the said owner or owners to make the same themselves, subject to the approval of said board, and after the completion of the same, the portion which shall be superseded by said changed location shall be deemed and taken as

Presentation  
by owners.

Map and  
specifications.

Power of  
freeholders.

vacated as a part of said county or public road or highway.

Repealer.

3. All acts and parts of acts inconsistent with this act be and the same are hereby repealed, and this act to be deemed and taken as a public act to take effect immediately.

Approved March 24, 1903.

## CHAPTER 62.

A Further Supplement to the act entitled "An act for the prevention of crimes" (Revision of 1898), approved the fourteenth day of June, eighteen hundred and ninety-eight.

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

Subjecting  
persons to  
certain dis-  
eases a mis-  
demeanor.

1. Any person having reason to believe that he is affected with small-pox, diphtheria, scarlet fever, typhus fever, yellow fever, cholera or plague, who shall appear in any public street, conveyance, building or place, and any person who shall knowingly subject another, without the latter's knowledge, to exposure to the infection of any such disease, shall be guilty of a misdemeanor; *provided*, that nothing in this section contained shall be understood to prevent the transportation or care of any person infected with any such disease by any board of health or its duly authorized officers or agents.

Proviso.

Infected room  
must be disin-  
fected before  
occupancy.

2. Any person knowing that any room is or has been occupied by any person suffering with small-pox, diphtheria, scarlet fever, typhus fever, yellow fever, cholera or plague, or knowing that any room is or has been infected by any such disease, who shall lease the same or grant or give the right of occupancy thereof to any person or persons before it shall have been disinfected and cleansed in a manner satisfactory to the local board of health within whose territorial jurisdiction such room may be, shall be guilty of a misdemeanor.

3. This act shall take effect immediately.

Approved March 24, 1903.



## CHAPTER 63.

An Act to provide for the payment of the amount expended by the third regiment infantry, second brigade, national guard of the state of New Jersey, for the transportation of the members of the several companies of said regiment to the state range at Sea Girt for rifle practice during the year nineteen hundred and one.

WHEREAS, The amount appropriated by the legislature for that purpose was insufficient to defray the expenses of transportation of all the companies of the national guard of the state of New Jersey to the state range at Sea Girt for rifle practice during the year nineteen hundred and one; and

Preamble.

WHEREAS, The expenses of transporting the several companies of the third regiment infantry were paid by the several companies of said regiment; therefore,

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

1. The sum of five hundred and sixty-eight dollars be and the same is hereby appropriated out of the state funds for the payment of the sum expended by the several companies of the third regiment infantry, national guard of New Jersey, for the transportation of such companies to the state range at Sea Girt for the purpose of rifle practice in the year nineteen hundred and one.

Appropriation.

2. The comptroller of the state of New Jersey be and he is hereby authorized to draw his warrant on the treasury in favor of the regimental commander of the third regiment infantry, second brigade, national guard of the state of New Jersey, for the sum of five hundred and sixty-eight dollars, in addition to the appropriations now allowed by law.

Payment.

3. This act shall take effect immediately.

Approved March 24, 1903.

## CHAPTER 64.

A Supplement to an act entitled "An act to regulate the manufacture of flour and meal food products," approved April sixteenth, 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 three of the act entitled "An act to regulate the manufacture of flour and meal food products," approved April sixteenth, one thousand eight hundred and ninety-six, is hereby amended so as to read as follows:

Construction of rooms, furniture and sanitation.

3. Every room used for the manufacture of flour or meal food products shall be at least eight feet in height, and shall have, if required by the factory inspector or a deputy factory inspector, an impermeable floor, constructed of wood properly saturated with linseed oil; the side-walls of such rooms shall be plastered or wainscoted, except where brick walls are shown, and, if required by the factory inspector, or a deputy factory inspector, shall be whitewashed at least once in three months; the furniture and utensils in such rooms shall be so arranged that the furniture and floor may at all times be kept in a proper and healthful, sanitary and clean condition; no domestic animal, except cats, shall be allowed to remain in a room used as a biscuit, bread or cake bakery, or for the storage of flour or meal food products.

Section amended.

2. Section seven of the said act is hereby amended so as to read as follows:

Penalty for non-compliance.

7. Any owner or proprietor of the business of any biscuit, bread or cake bakery who shall violate any provision of sections one or ten of this act, or any act amendatory hereof or supplementary hereto, or shall refuse or omit to comply with any requirement of the factory inspector or deputy factory inspector as herein provided, or who shall, for thirty days after receiving

notice in writing from any person or persons requiring compliance with the provisions of this act, refuse or omit to comply with the provisions of sections two, three, four, five or six of this act, shall forfeit and pay for the first offense a penalty of one hundred dollars, and for each subsequent offense a penalty of two hundred and fifty dollars.

3.. Section eight of the said act is hereby amended so as to read as follows:

Section amended.

8. The factory inspector, and the deputy factory inspectors within their respective districts, shall require and enforce compliance with all the provisions of this act, and for that purpose it shall be the duty of the factory inspector to personally visit and inspect all biscuit, bread and cake bakeries, and rooms or places used for the storage of flour or meal food products, or to cause such visit and inspection to be made by a deputy factory inspector within his own district not less than once in six months; and whenever a complaint in writing, signed by any worker or employe in any such bakery, shop or place, or by any officer or representative of any labor union in the county wherein the same is located, shall be received by the said factory inspector, or a deputy factory inspector, stating that any provision of this act is being violated in any bakery, shop or place therein designated, it shall be the duty of the said factory inspector in any event, and also of the deputy factory inspector within his own district, if such complaint is received by him, to forthwith visit and inspect the bakery, shop or place so designated; every such visit or inspection shall be made in the presence of those then working or employed in any such bakery, shop or place during the usual hours of employment therein; and thereupon the said factory inspector, or a deputy factory inspector within his own district, upon being satisfied that all the provisions of this act, and of all acts amendatory hereof or supplementary hereto, are being complied with therein, may issue a certificate to the person, persons or corporation conducting or carrying on any such bakery, shop or place, that the same is conducted in compliance with the provisions of this act, and of the acts amendatory hereof and supplementary hereto.

Inspection of bakeries and store rooms.

If complaint made.

Visit and inspect place designated.

When certificate of compliance issued.

Section  
amended.

4. Section nine of the said act is hereby amended so as to read as follows :

Serving  
notice.

9. Any notice given under or pursuant to this act, or any act amendatory hereof or supplementary hereto, shall be in writing, and may be served upon such owner or proprietor either personally or by mail, or by leaving the same at the bakery, shop or place therein designated or referred to, during the usual hours of employment therein ; and the mailing of any notice, with postage prepaid, directed to such owner or proprietor at his last-known post-office address, or to the address of any bakery, shop or place therein designated or referred to, shall be deemed sufficient.

Section 10.

5. There shall be added to the said act a new section, to be known as section ten, which shall read as follows :

Night work.

10. No person under the age of eighteen years shall be employed, or required, permitted or suffered to work, in a biscuit, bread or cake bakery between the hours of seven o'clock in the afternoon and seven o'clock in the forenoon.

Section 11.

6. There shall be added to the said act a further section, to be known as section eleven, which shall read as follows :

Recovery of  
penalties.

11. Any penalty incurred under or by virtue of any provision of this act, or of any act amendatory hereof or supplementary hereto, may be recovered in an action of debt in any court of law of this state having jurisdiction of civil causes, to be brought by and in the name of any person or persons of full age, or corporation, who will bring the same, which action may be commenced, as in ordinary cases, by summons, which need not be indorsed as in qui tam actions, and shall be proceeded with therein, as in ordinary cases, in the court where such action is brought, and the finding or verdict shall be that the defendant has or has not (as the case may be) incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly ; and in case of recovery one-half of the amount of the judgment recovered shall belong to the person, persons or corporation by whom the action is brought and the other half thereof shall be paid by the person, persons or corporation recovering the same to the treasurer of the state of

Disposition  
of amount  
recovered.

New Jersey for the use of the state; in case execution shall be issued in such action and returned unsatisfied, the court, on application and two days' notice to the defendant or defendants, may award an execution to take the body of the defendant or defendants, as in other cases where a capias or warrant may issue out of the court wherein such action is brought, and thereafter the rights, remedies and liabilities of the parties, and the proceedings in the case, shall be the same, as nearly as may be, as in other actions in such court where an execution to take the body of the defendant or defendants has been issued. Arrest.

7. All acts and parts of acts contrary to or inconsistent with the provisions of this act are hereby repealed. Repealer.

8. This act shall take effect immediately.

Approved March 24, 1903.

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## CHAPTER 65.

A Supplement to an act entitled "An act concerning the military and naval forces" (Revision of 1900).

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

1. Section seven of the act entitled "An act concerning the military and naval forces" (Revision of 1900), be and the same is hereby amended so as to read as follows: Section amended.

7. The governor, as commander-in-chief, shall have the following staff: one adjutant-general, with the rank of brigadier-general; one quartermaster-general, with the rank of colonel, who shall be commissary-general, paymaster-general, chief medical purveyor, medical storekeeper and chief of ordnance; one surgeon-general, with the rank of colonel; one inspector-general, with the rank of colonel; one inspector-general of rifle practice, with the rank of colonel; one judge-advocate general, with the rank of colonel; six aides-de-camp, Governor's staff.

whose terms of service shall expire with that of the governor who shall have appointed them, one of whom may be appointed by the commander-in-chief as his personal aide, with the rank of colonel; the other five aides-de-camp shall be appointed by the commander-in-chief from the commissioned officers of the national guard, holding commissions on the active list, of a grade below that of colonel, and their appointment shall operate as a commission as aide-de-camp, but shall not add to the actual grade of the officers so appointed; such aides-de-camp shall not be relieved from duty with their respective organizations, except when actually on duty as aides-de-camp under the orders of the commander-in-chief.

2. This act shall take effect immediately.

Approved March 24, 1903.

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## CHAPTER 66.

A Supplement to an act entitled "An act to limit the age and employment hours of labor of children, minors and women, and to appoint an inspector for the enforcement of the same," approved March fifth, one thousand eight hundred and eighty-three.

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

Factory  
inspector  
appointed by  
governor.

1. The factory and workshop inspector appointed under the provisions of the act to which this act is a supplement shall hereafter be appointed by the governor, and shall be answerable to the governor for the faithful discharge of his duties.

Inspector may  
be suspended  
or discharged  
by governor.

2. For any neglect or failure to perform his duties, the factory or workshop inspector shall be subject to immediate suspension by the governor and loss of pay for such time as the governor may think proper; and he may also be discharged by the governor, in his discretion, after being given an opportunity to make a

statement and present evidence in his defense, and if so discharged, the term of said inspector shall end with the date on which he is discharged.

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

4. This act shall take effect immediately.

Approved March 25, 1903.

## CHAPTER 67.

A 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. In the townships and fire districts of this state, in which there now are, or hereafter may be, one or more fire engine, hook and ladder, hose or supply companies, or any fire association, or fire department, or board of fire wardens, which said company or companies shall have active members residing in fire districts organized and laid off, or hereafter organized and laid off, pursuant to an act of the legislature of the state of New Jersey, entitled "An act to provide means for protection against fires in townships," approved March tenth, one thousand eight hundred and seventy-nine, and the acts amendatory thereof and supplementary thereto, which shall be adjacent to each other in two or more townships, said company or companies being under the supervision or control of the respective boards of fire commissioners of said fire districts, it shall be lawful for the chief engineer, or if there be no chief engineer, then the fire marshal, or in case there be neither, then the chief or foreman, or senior chief or senior foreman, and all active members of any fire engine, hook and ladder, hose or supply companies, or any fire association or fire departments, or board of fire wardens of such

Organization  
of relief as-  
sociations in  
fire districts.

Who may  
constitute  
association.

Corporate name.	<p>townships and fire districts, to associate themselves together and become incorporated under and by the name of "the firemen's relief association of fire districts number        in the township of        and number        in the township of       ," or any other name which shall indicate the objects of said association using the names of the townships and the numbers of the fire districts, which said association shall and may be incorporated in the manner prescribed by the act entitled "An act concerning firemen's relief associations," approved March twenty-fifth, one thousand eight hundred and eighty-five, and the acts amendatory thereof and supplemental thereto, and said associations when incorporated shall be entitled to all the privileges and benefits of said acts last aforesaid, and shall be a firemen's relief association, and entitled to all the benefits and privileges thereof, as if incorporated under the original acts aforesaid.</p>
Privileges.	
Boundaries of association.	<p>2. Any association, so organized by virtue of this act, for the purposes of receiving all moneys required to be paid to firemen's relief associations, by virtue of an act entitled "An act to facilitate the collection from fire insurance companies not organized under the laws of this state, but doing business herein, and from agents and brokers, of certain premiums for the benevolent funds of the several duly incorporated firemen's relief associations in this state," approved May second, one thousand eight hundred and eighty-five and the supplements thereto or acts amendatory thereof, shall include the boundaries of the respective fire districts, and said firemen's relief associations shall be entitled to all the rights and privileges under the act last aforesaid, in the respective fire districts, the same as those organized under the acts to which this is a supplement.</p>
Evidence of membership.	<p>3. A certificate from the boards of fire commissioners of the respective fire districts, signed by the president and attested by the secretary, and attached to the certificate of incorporation of any association organized under this act, shall be sufficient evidence of the fact that said fire company or other fire organization as specified in the first section hereof is under the supervision or control of said boards of fire commissioners.</p>



4. Not more than one association shall be organized in any number of fire districts that may be adjacent to each other. One association in adjacent districts.
5. This act shall take effect immediately.
- Approved March 25, 1903.

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## CHAPTER 68.

An Act providing compensation for the clothing furnished by this state to volunteer soldiers of this state in the Spanish-American war of one thousand eight hundred and ninety-eight, which they were compelled to discard and replace with other clothing furnished by the United States, and for which they had to pay.

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

1. To each of the volunteer soldiers who enlisted in the service of the United States in the war with Spain, in any of the regiments of this state, and who were furnished by this state with blouses, trousers or overcoats which they were afterward compelled by orders to discard and replace with blouses, trousers or overcoats furnished by the United States and for which said volunteer soldiers had to pay out of their clothing allowances in addition to paying for the aforesaid clothing furnished by this state, there shall be paid the sum of money he was obliged to pay for said clothing furnished by this state, as it is disclosed on his clothing certificate on file in the war department in Washington. Repayment of money paid by volunteers for clothing.
2. No assignment of such sum shall be recognized or be valid, but when this act becomes operative soldiers may designate, in writing, some one to whom such payment may be made, under such regulations as may be established. No assignment of claim.
3. Payments under this act shall be made in the manner and form prescribed by law for payment to soldiers of the national guard, and under such additional regu- Payments; how made.

- lations as may be ordered by the governor of this state.
- Appropriation. 4. To carry into effect the provisions of this act and to defray any expense incident to securing the necessary information from the war department at Washington the sum of thirty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated.
5. This act shall take effect immediately.
- Approved March 25, 1903.

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## CHAPTER 69.

A Supplement to an act entitled "An act relative to guardians and the estates of minors" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

Application to  
fix amount  
for minor's  
support.

1. It shall be lawful for the general guardian of the estate of any minor, from time to time, to apply in writing to the orphans' court charged with the settlement and allowance of his accounts, for an order fixing the sum that may be expended yearly by the guardian for or toward the support, maintenance and education of the ward; the hearing on such application shall be on ten days' notice to the next of kin of the ward, if there be any such next of kin other than such guardian; the court in a summary way, by testimony taken before it, or before one of its masters and examiners, shall proceed to inquire into the merits of the application, and may make such order in the premises as to it shall seem proper under all the circumstances of the case, having special reference to the amount of the estate and the condition in life of the ward, and to the pecuniary means of any parent who is under legal obligation with reference to the support of the ward; no order shall be made to continue for more than one year, and if the ward shall be adequately supported, maintained and

Continuance  
of order.

educated during the continuance of such order, the court shall allow the said guardian in the settlement of his account the amount expended not exceeding the sum fixed by said order.

2. This act shall take effect immediately.

Approved March 25, 1903.

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## CHAPTER 70.

An Act concerning the payment of the salaries of the employees in and the payment of the expenses of the various departments of the state government.

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

1. The treasurer of the state shall, on the warrant of the comptroller, pay the salaries of the employees of, and the expenses lawfully incurred in, the various departments of the state government; *provided*, that such salaries and expenses shall be first approved by the head of the department in which such salaries or expenses shall have been incurred.

Payment of employees.

Proviso.

2. This act shall take effect immediately.

Approved March 26, 1903.

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## CHAPTER 71.

An Act to set off territory from the township of Caldwell and the borough of Essex Fells, in the county of Essex, and annex the same to the township of Livingston, in said county.

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

1. All that land and real estate situate, lying and being in the township of Caldwell, in the county of

Portions of township of Caldwell and Essex Fells annexed to township of Livingston.

Essex, bounded and described as follows: beginning at a point in the center line of Harrison avenue, said point being in the dividing line between lands of Theodore V. A. Trotter and Rufus F. Harrison; thence running in a northeasterly direction along the easterly line of lands of said Rufus F. Harrison six hundred feet to the southwesterly corner of the borough of Essex Fells; thence in a general southeasterly direction along the southerly line of the borough of Essex Fells to Roseland avenue; thence in a southerly direction along Roseland avenue to the northerly line of lands of Eugene Underhill; thence along said Underhill's northerly line in a southeasterly direction to line of lands of Herman Wendell and Frederick H. Treat; thence along their line to Harrison avenue; thence along Harrison avenue to the place of beginning; also that portion of the borough of Essex Fells lying between the southerly line of Harrison avenue and the northerly line of Eagle Rock avenue, and so much of the borough of Essex Fells as lies on the northerly side of Eagle Rock avenue, lying between the westerly line of the town of West Orange, the former southerly line of the township of Caldwell (as the same existed prior to the formation of the borough of Essex Fells), and Roseland avenue, excepting therefrom lands belonging to Herman Wendell and Frederick H. Treat, be set off from the said township of Caldwell, in the county of Essex, and the borough of Essex Fells, in said county, and annexed to the township of Livingston, in said county, so that the same shall be hereafter a part of and within the territorial limits of the said township of Livingston.

2. This act shall take effect immediately.

Approved March 26, 1903.

## CHAPTER 72.

An Act to amend an act entitled "An act to authorize the sale of land limited over to infants or in contingency in cases when such sale would be beneficial," approved March the twentieth, one thousand eight hundred and fifty-seven.

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

1. Amend section seven of said act so that the same shall read as follows:

Section  
amended.

7. The costs and expenses of the proceedings and sale heretofore or hereafter taken or made shall be taxed and paid out of the proceeds of sale, the master making sale to be allowed such percentage on the purchase money as the chancellor shall determine, according to the character of the services performed, and that all costs and expenses incurred after such sale, in investing money and reinvesting such money and touching the payment of interest, shall be paid out of the interest accruing on the same and not out of the principal sum.

Costs taken  
from proceeds  
of sale.

Future ex-  
penses from  
principal.

Approved March 26, 1903.

## CHAPTER 73.

An Act to provide for the payment, in installments, of assessments upon property specially benefited from the construction of sewers or drains in cities of the first class of this state.

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

1. Hereafter assessments upon property specially benefited from the construction of sewers or drains in

Assessments  
for benefits  
paid in in-  
stallments.

Whole may  
be paid.

Failure  
to pay  
installment.

Repealer.

cities of the first class in this state shall be payable in five installments, the first on or before forty days from the date of the confirmation thereof, the second, third, fourth and fifth, in one, two, three and four years after the date of such confirmation, respectively; the first installment of any such assessment to be paid by the owner of the property assessed shall equal one-fifth of the total amount thereof; the second shall be for a like amount, together with interest computed at five per centum per annum upon the unpaid balance, and each succeeding installment shall be for one-fifth of the amount of the original assessment, together with interest computed at the rate of five per centum per annum upon the unpaid balance as aforesaid; the owner of any property assessed as aforesaid may, at his option, pay the whole of such assessment on or before forty days from the date of its confirmation without interest, or at any time thereafter before sale as hereinafter provided, with interest at the rate of six per centum per annum if paid within one year, and at seven per centum per annum if paid after one year, from the date of confirmation; in case any installment of such assessment is not paid by the owner of property assessed as aforesaid at the time when the same is due and payable, interest upon such assessment shall thereafter be computed at the rate of ten per centum per annum; no property assessed as aforesaid shall be sold for non-payment of any such assessment or any installment thereof, and no proceeding shall be taken to enforce the payment of such installments so due and unpaid, until four years from the date of the confirmation of such assessment, at which time it shall be the duty of the comptroller, or other proper officer of the city, to cause such assessment to be collected in the same manner as assessments are now collected for like improvements in such cities.

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

Approved March 26, 1903.

## CHAPTER 74.

An Act to authorize municipalities or school districts in this state to raise moneys for the purchase of lands for school purposes, and for erecting, enlarging, repairing or furnishing school-houses.

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

1. Whenever a board of education in any school district of this state shall decide that it is necessary to raise money for purchasing or taking and condemning lands for school purposes, or for erecting, enlarging, repairing or furnishing a school-house or school-houses, and shall determine the sum or sums of money necessary for such purpose, or purposes, the common council, board of finance, or other body or authority, in the school district, or in the municipality in which such school district shall be situate, having the power to make appropriations of money to be raised by tax for school purposes in such municipality or school district, may appropriate in their discretion such sum or sums for such purpose or purposes in the same manner as other appropriations for school purposes are made by it, and said sum or sums shall be raised, assessed, levied and collected at the same time and in the same manner as moneys appropriated for other purposes in such municipality or school district are raised, assessed, levied and collected, or said common council, board of finance or other body or authority 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, by the issue of bonds in the corporate name of such municipality or school district; bonds so issued shall be designated "school bonds," shall be of such denomination as said common council, board of finance or other body or

Appropriate  
moneys to  
erect, enlarge,  
etc., schools.

May borrow  
moneys.

Issue school  
bonds.

- authority may determine, and shall be made payable in not more than thirty years from the date thereof; such bonds may be registered or coupon bonds, or may be registered and coupon bonds combined, at the option of such common council, board of finance or other body or authority; the proceeds of the sale of such bonds shall be deposited with the city treasurer or other person designated by law as the custodian of the school moneys of such school district, and shall be paid out only on the warrants or orders of the board of education; *provided*, that the common council, board of finance or other body or authority may, on the request of the board of education, purchase, or take and condemn, lands for school purposes, and may pay for the same by means of moneys raised in accordance with the provisions of this act; *provided further*, 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 three per centum of the taxable valuation of the real and personal property in such municipality or school district; *provided further*, that if the charter of a municipality shall limit the amount of indebtedness in such municipality, or shall by its terms prevent the carrying out of the provisions of this section, the same shall be hereafter held not to apply to the issuing of bonds under the provisions of this section in such municipality.
2. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.
- Approved March 26, 1903.

## CHAPTER 75.

An Act to authorize the purchase of lands and the erection of dwelling-houses by guardians of lunatics.

Chancellor  
may direct  
purchase of  
land and  
erection of  
dwelling.

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

1. Whenever it shall be made to appear to the chancellor, upon the application of the guardian of any luna-



tic, insane or feeble-minded person, that it would be advantageous to such lunatic, insane or feeble-minded person, and his or her husband or wife and child or children, or any of them, that a dwelling-house and lot of land should be purchased, or that land should be purchased and a dwelling-house erected thereon, for the use of such lunatic, insane or feeble-minded person, and his or her husband or wife and child or children, or any of them, it shall be lawful for the chancellor to order and direct that the guardian of such lunatic, insane or feeble-minded person be authorized to purchase a dwelling-house and lot of land, or to purchase land and to enter into a contract or contracts for the erection of a dwelling-house thereon, according as the chancellor shall deem advisable, and to pay for the same out of any moneys, or out of the proceeds of the sale of any securities or personal property which may belong to the estate of such lunatic, insane or feeble-minded person.

2. This act shall take effect immediately.

Approved March 26, 1903.

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## CHAPTER 76.

An Act to repeal certain acts providing for the division of assets and liabilities of townships or other municipalities between such townships or municipalities and any borough or other municipality set off from the same.

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

1. That from and after the passage of this act the following act and parts of acts be and the same hereby are repealed: Repealers.

(1) An act to provide for the division of the assets and liabilities of townships between such townships and any borough or boroughs set off from the same, approved April sixteenth, one thousand eight hundred and ninety-six;

(2) Supplement to an act entitled "An act to provide for the division of the assets and liabilities of townships between such townships and any borough or boroughs set off from the same," approved April sixteenth, one thousand eight hundred and ninety-six, approved February twenty-fourth, one thousand eight hundred and ninety-nine;

(3) An act to amend an act entitled "An act to provide for the division of the assets and liabilities of townships between such townships and any borough or boroughs set off from the same," approved April sixteenth, one thousand eight hundred and ninety-six, approved April ninth, one thousand nine hundred and two;

(4) An act prescribing the manner in which a newly-created municipality shall succeed to and take the assets and liabilities of the municipality out of which it is created, approved April twenty-third, one thousand eight hundred and ninety-seven;

(5) An act to amend an act entitled "An act prescribing the manner in which a newly-created municipality shall succeed to and take the assets and liabilities of the municipality out of which it is created," approved April twenty-third, one thousand eight hundred and ninety-seven, approved March twenty-third, one thousand eight hundred and ninety-nine.

2. This act shall take effect immediately.

Approved March 26, 1903.

## CHAPTER 77.

An Act to provide for the exemption of firemen in certain municipalities.

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

Firemen's  
exemption  
when service  
not concur-  
rent.

1. Any firemen in any township or borough of this state who shall have served as an active fireman under the control of a township committee, borough council or board of fire commissioners or either or any of them

for a period, or for separate periods, not concurrent, amounting in the aggregate to seven years, shall be entitled to all the benefits conferred by law upon exempt firemen upon filing with the clerk of the county in which he resides a certificate or certificates of such service made by the presiding officer of such company or companies in which he has served, upon the filing of which, he shall be entitled to a certificate under the hand and seal of the clerk of such county setting forth that the exemption certificate of such fireman is duly filed, and that such fireman is entitled to demand, have and receive all the rights, privileges, benefits and exemptions of whatsoever kind provided for exempt firemen by any law of this state.

2. This act shall take effect immediately.

Approved March 26, 1903.

#### CHAPTER 78.

An Act granting the consent of the state of New Jersey to the acquisition by condemnation, purchase, grant or otherwise by the United States of a tract or tracts of land in the city of Elizabeth for the purpose of erecting buildings thereon.

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

1. The consent of the state of New Jersey is hereby given to the acquisition by condemnation, purchase, grant or otherwise by the United States of a tract or tracts of land situate in the city of Elizabeth, county of Union, not exceeding two acres in quantity, on which to erect buildings for a post-office and other public purposes; and the said United States shall have, hold, use, occupy and own the said land or lands, when acquired by condemnation, purchase, grant or otherwise, and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereinafter mentioned.

Consent  
granted  
United States  
to acquire  
land in  
Elizabeth.

Jurisdiction.

2. The jurisdiction of the state of New Jersey in and over the said land or lands mentioned in the foregoing section, when acquired by condemnation, purchase, grant or otherwise as aforesaid, shall be and the same is hereby ceded to the United States, but the jurisdiction hereby ceded shall continue no longer than the United States shall own the said land or lands.

Concurrent jurisdiction.

3. The said consent is given and the said jurisdiction ceded upon the express condition that the state of New Jersey shall retain concurrent jurisdiction with the United States in and over the said land or lands, so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the state of New Jersey against any person or persons charged with crimes or misdemeanors committed within said state, may be executed therein in the same way and manner as if said consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

Continuance of jurisdiction.

4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said land or lands by condemnation, purchase, grant or otherwise; and so long as said land or lands shall remain the property of the United States, when acquired as aforesaid, and no longer, the same shall be and continue to be exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of the state.

5. This act shall take effect immediately.

Approved March 26, 1903.

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## CHAPTER 79.

An Act enabling and authorizing the state of New Jersey to participate in the celebration of the one hundred and twenty-fifth anniversary of the battle of Monmouth at Freehold, New Jersey.

Preamble.

WHEREAS, A beautiful and appropriate monument has been erected by state aid upon historic ground con-

veyed to this state at Freehold, New Jersey, in order to commemorate the battle of Monmouth, one of the most momentous achievements of our great struggle for American independence; and,

WHEREAS, Patriotic citizens and societies of our state have resolved to hold a celebration of the one hundred and twenty-fifth anniversary of said battle, at Monument Park, Freehold, New Jersey, on Saturday, the twenty-seventh day of June, anno domini nineteen hundred and three (the actual anniversary being the following day, Sunday), under the auspices of the Monmouth battle monument commission, a body created by act of the legislature of this state, and it is fitting that this patriotic work should be encouraged and assisted by state legislation and state aid; therefore,

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

1. A delegation, consisting of his excellency the governor, the president of the senate, the speaker of the house of assembly, the attorney-general, the adjutant-general and the quartermaster-general of this state, be and they are hereby authorized and requested to confer from time to time with said Monmouth battle monument commission and with the various committees of citizens and patriotic societies appointed for that purpose, in determining as to the proper ceremonies for said celebration, and are further requested to attend said celebration in person.

Delegation  
to confer  
with local  
committees.

2. There be appropriated from the funds of this state, in the state treasury, the sum of thirty-five hundred dollars to meet the necessary and proper expenses to carry out the provisions of this act, and to defray all necessary expenses that may be incurred in providing for such military forces from the national guard as the governor may order to participate in said celebration, and the comptroller is hereby authorized to draw his warrants for the same; the governor shall cause an accurate and detailed account to be kept of the expenditures and shall file the same, together with proper vouchers, with the state comptroller.

Appropriation.

3. This act shall take effect immediately.

Approved March 26, 1903.

## CHAPTER 80.

An Act granting the consent of the state of New Jersey to the acquisition by condemnation, purchase, grant or otherwise by the United States of a tract or tracts of land in the city of Atlantic City for the purpose of erecting buildings thereon.

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

Consent  
granted  
United States  
to acquire  
land in  
Atlantic City.

1. The consent of the state of New Jersey is hereby given to the acquisition by condemnation, purchase, grant or otherwise by the United States of a tract or tracts of land situate in the city of Atlantic City, county of Atlantic, not exceeding two acres in quantity, on which to erect buildings for a post-office and other public purposes; and the said United States shall have, hold, use, occupy and own the said land or lands, when acquired by condemnation, purchase, grant or otherwise, and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereinafter mentioned.

Jurisdiction.

2. The jurisdiction of the state of New Jersey in and over the said land or lands mentioned in the foregoing section, when acquired by condemnation, purchase, grant or otherwise as aforesaid, shall be and the same is hereby ceded to the United States, but the jurisdiction hereby ceded shall continue no longer than the United States shall own the said land or lands.

Concurrent  
jurisdiction.

3. The said consent is given and the said jurisdiction ceded upon the express condition that the state of New Jersey shall retain concurrent jurisdiction with the United States in and over the said land or lands, so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the state of New Jersey against any person or persons charged with crimes or misdemeanors committed **within**

said state, may be executed therein in the same way and manner as if said consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said land or lands by condemnation, purchase, grant or otherwise; and so long as said land or lands shall remain the property of the United States, when acquired as aforesaid, and no longer, the same shall be and continue to be exonerated from all taxes, assessments and other charges which may be levied or imposed under the authority of the state.

Continuance  
of jurisdiction.

5. This act shall take effect immediately.

Approved March 26, 1903.

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## CHAPTER 81.

An Act to install in the state museum the education, forestry and other state exhibits at the Pan-American exposition.

WHEREAS, There was apportioned from the appropriation for state exhibits at the Pan-American exposition held at Buffalo, New York, in the year one thousand nine hundred and one, the sum of five thousand dollars for the purpose of an educational exhibit at said exposition; and,

Preamble.

WHEREAS, A portion of said five thousand dollars was, by direction of the New Jersey commissioners of said exposition, appropriated for a forestry exhibit; and,

WHEREAS, Said exhibits were, after the close of said exposition, on the special request of the commissioners of the South Carolina interstate and West Indian exposition, and with the consent of the governor of this state, sent to said exposition at Charleston; and,

WHEREAS, Said exhibits were awarded gold and silver medals as state exhibits in the educational and

forestry sections at said expositions at Buffalo and Charleston; and,

WHEREAS, One thousand dollars of said appropriation has been returned to the state treasury, the cost of said exhibits having been less than four thousand dollars, leaving a small balance in the hands of the state superintendent of public instruction; and,

WHEREAS, It is important that said exhibits should be preserved, and there being no fund available for that purpose:

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

Balance of  
moneys to in-  
stall exhibit  
in museum.

1. The state superintendent of public instruction, after all expenses incurred in making said exhibits shall have been paid, shall pay any balance of moneys in his hands appropriated for said exhibits to the commissioners of the New Jersey state museum, and said commissioners shall use such balance for the purpose of installing said exhibits in the state museum, and if said balance shall not be sufficient for such purpose, said commissioners are hereby authorized to use any other moneys at their disposal for said purpose.

2. This act shall take effect immediately.

Approved March 26, 1903.

## CHAPTER 82.

An Act to fix and define the boundary line between the borough of Anglesea and the borough of Wildwood, in the county of Cape May and state of New Jersey.

Preamble.

WHEREAS, The present boundary line between the borough of Anglesea and the borough of Wildwood, on Five Mile Beach, in the county of Cape May, runs diagonally across Twenty-Sixth avenue; and whereas, it is desirable that the middle line of said Twenty-Sixth avenue, with a width of sixty feet from the northeasterly side thereof as laid down on the general



plan of Anglesea, be made the dividing line between the said boroughs,

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

1. The middle line of Twenty-Sixth avenue, with a width of sixty feet from the northeasterly side thereof as laid down on the general plan of Anglesea, be and the same is hereby declared to be the boundary line between the said borough of Anglesea and the said borough of Wildwood, in the said county of Cape May.

Boundary  
between  
Anglesea and  
Wildwood.

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

Repealer.

Approved March 26, 1903.

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## CHAPTER 83.

An Act to extend the territorial boundaries of the borough of Beach Haven, in the county of Ocean, by the annexation of a portion of the township of Long Beach, in said county.

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

1. All that land and real estate situate, lying and being in the township of Long Beach, in the county of Ocean, bounded on the north by the present southerly boundary line of the borough of Beach Haven; on the east by the Atlantic ocean; on the south by the center line of Chatsworth avenue as laid down on the map or plan of the Beach Haven land company, as filed in the office of the county clerk of said county of Ocean; and on the west by Liberty thoroughfare, be separated from the said township of Long Beach and annexed to the said borough of Beach Haven, so that the same shall be hereafter a part of and within the territorial limits of said borough.

Portion of  
township of  
Long Beach  
annexed to  
Beach Haven.

2. This act shall take effect immediately.

Approved March 26, 1903.

## CHAPTER 84.

A Supplement to an act entitled "An act providing for divorces and for decrees of nullity of marriage and for alimony, and the maintenance of children" (Revision of 1902).

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

Section  
amended.

1. Section thirteen of the act to which this is a supplement be amended so as to read as follows:

If defendant  
absent, order  
to answer left  
at house or  
published.

13. When a bill or petition shall be filed under this act, and it shall be made to appear by affidavit or otherwise, to the satisfaction of the chancellor, that such defendant is out of this state, or cannot, upon due inquiry, be found therein, or that he or she conceals himself or herself within this state, the chancellor may thereupon, by order, direct such defendant to answer the said bill or petition at a certain day therein named, not less than two nor more than six months from the date of such order, of which order such notice as the chancellor shall by rule direct shall, within twenty days thereafter, be served on such defendant by delivery of a copy thereof to him or her, or by leaving it at his or her dwelling-house or usual place of abode, or be published in one of the newspapers printed in this state and designated in such order, and continued therein for four weeks successively, at least once in every week, and shall be published in such other manner as the particular circumstances of the case may require, if in the opinion of the chancellor any other or further publication shall be necessary, and in case such defendant shall not file his or her answer within the time so limited, or within some further time, to be allowed by the chancellor, on proof of due service or publication of said order, the court may order and direct the complainant or petitioner to produce depositions or other evidence to substantiate and prove

the allegations in the bill or petition, and to bring on the hearing of said cause *ex parte*.

Approved March 26, 1903.

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#### CHAPTER 85.

A Further Supplement to 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. It shall not hereafter be necessary, upon the trial of any action in any district court of this state, for the plaintiff to prove the incorporation of any defendant sued as a corporation, except in cases where the defence denies its incorporation.

Proof of incorporation unnecessary unless denied.

Approved March 26, 1903.

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#### CHAPTER 86.

A Supplement to an act entitled "An act to incorporate and regulate telegraph companies," 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*:

1. Any corporation organized under and by virtue of the act to which this is a supplement may borrow, from time to time, such sum or sums of money as may be necessary for the accomplishment of the objects of such corporation; and to secure the re-payment thereof, or of any part or portion thereof, may issue bonds registered

May borrow money and issue bonds.

Mortgage  
recorded as  
of real estate.

Mortgage as  
record.

Applies to  
mortgages  
heretofore  
given.

or with coupons or interest certificates thereto attached, or both, secured by a mortgage of any or all of its franchises, lines of telegraph and telephone, telegraph and telephone exchanges, electrical appliances, rights of way, real estate or personal property, including stock and securities of such corporation or of any other corporation whose stock and securities it owns, which mortgage may be recorded as mortgages of real estate are or hereafter may be by law required to be recorded in the office of the clerk or register of deeds of the county or counties in which the telegraph or telephone lines and telegraph and telephone exchanges may be located, and in the office of the clerk or register of deeds of the county in which the principal office of such corporation is situate, and such record or the lodgment of such mortgage in such clerk's or register's office for record shall be thereafter notice to all subsequent judgment creditors, purchasers and mortgagees of the execution of the said mortgage and of the contents thereof, although such mortgage may not have been executed, proved or recorded as a chattel mortgage.

2. That any such mortgage heretofore given by any corporation organized under the act to which this is a supplement, and heretofore recorded or registered in the manner prescribed in the preceding section, shall be hereafter notice to all future judgment creditors, purchasers and mortgagees of the execution of the said mortgage and of the contents thereof, although such mortgage may not have been executed, proved or recorded as a chattel mortgage.

3. This act shall take effect immediately.

Approved March 26, 1903.

## CHAPTER 87.

A Supplement to an act entitled "An act to authorize the use of voting machines at elections hereafter to be held in this state, or in any subdivision thereof, and providing that the votes cast at any such elections may be registered or recorded and counted, and the result of such election ascertained by such machines," approved April ninth, one thousand nine hundred and two.

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

1. The arrangement of party names, names of candidates, or party emblems on a voting machine or the ballot for the same, referred to in the act to which this is a supplement, as in columns or horizontal rows, list of rows, or columns, or as prefixed to columns, shall be held to mean such convenient arrangement of the same on the machine as in the judgment of the board of state voting machine commissioners will clearly indicate to the voter what device to operate to vote for the party or person of his choice.

Arrangement  
of names—  
intent.

2. All acts or parts of acts inconsistent with this act are hereby repealed.

Repealer.

3. This act shall take effect immediately.  
Approved March 26, 1903.

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CHAPTER 88.

An Act to amend an act entitled "An act to establish a system of public instruction," 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:*

Section  
amended.

Disburse-  
ments; how  
made.

Auditor.

Audit bills.

May examine  
witnesses as  
to claim.

If incorrect.

1. Amend section sixty-four of the act to which this is an amendment so that it shall read as follows:

64. All disbursements of the board of education shall be by warrant drawn on the custodian of the school moneys of the district, signed by the president of said board and countersigned by the secretary; all warrants drawn in accordance with the provisions of this section, accompanied by itemized statements of the claims or demands that have been drawn, shall be forwarded by said secretary to the comptroller, auditor or other officer, if there be one, authorized by law to audit claims and demands against the municipality in which such district shall be situate; said comptroller, auditor or other officer shall be the auditor of the school district, and shall receive such compensation therefor as the common council or other governing body of said municipality shall determine, and the bonds given by such comptroller, auditor or other officer for the faithful performance of his duty to such municipality shall be held to cover the performance of his duty as auditor of the school district; such auditor shall examine and audit such warrants and statements with a view to ascertaining whether the sum or sums are proper, and if he shall find them to be correct, he shall countersign said warrants and forward them to the city treasurer, who, by virtue of his office as city treasurer, shall be the custodian of the school moneys of the school district; said auditor shall, whenever he shall deem it to be for the best interests of the school district, examine under oath any person presenting a bill or claim against said school district, and also examine witnesses and investigate by other evidence and inquiry all the facts relating to said claim which in his opinion are necessary to establish the accuracy and good faith of said claim and to ascertain the school district's liability therefor; if said auditor shall have reason to believe that the claim or demand for which any such warrant shall have been issued is incorrect, or for any cause should not be paid, he shall return such warrant and statement to the secretary of the board of education, with a statement of the reasons why the same should not be paid, and said secretary shall correct said warrant and statement or present them to the board of education at its next meeting; if said board

shall find that the claim or demand for which said warrant was issued is correct and just, it shall, by a vote of a majority of all the members of said board, order that it be paid, and said auditor shall, upon receipt of the warrant and statement thereof, together with a statement of the action of the board of education thereon, countersign the warrant and forward it to the custodian of school moneys; said auditor shall, whenever he shall deem it necessary, examine all books, papers and vouchers of the board of education or any officer thereof, and shall have free and unrestrained access to them for that purpose.

If correct,  
paid.

Access to  
records.

2. This act shall take effect immediately.

Approved March 26, 1903.

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#### CHAPTER 89.

An Act to repeal an act entitled "An act concerning the appointment of an acting city clerk in cities 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. That chapter one hundred and forty, session laws of one thousand nine hundred and two, entitled "An act concerning the appointment of an acting city clerk in cities of this state," approved April third, one thousand nine hundred and two, be and the same is hereby repealed.

Repealer.

2. This act shall take effect immediately.

Approved March 26, 1903.

## CHAPTER 90.

A Supplement to an act entitled "An act to tax intestates' estates, gifts, legacies, devises and collateral inheritances in certain cases," approved May fifteenth, eighteen hundred and ninety-four.

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

Estate in  
remainder  
taxed imme-  
diately.

When  
payable.

Application.

1. Any estate or interest in remainder taxable under the provisions of the act to which this is a supplement, shall be appraised and taxed immediately after the death of the testator or grantor in the manner provided in said act and said tax shall be and remain a lien on said property until the same is paid, but such tax shall not become due or payable until the time or period arrives when such remainderman or his representatives shall become entitled to the actual possession or enjoyment of such property, and shall then become due and payable immediately, and if not paid within thirty days, interest at the rate of ten per cent. per annum shall be charged and collected from the time said tax became due and payable; and this act shall apply not only to all such estates or interests in remainder as shall hereafter be taxed under the provisions of said act but to such as have heretofore been taxed, provided such tax now remains unpaid.

2. This act shall take effect immediately.

Approved March 26, 1903.



## CHAPTER 91.

A Supplement to an act entitled "An act to amend an act entitled 'An act to amend an act entitled "A supplement to an act entitled 'An act to regulate the practice in courts of law,' approved March twenty-seventh, one thousand eight hundred and seventy-four," which said supplement was approved March fourteenth, one thousand eight hundred and ninety-three,' and which act to amend was approved April twenty-fifth, one thousand eight hundred and ninety-four," 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. 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. Where any action or suit has heretofore been commenced, or shall hereafter be commenced, in any court of law of this state, under or by virtue of any statute or at common law, and said action or suit has been or shall hereafter be dismissed, abated, nonsuited or a judgment shall have been or shall be entered against the defendant or defendants therein, by reason of the failure of the attorney or attorneys in such action or suit to file any pleading, affidavit or notice within the time limited by law, or by reason of the filing by such attorney or attorneys of an insufficient or improper pleading, affidavit or notice, it shall be the duty of said court or of any judge thereof, to revive and reinstate said action or suit or to open said judgment and permit a proper and sufficient pleading, affidavit or notice to be filed, upon such terms as may seem to said court or judge to be equitable and just, if in the opinion of such court or judge the failure to file said pleading, affidavit or notice,

When suit may be revived.

Permit pleading.

Proviso.

or the filing of said insufficient or improper pleading, affidavit or notice, was due to the neglect, fault, error or mistake of said attorney or attorneys, or to the loss or miscarriage thereof in the mail, and injury or wrong has resulted or may result to the plaintiff or plaintiffs, defendant or defendants, by reason of such neglect, fault, error, mistake, loss or miscarriage; *provided, however*, that no action or suit which has been or shall be dismissed, abated or nonsuited, or in which a judgment shall have been or shall be entered against the defendant or defendants therein, for the reason above stated, shall be revived, reinstated or opened, unless application for that purpose be made within one year from the date of such dismissal, abatement, nonsuit or judgment.

Repealer.

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

Approved March 26, 1903.

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## CHAPTER 92.

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 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*:

Sale of lands  
by substituted  
administrator.

1. Where the orphans' court of any county of this state has made or shall make an order for the sale of lands for the payment of debts under the provisions of the act to which this is a supplement, and the executor or administrator to whom such order is directed has died or shall die before such sale is made, the said court shall have power, upon the application of the substituted administrator, and upon his giving bond in the manner and form prescribed in the act to which this is a supple-

ment, to direct the substituted administrator to make sale of said land in the same manner as if the rule to show cause and other prior proceedings had been in his name.

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

Approved March 26, 1903.

Repealer.

### CHAPTER 93.

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.

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

1. Any ten or more citizens who deem it necessary for the public health that any pond, artificial reservoir, marsh, swamp, bog, meadow, or low or wet lands, should be drained, may present a petition, duly verified, to the court of common pleas of the county in which such pond, artificial reservoir, marsh, swamp, bog, meadow, or low or wet lands lie, or, if the same lie in more than one county, to the supreme court of this state, in open court in each instance, setting forth the facts and the names of all owners of lands likely to be affected by the proceedings, so far as known to the petitioners and praying for the appointment of three commissioners for the purposes and with the powers hereinafter set forth; notice of the proposed application and of the day on which the same is intended to be made shall be given for at least two weeks previous to the day of making such application by advertisement in writing, under the hands of at least two of the petitioners, set up in three of the most public places in the municipality in which the premises proposed to be drained are situate, and if such premises are

May apply to court for appointment of commissioners.

Notice, how given.

situate in more than one municipality, such advertisement shall be set up in three of the most public places in each municipality.

Determina-  
tion of court.

2. The said court to which such application is made, on due proof being made that the advertisements have been set up according to law, on which the judgment of the court shall be final and conclusive, and being satisfied that the petition is in due form, shall thereupon appoint three persons, who shall be freeholders in the county or in one of the counties wherein the premises proposed to be drained are situated, and who shall not be interested in said premises or any of them, and one of whom shall be a civil engineer or surveyor, to hear and determine, first, whether the drainage petitioned for is necessary to the public health, and, second, through what lands it is necessary, in order to drain the premises in question, that a ditch or ditches, or other channels for the free passage of water should be constructed or opened, and to take such other and further steps with reference thereto as are hereinafter provided for.

Commis-  
sioners; oath,  
organization.

3. The commissioners, before they enter upon the duties of their office, shall make, subscribe and file an oath with the clerk of the court by which they are appointed that they will faithfully discharge the duties of their office to the best of their knowledge and ability; the commissioners shall, with all convenient speed, after qualifying as herein provided, meet and organize by appointing one of their number as chairman and another as treasurer; the treasurer shall collect and be the custodian of all moneys to be collected or received by the commissioners under the provisions of this act, and shall pay out the same only upon the order of the commissioners, signed by at least two of the commissioners; the treasurer shall give a bond or bonds with sufficient sureties to the governing body of each municipality in which said premises lie, such bond or bonds to be approved by a judge of the court in which the proceedings were commenced, as to form, sufficiency and amount, and be filed with the clerk of the court.

Treasurer;  
duties, bond.

Personal in-  
spection of  
premises; ex-  
amination of  
witnesses.

4. The said commissioners shall, after at least five days' notice in writing to the petitioners and the parties named in the petition, which notice shall be given by mailing the same in a post-paid wrapper to the last-

known post-office address of the respective parties, proceed by personal view of the premises, examination of witnesses, under oath or otherwise, to determine whether the drainage petitioned for is necessary to the public health; and for this purpose process for the appearance of witnesses, signed by the chairman of the commission, may be issued, and shall have the same effect as similar process issued out of the courts of law of this state; and the said commissioners or either of them are hereby authorized and empowered to administer oaths to all witnesses examined by them; and if it shall be determined by the said commissioners that for the benefit of the public health such pond, artificial reservoir, marsh, swamp, bog, meadow, or low or wet lands, should be drained, the said commissioners shall cause to be made an accurate survey of the lands and premises which may be affected thereby, and a map thereof showing all the lands and premises that are proposed to be drained, and which may be specially benefited thereby, the number of acres in each separate tract, the names of the owners and occupants thereof, so far as can be ascertained, the relative levels of each tract and the width, depth and slope of the sides, shape and course of such ditch or ditches or other channels for the free passage of water, as they shall determine to be necessary for the drainage of such lands and premises; and for the purposes of this act the said commissioners are empowered to employ a competent civil engineer or surveyor, or to authorize such commissioner as may be a civil engineer or surveyor to act as such, and to enter upon any or all the lands mentioned in the petition or deemed necessary by such commissioners and survey the same, take the levels thereof, and by themselves, their servants and agents, to do all things necessary for the construction and completion of all such ditches and channels for the passage of water as they shall deem to be necessary for the complete drainage of said pond, artificial reservoir, marsh, swamp, bog, meadow, or low or wet lands.

Survey made.

Civil engineer.

5. The said commissioners shall file in the office of the clerk of the court by which they were appointed their determination, signed by them, or by a majority of them if

Determination of commission.

they do not all concur, and a copy of such map and survey, which map, report or survey, or a duly authenticated copy thereof, may be used in evidence in any suit or proceeding in this state; and the commissioners shall give notice of such filing to all whom it may concern by publishing such notice once a week for at least two successive weeks in a newspaper published in this state and circulating in the municipality or municipalities in which said premises are situated; any party feeling aggrieved by such determination may appeal therefrom to the court in which the proceedings were commenced by giving written notice of such appeal to said commissioners within twenty days after the last publication of such notice; the said court shall thereupon, on motion of either party, on at least ten days' notice to the other party, proceed to hear said appeal in a summary manner and in accordance with the rules and practice of the court and to determine the same; if either or both parties desire that testimony be taken to be used on the hearing, such testimony may be taken orally in open court, or in the form of depositions, as the court may direct.

6. After the expiration of the time above limited for appeals the commissioners shall proceed with due diligence to drain the said lands and premises mentioned and described in the petition or report of the commissioners, and shall have the power to construct, alter, deepen, widen or straighten any drain or drains, ditch or ditches, or other channels for the free passage of water in accordance with the plans adopted, through and across any road or street in the municipality or municipalities in which the district to be drained lies, or through and across which it may be necessary in order to carry out the proposed drainage, and also through any private lands as shown on the said map, in which latter case they shall award the owner or owners of such land just compensation therefor, and shall add the amount of such compensation to the cost of constructing such works; such compensation shall be awarded and notice thereof given to the owner personally, if he be known and a resident of the county in which the premises drained or any part of them are situate, and if not a resident of such county, then by mail, according to the

Public notice  
of filing  
report.

Appeal may be  
taken.

Appeal heard.

Construct  
drains.

Compensa-  
tion to  
owners.

best information that can be obtained as to his name and address, before commencing such work; and such award shall be final unless the said commissioners shall reconsider the same and make a new award, or such owner shall appeal, as provided in section fifteen of this act, and such award shall bear interest at the rate of six per centum per annum from the date of making the same until paid; and in case any valuable water-rights or privileges shall be injuriously affected or destroyed by such drainage, the said commissioners shall award the owner or owners thereof just compensation therefor, and shall take the same proceedings in relation to such awards as in cases where land is taken.

Award final.

7. The said commissioners shall be paid for their services such sum as the court in which such proceedings are pending may, from time to time, allow to them; they shall keep an account of all their expenses and of the costs and expenses incurred in draining said lands and premises, including all the costs and expenses incurred in any proceeding under this act, or preliminary, or incident thereto, and any damages or awards as hereinbefore provided; and in case it shall be necessary to raise funds for the construction of such ditches or drains or channels for the free passage of water, or damages or awards, before the assessment hereinafter provided for can be made and collected, the said commissioners are hereby empowered, from time to time, with the approval of the court in which the proceedings are pending, to borrow so much money as may be necessary therefor, upon such evidences of indebtedness as they may deem proper, bearing interest at the rate of six per centum per annum, payable upon the completion and collection of such assessment, and the interest accruing thereon shall be assessed as the other expenses for said construction; such evidences of indebtedness shall not be issued for less than par and shall be receivable in payment of such assessments.

Pay of commissioners.

May borrow money.

8. The said commissioners shall file within thirty days after the expiration of one year from the date of their appointment, and yearly thereafter within the same time, unless their work be sooner completed, and then immediately upon the completion thereof, a report in writ-

Annual report; contents.

Failure to report.	<p>ing under their hands properly sworn to, giving in detail a description of the work they are authorized and empowered to do, the part thereof already completed, and the part still to be completed, the amount of the assessment (if any) levied for the purpose of paying the expense of such work, the amount of the same collected and the balance thereof still in their hands, the amount paid out by them for labor or other services and for what and to whom paid, and the amount of each payment; the quantity and kind of materials or supplies purchased, from whom and at what price, and the details of all other expenditures not herein particularly enumerated; that whenever said commissioners fail or neglect to file the aforesaid report within the time above limited, the said court appointing such commissioners may, upon the written application of any person or persons interested, by order direct said commissioners to file their said report within a certain time to be therein fixed.</p>
Exceptions to report.	<p>9. Any person interested in said report may, at any time within thirty days after the filing of the same, file his exceptions thereto; and the said court shall proceed to hear the proofs and allegations with reference to the same at such time as it may appoint, and confirm or make such other order with reference thereto as to it may seem right and proper; if no exceptions to said report be filed within the time herein fixed, the said court shall examine the same and confirm or make such order with reference thereto as may be just and right.</p>
Labor and material furnished by contract.	<p>10. All labor or materials required for any work provided for under this act involving the expenditure of a sum exceeding one hundred dollars shall not be contracted for or purchased until a public notice be given requiring sealed bid for furnishing such labor and materials, which notice shall be advertised for two successive weeks in a newspaper circulating in the municipality or municipalities in which the labor or material is to be performed or furnished, and the contracts therefor shall be given to the lowest bidder, he or they giving bond in at least double the amount of his or their bid, with sufficient security conditioned for the faithful performance of the same; <i>provided, however</i>, that the said commissioners may, in their discretion, reject any or all bids.</p>
Proviso.	



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 the whole amount of such costs, damages and expenses, and shall make a just and equitable assessment of the same upon the lands specially benefited by such improvement, but not in any case exceeding the amount of such benefit; and in case the whole costs, damages and expenses shall exceed the amount of benefits to lands specially benefited thereby, such excess shall be assessed and raised by general taxation in the municipality or municipalities in which the drained district lies in proportion to the amount of lands specially benefited by such improvement lying in such municipality or municipalities, to be assessed, levied and collected in the same manner as other taxes are assessed, levied and collected; and when the amounts so assessed upon said municipality or municipalities shall have been levied and collected they shall be paid over by the collectors of the respective municipalities to the said commissioners; before proceeding to make such assessment, the said commissioners shall give at least ten days' notice in a newspaper or newspapers 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, adjourn from time to time if necessary or advisable, and they shall thereupon proceed to make a just and equitable assessment of the costs and expenses of said improvement, including damages for lands taken or used and for water-rights or privileges injured or destroyed, upon the lands specially benefited by such work, and upon the municipalities concerned, as hereinbefore set forth; and within ten days after making such assessment a notice shall be sent through the post-office to each owner of lands so assessed, as nearly in each case as the name and address of the owner can be ascertained, and to the clerk of the governing body of the municipalities affected, stating the amount assessed against said lands, or against

Payment of  
cost.

Assessment  
for benefits.

Notice of in-  
tended assess-  
ment.

Notice of  
assessment.

Objections  
heard.

Assessment  
filed.

Payment of  
assessments.

such municipality, as the case may be, and that said assessment will be open for inspection for the next fifteen days, and that 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; at which time and place the said commissioners shall meet and give all parties appearing before them an opportunity to be heard, and may adjourn from time to time, and may reconsider said assessment and make any alteration therein that they may deem just; and thereupon they shall revise, correct and finally confirm said assessment; and within ten days thereafter shall file said assessment, together with a detailed statement of the costs, damages and expenses incident to the work as ascertained by them, in the office of the clerk of the court in which the proceedings in relation to the drainage in question were begun, and shall give notice of such filing by publication once a week for four weeks in a newspaper or newspapers published in the county or counties where the drained premises lie; and the determination of said commissioners or a majority of them shall be final and conclusive, unless an appeal be taken as provided by section fifteen of this act; and the said commissioners shall retain in their possession a duplicate copy of said assessment.

12. Within ten days after the filing of said assessment in the office of the clerk as herein provided, the commissioners shall make under their hands and seals a copy of the said assessment or so much thereof as shall have been levied on lands within the boundaries of any municipality or municipalities, respectively, and a copy of the assessment levied on such municipality or municipalities, and shall deliver the same to the clerk of the governing body or bodies of such municipality or municipalities, respectively; the governing body of such municipality so receiving a copy of said assessment or assessments as aforesaid shall, within ten days after the receipt of the same, give notice by publication in one or more newspapers circulating in the municipality requiring the several owners, or other parties interested in the lands so assessed, to pay the assessment thereon to the collector of taxes of such municipality within thirty

days from the date of said notice; such notice to be published at least once a week for four successive weeks; and it shall be the duty of said governing body or bodies to collect the amount assessed as aforesaid and pay over the same to the commissioners; and if such assessment with interest thereon be not paid within six months from the time when the same becomes due and payable then the land upon which the said assessment is a lien shall be sold, in the same manner as land is authorized to be sold for unpaid taxes in such municipality, to pay the said assessment with interest thereon from the time when the same became payable, together with all fees, charges and expenses incurred for the collection and sale as aforesaid.

If unpaid,  
becomes a lien.

13. That from and after the filing of the said assessment in the office of the said clerk, the said assessment shall be and remain a first and paramount lien upon each lot of land or property assessed for the amount of such assessment, with interest thereon, and all costs and fees thereon, until the same shall be paid and satisfied, notwithstanding any devise, descent or alienation of such land, or any judgment, mortgage or incumbrance thereon, and notwithstanding any mistake in the name or names of the owner or owners thereof, or any omission to name the owner or owners thereof, and any assessment in which such a mistake or omission occurs shall nevertheless be a valid and effectual lien as aforesaid upon the lands assessed.

Paramount  
lien from date  
of filing.

14. That whenever in any municipality or municipalities it shall become necessary under this act to sell any lands upon which an assessment shall be a lien, the governing body or bodies of such municipality or municipalities 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 no other case no higher bid is made upon said lands, said municipality or municipalities may purchase the same and they shall thereupon forthwith pay or cause to be paid to said commissioners the amount of such bid and such municipality shall thereupon become vested with the same title in such lands as if the same had been sold for unpaid taxes.

Bidding in  
land sold for  
lien.

Parties aggrieved may appeal to court.

Review by court.

Determination of court final.

Commissioners' fees; how paid.

15. Any person or persons 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, or by the action of the commissioners in making the assessment pursuant to section ten of this act, or any governing body or any municipality feeling aggrieved by reason of the action of said commissioners in the premises, may, within forty days after the publication of the notice of filing said assessment, appeal to the court in which the proceedings were begun by serving a notice in writing upon one of the said commissioners and filing a copy of said notice, with an affidavit annexed setting forth the service thereof, in the office of the clerk of said court; and the said court shall have full power to review the proceedings of said commissioners in the premises, and the same or any award or assessment or other action to confirm, alter, modify, set aside or reverse, in whole or in part, for errors either of fact or in law; and the said court shall have full power to hear and try the same in a summary way, and may summon a jury to determine any question of fact; and the said court may proceed in due course according to the power of the court in other cases, and if the said court deem advisable may refer back any assessment to said commissioners for them to make a new assessment under the direction of the court; and the determination of the said court shall be final and conclusive in the premises, and the said court or any judge thereof may, until such determination, stay all proceedings in the matter in reference to which the appeal may be taken, until such final determination.

16. All expenses for commissioners' fees or otherwise accruing after the making of the said assessment provided for in this act shall be paid by the governing body or governing bodies of the municipality or municipalities in which said drained district lies in the same proportion as the deficiency herein provided for was assessed upon such municipality; and shall be paid immediately after the receipt by such municipality of a certificate under the hands and seals of said commissioners, which certificate shall state the whole amount to be paid and the proportion to be paid by such municipality.

17. That whenever any ditch or ditches, drain or drains, or other channel or channels for the free passage of water shall have been constructed under this act it shall be the duty of the municipality in which the same are situate, to keep the same in repair at the expense of such municipality, and the funds to be used for such repairs shall be appropriated and raised in the same manner as other appropriations made by such municipality.

Maintenance  
of drain.

18. That the time in which anything is required to be done by this act may be extended by the court to which the original petition was presented for good reason shown, and on such terms and conditions as may be just, provided no rights are prejudiced thereby; and said court may take such other orders in the premises as it may deem just and reasonable according to law; and in case any person appointed to act as commissioner shall die, resign, or become otherwise disqualified, the court may fill such vacancy.

Extension of  
time; modifica-  
tions.

Vacancies.

19. This act shall not apply to the ponds or artificial reservoirs of any canal or water supply company.

Act not ap-  
plicable.

20. This act shall take effect immediately.

Approved March 31, 1903.

#### CHAPTER 94.

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, during or after the construction of any road constructed under the act above entitled, or any supplement thereto or amendment thereof, the board of chosen freeholders discovers that the drainage system is imperfect in any part thereof, and that in order to correct

Drains on  
private lands.

and improve the system and properly carry off the surface water, it is necessary to drain through private property, it shall and may be lawful for such board to improve and construct a drainage system through, over and upon private property; and if the owner or owners of such private property will not make a gift or grant of such rights to such board, or the owner or owners cannot agree with such board as to the value of the lands taken and damages to the remainder, then such board may proceed to condemn such lands in the manner laid down in the act to which this is a supplement or any supplement thereto or amendment thereof.

May issue  
temporary  
bonds.

2. If the board of chosen freeholders should be of the opinion that the cost of such improvement, including the sum to be paid to the owner or owners for the lands taken and damages, either by agreement or by award, is too large to pay out of its appropriation for the then current fiscal year, it shall and may be lawful to issue a temporary loan bond or bonds to raise moneys for the purposes aforesaid, and place the amount thereof, with interest, in the tax levy for the next fiscal year of such board.

If road in  
control of  
boulevard  
commis-  
sioners.

3. After the acquisition of said lands or rights by gift, grant, condemnation or otherwise, the board of chosen freeholders, if such road is completed and in the control of boulevard commissioners, may authorize and empower said boulevard commissioners to improve, correct and construct such drainage system, and transfer the funds wherewith to make the improvement to such boulevard commissioners.

4. This act shall take effect immediately.

Approved March 31, 1903.

## CHAPTER 95.

A Supplement to the act entitled "An act to provide for the organization of the New Jersey home for disabled soldiers, sailors, marines and their wives," approved April twentieth, one thousand eight hundred and ninety-eight.

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

1. Applicants for admission to the home organized under the act to which this act is a supplement, on complying with the other terms and provisions of said act, and on proof that such applicants have been lawfully married for a period of not less than fifteen years and that the wife is not less than fifty years of age, shall be admitted as patients at said home. Terms of admission.

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

Approved March 31, 1903.

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CHAPTER 96.

A Supplement to an act entitled "An act to establish a system of public instruction," approved March twenty-sixth, one thousand nine hundred and two.

WHEREAS, The present demand in this state for thoroughly trained teachers exceeds the present facilities for that purpose; and Preamble.

WHEREAS, The interests of education demand a higher class of instructors than can be developed in our city training schools; and

WHEREAS, It is desirable that a normal training should be substituted for the present local training schools; and

WHEREAS, It is desirable that facilities be accorded for collegiate normal training as soon as practicable; therefore, in order that these objects may be attained,

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

Additional  
normal school.

1. There shall be established and maintained an additional state normal school for the purpose of training and educating persons in the science of education and art of teaching; the name and title of said school shall be "The New Jersey State Normal School at (here insert the name of the place where said school shall be located)"; tuition in said school shall be free.

Free tuition.  
Care and con-  
trol.

2. The state board of education shall have control and care of said school in the same manner and to the same extent as said board has control and care of "The New Jersey State Normal School."

Site and  
buildings.

3. The state board of education shall purchase a suitably located site and shall erect thereon a building or buildings for the use of said normal school.

Labor,  
material, ex-  
penses.

4. The erection and furnishing of said building or buildings shall be done by contract or otherwise, as the said board shall deem for the best interests of the state; said board may employ architects, superintendents and mechanics, advertise for proposals, make a contract or contracts for the whole or any part of said work, and incur all necessary expenses to carry out the provisions of this act.

Appropriation.

5. For the purchase of said site and the erection and furnishing of said building or buildings, the sum of three hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated; said sum shall be paid by the state treasurer on the warrant of the comptroller of the treasury, upon the requisitions of the state board of education, in such sums as said board may need from time to time for the prosecution of the work herein provided for; *provided*, that no expense shall be incurred or moneys expended as authorized by this act, nor shall said appropriation become available, until an appropriation therefor shall have been made by the legislature in the annual appropriation act.

Proviso.



6. The said board shall make to the legislature at its next session, and at each succeeding session, until said building or buildings shall be completed, a full and detailed report of its proceedings and expenditures under this act. Report to legislature.

7. This act shall take effect immediately.

Approved March 31, 1903.

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## CHAPTER 97.

An Act to provide for the permanent improvement of public roads in this state.

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 may, at any time, by resolution, direct that any public road or section of road, located within said county, being at least one mile in length, or, being less than one mile in length, is an extension of or connection with some permanently improved or paved road or street, be improved by the construction of a macadamized road, or a telford or other stone road, or a road constructed of gravel, oyster shells or other good materials, in such manner that the same, of whatever materials constructed, shall, with reasonable repairs thereto, at all seasons of the year, be firm, smooth and convenient for travel; or whenever a road is petitioned for by the owners of two-thirds of the lineal feet along said road praying the board to cause such road to be improved under this act, it shall be the duty of the board to cause such improvement to be made in the same manner and under the same conditions as by resolution; when more roads are applied for than can be constructed in any one year, the boards of chosen freeholders and state commissioner of public roads shall have power and authority to select from the roads petitioned for the ones first to be constructed, having first Permanent improvement of roads.

When petitioned.

Selection of roads.

Township's share.	regard to the most important roads and the distribution of the benefits of this act to all parts of their counties; the board of chosen freeholders may, before approval of any road, require as a condition of said approval that the township or townships or other municipality, through which said road runs shall pay ten per centum of the cost of said improvement, said payment to be applied to the improvement of roads constructed under this act.
Surveys.	2. The said board, after the passage of the resolution or acceptance of the petition as aforesaid, shall cause a survey of said road so to be improved to be made and plans and specifications of the work to be done on the same to be prepared; the survey shall indicate the width and length of said road and shall also show how much of said road may be improved by deviation from the then existing lines; when the said plans and specifications shall have been prepared, they shall be submitted to the board of freeholders for its approval or rejection; if such board shall approve the same they shall then be submitted to the state commissioner of public roads for his approval or rejection, whose duty it shall be, before approving of said plans and specifications, to ascertain by personal inspection or otherwise, the natural character of the soil upon which such road is proposed to be constructed, and any and all other facts that he may deem important, and if, after examination of the plans and specifications and an inspection of the road, as aforesaid, he shall be satisfied as to the advisability of the improvement of the road as contemplated, and that one-third of the cost of the construction of said road, together with one-third of the cost of the construction of all other roads or sections of roads in this state under plans and specifications previously approved by him, will not in any one year exceed the sum of four hundred thousand dollars, then he shall approve said plans and specifications, otherwise he shall reject the same.
Approval of plans by freeholders.	
By commissioner of roads.	
Amount.	
Advertisement for bids.	3. After the approval of the plans and specifications by the commissioner of public roads, it shall be the duty of the board of chosen freeholders to advertise for bids for said work in two or more of the public papers printed

in said county, and in at least one engineering journal published in the city of New York, for three weeks successively, at least once in each week, which said advertisement shall state the place where bidders may examine said plans and specifications and the time and place where bids for said work will be received by the board of chosen freeholders, or committee of said board; each bidder must accompany his bid with a certified check, payable to the director of the board of chosen freeholders, for one thousand dollars, as a guarantee that if said work is awarded to him he will enter into a contract with said board for the same, which contract must be executed, together with a bond of the successful bidder, in the penal sum of at least the estimated cost of said work, with two or more sureties, freeholders of the county, or a surety or trust company created by this state, or a surety or trust company of another state authorized to transact business within this state, to be approved by the director of the board of chosen freeholders, conditioned for the faithful performance of said work in strict conformity with the plans and specifications for the same, within thirty days from the awarding of the contract, or such further time as said board shall grant, which contract, before any work is done thereunder, must be exhibited to the state commissioner of public roads for his approval, in writing, thereon, and said commissioner is hereby authorized, whenever, in his judgment, the best interests of the county require him so to do, to reject the same, in which case he shall write upon said contract the word "rejected" and append thereto his signature and official title of office, and said contract and the bond required to accompany the same shall, from the time of such rejection, be absolutely null and void, but such rejection shall in nowise operate to prevent said board from re-advertising for bids and proceeding thenceforth under the provisions of this act; the time and manner of payment for work done under any contract awarded under this act shall be set forth in said contract, and at least five per centum of the contract price shall not be paid to the contractor until after the expiration of one year from the completion of the work.

Check accompanying  
bid.

Sureties.

Contract; may  
be rejected.

Freeholders  
may re-  
advertise.

Limit to  
amount of  
contracts.

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 one-half 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.

Anticipa-  
tion of ap-  
propriation.

5. The board of chosen freeholders may, in order that contracts for road improvements may be entered into and the work completed in time to receive the state's annual appropriation for road purposes, anticipate the appropriation to be made from the annual tax levy and award contracts for road improvements.

Papers filed  
with commis-  
sioner of  
roads.

6. A true copy of the survey, contract, plans and specifications for road improvements, certified to be such by the director of the board of chosen freeholders, shall, immediately after the awarding of any contract, be furnished by the board of freeholders to the state commissioner of public roads, to be filed and remain of record in the office of such commissioner.

Supervisor.

7. Immediately after the awarding of any contract under the provisions of this act the state commissioner of public roads shall appoint a competent supervisor to take charge of the work required to be performed under said contract, who shall receive for his services the sum of three dollars per day; such supervisor, before assuming the duties of his office, shall make and subscribe an oath or affirmation, before any officer authorized to administer the same, that he will faithfully and to the best of his ability and understanding perform all the duties of his office; the state commissioner of public roads may summarily discharge any supervisor who, in his judgment, is incompetent or negligent in the performance of his duties, and may appoint a new supervisor in the place of the one so discharged; where any contract provides for partial payments based upon the amount of work done, it shall be the duty of such supervisor, as each payment becomes due, to present to the board of freeholders his certificate, and also the certificate of the engineer, in which certificate shall be stated, as near as can be, the amount of work done for which payment is

Pay; oath;  
removal.

Partial pay-  
ments to con-  
tractor.

to be made, and that the same has been done, in all respects, in strict conformity with the contract and plans and specifications; when the work done under any contract shall have been fully completed, the supervisor and engineer shall prepare a detailed and itemized statement, in quadruplicate, of the cost of the improvement, one copy whereof shall be filed with the board of freeholders, one with the clerk of the county and two with the state commissioner of public roads.

Reports filed upon completion of work.

8. One-third of the cost of all roads constructed under this act, not exceeding in any one year the sum of four hundred thousand dollars, shall be paid out of the state treasury, out of any moneys not otherwise appropriated, if the same be first appropriated in the annual appropriation act; the governor and state commissioner of public roads shall, between December fifteenth and thirty-first of each year, certify to the state comptroller the amount to be paid to any county for such year, and the state comptroller shall draw his warrant on the state treasurer in favor of the county collector of such county for the amount so certified, and the state treasurer shall thereupon pay the same.

State's proportion, one-third.

9. On or before the day fixed by law for the meeting of the county board of assessors in any county in each year the board of chosen freeholders of such county shall certify to the said county board of assessors, either in the annual tax budget or separately, two-thirds of the estimated cost of all work contracted for under the provisions of this act since the day fixed by law for the meeting of the board of assessors in the year next preceding; and the county board of assessors shall include in their assessment of county taxes the sum so certified, and the same shall be collected and paid over to the county in the same manner and at the same time that other county taxes are collected and paid over; if a deficiency shall exist in consequence of the cost exceeding the estimate, or in consequence of the receipt of less than one-third of the cost from the state, the board of chosen freeholders shall have authority to borrow, on temporary loans, such deficiency until the next annual taxes shall be collected and paid over to the county and until the full amount due said county from

Two-thirds to be raised by county; notice to assessors.

If deficiency.

Temporary loans.

If surplus.	the state shall have been paid; if there be a surplus, by reason of the estimate exceeding the cost, the same shall be retained and used in the construction of other roads under this act, or in repairs to roads constructed under this act.
May issue bonds instead of taxation.	<p>10. The board of chosen freeholders may, instead of certifying to the county board of assessors the two-thirds cost of any work done under this act, as required by the ninth section of this act, by resolution, adopted by a vote of at least two-thirds of all its members, issue bonds of the county for two-thirds of the estimated cost of said work, which bonds shall be designated as "road improvement bonds," and shall be for such sums and in such amounts, payable in not less than six nor more than thirty years from date thereof, with interest at a rate not exceeding five per centum per annum, payable annually, as said board of freeholders, by said resolution, may determine; said bonds shall be signed by the director of the board of chosen freeholders and by the county collector, sealed with the seal of the board, properly numbered, and a registry thereof kept by the board, and may be either coupon or registered bonds, and, if coupon bonds, the coupons shall be signed by the director of the board, and shall be numbered to correspond to the several bonds to which they shall be severally attached; the board of freeholders shall, when bonds are issued under the provisions of this section, certify to the county board of assessors, in each and every year so long as any of said bonds remain outstanding, a sum sufficient to pay the interest accruing on said bonds for said year and the principal of any bond or bonds that shall mature in said year, and the said county board of assessors shall include the said sum in the annual tax levy or assessment for said year, and the same shall be collected and paid over in the same manner and at the same time as other county taxes.</p>
Designation, time, rate.	
Principal and interest.	
County roads, their care, &c.	<p>11. Any road constructed under the provisions of this act, except within the limits of any city, shall forever thereafter be a county road, and the duty of keeping the same in repair, except within the limits of any city, shall devolve exclusively upon the board of chosen freeholders; if any such road shall become out of repair, ex-</p>

cept such portions thereof as may lie within the limits of any city, and shall not be repaired within sixty days after notice so to do, given by the state commissioner of public roads to the board of chosen freeholders, or to its director, the said commissioner of public roads shall certify such neglect or refusal to the state comptroller, who shall withhold payment to such county of any moneys already appropriated, or that may thereafter be appropriated, to such county by the state, and no payment shall be made to said county until the state commissioner of public roads shall certify to the state comptroller that said road has been placed in a good state of repair.

Moneys withheld for neglect.

12. After the first road shall have been constructed under this act in any county, it shall be the duty of the board of chosen freeholders to appoint some suitable person as county supervisor of roads, who, before assuming the duties of his office, shall make and subscribe an oath or affirmation that he will faithfully perform all the duties of his office to the best of his ability and understanding; such supervisor shall hold his office for three years and until his successor is appointed and qualified; shall give bond to the board of chosen freeholders in the penal sum of one thousand dollars, conditioned for the faithful performance of the duties of his office, with such surety or sureties as the board shall approve, and shall receive such compensation for his services as the said board shall determine; the board of chosen freeholders shall appropriate all moneys necessary to keep any and all roads constructed under this act, except within the limits of any city, in good repair, and if the board shall have no money which may be lawfully used for repairs, it shall have the power to borrow the same, on the credit of the county, until the next annual taxes shall have been levied and collected; the cost of all repairs shall be paid by the county collector upon the order of the board of chosen freeholders, and all bills for repairs shall be verified by affidavit and shall be certified to be correct by the county supervisor of roads; any portion of any public road improved under the provisions of this act which may lie within the limits of any city shall forever after such improvement be kept in repair by such city, and such city

County supervisor of roads.

Bond, surety, compensation.

Maintenance of roads.

When road in city.

shall have the same power, authority and jurisdiction over such portion of said road as shall lie within the limits of such city, as such city had before the passage of this act, or as may hereafter be conferred by law.

Acquirement  
of lands.

13. Whenever it is deemed advisable by the board of chosen freeholders of any county of this state to acquire land for the purpose of widening, changing or straightening any road to be improved under the provisions of this act, said board is hereby authorized to agree with the owner or owners of any land or lands required for that purpose as to the compensation to be paid by said board for a conveyance of said land or lands, and to make compensation therefor out of any moneys applicable for road improvement purposes, or, if there be no money on hand for such purpose, said board may borrow the necessary sum or sums, on temporary loans, on the credit of the county, until the next annual taxes shall have been levied and collected; in case said board cannot agree with the owner or owners of any land for the acquisition of the same by the said board for road improvement purposes, said board shall have the power to acquire said land by condemnation in the manner prescribed by law, and shall have authority and power to pay all necessary costs and expenses from any moneys applicable for road improvement purposes, or may borrow so much as may be necessary on temporary loans, on the credit of the county, until the next annual taxes shall have been levied and collected; nothing in this act contained, however, shall be so construed as to prevent said board from acquiring any land for road improvement purposes by gift.

Compensa-  
tion.

Condemna-  
tion.

When prop-  
erty owners  
bear entire  
expense.

14. If all the owners of property abutting on any road or highway, in any county, which has not been improved, or is not undergoing improvement, desire said road, or any section thereof, to be improved, and shall certify, in writing, to the board of chosen freeholders, that they are willing to bear the entire expense of such improvement, the county supervisor of roads shall prepare plans and specifications for the work to be done on such road, or any section thereof, so to be improved, and shall submit the same to the owners, and if satis-



factory to such owners they are hereby authorized to enter into contract for such work, said contract to be first submitted to the board of chosen freeholders for its approval; upon the completion of the work to the satisfaction of said supervisor and the board of freeholders, and upon the submission to said board of proper receipts showing full payment for all work done, the said board of freeholders may, by resolution, declare that said road, or any portion thereof, except within the limits of any city, be thereafter a county road; the location of any portion of said road may be changed, if deemed desirable, upon acquiring the consent, in writing, of the owner or owners of land abutting on such portion of road so to be changed and upon acquiring by gift the land necessary for such change; the said supervisor shall be paid the sum of twenty-five dollars for making the plans and specifications and supervising said work, to be paid by said owners.

15. Whenever any public road is sought to be improved under the provisions of the fourteenth section of this act, upon which road any lands or real estate owned by the state of New Jersey may front or border, the board of managers or other body having the control and management of said lands and real estate are hereby authorized to consent to the improvement of said road and to enter into contract for the same, in the manner directed by said section, and to pay for said improvement out of any moneys appropriated to said board of managers or other governing body.

When road borders on state property.

16. The provisions of this act shall extend to the improvement of any road, or section of road, constituting the boundary line between two counties, whenever said improvement shall be agreed to by the board of chosen freeholders of both counties.

Boundary roads.

17. The provisions of this act shall extend to townships, towns, boroughs, villages or any municipality or municipalities, all proceedings conforming, as near as possible, to the provisions of this act, and the governing bodies of any township, town, borough, village or municipality shall have the same power and perform the same duties as are conferred and devolve upon the board of chosen freeholders under the provisions of this act.

Extension of this act.

- Repealer. 18. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed; *provided*, that this repealer shall not revive any act heretofore repealed, nor shall any proceeding for the improvement of any public road, entered into before the passage of this act, abate, but such proceeding shall continue, as near as may be, as if the same had been commenced hereunder.
- Proviso. 19. This act shall take effect immediately.
- Approved April 1, 1903.
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## CHAPTER 98.

A Supplement to an act entitled "An act relative to the Monmouth battle monument," approved March fourteenth, one thousand eight hundred and eighty-one.

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

- Vacancies. 1. All vacancies which have been or shall hereafter be caused in the commission created by the act of the legislature of this state, to which this is a supplement, by the death, resignation or removal of any member or members thereof, other than the comptroller of the treasury, the adjutant-general and the quartermaster-general of this state, the president of the senate and the speaker of the house of assembly for the time being, shall be filled by appointment by the governor of this state, with the advice and consent of the senate.
- Term. 2. The members of said commission, appointed by the governor under the provisions of this act, shall hold office for life, subject to the power of removal by the governor for cause.
- Repealer. 3. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.
- Approved April 1, 1903.

## CHAPTER 99.

An Act to consolidate with and annex to the city of Newark, in the county of Essex, the territory embraced within the town of Irvington, in the county of Essex, provided a majority of the votes cast in said city and in said town upon the question of such annexation and consolidation shall be in favor thereof, and to provide for the submission of the said question to the voters of said city and of said town.

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 nineteen hundred and four, 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 votes cast at the next local election held in the said town of Irvington, and a majority of the votes cast at the next subsequent election held in the said city of Newark upon the question of such annexation and consolidation, shall be in favor thereof; the said question shall be submitted to the voters of the said town in the manner provided by law, at the next local election held therein, and if a majority of the votes upon the said question cast at the said election in the said town shall be in favor thereof, then, and not otherwise, the said question shall be submitted to the voters of the said city in the manner provided by law at the next subsequent election held therein, and if a majority of the votes cast in the said city upon the said question at such election shall be in favor thereof, then this act shall become operative.

Irvington annexed to Newark.

Proviso.

Referendum.

2. This act shall take effect immediately.

Approved April 1, 1903.

## CHAPTER 100.

An Act concerning the levying of assessments for sewers.

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

Assessments  
on lands  
benefited by  
trunk sewer  
into which  
lateral sewer  
drains.

1. It shall be lawful for any board or commissioners heretofore appointed, or that may hereafter be appointed, for the purpose of making or levying any assessment for benefits conferred upon lands or real estate by the construction of any trunk sewer or any intermediate sewer connection a lateral sewer with a trunk sewer now constructed, or that may hereafter be constructed in any city or other municipality in this state, where an assessment for special benefits conferred upon such lands and real estate by the construction of any lateral sewer which drains into such trunk sewer or intermediate connecting sewer, has been made and confirmed prior to the confirmation of the assessment for such trunk sewer, or such intermediate connecting sewer, or both, to assess the several lots or parcels of land drained into or which may be drained into the said trunk sewer or said intermediate connecting sewer, or both, by connecting with such lateral sewer, so much of the cost of such trunk sewer or such intermediate connecting sewer, or both, as said lots or parcels of land may be specially benefited by the construction thereof, in addition to the benefit conferred upon them by the construction of such lateral sewer.

Application of  
act.

2. This act shall apply to any assessment for any such trunk sewer or intermediate connecting sewer heretofore made, but not yet confirmed, and it shall be lawful for the court or municipal board or body before whom said application is now pending, or which may hereafter be presented for the confirmation of any such assessment or assessments, to confirm the same, unless it is made to appear by the person objecting to the confirmation thereof that the aggregate of such several assessments is in

excess of the special benefit conferred upon such lots or parcels of land.

3. In case it shall be made to appear that the aggregate of such assessments exceeds the special benefits conferred upon the said lots or parcels of land, then such assessment awaiting confirmation shall be reduced by said court or municipal board to an amount which if added to the assessments already confirmed shall not exceed the special benefit conferred upon such lots or parcels of land.

If assessments exceed benefits, reduced by court.

4. This act shall take effect immediately.

Approved April 1, 1903.

## CHAPTER 101.

An Act respecting the board of managers of the geological survey of the state.

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

1. From and after the approval of this act the term of office of all members of the board of managers of the geological survey of the state shall cease and come to an end, and the said board of managers shall hereafter be constituted as follows: the governor of the state shall be a member of said board, ex-officio, and there shall be one member from each congressional district, and not exceeding ten members from the state at large, all of whom shall be nominated by the governor, and appointed by him with the consent of the senate, for a term of five years; but the members first appointed shall be arranged by lot in classes so that the members from two districts and not exceeding two of the members at large shall retire at the end of each year of service, and the members shall be eligible to re-appointment.

Managers; appointment, term, classes.

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

Repealer.

Approved April 1, 1903.

## CHAPTER 102.

An Act to relieve from pollution the rivers and streams within the Passaic valley sewerage district, established and defined by an act of the legislature entitled "An act to create a sewerage district to be called the Passaic valley sewerage district," approved March twenty-seventh, one thousand nine hundred and two, and for this purpose establishing therefor a district board of commissioners, defining its powers and duties and providing for the appointment, terms of office, duties and compensation of such commissioners, and further providing for the raising, collecting and expenditure of the necessary moneys.

## Preamble.

WHEREAS, The legislature of this state has created and defined a sewerage district, embracing a large number of municipalities and parts of municipalities, in the counties of Passaic, Bergen, Hudson and Essex, under the name of the Passaic valley sewerage district; and

WHEREAS, The Passaic river and many streams flowing into it within said sewerage district are polluted by sewage and other deleterious matter to the extent that the health of the people residing in said district is seriously endangered; and

WHEREAS, Immediate relief therefrom is imperative; and

WHEREAS, The governor of this state, by sanction of the legislature, has appointed five commissioners for said district with power, among other things, to investigate methods and plans for relieving the streams and rivers within said district from pollution, and for preventing the pollution of the same; and

WHEREAS, Said commissioners have adopted an effectual plan or method for relieving the streams and rivers within said district from pollution, and for pre-

venting the pollution of the same, and have reported said plan or method to the legislature; and  
 WHEREAS, In order to carry into effect such plan or method, with such modifications or additions thereto as shall hereafter be approved by said commissioners, it is necessary that further and greater power be given to said commissioners;

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

I. The commissioners heretofore appointed by the governor of this state in and for the Passaic valley sewerage district shall continue in their respective offices for the terms for which they were severally appointed, and said terms are hereby extended to the first Tuesday of May succeeding the date when their terms under said appointments would respectively expire; and hereafter one commissioner shall be appointed by the governor by and with the advice and consent of the senate in each year for a term of five years, beginning on the first Tuesday of May next following the date of his appointment; any vacancy occurring in the office of commissioner by death, resignation or otherwise, shall be filled by the governor, but for the unexpired term only; each of the said commissioners hereafter appointed, before he enters upon the duties of his office, shall take and subscribe an oath that he will faithfully and impartially execute and perform the duties imposed upon him by law, and cause the same to be filed in the office of the secretary of state of this state; the commissioners shall each receive for services under this act an annual salary of twenty-five hundred dollars, payable in equal monthly installments, and the said commissioners shall henceforth receive no other compensation than that provided under this act; the governor of this state shall have power to remove any commissioner from office for cause during his term of office, and upon removal to fill the vacancy thus occasioned for the unexpired term; in making appointments, either for full terms or to fill vacancies, regard shall be had by the governor both to ability and fitness, and also to locality, so that each section of the district may be represented as far as practicable; no commissioner shall be directly or indirectly

Continuance  
of commis-  
sioners.

Annual ap-  
pointments.

Vacancies.

Oath.

Compensation.

Removal by  
governor.

Qualifica-  
tions of com-  
missioners.

Must not be interested in furnishing supplies.

interested in any contract awarded under the provisions of this act, nor in furnishing materials or supplies therefor to any contractor, nor in furnishing security for the performance of any contract; if at any time it shall appear to the satisfaction of the governor of this state that any commissioner is or has been so interested, or is or has been a stockholder in any corporation furnishing material or supplies to any contractor for work done or to be done under the provisions of this act, or that he is the owner of any lands or water or water rights taken or to be taken or used in or for the construction of any work under the provisions of this act, or a stockholder in any corporation owning or leasing any such lands or waters or water rights, it shall be the duty of the governor to remove such commissioner from office forthwith, and all contracts made by such sewerage commissioners wherein any such commissioner shall have been interested, directly or indirectly, as aforesaid, or otherwise, shall thereupon become and be null and void, and no further payments on account thereof shall be made by said sewerage commissioners.

Organization; officers, engineers and assistants.

2. The said commissioners shall, on the first Tuesday in May of each year, at the hour of two o'clock in the afternoon, organize by the choice of one of their members as chairman of the board, and they may elect a treasurer, who may or may not be a member of the board, and a clerk, who may or may not be a member of the board, and may also, from time to time, appoint such other officers, attorneys, agents, employes and servants, and such engineers and assistants as they may deem necessary to carry out the purposes of this act, and may prescribe the duties and fix the compensation of all officers, attorneys, agents, employes, servants, engineers and assistants; and all appointees of said commissioners may be removed at their pleasure; the organization of said board and the appointment of officers, agents, clerks, servants, engineers and assistants heretofore made by the said board shall have the same effect as if made under this act.

Commissioners a body corporate.

3. The said commissioners heretofore appointed and their successors in office are and shall continue to be a body politic and corporate, with perpetual succession



under the name of "Passaic valley sewerage commissioners," with power to sue and be sued, with power to adopt and use a corporate seal, and the right, power and authority to acquire, hold, use and dispose of all such property, real and personal, as may be proper or necessary, and with all other powers proper or necessary to carry out and effectuate the purposes for which said board is created.

4. The board of Passaic valley sewerage commissioners, incorporated as aforesaid, is hereby given full power and authority to make, construct, maintain and operate intercepting, main, trunk and outlet sewers, with the necessary pipes, conduits, pumping works and other appliances for the purpose of taking up within the said Passaic valley sewerage district sewage and other offensive and deleterious matter which would or might otherwise pollute the streams and rivers in said district and convey the same to some proper place or places of deposit, discharge or outfall in the New York bay, within the state of New Jersey, to be selected by the said sewerage commissioners, there to be discharged, which place or places of deposit, discharge or outfall shall be at least one and one-quarter miles, measured at right angles in an easterly direction from the exterior line for solid filling in the New York bay as now established by the riparian commissioners of this state and in a tidal channel of not less than forty feet in depth at mean low water; and the said sewerage commissioners shall also have power to establish within said sewerage district, when necessary, sewage disposal works and works for the treatment, disinfecting and disposal of sewage; *provided, however*, that no sewage disposal work and works for the treatment, disinfecting and disposal of sewage shall be erected, established or maintained within the distance of five miles from the outfall of said trunk sewer herein provided for; *provided, however*, that nothing herein contained shall in any way be construed to allow or permit said sewerage commission to establish or build more than one sewage disposal works or more than one plant or works for the treatment, disinfecting or disposal of sewage; no contract of any kind shall be awarded at any one time for more

Authority to  
build, etc.,  
sewers, sewage  
disposal  
works.

Proviso.

Proviso.

- Proviso. than one million dollars; *provided, however*, that this provision shall not apply to the sale of bonds; all work done and materials purchased in the prosecution of said work or works, the cost of which shall exceed five thousand dollars, shall be by contract awarded, after due advertisement, to the lowest responsible bidder, and all contractors shall be required to give bonds satisfactory in security and amount to the said board; and no contract involving an expenditure of more than twenty-five thousand dollars shall be awarded until after the same shall have been submitted to and approved by the governor; *provided*, that no contract for any of the work herein required to be performed by contract shall be awarded except on the express stipulation that so far as practicable all said work shall be performed by union labor and preference shall be given to citizens of the state of New Jersey.
- Work done by contract. 5. It shall be the duty of all persons, corporations and municipalities owning or controlling the sewers or drains within the limits of said sewerage district, which discharge directly or indirectly into the streams or rivers within the said sewerage district any sewage or deleterious matter, to cause the same to be connected with and to be discharged into the sewers constructed by the said sewerage commissioners when the same shall have been constructed, and at the places which shall have been designated for that purpose by the said sewerage commissioners; all sewers and drains hereafter constructed by any person, corporation or municipality within the said sewerage district conveying or discharging sewage or other deleterious matter which might otherwise discharge into or be discharged into the streams or rivers within the said sewerage district, directly or indirectly, shall be so constructed that the outfall or discharge therefrom shall be delivered into the drains or sewers provided by the said sewerage commissioners at the points and places designated by the said commissioners; and it shall be the duty of the said sewerage commissioners, in constructing said intercepting or main sewers, to have them so constructed that connection therewith can be made at necessary or proper points; and all such connections shall be made in accord-
- Proviso.
- Connection with present system.

ance with the rules and regulations from time to time adopted by the said sewerage commissioners in relation thereto, and under the direction and supervision of their officers and agents; and all such connections shall be the property of such sewerage commissioners; the main, intercepting or trunk sewer to be constructed by the said sewerage commissioners shall commence at or near the Valley of Rocks, in the city of Paterson, and shall extend to the point of discharge or outfall in the New York bay, within the limits of the state of New Jersey.

Line of main sewer.

6. The said sewerage commissioners shall have power and authority to purchase and acquire lands and rights or interests in lands within and without the said sewerage district which may be deemed necessary for the construction of sewers, drains, disposal, pumping or other works authorized by this act, but no ventilating plant, sewage disposal works, or works for the treatment, disinfecting or disposal of sewage shall be erected or maintained outside of said sewerage district; and if in any case the said sewerage commissioners shall be unable to agree with the owner or owners of any lands or rights or interests in lands deemed necessary by said sewerage commissioners in the construction and prosecution of the work hereby authorized, or when by reason of legal incapacity or absence of such owner or owners no agreement can be made for the purchase thereof, the lands or rights or interests in lands so deemed necessary for the purposes of this act, shall be acquired by condemnation by the said sewerage commissioners, in the manner provided by the general laws of this state relating to the condemnation of lands for public uses; *provided*, that no private property shall be taken for the purposes of this act without compensation therefor shall have first been made or tendered to the owner or owners thereof, or in lieu thereof paid to the clerk of the county in which the lands taken are located, for the use of the person or persons entitled to receive the same; and in case such payment or tender to the owner or owners, or payment into court, is made by the said sewerage commissioners upon the award of commissioners, the said sewerage commissioners shall be entitled to take imme-

Acquire lands by purchase.

By condemnation.

Proviso.

diate possession of the property so condemned notwithstanding any appeal; and the acceptance by the owner or owners of the lands or rights so condemned of any award of commissioners shall not interfere with or prevent the taking of any appeal provided by law.

Right of entry  
upon lands,  
streets, etc.

7. The said board of sewerage commissioners shall have power to construct any sewer or drain by it to be made or constructed under or over any water course, under or over or across or along any street, turnpike, railway, canal, highway, or other way, and in or upon private or public lands, and in or upon lands of this state and under waters of this state, in such manner, however, as not unnecessarily to obstruct or impede travel or navigation, and may enter upon and dig up any street, road, highway or private or public lands either within or without the said sewerage district for the purpose of constructing or laying sewers or drains upon or beneath the surface thereof, and for maintaining and operating the same, and in general may do all other acts or things necessary, convenient and proper to carry out the purposes of this act; but no part of said sewer where laid under the waters of this state beyond the exterior lines for solid filling, as established by the riparian commissioners of this state, shall in said Newark bay be above an elevation of thirty feet below mean low water, or shall in said New York bay be above an elevation of thirty-five feet below mean low water; and the said board of sewerage commissioners shall have power, for the purpose of carrying such sewage or other matter to the place of deposit or discharge in New York bay, to construct sewers within territory outside of the said sewerage district, and with its sewers, pipes and drains to pass through or partly through the territory of municipalities outside of said sewerage district; and whenever the said board shall dig up any road, street or highway as aforesaid, it shall, as far as possible, restore the same to as good condition and order as the same was when such digging commenced; *provided, however*, that when such streets, roads or highways lie outside of such sewerage district the laying down of sewers or drains under or across said streets, roads or highways shall be subject to such police regulations of the govern-

Perform all  
necessary  
acts.

Depth under  
Newark and  
New York  
bays.

Work outside  
sewerage  
district.

Proviso.

ing bodies of such municipalities as are applicable and enforceable in the construction of sewers or drains for such municipality.

8. The said sewerage commissioners shall have power and authority to alter or change the course or direction of any water-course, and with the consent of the township committee of any township, and of the board or body having control of the streets or highways in any city, town or other municipality, to alter or change the grade or location of any highway, public street or way crossed by any sewer or drain to be constructed under the provisions of this act.

Authority to alter water-courses and street grades.

9. The said board of sewerage commissioners may by its officers, agents, servants and employes, enter at all times upon any lands or waters within or without the said sewerage district for the purpose of exploring, surveying, leveling and laying out the route of any drain or sewer, locating any disposal, pumping or other works, establishing grades and doing all necessary preliminary work; doing, however, no unnecessary damage or injury to private property.

Right to enter lands to survey, etc.

10. The said board of sewerage commissioners shall at all times keep full and accurate accounts of its receipts, expenditures, disbursements and liabilities, and shall annually cause a detailed statement thereof to be published and a copy thereof mailed to the secretary of state of this state and to the clerk of each of the municipalities in the district; the fiscal year of said sewerage commissioners shall end on the first Tuesday of May in each year, and said report so to be published shall be a report for the previous fiscal year, and shall be made as soon after the end of each fiscal year as conveniently may be; and the mayor or chief officer of any city or other municipality included within said drainage district shall be given full access to all the books, accounts and vouchers of the said board at all reasonable times for the purpose of examination, and report in the interest of such municipalities respectively and of the taxpayers therein.

Accounts kept and published.

Access to books.

11. To provide for the payment of costs and expenses incurred or to be incurred by the said sewerage commissioners for the purchase of lands, rights or interests

Payment of expenses by issue of bonds.

Amount.	in lands, or other property or rights, and in the construction of said disposal works, pumping stations, sewers, drains and all other works by them to be constructed, and for engineering, administrative and other expenses connected therewith, including interest during construction, said board of sewerage commissioners shall have power from time to time to issue its corporate bonds in an amount not to exceed nine million dollars, and not to exceed the total estimated cost and expenses of the whole work; such bonds shall be in the form and payable at a time not exceeding fifty years from the date thereof; and at such places and either in currency or coin as the said sewerage commissioners may determine; such bonds shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually; all such bonds shall be signed by the chairman of the said board of sewerage commissioners and countersigned by the treasurer, and shall be sealed with its corporate seal, attested by the clerk; in issuing such bonds the board of sewerage commissioners may, in its discretion, make the same or any part thereof fall due at stated periods, less than fifty years from the date of issue, and may reserve in said bonds an option to redeem or pay the same, or any part thereof, at stated periods, at any time between the date thereof and the date at which they would otherwise fall due; the said bonds may be either coupon or registered bonds, or partly coupon and partly registered bonds, and all such bonds may be negotiated, sold and disposed of at not less than their par value, and the same, or the proceeds thereof, may be used by the said sewerage commissioners for the purposes aforesaid; the said board of sewerage commissioners shall keep the cost and expenses of the construction of its plant—in which shall be included the cost of lands, rights or interests in lands, and the cost of all other property and rights, and the cost of construction of all works, including engineering expenses, administrative expenses and legal expenses, and including interest during the course of construction—separate from the cost and expenses of maintenance, operation and repairs; all sales of bonds shall be made after public notice and advertisement calling for bids, and shall be made to the highest responsible bidders.
Time.	
Rate.	
When due.	
Coupon or registered.	
Construction and maintenance accounts separate.	

12. The said board of sewerage commissioners may, in anticipation of the issuing of bonds, and from time to time as it may need money, borrow such sum or sums of money, not exceeding at any one time one-fifth of the estimated cost of the whole work, and may issue its certificates of indebtedness, promissory notes or other obligations therefor, retiring the same from time to time as the bonds hereinbefore authorized to be issued are sold; in order that the said bonds issued for the purchase of land, rights in land, and for the construction of the works, plant and extensions, betterments and improvements thereof may be paid and retired at maturity, the sewerage commissioners shall provide a proper and suitable sinking fund not exceeding in amount to be raised in any one year one per centum of the face value of the bonds issued, which sum shall be raised annually, beginning with the fifth year after the issuing of said bonds, at the time and in the manner herein provided for the raising of the moneys necessary to pay the interest on said bonds; the money so raised for sinking fund purposes shall be kept in a separate account by the treasurer of the board of sewerage commissioners, and shall, under its direction, be used or invested from time to time in the purchase or retirement of its own bonds, or in the purchase of securities in which savings banks and savings institutions of this state are authorized to invest.

Borrow  
moneys.

Sinking fund.

13. All indebtedness of the said board of sewerage commissioners incurred for the purchase of lands, rights, or interests in land or other property, and in the construction of its works or plant, or otherwise lawfully incurred, pursuant to the provisions of this act, whether such indebtedness is represented by bonds, certificates of indebtedness, promissory notes or other form of indebtedness, with interest accrued or to accrue thereon, shall be a charge upon all persons and property in the municipal or taxing districts lying in whole or in part within said sewerage district as fully as the legislature of this state shall have power to authorize the same; and all bonds, certificates of indebtedness, promissory notes and other obligations issued by the said board of sewerage commissioners shall be free from all state,

Property  
liable for in-  
debtedness.

county, municipal and other taxes, and the property, real and personal, of the said board of sewerage commissioners, held by it under the authority of this act, wherever situated, shall in like manner be free from taxation.

Amount to  
be raised  
annually for  
interest, etc.

Apportioned.

Proviso.

Assessor's  
duties.

Amount  
for annual  
maintenance.

Apportioned.

14. The said sewerage commissioners shall on or before the fifteenth day of June, in each year, ascertain and determine the amount of money necessary to be raised for the payment of interest upon bonds and other indebtedness, and for sinking fund charges for the current fiscal year, and shall apportion the same among the respective municipalities and taxing districts lying in whole or in part within said sewerage district, in such proportion as the taxable ratables within so much of said municipality or taxing district as is embraced within said sewerage district bears to the total amount of taxable ratables within the whole of said sewerage district, as returned and certified by the respective taxing boards and taxing officers of the said municipalities or taxing districts for the preceding year; *provided, however*, that all ratables in said district for this purpose be assessed at their true value; and it shall be the duty of each assessor, taxing board or taxing officer for the several municipalities and taxing districts lying in whole or in part within said sewerage district for this purpose to examine, compute, determine and certify to the said sewerage board annually and by the first day of April of each year the amount of taxable property or ratables assessed in the last preceding year to or upon persons and property within so much of the several municipalities and taxing districts as lie within the said sewerage district, and the books of each of the said assessors, taxing boards and taxing officers shall at all times be open for examination by the board of sewerage commissioners, its officers and agents, for the purpose of examining, checking, and if necessary, correcting said certificates.

15. The said board of sewerage commissioners shall, on or before the fifteenth day of June in each year, ascertain and determine as near as may be the amount of money necessary to be raised for operating, maintaining and repairing its works and plant for the current fiscal year, and shall apportion the money so estimated



to be necessary among the several municipalities or taxing districts lying in whole or in part within said sewerage district according to the amount of sewage by them respectively delivered to or discharged into any sewers or other receptacles provided or constructed by the said sewerage commissioners for the reception thereof; before such apportionment is finally made and adopted by the sewerage commissioners for any year and on the fourth Tuesday of May, at two o'clock in the afternoon, the said sewerage commission shall sit at its principal office for the purpose of hearing such municipalities as desire to be heard upon the apportionment of the estimated amount of money required for the operation, maintenance and repair of said works and plant, but the apportionment when made by the said sewerage commissioners shall be final and conclusive; in case however, the estimate of moneys necessary to be raised in any year for operating, maintaining and repairing the works and plant of the sewerage commissioners shall, at the end of the year, be found to have been too low, the deficiency shall be made good by adding the same to the estimated amount required for operating, maintaining and repairing the said works for the next succeeding year; and if said estimate shall be found to have been excessive, then such excess shall be deducted from the estimate for the next succeeding year.

Hearing  
on appor-  
tionment.

If estimate  
erroneous.

16. The said board of sewerage commissioners shall, on or before the twentieth day of June, in each year, order and cause a tax to be levied and assessed upon all persons and property within each of the municipal and taxing districts lying in whole or in part within said sewerage district for the purpose of raising the money necessary to pay interest upon its bonds and other indebtedness and necessary sinking fund charges, and for the sum or sums of money estimated as necessary to provide for the proper maintenance and operation of its works and plant, and for all the other expenses of the said sewerage commissioners, and to this end it shall, on or before the twentieth day of June, in each year, certify to the tax assessor, taxing board or taxing officer of each of said municipalities or taxing districts lying in whole or in part within said sewerage

Order tax  
assessed.

Certify to  
assessor  
amount.

district the amount of tax required to be levied, assessed and raised in each of their respective municipalities and taxing districts for said purposes; and the said assessors, taxing boards and taxing officers shall assess said sums so directed to be assessed (and certified to them) upon all the persons and property within their respective municipalities or taxing districts liable to be assessed for state or county taxes, and the said tax shall be levied, assessed and collected by the same officers, at the same time and in the same manner and with the same effect as state or county taxes are required to be levied, assessed and collected within said municipalities or taxing districts; and the taxes so levied upon real estate in said municipalities and taxing districts shall be and remain a first and paramount lien thereon until paid.

Taxes a first  
lien.

Payment to  
treasurer of  
commission.

17. Out of the first moneys collected in any year in any municipality or taxing district, and not required by law to be paid to the county collector for state or county purposes, it shall be the duty of the disbursing officer or officers of such municipality or taxing district to pay to the treasurer of the sewerage commissioners the sum or sums of money directed by said sewerage commissioners to be assessed, levied and collected in such municipality or taxing district.

May borrow  
moneys in  
anticipation  
of taxes.

18. The said board of sewerage commissioners may from time to time, in anticipation of the collection of moneys directed by it to be assessed, levied and collected within the municipalities or taxing districts lying in whole or in part within its sewerage district, borrow such sum or sums of money as may be necessary for the payment of interest upon bonds or other indebtedness, and for the payment of sinking fund charges, and for the payment of its officers, agents, employes, and for all other necessary or proper expenses in maintaining and operating its works and plant, and the payment of the moneys so borrowed shall be secured by a lien upon said taxes as levied and assessed, or so directed to be levied and assessed, and said taxes when collected shall be applied to the payment of the moneys so borrowed; all loans made in pursuance of this section shall be after public notice and advertisement, and shall be made or

taken from the person or persons offering the most favorable terms.

19. If, in any case, the streams and rivers within the said sewerage district are or may be polluted by sewage or other deleterious matter discharged therein, directly or indirectly, from any municipality or any part of a municipality lying without the said sewerage district, it shall and may be lawful for the said board of commissioners to enter into contract with such municipality for the disposal of all such sewage and deleterious matter, and every such municipality is hereby authorized to enter into such contract with the said board, and the said board may, in the constructions made by it under the authority of this act, make provision for such disposal; such contracts may be made upon such terms and for such lengths of time and for such annual or semi-annual payments as shall be mutually agreed upon, and the municipalities and taxing districts so contracting shall have the power to raise annually, by taxation, the moneys necessary to make the payments required to be made under such contracts, or to use for this purpose any moneys not otherwise appropriated; and the moneys received by the said commissioners under such contracts shall be applied by them as follows: two-thirds thereof to the payment of interest upon bonds issued by the said board, and one-third thereof to the payment of the expense of operation, maintenance and repair of work.

May make contract with municipality for disposal of sewage.

Terms of contract.

20. The said sewerage commissioners shall have within said sewerage district powers exclusive of all other boards to protect the rivers and streams thereof from pollution and to prevent the pollution of the same, and to this end the said sewerage commissioners may prohibit the deposit or discharge into the rivers or streams within said sewerage district of any sewage or other matter or thing which may pollute the same; they may also in like manner prohibit or prevent the emptying into any tributary of said rivers or streams, by any municipality or part of a municipality lying within the said sewerage district, of any sewage or other matter or thing which will directly or indirectly cause the rivers or streams within said sewerage district to be polluted;

Power to protect streams from pollution.

and the said board of sewerage commissioners may at any time, when it has reason to believe that any river or stream within its district is being polluted by any such municipality or part of a municipality by deposit or discharge into said rivers, streams or their tributaries, of any sewage or other matter or thing which will pollute the same, or when such deposit or discharge is threatened, to apply by bill or petition to the court of chancery of this state for injunction to prevent the said pollution or threatened pollution of said rivers or streams or their tributaries, and the court of chancery shall have power to hear and dispose of said petitions or bills in a summary manner, and to grant any and all relief necessary to prevent said pollution or threatened pollution or the continuation of any pollution of said rivers, streams or their tributaries.

Rules and  
regulations.

21. The said board of sewerage commissioners shall have power from time to time to adopt all such reasonable rules and regulations for its own government and the government of its officers and agents, and also for the use, protection and management of its works, property and plant, and for the protection of the rivers and streams within its district from pollution, not inconsistent with the provisions of this act and the laws of this state.

Duties of  
chairman and  
treasurer.

22. The chairman shall preside at all meetings of the sewerage commissioners and shall with the treasurer sign all bonds, promissory notes, certificates of indebtedness and other obligations of the board; he shall also countersign all checks; in the absence of the chairman, or in case he is incapacitated by illness or other cause, the sewerage commissioners shall have power to elect an acting chairman who for the time being shall have all the powers and perform all the duties of the chairman; the treasurer shall give bond in such sum as the sewerage commissioners may determine, and shall be the receiving and disbursing officer of the said sewerage commissioners, and all moneys required by law to be paid to said sewerage commissioners shall be paid to the treasurer thereof, and shall be by him deposited in such bank or banks of deposit or trust company or trust companies in this state as shall be determined upon by the said

sewerage commissioners; all disbursements shall be by check signed by the treasurer and countersigned by the chairman; the clerk shall have charge of the seal of the corporation and shall affix to it such instruments as he shall be directed by the said board, and he shall attest the same; he shall keep full minutes of all the meetings of the board and of its committees and shall perform all such other duties as he may be directed by the said board of commissioners to perform; no deposit of moneys in the charge of the said board shall be made in any bank or trust company except upon the condition that the said board shall receive interest at the rate of not less than two per centum per annum upon the said deposits.

Disbursements.

Seal; minutes.

Interest on deposits.

23. This act shall take effect immediately.

Approved April 1, 1903.

#### CHAPTER 103.

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

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

1. Section forty-one of the said act to which this is an amendment be amended so that the said section forty-one read as follows:

Section amended.

41. Whenever in the judgment of the council it shall be necessary to issue bonds they may by resolution fix the amount thereof necessary to be issued, and shall in such resolution also set forth generally the object for which said bonds are to be issued; said council may, after ten days from the date of the adoption of such resolution, submit the question of such issue to the voters of the borough at an annual or special election, of which special election, and the object thereof, at least thirty days' notice shall be given by advertisements, signed by the borough clerk, posted in at least three public places

Issue bonds; amount.

Question submitted to voters.

Special election.	in such borough, and printed once each week for at least three weeks in a newspaper published in the borough, if any such exists, or if none, then in a newspaper published in the county wherein the borough is situate, and circulating in the borough; at such special election the only question submitted shall be: "In favor of the issue of bonds according to resolution of council, dated _____" (inserting in said blank the date of such resolution), or "Against the issue of bonds according to resolution of council, dated _____" (inserting in said blank the date of such resolution); said election shall be
Holding of election.	by ballot, shall be held by the election officers of the borough upon the day appointed by the council; the polls shall be kept open for the time provided by law for general elections in said borough, and such election shall be in all respects conducted and the vote canvassed in the manner provided by law for such general election; there shall be no registration for such election, but the board of elections 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; if a majority of the ballots cast at such election shall contain the words "In favor of bonds according to resolution of council dated _____" (inserting in said blank the date of such resolution), it shall then be lawful for the council to issue such bonds; <i>provided, however,</i> that if within ten days after the adoption of such resolution a remonstrance or remonstrances against such issue of bonds, signed by the owners of one-half in value of the taxable property in said borough as shown by the latest assessment of valuation made by the assessor, be filed with the clerk, no such election shall be called or held, and no further proceedings taken based on such resolution and consent; <i>and provided further,</i> that no consent of property owners or vote by the people shall be necessary to the issue of bonds for the purpose of meeting and paying any bonds previously issued and about to become due; <i>and provided further,</i> in order that the bonds issued under this amendatory act may be paid and retired at maturity, the council of the borough shall provide a sinking fund not exceeding in amount to be
Registration unnecessary.	
Proviso.	
Proviso.	
Proviso.	

raised in any one year, five per centum, or less than three per centum, of the face value of the bonds issued, which sum shall be raised annually, at the time and in the manner provided for the raising of other moneys to be used by said borough; the money so raised for sinking fund purposes shall be paid to the commissioners of the sinking fund of said borough, to be used by them for the purposes herein mentioned.

2. This act shall take effect immediately.

Approved April 2, 1903.

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#### CHAPTER 104.

A Further Supplement to an act entitled "An act relative to the court of pardons," approved January eighteenth, eighteen hundred and fifty-three.

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

1. Each member of said court, excepting the governor and chancellor, shall receive twenty dollars for each day's actual attendance upon said court, such consideration to be in lieu of all mileage heretofore allowed. Compensation.

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

Approved April 2, 1903.

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#### CHAPTER 105.

An Act to amend an act entitled "An act concerning the military and naval forces (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 forty-eight of the act to which this act is an amendment is hereby repealed. Section repealed.

Section  
amended.

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

Amounts  
allotted  
national  
guard.

127. There shall be paid on the first Monday in April of each year for the purpose of procuring drill rooms or armories and to defray other expenses incident to the existence of each regiment, or companies attached thereto, or other organizations, the following sums respectively: to the surgeon-general, one thousand dollars for the use of the medical department and the hospital and ambulance corps; to the commanding officer of the signal and telegraph corps, one thousand dollars for the use of said corps; to each regimental commander, a sum equal to five hundred dollars for each company in his regiment; to the commanding officer of each battery, seven hundred and fifty dollars, and to the commanding officer of each troop of cavalry, one thousand dollars, to be expended by the board of officers of the respective commands, subject to the approval of the commanding officer.

3. This act shall take effect immediately.

Approved April 2, 1903.

#### CHAPTER 106.

An Act to defray the incidental expenses of the legislature of New Jersey for the session of one thousand nine hundred and three.

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

Treasurer  
authorized  
to pay certain  
amounts.

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:

Item No. 1. To each clergyman for opening sessions of the Senate and House of Assembly with prayer, during session one thousand nine hundred and three, 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 two, who were present and rendered services in opening the session of one thousand nine hundred and three, ten dollars, \$10 00
- Item No. 3. To Louis R. Hoffmann, for services as assistant to the clerk of the House of Assembly, session one thousand nine hundred and three, four hundred dollars, \$400 00
- Item No. 4. To Louis R. Hoffmann, for services as clerk to committee on incidental expenses, session of one thousand nine hundred and three, one hundred dollars, \$100 00
- Item No. 5. To Thomas S. Mooney, for services as assistant to the supervisor of bills for House of Assembly, session one thousand nine hundred and three, five hundred dollars, \$500 00
- Item No. 6. To Albert S. Hibbs, for services as keeper of the ladies' gallery of House of Assembly, session one thousand nine hundred and three, three hundred and fifty dollars, \$350 00
- Item No. 7. To Joseph L. Hays, for services as keeper of gallery of House of Assembly, session one thousand nine hundred and three, three hundred and fifty dollars, \$350 00
- Item No. 8. To Walter H. Sharwell, for services as keeper of gallery of House of Assembly, session one thousand nine hundred and three, three hundred and fifty dollars, \$350 00
- Item No. 9. To Alexander Kanouse, for services as keeper of gallery of House of Assembly, session one thousand nine hundred and three, three hundred and fifty dollars, \$350 00

Item No. 10. To Jean Pierre Murat, for services as keeper of gallery of House of Assembly, session of one thousand nine hundred and three, three hundred and fifty dollars,	\$350 00
Item No. 11. To James R. Woolley, for services as keeper of gallery of House of Assembly, session one thousand nine hundred and three, three hundred and fifty dollars,	\$350 00
Item No. 12. To William J. Coughlin, for services as keeper of gallery of House of Assembly, session one thousand nine hundred and three, three hundred and fifty dollars,	\$350 00
Item No. 13. To Robert McCoy, for services as keeper of gallery of House of Assembly, session one thousand nine hundred and three, three hundred and fifty dollars,	\$350 00
Item No. 14. To John J. Matthews, for furnishing one hundred and fifty copies of member's pocket calendars for the Senate and House of Assembly, session of one thousand nine hundred and three, one hundred and fifty dollars,	\$150 00
Item No. 15. To MacCrellish & Quigley, for supplies furnished House of Assembly for the session of one thousand nine hundred and three, one hundred and forty-five dollars,	\$145 00
Item No. 16. To Fred. D. Crozier, for services as clerk to corporation committee, session one thousand nine hundred and three, three hundred dollars,	\$300 00
Item No. 17. To Stephen McDermott, for services as page of House of Assembly, session one thousand nine hundred and three, two hundred dollars,	\$200 00
Item No. 18. To John Clark, for services as page of House of Assembly, session one thousand nine hundred and three, two hundred dollars,	\$200 00

Item No. 19. To Albert Bullock, for services as page of House of Assembly, session one thousand nine hundred and three, two hundred dollars,	\$200 00
Item No. 20. To John C. Ashman, for services as page of House of Assembly, session one thousand nine hundred and three, two hundred dollars,	\$200 00
Item No. 21. To Dewitt Bannister, for services as page of House of Assembly, session one thousand nine hundred and three, two hundred dollars,	\$200 00
Item No. 22. To Dewitt Bannister, for services as postmaster of the House of Assembly, session of one thousand nine hundred and three, one hundred dollars,	\$100 00
Item No. 23. To John C. Ashman, for services as postmaster of the House of Assembly, session of one thousand nine hundred and three, one hundred dollars,	\$100 00
Item No. 24. To William H. Parkhurst, for services as doorkeeper of House of Assembly, session one thousand nine hundred and three, three hundred and fifty dollars,	\$350 00
Item No. 25. To Baker Printing Company, for stationery furnished officers and members of House of Assembly, session of one thousand nine hundred and three, four hundred and ninety-five and seventy-seven one-hundredths dollars,	\$495 77
Item No. 26. To Benjamin Myer Company, for stationery, House of Assembly, session of one thousand nine hundred and three, fifty-five dollars,	\$55 00
Item No. 27. To Wm. H. Jamouneau, for stationery, House of Assembly, session of one thousand nine hundred and three, one thousand six hundred and thirty and ten one-hundredths dollars,	\$1,630 10
Item No. 28. To Banister and Pollard, furnishing stationery for House of As-	

sembly, session of one thousand nine hundred and three, three hundred and ninety-seven and fifty one-hundredths dollars,	\$397 50
Item No. 29. To Banister and Pollard, furnishing stationery for House of Assembly, session of one thousand nine hundred and three, two hundred and sixty-three dollars,	\$263 00
Item No. 30. To Mathias Plum, for stationery, House of Assembly, session of one thousand nine hundred and three, eighty-seven dollars,	\$87 00
Item No. 31. To Mrs. Elizabeth Kucker, for washing towels for Senate and House of Assembly, sixty-five dollars,	\$65 00
Item No. 32. To T. F. Fitzgerald, for forty legislative manuals furnished to the House of Assembly, session one thousand nine hundred and three, forty dollars,	\$40 00
Item No. 33. To George P. Powell, for supplies furnished to committees and members of House of Assembly, session one thousand nine hundred and three, sixty-nine dollars,	\$69 00
Item No. 34. To E. T. Totten, for postage for session of one thousand nine hundred and three, twenty-five dollars,	\$25 00
Item No. 35. To the John L. Murphy Publishing Company, for furnishing stationery and supplies to John G. Horner, speaker of Assembly, seventy-five and fifty one-hundredths dollars,	\$75 50
Item No. 36. To the John L. Murphy Publishing Company, for furnishing stationery and supplies to George A. Grover, supervisor of bills of the House of Assembly, session of one thousand nine hundred and three, fifty-eight and sixty one-hundredths dollars,	\$58 60
Item No. 37. To the John L. Murphy Publishing Company, for furnishing stationery and supplies to James Parker,	

- clerk of the House of Assembly, session one thousand nine hundred and three, seventy and fifty-five one-hundredths dollars, \$70 55
- Item No. 38. To the John L. Murphy Publishing Company, for supplies furnished George P. Powell, sergeant-at-arms to House of Assembly, session one thousand nine hundred and three, thirty-two and ninety one-hundredths dollars, \$32 90
- Item No. 39. To Walter B. Pycraft, for engrossing oaths of senators and members of the House of Assembly and officers of the one hundred and twenty-fifth legislature, session of one thousand nine hundred and three, fifty dollars, \$50 00
- Item No. 40. To L. N. Clayton, for furnishing toilet supplies to George B. Lutts, acting sergeant-at-arms of the House of Assembly, session of one thousand nine hundred and three, three hundred and twenty-four and seventy one-hundredths dollars, \$324 70
- Item No. 41. To George Lutts, for furnishing extra supplies for use of the House of Assembly during the session of one thousand nine hundred and three, fifty-four dollars, \$54 00
- Item No. 42. To David A. McIntyre, for disbursements in mailing copies of bills, documents, et cetera, during the session of the legislature of one thousand nine hundred and three, twenty dollars, \$20 00
- Item No. 43. To The John L. Murphy Publishing Company, for stationery and supplies furnished the Senate for the session of one thousand nine hundred and three, one thousand four hundred and seventy-four and eighty-four one-hundredths dollars, \$1,474 84
- Item No. 44. To L. N. Clayton, for furnishing toilet supplies to D. Hart Cun-

ningham, sergeant-at-arms of the Senate, for the session of one thousand nine hundred and three, two hundred and twenty-eight and eighty-five one-hundredths dollars,	\$228 85
Item No. 45. To Edward Schoen, for services as stenographer to the Senate for the session of one thousand nine hundred and three, five hundred dollars,	\$500 00
Item No. 46. To Jonathan D. Watson, for services as assistant bill clerk to the Senate, for the session of one thousand nine hundred and three, five hundred dollars,	\$500 00
Item No. 47. To William Hyres, for services as clerk to committee on appropriations and extra services to the Senate, for the session of one thousand nine hundred and three, five hundred dollars,	\$500 00
Item No. 48. To Victor Carlson, for services as clerk to Senate committee on banks and insurance, for the session of one thousand nine hundred and three, three hundred and fifty dollars,	\$350 00
Item No. 49. To C. V. Hanse, for services as clerk to Senate committee on labor and industries, for the session of one thousand nine hundred and three, three hundred and fifty dollars,	\$350 00
Item No. 50. To John C. Demarest, for services as clerk to Senate committee on judiciary, for the session of one thousand nine hundred and three, three hundred and fifty dollars,	\$350 00
Item No. 51. To Henry E. Hathaway, for services as clerk to Senate committee on municipal corporations, for the session of one thousand nine hundred and three, three hundred and fifty dollars,	\$350 00
Item No. 52. To Gandy S. Robinson, for services as clerk to Senate committee on boroughs and townships, for the session	

of one thousand nine hundred and three, three hundred and fifty dollars,	\$350 00
Item No. 53. To Charles D. Reese, for services as clerk to Senate committee on revision of laws, for the session of one thousand nine hundred and three, three hundred and fifty dollars,	\$350 00
Item No. 54. To James Smith, for services as clerk to Senate committee on railroads and canals, for the session of one thousand nine hundred and three, three hundred and fifty dollars,	\$350 00
Item No. 55. To William B. Dill, for services as clerk to Senate committee on education, for the session of one thousand nine hundred and three, three hundred and fifty dollars,	\$350 00
Item No. 56. To Wallace R. King, for services as clerk to Senate committee on corporations, for the session of one thousand nine hundred and three, three hundred and fifty dollars,	\$350 00
Item No. 57. To Charles Lynch, for services as clerk to Senate committee on game and fisheries, for the session of one thousand nine hundred and three, three hundred and fifty dollars,	\$350 00
Item No. 58. To Robert H. Holmes, for services as coat-room keeper of the Senate, for the session of one thousand nine hundred and three, three hundred and fifty dollars,	\$350 00
Item No. 59. To Joseph Kingley, Jr., for services as coat-room keeper of the Senate, for the session of one thousand nine hundred and three, three hundred and fifty dollars,	\$350 00
Item No. 60. To William F. Barry, for services as page in the Senate, for the session of one thousand nine hundred and three, two hundred dollars,	\$200 00

- Item No. 61. To Robert H. Stiles, for services as page in the Senate, for the session of one thousand nine hundred and three, two hundred dollars, \$200 00
- Item No. 62. To William C. Van Horn, for services as assistant to the secretary of the Senate, for the session of one thousand nine hundred and three, five hundred dollars, \$500 00
- Item No. 63. To T. F. Fitzgerald, for supplies furnished the Senate, for the session of one thousand nine hundred and three, twenty-six and three one-hundredths dollars, \$26 03
- Item No. 64. To MacCrellich & Quigley, for supplies furnished Senate for the session of one thousand nine hundred and three, four hundred and thirteen and forty one-hundredths dollars, \$413 40
- Item No. 65. To John King, assistant bill clerk, for disbursements in mailing copies of bills, manuals and documents during the session of the legislature of one thousand nine hundred and three, twenty dollars, \$20 00
- Item No. 66. To State Board of Education, under joint resolution No. 3 (1902), providing for investigation of new normal school proposition, two hundred dollars, \$200 00
- Item No. 67. To A. B. C. and J. R. Salmon, for services as stenographers, and for furnishing six copies of testimony and proceedings, for investigating committee appointed by the House of Assembly to inquire into charges made against George P. Powell, sergeant-at-arms, two hundred and ten dollars, \$210 00
- Item No. 68. To James T. Weart, for services as clerk to investigating committee appointed by the House of Assembly, to inquire into charges against George P.



Powell, sergeant-at-arms, thirty-five dollars,	\$35 00
Item No. 69. To George B. Lutts, for services as sergeant-at-arms to the investigating committee appointed by the House of Assembly to inquire into charges against George P. Powell, sergeant-at-arms, thirty-five dollars,	\$35 00
Item No. 70. To Frederick Lehlbach, for witness fees and subpoenas, and costs of service, for witness brought before the investigating committee appointed by the House of Assembly to inquire into charges against George P. Powell, sergeant-at-arms, two and fifty-hundredths dollars,	\$2 50
2. This act to take effect immediately.	
Approved April 2, 1903.	

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#### CHAPTER 107.

AN ACT to amend an act entitled "An act concerning the military and naval forces" (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 one hundred and twenty-seven of the act to which this act is an amendment is hereby amended so as to read as follows:

127. There shall be paid on the first Monday in April of each year for the purpose of procuring drill-rooms or armories, and to defray other expenses incident to the existence of each regiment, or companies attached thereto, or other organizations, the following sums respectively: To the surgeon-general, one thou-

Section amended.

Annual payments for expenses of organizations.

sand dollars for the use of the medical department and the hospital and ambulance corps; to the commanding officer of the signal and telegraph corps, one thousand dollars for the use of said corps; to each regimental commander, a sum equal to five hundred dollars for each company in his regiment; to the commanding officer of each battery, seven hundred and fifty dollars; and to the commanding officer of each troop of cavalry, two thousand dollars; to be expended by the board of officers of the respective commands, subject to the approval of the commanding officer.

2. This act shall take effect immediately.

Approved April 3, 1903.

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#### CHAPTER 108.

AN ACT to repeal an act entitled "An act to annex the territory within the boundaries of the mayor and council of the borough of North Plainfield, in the county of Somerset, to the county of Union," approved April sixteenth, one thousand nine hundred and two.

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

Act repealed.

1. The act entitled "An act to annex the territory within the boundaries of the mayor and council of the borough of North Plainfield, in the county of Somerset, to the county of Union," approved April sixteenth, one thousand nine hundred and two, be and the same is hereby repealed.

2. This act shall take effect immediately.

Approved April 7, 1903.

## CHAPTER 109.

AN ACT to license graduate nurses in the state of New Jersey, and providing penalties for violation of its provisions.

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

1. Any graduate nurse desiring to practice the profession of a trained nurse must first obtain a license from the clerk of the county in which such applicant resides, and the clerk thereof is hereby authorized to issue such license, provided said applicant shall present to him a diploma awarded by a training school connected with a hospital of this state, where at least two years' practical and theoretical training is required before its students are graduated as trained nurses; if the said diploma does not show the term required by the training school awarding the same, then the applicant must file with the county clerk an affidavit made by the secretary of said training school, or the president of the faculty thereof, setting forth the term of practical and theoretical training required by said training school of its students before they are graduated as trained nurses.

License  
as trained  
nurse.

Terms to be  
stated.

2. Any person heretofore awarded a diploma of a graduate nurse by training schools of this state other than those mentioned in the preceding section may apply to the clerk of the county in which such applicant resides for the license provided by this act, and such clerk is hereby authorized to issue same if the person making such application was awarded such diploma upon the completion of at least two years' practical and theoretical training in nursing.

Graduates of  
other than  
hospital  
schools.

3. Any graduate nurse holding a diploma of a trained nurse awarded by a training school of another state may obtain a license to practice such profession in this state, provided the training school awarding such diploma shall require the same qualifications of

License if  
graduate of  
foreign state.

its graduate nurses as are provided for applicants of this state; if the diploma of said non-resident applicant does not show the course of training required by the training school awarding the same, then the applicant shall file an affidavit of the secretary of the hospital connected with said training school or the president thereof, setting forth the requirements of said training school before diplomas are awarded to its students; graduate nurses residing out of the state and seeking the license herein provided, may apply to the clerk of any county in this state upon being identified by a resident thereof.

Fee.

4. Before any license shall be issued to an applicant under the provisions of this act, a fee of fifty cents shall be paid to the clerk issuing same.

Form of  
license.

5. The said license shall be in form as follows:

State of New Jersey,                    }  
County of ..... } ss.

To whom it may concern, greeting:

This is to certify that .....  
(giving place of residence) is authorized to practice the profession of a graduate nurse in the state of New Jersey, in accordance with the laws thereof.

In witness whereof I have hereto attached my name and official seal, this ..... day of .....  
..... Anno Domini one thousand nine hundred and .....

(Seal)

Clerk of the county, .....

Penalty.

6. Any person violating any of the provisions of this act shall for every offence forfeit and pay the sum of fifty dollars, to be sued for and recovered by the prosecutor of the pleas for the use of the county in which

Proviso.

such offence is committed; *provided, however*, that this act shall not apply to graduate nurses, residents of a foreign state, who shall have at least two years' practical and theoretical training, or have graduated from a training school connected with a public hospital, who shall visit this state as a companion or nurse for a non-resident of this state, sojourning within the state, or who shall be called in a case by any resident physician of this state; *providing also*, that nothing in

Proviso.

this act shall be held or construed as preventing or in any way interfering with any person or persons practicing the profession or business of nurses or nursing without obtaining a license for that purpose if they do not advertise or hold themselves out as a graduate nurse.

Approved April 7, 1903.

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## CHAPTER 110.

AN ACT giving consent to the Lehigh Valley terminal railway company, Easton and Amboy railroad company, Greenville and Hudson railway company, Middlesex railway company, Perth Amboy and Raritan railway company and Pittstown branch railway company to unite and consolidate their stock, property and franchises and roads with those of the Lehigh Valley railroad company, a corporation of Pennsylvania, either with or without first consolidating themselves into one New Jersey corporation.

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

1. Consent is hereby given to the Lehigh Valley terminal railway company, Easton and Amboy railroad company, Greenville and Hudson railway company, Middlesex railway company, Perth Amboy and Raritan railway company and Pittstown branch railway company, corporations of this state, to unite and consolidate their stock, property and franchises and roads with those of the Lehigh Valley railroad company, a corporation of the state of Pennsylvania, upon such terms and conditions as may be agreed upon between said companies, on condition, however, that such agreement shall have been approved by the holders of two-thirds in amount of the stock of the said several companies of this state by approval given either in writing or by

Consent to  
consolidating  
sundry roads  
with Lehigh  
Valley R. R.  
Co.

Method of consolidating.	vote at a meeting of the stockholders; such union or consolidation may be effected either by direct contract between the said corporations of this state and the said Lehigh Valley railroad company, or by first consolidating the said corporations of this state into one corporation of this state, and then by contract uniting and consolidating that corporation with the said Lehigh Valley railroad company; <i>provided, however</i> , that nothing in this act contained shall permit such consolidated corporation to charge for the conveyance of passengers or freight in this state, rates higher than those permitted to be charged by the charters of the corporations of this state so consolidated, or by the general law under which such corporations were incorporated, or which now are or may hereafter be provided by law.
Proviso.	
Contract and agreement filed.	2. No union or consolidation shall take effect under this act until a copy of the contract or contracts therefor shall have been filed in the office of the secretary of state; and also an agreement to be approved by the governor and attorney-general, surrendering to the state all rights of exemption from taxation, and all privileges and advantages arising from any alleged contract establishing any special mode of taxation in respect to said companies, and agreeing further that such contract or contracts shall not in any wise affect or impair the right of the state to take the property of said companies under any existing law of the state, and that any law affecting such companies shall be subject to alteration or repeal by the legislature; <i>provided</i> , that this act shall not in any way lessen or decrease or destroy the jurisdiction or control which the courts of this state and the legislature now have over the said railroads; <i>and provided</i> , that the said Lehigh Valley railroad company, or the other railroads mentioned in this act, shall not be relieved from any of the duties or obligations now imposed by law upon the railroads mentioned in this act.
Proviso.	
Proviso.	
Repealer.	3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. 4. This act shall take effect immediately. Approved April 8, 1903.

## CHAPTER III.

An Act to enable towns in this state to sell lands heretofore or hereafter acquired for municipal purposes, but which have proved unsuitable or are no longer needed for such purposes.

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

1. In all cases where any lands have been heretofore or shall hereafter be bought or otherwise acquired by any town in this state for any municipal or public purpose, which land shall prove unsuitable or shall be no longer needed for such purpose, it shall be lawful for the common council or other governing body of such town to determine, by ordinance passed by vote of two-thirds of all the members thereof, that such lands are so unsuitable or are no longer needed for the purpose for which the same were acquired, and that the same be sold, at public or private sale, at a price or at prices not less than a minimum price or minimum prices named in the ordinance; and after the due passage of such ordinance it shall be lawful for the board having charge and control of the finances in such municipality to sell and convey the same to any person or persons, at public or private sale, for a price or prices not less than the minimum sum so fixed, and to accept in payment either money or bonds or obligations of the town selling the same in payment therefor.

Towns may  
sell unsuitable  
lands.

Approved April 7, 1903.

## CHAPTER 112.

An Act to provide for the payment of arrears in rent for the armory in Camden of the sixth regiment infantry, second brigade, national guard of the state of New Jersey, due at the time of disbanding said regiment.

Preamble.

WHEREAS, there remained due and owing by the sixth regiment infantry, second brigade, national guard of New Jersey, located in the city of Camden, at the time of disbanding said regiment, the sum of three thousand dollars, arrears in rent for the armory of said regiment; therefore

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

Payment of  
arrears of  
armory rent.

1. The sum of three thousand dollars be and the same is hereby appropriated out of the state funds, for the payment of the arrears for armory rent due by the sixth regiment infantry, second brigade, national guard of the state of New Jersey, at the time of the disbanding of the said regiment.

Appropriation.

2. The comptroller of the state of New Jersey be and he is hereby authorized to draw his warrant on the treasury in favor of the regimental commander of the third regiment infantry, second brigade, national guard of the state of New Jersey, for the sum of three thousand dollars, in addition to the appropriations now allowed by law.

3. This act shall take effect immediately.

Approved April 7, 1903.



## CHAPTER 113.

An Act respecting the paving or repaving of streets, avenues, highways and gutters and the curbing of the same in the villages of this state, and providing for the payment of assessments for special benefits to property benefited thereby.

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

1. When the governing body of any village in this state shall by ordinance provide for the paving or repaving of any street, avenue, highway or gutter, or for the curbing of the same, the cost thereof shall be paid in current funds from the sale of temporary loan bonds, to be called "street improvement bonds," to be issued by the governing body of such village; said bonds shall bear interest at a rate not exceeding six per centum per annum, and shall not be sold for less than par, and shall be payable at the expiration of not more than ten years from the date of issue; and it shall be the duty of the proper officers of such village to keep a record of all such temporary loan bonds, and the time and place of payment both of principal and interest, and make proper provision for the payment of the same as herein provided.

Villages may issue bonds for paving streets.

Character of bonds and payment.

2. Hereafter assessments upon property specially benefited by the work and improvements above mentioned in any village in this state shall be and remain a lien upon such property until paid, and shall be payable in ten annual installments, the first on or before thirty days from the date of the confirmation of such assessment, the second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth, in one, two, three, four, five, six, seven, eight and nine years after date of such confirmation respectively; the first installment of such assessment to be paid by the owner of property specially benefited shall equal one-tenth of the total assessment

Assessments a lien—how payable.

Whole assess-  
ment may be  
paid.

upon said property; the second shall be for a like amount together with interest computed at six per centum per annum upon the unpaid balance of such assessment, and each succeeding installment shall be for one-tenth of the amount of the original assessment together with interest computed at the rate of six per centum per annum upon the unpaid balance of the assessment; the owner of the property so assessed for special benefits may at his option pay the whole of the assessment on or before thirty days after the date of its confirmation, or at any time thereafter, with interest at six per centum per annum, instead of installments as herein provided for; in case any installment of such assessment is not paid at the time when the same is due and payable, and shall remain unpaid and in arrears for two months thereafter, the whole amount of such assessment shall then become and be due and payable at the option of such village, and interest upon such unpaid installment shall be computed at the rate of ten per centum per annum; and all such assessments shall be collected by such village in the manner now provided by law for the collection of assessments for street improvements in such village.

Amounts  
raised  
annually.

3. The amounts assessed against such village at large shall be raised by taxation, one-tenth thereof in each year, and said amounts, together with all moneys received from the assessments for special benefits or the installments thereof, shall be pledged and used for the redemption of the outstanding temporary loan bonds issued as aforesaid.

4. This act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved April 7, 1903.

## CHAPTER 114.

An Act respecting the assessment of taxes in villages of this state.

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

1. The governing body of each village in this state shall from time to time appoint some proper and suitable person who is a resident and legal voter of such village, as village assessor of taxes, who shall be compensated, obligated and sworn, and give such bond or other security for the performance of his duties as such governing body shall direct and require, and he shall continue in his office for a term of two years until another person is appointed to succeed him and enters upon the duties of his office. Village assessor.
2. Such village assessor shall be a member of the county board of assessors, and shall possess the same powers and perform the same duties as assessors of the several townships of this state; and he shall, on or before the third Tuesday in August in each year, deliver his duplicate of assessment to the governing body of such village for revision, addition and correction as provided by law. Member of county board.  
  
Duplicate.
3. There shall be apportioned to such village by the proper officers its just proportion of the state and county taxes to be raised therein, and the same shall be paid to the county collector by said village under the direction of its governing body. Taxes apportioned to village.
4. It shall be the duty of the clerk of such village to transmit to said village assessor within ten days after the passage of the same, a copy of any ordinance which may be passed by such governing body for the raising of any sum or sums of money for municipal purposes. Clerk's duty.
5. It shall be the duty of such village assessor to assess the said sum or sums of money for state, county and municipal purposes upon the persons and property Assessor's duty.

within the limits of such village in the same manner as taxes in townships in said county are assessed.

Assessor to  
fix valuations.

6. All other taxes assessed in said village for other purposes shall be assessed upon the valuations fixed by said village assessor.

Appeals.

7. Appeals from taxation in such villages shall lie to the commissioners of appeal of the township in which such village is located.

Repealer.

8. 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 7, 1903.

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## CHAPTER 115.

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.

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

Chancery  
chambers in  
Paterson.

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 Paterson 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 the board of chosen freeholders of the county of Passaic, who may lease or rent any room or rooms for said purpose in its court-house, 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 fifteen hundred dollars.

Approved April 7, 1903.

## CHAPTER 116.

An Act to amend 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 ninety-eight.

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

I. Section eighty-five of said act be amended so as to read as follows:

Section amended.

85. When a trial shall be concluded in any of the courts of this state, on any indictment, it shall be the duty of the sheriff of the county where the verdict shall be rendered to pay to the witnesses who shall have been duly sworn or affirmed to testify in behalf of the state or of the defendant or defendants their legal fees before they leave the court; *provided, however*, that no fees shall be paid to any witness sworn or affirmed to testify in behalf of the defendant or defendants, unless such payment shall be approved by the court.

Payment of witnesses by sheriff.

Proviso.

Approved April 7, 1903.

## CHAPTER 117.

An Act to amend an act entitled "An act concerning disorderly persons" (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*:

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

Section amended.

Apprehension  
and punish-  
ment of  
tramps.

10. If any person shall be found offending in any county, city, township, borough or district in this state against the next preceding section, it shall and may be lawful for any constable or police officer of such place, and he is hereby enjoined and required, on notice thereof given him by any of the inhabitants thereof, to apprehend and convey such person to a magistrate of such place, who shall examine such person, and may commit him or her, being thereof legally convicted before him by the oath or affirmation of one or more credible witnesses, other than the officer making the arrest, to labor upon any county farm or upon the streets, roads and highways of any city, township or borough, or in any house of correction, poorhouse, workhouse or common jail or penitentiary, for a term not less than thirty days, nor exceeding six months; and shall forthwith commit him or her to the custody of the steward, keeper or superintendent of such county farm, house of correction, poorhouse, workhouse or common jail or penitentiary, or to the supervisor or overseer of highways, street commissioners or any other officer or officers having in charge the repairs of any street, road or highway, or overseers of the poor of the respective county, city, borough or township wherein such person shall be found, as in his judgment shall be deemed most expedient.

Section  
amended.

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

Proceedings  
against  
husband by  
overseer of  
poor.

18. Upon receiving such complaint against any husband or father provided for in the preceding section the magistrate before whom such complaint is made shall issue his warrant, directed to any constable of the county or police officer of the township or city wherein such complaint is made, for the immediate apprehension of the person so complained of and for bringing him before such magistrate, upon the return of which warrant said magistrate shall cause such person to enter into a bond to said overseer, in any sum not exceeding five hundred dollars, with good security, conditioned for his appearance before said magistrate at a time therein named, to answer said complaint, and to abide all orders, judgments and decrees that may

be made against him touching said complaint; and in default of such person entering into such bond and giving such security said magistrate shall commit him to the county jail or penitentiary to await the investigation of said complaint.

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

Section  
amended.

24. Where any order last aforesaid shall be made in pursuance of this act, the person against whom the same is made shall be required to execute a bond with good security to the overseer of the poor of the township or city, to stand to and obey such order and such other orders as may be made in case an appeal be taken, and in default thereof the accused shall be committed to the county jail or penitentiary until such bond shall be given; *provided*, that the magistrate before such appeal be taken, or such court of quarter sessions thereafter, upon being satisfied that further imprisonment will fail to produce support for the family aforesaid of the accused, or security therefor, may discharge the accused from further imprisonment; but no such discharge shall be granted until the accused shall have first paid all previous costs; *and provided further*, that in case the bond be given as required by the eighteenth section hereof that no further bond shall be necessary, but the same shall bind the security for the faithful obedience of the accused to all orders and decrees made in pursuance of this act.

Appeal bond.

Proviso.

Proviso.

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

Section  
amended.

29. Any husband or father who deserts or willfully refuses or neglects to provide for and maintain his wife or other family, and who shall, in consequence thereof, be adjudged a disorderly person and be committed to the workhouse or county jail or penitentiary of the county, as provided by this act, shall be put and kept at hard labor by the board of chosen freeholders of the county, in the same manner as other prisoners committed to such jail, penitentiary or workhouse are put and kept at hard labor.

Husband  
committed  
kept at hard  
labor.

Section  
amended.

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

Overseer to  
commence  
action.

34. The overseer of the poor, when applied to for such purpose by one or more credible person or persons giving information sufficient to warrant the commencement of a prosecution under this act, shall forthwith commence such action, and said overseer shall be entitled to receive as his compensation for each action brought under this act and successfully prosecuted to a judgment, four dollars; and for each copy made by him of the order of said magistrate, five cents; and for serving and posting the copies of said order, a reasonable compensation, all to be allowed and paid by the township committee of said township from funds of the township not otherwise appropriated; and the magistrate for making the order to the overseer of the poor shall be allowed fifty cents, to be paid by the township committee from funds of the township not otherwise appropriated; and in cases under the thirty-second section of this act where, upon conviction, the magistrate may in his discretion commit the offender to the common jail or penitentiary, he shall have the right of trial by jury.

Fees.

When jury  
trial.

6. This act shall take effect immediately.

Approved April 7, 1903.

## CHAPTER 118.

An Act to amend an act entitled "An act to protect children from neglect and cruelty, and relating to their employment, protection and adoption," approved March fourth, one thousand eight hundred and eighty.

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

Section  
amended.

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



11. In default of payment of the fine or penalty imposed under any of the sections of this act, together with the costs of the proceedings, then the said justice of the peace, magistrate or court of record shall commit said offender to the county prison or penitentiary, there to remain for not less than twenty nor more than ninety days, or until discharged by due course of law; *provided*, that when the fine imposed exceeds the sum of ten dollars the party complained against may appeal from the decision of said justice of the peace or magistrate to the court of quarter sessions, upon his entering bail in the nature of a recognizance, in the usual manner, for his appearance at said court, when the offense shall be prosecuted in the same manner as is now directed by law in other cases of misdemeanor; if, in lieu of deciding the cause, such justice of the peace or magistrate shall bind over or commit such person to appear at the court of quarter sessions, or if such person shall appear as aforesaid, or upon such binding over or commitment appear before the said court and be there convicted of such misdemeanor, he shall be sentenced to pay a fine not exceeding two hundred dollars, payable as aforesaid, or undergo an imprisonment not exceeding one year, or both, at the discretion of the court.

Imprisonment  
if default in  
fine.

Proviso.

Magistrate  
may bind over  
to court.

Fine.

2. This act shall take effect immediately.

Approved April 7, 1903.

#### CHAPTER 119.

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 three," approved April tenth, one thousand nine hundred and two.

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

1. To pay the state college for the benefit of agriculture and the mechanic arts the balance due for ser-

Appropriation  
to state col-  
lege for free  
scholarships.

vices rendered to the state in the instruction, from September first, eighteen hundred and ninety, to July first, nineteen hundred and two, of students holding free state scholarships, granted pursuant to "An act to increase the efficiency of the public school system of the state by providing for additional free scholarships at the state agricultural college," passed March thirty-first, eighteen hundred and ninety, there is hereby appropriated out of the state fund eighty thousand dollars (the sum of fifteen hundred dollars having been heretofore paid), and the comptroller of the treasury is directed forthwith to draw his warrant therefor in favor of the treasurer of said college, and the state treasurer to pay the same; on surrender of such warrant the comptroller shall take from said college a release of all claims and demands of said college against the state.

2. This act shall take effect immediately.

Approved April 7, 1903.

#### CHAPTER 120.

An Act relating to the mortgaging of the lands of minors, lunatics, insane and feeble-minded persons.

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

Chancellor  
may authorize  
raising loans  
upon real  
estate to meet  
deficiency.

1. Whenever it shall be made to appear to the chancellor, upon application in the form of petition of the guardian or guardians of any minor or minors, lunatic, insane or feeble-minded person or persons, or of the executor or executors under a will, or of the trustee or trustees under a will or deed holding lands in trust for any such person or persons, that the personal estate and the rents, issues and profits of the real estate, of any such minors, lunatics, insane or feeble-minded person or persons is not sufficient for his, her or their proper provision and support or maintenance and education, or for the proper provision and support or maintenance

and education of his, her or their wife and minor children, it shall be lawful for the chancellor to authorize, order and direct the guardian or guardians of such minor or minors, lunatic, insane or feeble-minded person or persons, or such executor or executors, or trustee or trustees, to raise a loan or loans upon bond secured by mortgage, or other security, executed by the guardian or guardians, executors or trustees, upon the whole, or any part or parts of any lands or tenements, or any vested interest, or estate in remainder, or any term to come, in any lands or tenements in this state, of any such person or persons, or any undivided interest therein.

2. Upon any such application or applications being made the chancellor shall in a summary manner proceed to inquire into the merits of the same and shall have full power and authority to make such rules and orders therein as he may deem necessary or expedient.

Inquiry by  
chancellor.

3. Upon any such bond and mortgage, or other security, being made and executed as aforesaid, the said guardian or guardians, executors or trustees, shall make report thereof in writing to the chancellor, and upon the same being approved, the said bond and mortgage, or other security, shall be valid and effectual in law, and upon delivery shall vest in the mortgagee, his, or its legal representatives, all the estate, title and interest of any such minor or minors, lunatic, insane or feeble-minded person or persons in and to such mortgaged property as fully and completely as if such bond and mortgage or other security had been made by any such person or persons of full age and of sound mind, subject, however, to the provisos in such mortgage contained.

Validity of  
mortgage so  
issued.

4. This act shall take effect immediately.

Approved April 7, 1903.

## CHAPTER 121.

An Act authorizing cities of the first class to purchase land and erect buildings thereon for fire department purposes, and to issue bonds to raise money to pay for the same.

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

May issue  
bonds for  
new fire  
department  
buildings.

Amount.

1. In cities of the first class in this state, when the municipal board or other authority having the control of the erection of buildings for fire department purposes, shall certify to the municipal board of such city having the management and control of the finances of such city, that the necessity exists for the purchase of grounds and the erection thereon of a new building or buildings for fire department purposes, that it shall be lawful for such municipal financial board or authority in such city, in their discretion, and they are hereby authorized and empowered to issue bonds to an amount not exceeding fifty thousand dollars, to raise money to pay for the purchase of such grounds and the erection and construction of said building or buildings; such bonds shall bear interest at the rate of not exceeding four per centum per annum, and shall be made payable at such time and times not exceeding thirty years as said board shall determine, and said board shall establish a sinking fund for the payment of said bonds.

2. This act shall take effect immediately.

Approved April 7, 1903.

## CHAPTER 122.

An Act to amend an act entitled "An act regulating billiard and pool-rooms in this state," approved April fourth, one thousand eight hundred and eighty-four.

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 is hereby amended so as to read as follows:

Section  
amended.

2. That any person or persons keeping such saloon or room knowingly allowing any such minor to play such games shall be liable to a penalty of twenty dollars for each and every offense, such penalty to be sued for by and in the name of the parent or guardian of such minor or by or in the name of any duly authorized or incorporated humane society within this state having for one of its objects the protection of children from cruelty, in any court of competent jurisdiction in this state, such penalty to go to the overseer of the poor for the use of the poor in said city, borough or township wherein the violation of this act occurs.

Penalty for  
allowing  
minors to  
play.

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

Repealer.

Approved April 7, 1903.

## CHAPTER 123.

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  
amended.

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

Confession of  
judgment and  
stay of  
execution.

186. If any defendant shall appear at the return of the summons or warrant, or by consent without process, or on the day the judgment shall be rendered, or before the issuing of execution, whether the suit has been defended or not, and procure a good and sufficient freeholder of and resident in the county to join with such defendant in a confession of judgment to the adverse party, with costs, then if the judgment shall not be more than fifteen dollars nor less than five dollars, no execution shall issue until after one month from the time of rendering such judgment; and when the judgment shall exceed fifteen and not exceed sixty dollars, no execution shall issue until after three months from the time of rendering said judgment; and when the judgment shall exceed sixty dollars, no execution shall issue until after six months from the time of rendering such judgment; *provided*, that such judgment so confessed may be docketed in the court of common pleas of the county, as in the case of other judgments obtained in the district court, and shall thereupon be a lien upon property of said freeholders; but no execution shall issue thereon out of the court of common pleas until the expiration of the time for the staying of execution provided for in this section.

Proviso.

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 7, 1903.

## CHAPTER 124.

A Supplement to an act entitled "An act to authorize the erection of suitable monuments to mark the position of New Jersey regiments and battalions upon the battlefield of Antietam," approved March twenty-seventh, one thousand nine hundred and two.

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 a supplement is hereby amended to read as follows:

Title  
amended.

An Act to authorize the erection of suitable monuments to mark the position of New Jersey regiments and battalions upon the battlefield of Antietam, and to provide transportation for the New Jersey veterans of the battle of Antietam from this state to said battlefield and return upon the occasion of the dedication ceremonies of said monuments.

2. The three citizens appointed by the governor under the provisions of the act to which this is a supplement, are hereby authorized to make all necessary arrangements for the transportation of, and to transport from this state to the battlefield at Antietam and return for the purpose of attending the dedication ceremonies of the monuments erected by virtue of the act to which this is a supplement, the New Jersey veterans of the battle of Antietam.

Arrangements  
for attending  
dedication.

3. For carrying out the provisions of the act to which this is a supplement, for necessary expenses connected therewith, and for the expenses of transporting the veterans from this state to said battlefield and back again, said three citizens are hereby authorized to expend the further sum of seventy-five hundred dollars in addition to a like amount already appropriated and expended in carrying out the provisions of the act to which this is a supplement; *provided*, that said amount

Appropriation.

Proviso

shall be first appropriated by the legislature in the annual or supplemental appropriation law.

4. This act shall take effect immediately.

Approved April 7, 1903.

## CHAPTER 125.

An Act to authorize cities in this state to construct hospital buildings and to purchase land therefor.

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

Secure necessary land and buildings by bond issue.

1. Whenever the municipal board, body or authority having charge and control of the finances in any city of this state shall determine that new or additional hospital accommodations are required in such city, it shall be lawful for the said board, body or authority to issue bonds, either registered or coupon, not exceeding an amount to be computed at the rate of three mills upon each dollar of valuation of real and personal property, as last assessed in said city prior to the issue of said bonds, and to sell the same to raise money to pay for the erection and construction and furnishing of new or additional hospital building or buildings and to purchase the lands necessary for the same.

Character of bonds.

2. The issue of bonds under the provisions of this act shall be exempt from taxation, and made payable at periods not exceeding thirty years from the date of issuing the same, and shall draw such rate of interest, not exceeding five per centum per annum, and be in such sum as the board, body or authority having charge and control of the finances of said city shall determine; these bonds shall be executed under the corporate seal of said city, and the signature of the mayor and comptroller or other financial officer shall be affixed thereto, and may be either registered or coupon bonds, as the said board may direct; *provided*, that in order to redeem the bonds ordered under the provisions of this act at maturity it shall be the duty of the said board, body or

Proviso.



authority having charge and control of the finances of such city to establish a sinking fund, which shall be created by a special tax of not less than two per centum upon the issue herein provided for, to be annually levied and collected as other taxes in said city are now or may hereafter be levied and collected.

Sinking fund.

3. The interest on the said bonds hereby authorized to be issued from time to time shall be raised and paid by a special tax or appropriation, to be annually levied and collected as other taxes in such city are now or may hereafter be levied and collected; and the whole of each year's interest shall be so levied, raised and collected and paid within each year.

Annual interest.

4. The said board, body or authority having charge or control of the finances of said city may dispose of the bonds hereby authorized at public or private sale, but in no case for less than par; all of the moneys received from the sale of the said bonds shall be applied and used for the purposes of this act and for no other purpose.

Proceeds of bonds.

5. The lands to be purchased and the buildings to be erected pursuant to this act shall be purchased, erected and furnished by the board, body or authority in which is vested by law the control of hospitals in such city, and the money arising from the sale of the bonds hereinbefore authorized shall be placed to the credit of such board, body or authority, to be expended for the purpose aforesaid, and all work and labor done and materials furnished in the erection and furnishing of the said building or buildings shall be done and furnished by contract, which contract shall be awarded upon at least two weeks' advertisement in two newspapers circulating within the county in which said hospital building shall be erected to the lowest responsible bidder or bidders for the same; the said contract shall be awarded by the said board, body or authority having charge of hospitals in such city, with the concurrence of the mayor of said city and of the board, body or authority in such city having charge and control of the finances of said city.

Charge of buildings.

Work done by contract.

6. This act shall take effect immediately.

Approved April 7, 1903.

## CHAPTER 126.

A Supplement to the 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, one thousand nine hundred and one.

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

Pure water  
for cattle.

1. No person shall knowingly distribute or sell, or offer to distribute or sell, or have in his possession with intent to distribute or sell, any milk which has been produced by cows that have not been daily supplied with pure and wholesome water; and no person shall wash or attempt to cleanse any can or utensil used for handling or transporting milk, in water which he shall have reason to believe is polluted, contaminated or impure.

Cleansing  
cans.

Penalty.

2. Every person who shall violate any of the provisions of the first section of this act shall be liable to a penalty of fifty dollars, which shall be recoverable in the same manner and in any court or before any magistrate that any penalty is recoverable under the provisions of the act to which this act is a supplement.

3. This act shall take effect immediately.

Approved April 7, 1903.

## CHAPTER 127.

An Act to amend an act entitled "An act concerning the military and naval forces" (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 one hundred and twenty-nine of the act to which this act is an amendment is hereby amended so as to read as follows:

Section  
amended.

129. The money appropriated for the subjects specified in section one hundred and twenty-six, one hundred and twenty-seven, one hundred and twenty-eight, shall be paid by the comptroller to the paymaster-general, and by him paid to the heads of the departments and the commanding officers of the several regiments and battalions of the naval reserve and other organizations entitled thereto, and that the several amounts annually appropriated for heating, lighting and maintaining the armories and for the pay of the shipkeeper's maintenance and expenses of the battalions of the naval reserve in this state, be also paid by the comptroller to the paymaster-general, and by him expended in the payment of bills certified by regimental or battalion commanders, as correct, just and necessary for the proper maintenance of said armories and the naval reserve.

Payments to  
paymaster-  
general.

Approved April 7, 1903.

## CHAPTER 128.

Supplement to an act entitled "An act to appropriate money for erecting a battle monument at Fort Lee," approved April third, one thousand nine hundred and two.

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

Appropriation.

1. The further sum of five thousand dollars is hereby appropriated for the erection of a battle monument to mark the site of the old Fort Lee of revolutionary times, at the village of Fort Lee, in the county of Bergen and state of New Jersey.

To whom  
paid.

2. Said sum shall be paid over to the Palisade Park Commission, in trust, and said commission is authorized to expend the same, together with such other funds as it may have or receive for the purpose, for the erection of the aforesaid monument.

3. This act shall take effect immediately.

Approved April 7, 1903.

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CHAPTER 129.

An Act making an appropriation for surveying a waterway to connect Barnegat bay with Manasquan inlet, for the reclamation of oyster and clam lands in upper waters of said bay.

Preamble.

WHEREAS, It is represented to the legislature that all the upper part of said bay formerly bearing oysters and clams is now barren through the closing of Cranberry inlet;

WHEREAS, Thousands of acres would resume producing oysters and clams if salt water were re-introduced therein;

WHEREAS, The said lands now contain shells in abundance, making them immediately available without the expense of shell planting;

WHEREAS, It is deemed feasible to connect said Manasquan inlet with Bay Head by a tide waterway; therefore,

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

1. The sum of one thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the state fund for the use and purpose of making a survey for a tide waterway between Bay Head and the Manasquan inlet, said sum to be used for the purpose of defraying the expenses of the engineer in making the survey and estimates of the cost of said work and the manner in which it shall be done; the said survey to be under the control and supervision of the board of managers of the geological survey, this appropriation to be available at the same time and the same manner as the usual appropriations are made and available for the fiscal year, and that upon the completion of the said survey and estimates the report of the engineer selected by the said board shall be forthwith made to the said board and the said board shall transmit said report with such recommendations as it may see fit, looking towards the construction of said waterway, in the annual report of said board to the governor of the state of New Jersey.

Appropriation  
for survey.

Report.

2. This act shall take effect immediately.

Approved April 7, 1903.

## CHAPTER 130.

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*:

Playing slot  
machines.

1. All playing for money or other valuable thing, with any slot machine or device in the nature of a slot machine, or with any other instrument, engine, apparatus or device, having one or more figure or figures, number or numbers thereon, shall be a misdemeanor.

2. This act shall take effect immediately.

Approved April 7, 1903.

## CHAPTER 131.

An Act authorizing the governor to appoint a commission to inquire into and report to the next legislature upon the subject of tenement-house regulation.

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

Tenement-  
house  
commission.

1. The governor is hereby authorized to appoint a commission, consisting of five persons, to inquire into and report to the next legislature upon the subject of tenement-house regulation; 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.

Clerical help.

2. The commission herein provided for is hereby authorized to employ such clerical assistance as may be necessary to carry out the purposes of this act.

3. All expenses of the commission, as herein provided for, shall be paid out of moneys to be especially appropriated therefor. Expenses.

4. This act shall take effect immediately.

Approved April 7, 1903.

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CHAPTER 132.

An Act to authorize boroughs bordering on the Atlantic ocean, to purchase the lands in any such borough bordering on the ocean and adjacent lands thereto in said borough for public purposes and to improve the same.

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

1. The council of any borough in this state, bordering or situated upon the Atlantic ocean, shall have power to purchase or by condemnation acquire the lands in any such borough bordering upon the ocean and adjacent thereto, situate in such borough, for public purposes and for places of resort for public health and recreation and to improve the same; and for such purposes and in order to obtain the money necessary therefor, the council of any such borough may issue bonds in the same manner as bonds are issued for other purposes, under the act entitled, "A general act relating to boroughs (Revision 1897)," approved April twenty-fourth, one thousand eight hundred and ninety-seven, and the several supplements thereto.

Boroughs may acquire ocean fronts for pleasure purposes.

2. This act shall take effect immediately.

Approved April 7, 1903.

## CHAPTER 133.

An Act relating to street and sewer improvements authorizing the issuance of bonds therefor and providing for the apportionment and payment of such bonds, in any city of the second class.

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

Apportion cost  
upon lands  
improved.

Notice of  
hearing  
objections to  
assessments.

Excess of  
cost met by  
bond issue.

1. It shall be lawful for the common council in any city of the second class in this state to provide, by ordinance, that where any street shall be improved by being guttered, curbed, macadamized, paved or flagged or sewerred, for the board of assessments of such city to ascertain, in manner provided by law, the entire cost of making the improvement, and for them to apportion such entire cost upon the lands and among the owners along the lines of the street or section improved, according to the number of lineal feet upon the lines of such street or section in the tracts or lots of the several owners respectively, having concern as to the actual benefit which such improvement will confer upon the several owners assessed and providing for notice to be given to the owners of the tracts or lots so assessed and of a time and place for hearing the objections to such assessment, at which time the whole sum apportioned to any owner may be paid into the hands of the collector of taxes; after said meeting it shall be lawful to provide in said ordinance for issuing bonds of the said city made and executed as shall be provided in said ordinance to an amount sufficient to pay the balance of the cost of such improvement; said bonds shall be payable in not exceeding ten years from their date, so that one-tenth of the cost of any such improvement shall be payable and paid in every and each year, shall bear interest at not exceeding five per centum per annum, payable semi-annually, and shall not be sold for less than par; after such meeting it shall be the duty of



such board of assessments to apportion the entire amount of the bonds so issued among the owners and upon the lands along the lines of the street or section improved, upon the same basis as the original apportionment of cost, excepting the lands of the owner or owners who shall have paid as aforesaid, said apportionment shall be delivered to the city clerk or other officer provided in such ordinance, and shall be by him recorded and shall be competent evidence of such apportionment; it shall be the duty of such officer, and shall be stated in said ordinance, in each year, in the month of May, to ascertain the amount of interest which will fall due on said bonds on or before the time fixed by law for the payment of taxes in the next succeeding year; and to certify the same together with one-tenth of the entire principal of the bonds issued to the assessors of the city, whose duty it shall be to assess the same upon the basis of the apportionment of bonds, and upon the property embraced in said apportionment, in the name of the then owner thereof; the said assessment shall have the same force and effect, and be collected at the same time and in the same manner as the other taxes collectible by law within said city for county and city purposes; but until the actual levy of such assessment, neither the liability to assessment, in this section created, or created under and by virtue of any other provision of this act, nor the apportionment nor record thereof, shall be held or construed to create a subsisting incumbrance upon the title to the lands embraced in said apportionment; and all moneys collected under an ordinance adopted as herein provided, or under the authority conferred by this section, are hereby pledged to the payment of the principal and interest of the said bond, and shall be used for no other purpose.

Apportionment  
of bonds  
among owners  
of property.

Meeting  
principal  
and interest.

When lien  
begins.

2. All acts and parts of acts, general and special, inconsistent herewith, are hereby repealed, and this act shall take effect immediately, but shall not be operative in any city of the second class until it is adopted by any such city by the passage of an ordinance embodying the terms hereof.

Repealer.

When act  
effective.

Approved April 7, 1903.

## CHAPTER 134.

An Act to authorize the sale of lands owned by any city and used for the purpose of a poor farm and to direct the disposition of the proceeds of any such sale.

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

Sale of poor  
farm and use  
of proceeds to  
erect new  
poor-house.

1. Whenever in the opinion of the common council or other governing body of any city in this state, lands owned by such city and used for the purpose of a poor farm shall have become too valuable to warrant the continuance of the use of said lands for such purposes, it shall be lawful for the said common council or other governing body, and they are hereby empowered, to sell at public auction, after due advertisement for at least four weeks in the official newspapers of any such city, such poor-farm lands and the buildings erected thereon, the property of such city, and the mayor and common council or other governing body in such city shall, in case of such sale, give a good and sufficient title therefor, or such title as the city may possess; and to use a part of the proceeds of such sale in the erection of a poor-house for such city upon other lands owned by such city either within or without the city limits.

Surplus.

Use of  
proceeds.

2. Any surplus arising from the proceeds of such sale, after the expenditures authorized in the preceding section, shall be paid into the sinking fund of said city for the payment of such bonds or other indebtedness of such city as the common council or other governing body thereof may direct; or the said proceeds may be by such common council or other governing body used for the purchase of lands and the erection thereon of a city hall building, containing suitable accommodations for the transaction of public business, or either, as said common council or other governing body may by resolution direct.

3. All acts or parts of acts, general and special, inconsistent herewith, are hereby repealed, and this act shall take effect immediately. Repealer.

Approved April 7, 1903.

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## CHAPTER 135.

An Act to amend an act entitled "An act concerning evidence" (Revision of 1900).

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

1. Section forty-eight of the act entitled "An act concerning evidence" (Revision of 1900), approved March twenty-third, one thousand nine hundred, be and the same is hereby amended so as to read as follows: Section amended.

48. In all cases where the testimony of a witness *de bene esse* is taken upon notice, pursuant to the forty-fifth section of this act, it shall be lawful for the same to be taken stenographically by or in the presence of the judge, commissioner or other officer named in the notice; *provided*, that before the taking of the same the stenographer (other than such judge, commissioner or other officer named in such notice) shall be sworn by the said judge, commissioner or other officer designated in such notice to carefully, faithfully and impartially take said evidence and to make a true and correct transcript thereof, which oath shall be in writing, and shall be attached to and be a part of the return of the judge, commissioner or other officer named in such notice. Testimony taken stenographically.

2. This act shall take effect immediately. Proviso.

Approved April 7, 1903.

## CHAPTER 136.

An Act concerning the capture of carp by means of nets or seines in the Hackensack river and its tributaries or branches within the counties of Bergen and Hudson.

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

Taking carp  
in Hackensack  
river.

1. Hereafter it shall be lawful for any person or persons who are resident citizens of the state of New Jersey to take carp in the Hackensack river and its tributaries or branches within the counties of Bergen and Hudson by means of nets or seines with meshes not less than four inches in size.

Repealer.

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.

Approved April 7, 1903.

## CHAPTER 137.

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  
amended.

1. Section four of said act be amended so as to read as follows:

Appointment  
and term of  
judge.

4. The judge of each of such courts shall be appointed by the governor, with the advice and consent of the senate, and shall continue in office for five years from

the date of such appointment and until his successor shall have been duly appointed and qualified.

2. This act shall take effect immediately.

Approved April 7, 1903.

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#### CHAPTER 138.

An Act to authorize the board of aldermen, common council or other governing body of any city, town or borough in this state to provide for the payment of the rental for the use of fire hydrants by placing the amount of such rental in the general tax levy.

1. It shall be lawful for the board of aldermen, common council or other governing body having control of the finances of any city, town or borough in this state to include in the general tax levy in each year the amount of the annual rental to be paid for the use of hydrants located within the limits of such municipality for fire purposes. Rental for fire hydrants.

2. This act shall not interfere with the jurisdiction of the board of fire commissioners or other body now having jurisdiction over such fire hydrants, but such jurisdiction shall remain in full force and effect. Jurisdiction.

3. This act shall take effect immediately.

Approved April 7, 1903.

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#### CHAPTER 139.

An Act to authorize cities in this state to provide for a census of the inhabitants thereof.

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 in this Census of cities.

state to provide, by ordinance, for a census of the inhabitants of such city and provide the manner in which said census shall be taken, appoint enumerators and fix their compensation, whenever satisfactory proof is presented to them that either the last preceding national or state census has been incorrectly taken or reported.

2. This act shall take effect immediately.

Approved April 7, 1903.

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#### CHAPTER 140.

An Act to provide for the payment to the mayor and aldermen of Jersey City of taxes unlawfully collected by this state from the Erie railroad company.

Preamble. WHEREAS, Certain property in Jersey City was assessed by the local authorities for taxes in each year from eighteen hundred and eighty-four to eighteen hundred and ninety-seven inclusive, and the same property was assessed for taxes by the state board of assessors for the same years, as property used for railroad purposes, and in each of said years the state collected from the Erie railroad company the taxes so assessed by the state board of assessors; and

WHEREAS, In the year eighteen hundred and ninety-eight application was made according to law, to the courts, to determine by which assessors the same was lawfully assessed; and

WHEREAS, The court of errors and appeals of this state, on the thirteenth day of January, nineteen hundred and two, adjudged that the taxes on said property assessed by the state board of assessors for the years eighteen hundred and eighty-four to eighteen hundred and ninety-six, both inclusive, be canceled, and that the state of New Jersey return to the said Erie railroad company said taxes so collected by it and not paid to Jersey City pursuant to the statute, and

ordered the record to be remitted to the supreme court to be proceeded with there in accordance with said judgment; and

WHEREAS, On the fifteenth day of January, nineteen hundred and three, the said supreme court adjudged that the state of New Jersey was indebted to the Erie railroad company for taxes so collected by the state and not paid over to Jersey City from the years eighteen hundred and eighty-four to eighteen hundred and ninety-six, inclusive, and that the state of New Jersey should pay to the Erie railroad company such just indebtedness; and

WHEREAS, The mayor and aldermen of Jersey City desire that the said sums be applied on the taxes and the interest thereon due from said company to the said city, and the Erie railroad company is willing that said sums should be so applied;

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

1. On the filing of a certified copy of said judgment of the supreme court in the comptroller's office, together with the written consent of the Erie railroad company and the mayor and aldermen of Jersey City to the provisions of this act, the comptroller shall draw a warrant on the treasurer of this state to the mayor and aldermen of Jersey City for the amount which said court by said judgment adjudged that the state of New Jersey was indebted to the Erie railroad company for taxes unlawfully collected by this state from said company for the year eighteen hundred and eighty-four and for each year to and including the year eighteen hundred and ninety-six, and the treasurer of this state shall, on the receipt of said warrant, pay the amount therein mentioned to the mayor and aldermen of Jersey City.

Payment to  
Jersey City  
upon filing  
judgment and  
consent of  
Erie railroad.

2. The sum of fifty-eight thousand nine hundred and sixty-seven dollars and ninety-two cents be explicitly appropriated for that purpose, and that this act shall take effect immediately.

Appropriation.

Approved April 7, 1903.

## CHAPTER 141.

An Act to provide for the examination in certain cases of applicants for admission as attorney to the supreme court of this state.

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

Require-  
ments for  
admission to  
practice law.

1. Any citizen of the state of New Jersey, above the age of twenty-one years, a registered law student in the supreme court, who, previous to the passage of this act, shall have served a regular clerkship in the office of a practicing attorney-at-law of the supreme court, for a period of at least three years, and who entered upon such clerkship with the bona fide intention of becoming an attorney-at-law of this state, shall not be required to undergo or submit to any examination, other than that required of applicants for admission as attorney, at the time of the beginning of said clerkship; any subsequent enactments or rules heretofore made, to the contrary notwithstanding; *provided, however,* that such applicant shall become admitted as such practicing attorney within one year from the passage of this act.

Proviso.

Repealer.

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

Approved April 7, 1903.



## CHAPTER 142.

An Act to further amend an act entitled "An act for the taxation of all the property and franchises of persons, copartnerships, associations or corporations using or occupying public streets, highways, roads or other public places, except municipal and corporations taxable under the act entitled 'An act for the taxation of railroad and canal property,' approved April tenth, one thousand eight hundred and eighty-four, or any of the supplements or amendments thereto," 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 six of the act to which this is a supplement is hereby amended so as to read as follows:

Section  
amended.

6. The state board of assessors shall annually ascertain and apportion the franchise tax to the various taxing districts in proportion to the value of the property located in, upon or under any public street, road, highway, lane or other public place therein, as shown by the statements so filed with said board; but said state board of assessors shall have the power to inquire into, equalize and revise the valuations returned to them in said statements by the local assessors of the various taxing districts, and to fix the valuations for that purpose for any taxing district which shall fail to file its return within the time required by law, so as to secure an equitable and fair valuation and apportionment of said franchise tax upon a uniform basis of valuation between the various taxing districts entitled thereto; the amount of the franchise tax shall be certified in writing to the respective assessors of taxes or officers having like powers and duties to perform on or before the third Tuesday of October in each year; *provided*, that no

Ascertain-  
ment and ap-  
portionment  
of franchise  
tax.

Proviso.

change in the apportionment of the franchise tax shall be made after the apportionment by the said state board of assessors as aforesaid, except by and with the consent in writing of the assessors of the taxing district whose proportion of the franchise tax would be reduced by such change, and all such changes heretofore made by said board with such consent are hereby validated; the assessors or officers shall, within five days after being so notified of such franchise tax, deliver, or cause to be delivered, to each person, co-partnership, association or corporation taxable under the provisions of this act, and to the collector of taxes of such taxing district, a statement in writing showing the amount of such franchise tax so ascertained, which shall become due at the time and place when and where other taxes are due and payable in such taxing district, and the tax shall be and remain a first lien on the property and assets of such person, co-partnership, association or corporation, until paid with interest and penalty thereon, and shall be collected in the same manner that other taxes are collected, and the same proceedings now available for the collection of other taxes shall remain applicable to the collection of the franchise tax.

Notification.

Tax a lien.

2. This act shall take effect immediately.

Approved April 7, 1903.

#### CHAPTER 143.

An Act concerning the office of collector, and term thereof, in cities of the second class having a population not exceeding twenty-five thousand.

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

Election of  
collector by  
council.

1. In any city of the second class having a population not exceeding twenty-five thousand it shall and may be lawful for the common council or other governing body of such city, by the affirmative vote of not

less than three-fourths of all its members, to pass, enforce, alter and repeal an ordinance or ordinances to take effect within such city to provide for the election of a collector by the common council or other governing body of such city, for the term of three years from the first day of January next succeeding the final adoption of such ordinance, and for like election triennially thereafter; and such officer, on being elected under this act, shall perform and discharge the same duties pertaining to said office as are now or may be hereafter required by law concerning the office of collector in such city.

Approved April 7, 1903.

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#### CHAPTER 144.

An Act to validate certain sales of lands by order of the court of chancery.

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

1. Wherever the court of chancery has heretofore ordered a sale of lands by a trustee thereof appointed by a court not of this state, and such trustee, under such order, has actually made such sale and received the consideration thereof and the same has been confirmed, such sale and confirmation shall be valid and effectual to vest in the grantees thereunder as good a title as if such trustee had been regularly appointed by said court of chancery.

Sales made  
by trustee  
appointed out-  
side state  
valid.

Approved April 7, 1903.

## CHAPTER 145.

An Act to amend an act entitled "An act for the incorporation of cities, and providing for their officers, government and powers," approved March twenty-fourth, one thousand eight hundred and ninety-nine, and to validate and confirm certain advertisements of notices of election published in connection therewith.

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

Section  
amended.

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

Publication of  
notices of  
special  
election.

3. If a special election be called, notice of the same shall be given by advertisement published in two newspapers, one of which shall be printed and published in such city, town, borough or township, and if there be no newspaper published therein then in at least two newspapers published in the county and circulating in such city, town, borough or township, at least once before the time appointed for such special election, and by printed notices posted in at least one hundred conspicuous places therein at least ten days next preceding the time appointed for such special election, which advertisement and notices shall specify the time, place or places and the object and purpose of holding such election; and in case said resolution or ordinance provides for submitting the question of incorporating as a city under this act at a city, township, borough or town charter meeting or election, notice thereof shall be given by advertisement published in two newspapers, one of which shall be printed and published in such city, town, borough or township, and if there be none, in two newspapers published in the county and circulating in such city, town, borough or township for two weeks successively next preceding the day appointed by law for holding such election, at least once in each week, and by printed

Notices of  
proposed in-  
corporation  
as city.

notices posted in at least one hundred conspicuous places therein at least fifteen days prior to the day appointed by law for holding such election, which advertisement and notices shall set forth that the question of incorporating as a city under the provisions of this act will be submitted at the next ensuing city, township, borough or town or charter meeting or election.

2. Any notices heretofore published in any newspaper or newspapers which are in compliance with the provisions of section three of said act as hereby amended shall be deemed and treated as valid and effectual, and any and all such advertisements are hereby validated and confirmed.

Validating  
notices here-  
tofore pub-  
lished.

Approved April 7, 1903.

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#### CHAPTER 146.

A Supplement to an act entitled "An act concerning the investment of moneys and the retention of investments in certain cases," approved March twenty-third, eighteen hundred and ninety-nine.

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

1. Any executor, administrator, guardian or trustee whose duty it may be to loan money intrusted to him, in addition to the securities in which he may invest the same under the provisions of the act to which this is a supplement, may invest the same in any loans or securities in which savings banks of this state may now invest their funds by the provisions of any general law of this state.

Investments  
that executors,  
etc., may  
make.

2. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 147.

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 March twenty-second, nineteen hundred and one.

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

Section  
amended.

1. The twelfth section of the act of which this is amendatory is hereby amended so that the same shall read as follows:

Dogs running  
at large.

12. It shall be unlawful for any owner, lessee or custodian of any dog to permit such dog to run at large in woods or fields inhabited by rabbits or game birds, except when said dog is in the custody or charge of its owner, lessee or custodian, except from the first day of November to the last day of February, under a penalty of twenty dollars for each offence.

Approved April 8, 1903.

## CHAPTER 148.

An Act providing for the appointment of clerks of police boards in cities of this state.

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

Clerk to  
police boards.

1. It shall be lawful for the board of police commissioners or other board having control of the police department in any city in this state in their discretion by the unanimous vote of all the members of said board,

to appoint a clerk to said department and to fix his salary, which shall be raised and paid in the same manner as to other employees of said department, and to prescribe his powers and duties; and such clerk when appointed shall become a part of the police force of said city and entitled to all the rights and privileges thereof.

2. This act shall take effect immediately.

Approved April 8, 1903.

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## CHAPTER 149.

An Act relative to corporations.

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

1. Every certificate of incorporation including the corporate name or title, every amended or supplemental certificate, and every report, statement or other paper relative to or affecting corporations, domestic or foreign, now or hereafter required by any law of this state to be made to any officer, or recorded or filed in any office of this state, shall be in the English language; no certificate, statement, report or paper relative to or affecting corporations, shall hereafter be received, recorded or filed by any officer or in any office of this state, unless the same shall comply with the foregoing provisions.

Certificates,  
reports, etc.,  
to be in Eng-  
lish language.

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

Repealer.

Approved April 8, 1903.

## CHAPTER 150.

A Further Supplement to 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:*

Validating  
certain writ-  
ings made by  
commissioner  
of deeds  
whose term  
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 8, 1903.

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CHAPTER 151.

An Act to amend an act entitled "An act for the taxation of all the property and franchises of persons, co-partnerships, associations or corporations, using or occupying public streets, highways, roads or other public places, except municipal and corporations taxable under the act entitled 'An act for the taxation of



railroad and canal property, approved April tenth, one thousand eight hundred and eighty-four, or any of the supplements or amendments thereto," which act was approved March twenty-third, one thousand nine hundred.

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

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

4. All such persons, copartnerships, associations or corporations, subject to taxation under the provisions of this act, shall, on or before the first Tuesday in May in each year, return to the state board of assessors a statement showing the gross receipts of their business in the state of New Jersey, for the year ending December thirty-first next preceding; any person, copartnership, association or corporation having part of his, her or its transportation line in this state and part thereof in another state or states, or having part of his, her or its line on private property and part thereof on public streets, highways, roads, lanes or other public places, shall make a report showing the gross receipts for transportation on the whole line, together with a statement of the length of the whole line and the length of the line in this state along any street, highway, road, lane or other public place, and the franchise tax of such person, copartnership, association or corporation for business so done in this state, shall be upon such proportion of the gross receipts as the length of the line in this state along any street, highway, road, lane or other public place bears to the length of the whole line; all of such statements or reports shall be subscribed and sworn to by the person, copartners or the president or other chief officer of each association or corporation; any person, copartnership, association or corporation willfully neglecting or refusing to make such annual statement or report shall forfeit as a penalty for such neglect or refusal not more than five thousand dollars, to be assessed by a jury for each offense, to be recovered in any proper form of action in the supreme court of this

Section amended.

Statement of gross receipts and length of line.

Basis of franchise tax.

Sworn reports.

Penalty for not reporting.

Prosecution.

state in the name of the state, and when collected shall be paid into the state treasury; it shall be the duty of the state board of assessors to certify any such default to the attorney-general of the state, who thereupon shall prosecute an action at law for such penalty; any person who shall falsely make any oath required to be made under this act shall be deemed guilty of perjury, and, on conviction thereof, liable to all the penalties prescribed by law therefor.

2. This act shall take effect immediately.

Approved April 8, 1903.

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## CHAPTER 152.

An Act empowering guardians of minors, lunatics, insane and feeble minded persons to erect buildings on the lands of such persons in place of buildings destroyed or partly destroyed thereon by fire.

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

Rebuilding  
property of  
minors,  
insane, etc.,  
destroyed  
by fire.

1. The chancellor shall have power to direct the guardian of a minor or minors, lunatics, insane or feeble minded person or persons, to cause the land or lands of such minor or minors, lunatic, insane or feeble minded person or persons, to be improved by the erection of a building or buildings thereon in place of any building or buildings destroyed or partly destroyed thereon by fire, either according to the plans of the destroyed building or buildings, or according to other plans.

Improvement  
by contract—  
payment.

2. The chancellor may direct such guardian to enter into a contract or contracts for the making of such improvement, and shall in his discretion direct such guardian to pay for such improvement out of moneys in his possession, out of the proceeds of sale of securities in his possession, or by raising money for that purpose by bond and mortgage on the property to be improved and the improvements to be placed thereon; or part of the

cost of such improvement may be paid for in one of the foregoing ways and part in another; *provided, however,* that moneys in the possession of such guardian representing the proceeds of insurance on a building or buildings destroyed or damaged by fire on said lands shall first be applied to the cost of the contemplated improvement.

Proviso.

3. The application by any guardian for direction to proceed to improve land under the authority of this act shall be by petition to the chancellor, and the erection of any such building shall, as to the desirability thereof, the suitability thereof, and the cost thereof, be subject to the discretion of the chancellor.

Application  
by petition.

4. When the estate in land of any minor or minors, lunatic, insane, or feeble minded person or persons, consists of a reversion or remainder in fee therein, or of an estate for life or lives or other less estate therein, and the owner or guardian of the owner of the reversion or remainder in fee therein joins with the owner or guardian of the owner of the estate for life or lives or other less estate therein in a petition to the chancellor for direction to improve such land as provided in this act, the chancellor may direct the owner or guardian of the owner of the reversion or remainder in fee therein to join with the owner or guardian of the owner of the estate for life or lives or other less estate therein in the erection of a building or buildings on said land; and in such case the chancellor shall have the same discretion as to the desirability, suitability and cost of such improvement as in other cases under this act; and for the purpose of compensating for the deterioration of such improvements through use and wear, the chancellor may order that such part of the income of the improved property as he may deem proper shall be devoted to the reduction of the encumbrances thereon, or shall be paid by the owner or guardian of the owner of the estate for life or lives or other less estate therein to the owner or guardian of the owner of the reversion or remainder in fee therein.

Joint  
petition to  
Chancellor.

Chancellor's  
discretion.

5. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 153.

An Act to amend an act entitled "An act to amend an act entitled 'An act for the preservation of clams and oysters,' approved April fourteenth, one thousand eight hundred and forty-six," which amendatory act was 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:*

Section  
amended.

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

Warrant for  
apprehension  
of violators.

2. Upon complaint under oath, made to him, any justice of the peace of the county wherein the offense was committed may and shall issue his warrant for the arrest and apprehension of any person violating the provisions of the first section of this act; and it shall be the duty of the several oyster commissioners or any constable to, and any other person may, make complaint and bring action before any justice of the peace of the county against any person or persons so violating the provisions of this act; which warrants shall be served by either such oyster commissioner or constable.

2. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 154.

A Supplement to 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:*

1. It shall be lawful for any company incorporated under the act to which this is a supplement, to make and enter into a contract with any other company organized under any law of the state for a supply of water upon such terms and for such times as may be mutually agreed upon; and said companies so contracting may lay such supply mains and pipes as may be thought necessary to furnish said supply, through any property, upon obtaining the consent in writing of the owner thereof; or under the surface of any streets, roads, highways or public places; *provided*, that said companies first obtain the consent by ordinance of the municipality or municipalities through which said mains and pipes are to be laid; *provided, however*, the municipal board or body having control of such streets, roads, highways or public places shall designate the place therein where and the manner how such pipes or mains shall be laid.

Water companies may make mutual contracts, lay pipes, etc.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 155.

An Act to authorize boards of chosen freeholders of counties of this state to acquire lands and erect and maintain hospitals for contagious diseases, and to provide for their control and management.

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

County hos-  
pitals for  
contagious  
diseases.

1. It shall be lawful for the board of chosen freeholders of any county of this state, whenever in its judgment the public need requires it, to acquire land, by purchase, condemnation, gift or otherwise, anywhere in said county, and to erect thereon a suitable building or buildings to be used for a hospital for contagious or infectious diseases, and to furnish and maintain the same; *provided, however*, that no such building shall be erected or located within less than two hundred and fifty feet of any public highway, or of any dwelling-house or other inhabited building.

Proviso.

Bond issue  
to secure  
funds.

2. For the purpose of obtaining means for acquiring the necessary land and the erection thereon of such hospital building or buildings, and the furnishing thereof, it shall be lawful for the board of chosen freeholders of any such county to issue and sell the bonds of said county to an amount not exceeding one-tenth of one per centum of the ratables of said county; said bonds shall bear interest at a rate not exceeding four per centum per annum, and the principal thereof shall be payable at a time not exceeding forty years from their date, and such board of chosen freeholders 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 county tax levy a sum sufficient to pay the interest thereon.

Sinking fund.

Managers—  
appointment,  
term, etc.

3. When such hospital has been built, and is ready for occupancy, the director of the board of chosen freeholders of the county in which it is located shall, with

the consent and approval of said board, appoint a board of managers of said hospital, which board shall consist of six members, residents of the said county, three of whom shall be selected from the members of the several boards of health in said county, and three shall be physicians; not more than three members of any such board shall belong to the same political party; two of the persons first appointed as herein provided shall be appointed to serve for three years, two shall be appointed to serve for two years, and two shall be appointed to serve for one year, from the date of their appointments; and thereafter the members of said board of managers appointed each year in the manner herein provided shall serve for the term of three years; the members of said board of managers shall serve without compensation; any vacancy in said board arising from any cause, except expiration of term of office, shall be filled in the manner herein provided for original appointments, for the unexpired term only; said board of managers shall have the control and government of such hospital, and the care and custody of such hospital building or buildings; it may appoint and remove at pleasure a superintendent or warden thereof, and such other officers or employes as it may deem necessary, and fix their compensation; it may adopt and establish suitable by-laws with respect to the terms of admission, support and discharge of patients, and such rules and regulations as it shall deem necessary for the proper conduct and government of said hospital.

Superintendent and employes.

Rules.

4. The board of managers of any such hospital shall also have power, and it shall be its duty, through its employes, to send for and convey to it any person or persons anywhere in said county afflicted with any contagious or infectious disease, or showing pronounced symptoms thereof, whenever the disease is of such character, or the residential conditions surrounding the person afflicted therewith are such, that the removal of such person to the hospital is necessary to prevent contagion or infection, under such suitable regulations as it may prescribe, with the view to prevent the spread of disease.

Removal of persons to hospital.

Use of  
hospital.

5. Any hospital erected and maintained under this act shall be used and devoted exclusively for and to the care and treatment of all persons in the county in which it is located who are afflicted with contagious or infectious disease, whether such persons be indigent or able to pay for the medical care, attendance and treatment which they may receive therein; *provided, however*, the said board of managers may make reasonable charges for the care and treatment of all persons received into such hospital who may be able to pay for the same, and any moneys received therefor shall be expended under the direction of said board towards the support of said hospital.

Proviso.

Expenses.

6. All expenses and charges incurred in conducting and maintaining any such hospital, and in keeping the said building or buildings in repair, shall be paid by the county collector, from funds raised or to be raised, as far as necessary by taxation, as other county expenses are raised and paid.

Repealer.

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

Approved April 8, 1903.

## CHAPTER 156.

An Act validating and confirming conveyances and mortgages heretofore made by churches or religious societies.

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

Validating  
certain con-  
veyances made  
by religious  
societies.

1. All conveyances of, or mortgages on, any real estate owned by any incorporated church or religious society, made and executed by such incorporated church or religious society, without having first been duly authorized at a regular or special business meeting of the members of such church or religious society, shall be as



valid and effectual in law as if the same had been first duly authorized at a regular or special business meeting of the members of such church or religious society; *provided*, that nothing herein contained shall be held or construed to affect any such conveyance or mortgage concerning which there is any pending litigation. Proviso.

2. This act shall take effect immediately.

Approved April 8, 1903.

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#### CHAPTER 157.

An Act to enable cities to sell, exchange and convey public lands which are not used, needed or desirable for public purposes.

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 of the finances of any city in this state which has acquired for public use, lands and real estate not used or needed for public purposes, or the further use of which, in the judgment of said board, is no longer desirable, by resolution, to sell and convey such lands and real estate, or any part thereof, or to exchange the same for other lands adapted to the public use for which they are designed; the moneys received from the sale or exchange of such lands and real estate shall be paid into the treasury of the city selling or exchanging the same, for the general uses and purposes of such city. Sale or  
exchange  
of lands.  
  
Proceeds.

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

Approved April 8, 1903.

## CHAPTER 158.

An Act relating to the repair of the state house and the completion and furnishing of the senate chamber extension thereof.

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

Repairs to  
state house.

1. The governor, comptroller and treasurer, constituting the state house commission, are hereby authorized to cause all necessary repairs to be made to the state house to insure its safety and well being, the expense of said repairs to be paid out of the funds that may be hereafter appropriated therefor.

Additional ap-  
propriation  
for senate  
chamber.

2. The additional sum of sixty thousand dollars is hereby appropriated for the purpose of completing, equipping and properly furnishing the new senate chamber extension to the state house.

Book racks  
in library.

3. The governor, comptroller and treasurer, constituting the state house commission as aforesaid, are hereby authorized to procure such necessary shelves or shelving as may be required to facilitate the convenient operation of the state library; *provided*, that not more than fifteen thousand dollars shall be expended for this purpose.

Proviso.

4. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 159.

An Act to amend an act entitled "An act to prevent routs, riots and tumultuous assemblies," approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

1. Section seven of an act entitled "An act to prevent routs, riots and tumultuous assemblies," be and the same is hereby amended to read as follows:

Section  
amended.

7. No person or corporation shall be entitled to recover in any such action if it shall appear upon the trial thereof that such destruction or injury of property was occasioned, or in any manner aided, sanctioned or permitted by the carelessness or negligence of such person or corporation; nor shall any person or corporation be entitled to recover any damages for any destruction or injury of property as aforesaid, unless such party shall have used all reasonable diligence to prevent such damage, and shall have notified the mayor of such city, or the sheriff of such county, immediately after being apprised of any threat or attempt to destroy or injure his or their property by any mob or riot of the facts brought to his knowledge; and upon the receipt of such notice it shall be the duty of such officer to take all legal means to protect the property attacked or threatened, and the expenses incurred by said officer in the performance of his duty as aforesaid shall be paid by the county collector of the county in which said property is situate, upon the approval of the judge of the court of common pleas of said county.

Recovery of  
damages.

Notification  
of officials;  
their duty.

Expenses.

Approved April 8, 1903.

## CHAPTER 160.

An Act respecting arrears of taxes and assessments in villages, townships and boroughs, and sales for such arrears.

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

Abatement  
of arrears  
of taxes.

1. It shall be lawful for the council or township committee or other governing body of any village, borough or township in this state to make such abatement, revision, alteration, adjustment and settlement of arrears of taxes and assessments, including all sales for arrears of taxes or assessments where the village, borough or township, or any officer for the use thereof has become the purchaser, both of principal and any and all interest, penalty and costs thereon as such council or township committee or other governing body shall deem just and equitable; and to make, execute and deliver, or cause to be made, executed and delivered such deed, release or other instrument as may be necessary to give effect to such abatement, revision, alteration, adjustment or settlement; *provided, however,* that the provisions of this act shall not in any wise impair or affect the interest or any lien of any purchaser, other than such, borough or township, acquired under any sale made for arrears of taxes or assessments.

Proviso.

Collector  
to receive  
amount and  
give receipt.

2. It shall be the duty of the collectors of taxes, or other officer or officers charged with the collection of arrears of taxes or assessments, upon receiving a certified statement of the amount which the council or township committee or other governing body shall have agreed to accept in full satisfaction of such taxes or assessments, or either of them, or of such tax or assessment sales, to receive, and accept the amount therein mentioned in full satisfaction of such taxes and assessments and sales, and to give a receipt for the amount paid in satisfaction thereof to the person paying the same, which receipt, accompanied by such statement, shall

be sufficient evidence of the payment of such taxes and assessments, and upon presentation of the same to the clerk of the county he shall satisfy the tax or assessment record in his office (if any there be) relating to unpaid taxes and assessments, or either or both of them, so far as relates to the payment of the said tax or assessment; default in the payment of the full amount which the council or township committee or other governing body shall have agreed to accept in full satisfaction as aforesaid for the period of six months, shall render inoperative and void all the proceedings had for the abatement, revision, alteration, adjustment and settlement of such arrears of taxes and assessments, and the lien of such tax or assessment shall remain and be enforced in the same manner as if this act had not been passed.

Satisfaction  
of record.

If default in  
payment.

3. This act shall take effect immediately.

Approved April 8, 1903.

#### CHAPTER 161.

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

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 Harrington, 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 Closter," and shall be governed by the general laws of this state relating to boroughs.

Corporate  
name.

2. The boundaries of the said borough shall be as follows: Beginning at a point where the channel of the Dwars kill meets the channel of the Hackensack river, and running thence up Dwars kill, following the various courses thereof, across the West Shore railroad and the Schraalenburgh road, the road to Harrington park, and the road to Norwood, the Northern Railroad

Boundaries.

of New Jersey, the road to Colonel Blanch's station twice, and the county road from Closter to Piermont through the Taylor and Naugle mill-ponds to a point in said Dwars kill, where it is crossed by the westerly side line of Anderson avenue, said point being distant about four hundred feet northerly from Ruckman road; thence southerly along said westerly side line of Anderson avenue, following the several courses of the same across Ruckman road and the Closter Dock road to a point in the southerly line of property owned by Henry Terbell; thence westerly along the southerly line of property of Henry Terbell, estate of F. S. Miles, John Bogert and Pelhamdale land company and others to a point in the center line of the right of way of the Northern Railroad of New Jersey; thence southerly along the center line of said right of way to the southerly line of the property of Francis Ed. Meyers; thence westerly along said southerly line to its intersection with the Tenakill; thence northerly down said kill to its intersection with the north line of the farm formerly owned by John P. Westervelt, deceased, and now owned by Joseph F. Mount; thence westerly along the northerly line of said farm and the prolongation of said line to the center line of the right of way of the West Shore railroad; thence northerly along said center line to its intersection with the south line of the property formerly owned by Christian Van Horne, now Garret Van Horne; thence westerly along said southerly line to the channel of the Hackensack river aforesaid; thence northerly up said channel, following the several courses thereof, to the place of beginning.

Enacting  
clause.

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

Approved April 8, 1903.

## CHAPTER 162.

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

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

1. The inhabitants of that portion of the townships of Harrington and Palisades 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 Demarest," and 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 point in the northerly boundary line of the borough of Dumont distant one hundred (100) feet from the westerly side of Knickerbocker road and running thence northerly along the rear line of lots fronting on said Knickerbocker road as shown on the map of the Boston land company, to a point in the northerly boundary line of the property of said land company and being about one thousand two hundred and fifty-seven (1257) feet from the northerly line of the Demarest road district; thence northerly and in a straight line and parallel with Knickerbocker road to said northerly line of said Demarest road district; thence easterly along the northerly line of said Demarest road district and the northerly line of land of Joseph F. Mount about two thousand four hundred and twenty-six (2426) feet to its intersection with the Tenakill; thence southeasterly up said kill to its intersection with the southerly line of the lands of Frances Ed. Meyers; thence southeasterly along said southerly line to the center line of the right of way of the Northern Railroad of New Jersey; thence northerly along said center line of said right of way to its intersection with the prolongation of the southerly line of land of the Pelhamdale land company; thence southeasterly along the southerly

Boundaries.

line of the property of the Pelhamdale land company, John Bogert, estate of F. S. Miles, Henry Terbell, Taveniere and Johnson, Hoffstetter, Hopkins and others to the dividing line between the land of Davies and Hopkins; thence southwesterly along said dividing line to the land of Charles Wetjens; thence southeasterly along the dividing line between the land of Wetjens and Hopkins to the land now or formerly of the Palisades land company; thence southwesterly along the easterly line of land of Wetjens to the southerly line of said land; thence southwesterly in a straight line to a point formed by the intersection of the southerly line of Harrington township and the westerly side of Hillside avenue; thence southwesterly along the westerly side of said Hillside avenue about one thousand seven hundred and sixty-five (1765) feet to the point of intersection of said westerly side of Hillside avenue and the northerly boundary of the borough of Cresskill; thence along said boundary line the several courses thereof, as follows: (1) northwesterly two thousand four hundred and thirty-seven (2437) feet to the center line of the county road; (2) northwesterly two thousand one hundred and twenty-six (2126) feet to the easterly side of Railroad avenue; (3) northeasterly two thousand one hundred and ninety-five (2195) feet and along the easterly side of Railroad avenue to the southerly side of Harrington township; (4) northwesterly four hundred and seventy (470) feet to the center of the Tenakill; (5) southwesterly along said kill eight hundred and forty (840) feet to said township line; (6) southwesterly along said township line two thousand seven hundred and fifty-six (2756) feet to the northwesterly corner of the borough of Cresskill, being at a point in the easterly boundary of the borough of Dumont; thence along said easterly boundary northwesterly four hundred and forty-nine (449) feet to the northeasterly corner of said borough; thence along the northerly boundary of said borough one hundred (100) feet to the place of beginning.

3. This act shall take effect immediately.

Approved April 8, 1903.



## CHAPTER 163.

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

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

1. That the inhabitants of that portion of the township of Harrington, 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 Alpine," and shall be governed by the general laws of this state relating to boroughs.

Corporate  
name.

2. The boundaries of the said borough shall be as follows: Beginning at a point on the Hudson river at the New York state line, and running thence northwesterly along said state line about three hundred and seventy-five (375) rods to the westerly boundary line of the Alpine road district, being road district number one (1) of Harrington township; thence following said boundary line southwesterly to a point about one hundred and fifty (150) rods northeasterly from the center of Ruckman road and opposite the northerly end and right angle of Anderson avenue; thence westerly in a straight line to the west side of said Anderson avenue; thence southerly along the west side of said Anderson avenue to the southerly line of Henry Terbell, being about six hundred (600) feet south of the Closter dock road; thence southeasterly along the southerly line of Taveniere and Johnson, Hoffstetter and Hopkins to the easterly corner of the land of Davies; thence southwesterly along the easterly line of Davies' land to the land of Charles Wetjen; thence southeasterly along the dividing line between Wetjen and Hopkins to the land now or formerly of the Palisades land company; thence southwesterly along the dividing line between land of said Palisades land company and Wetjens to the land now or

Boundaries.

formerly of the estate of Peter Haring; thence southwesterly in a straight line to a point formed by the intersection of the southerly line of Harrington township and the westerly side of Hillside avenue; thence southeasterly along said township line to the Hudson river; thence northeasterly along the Hudson river to the place beginning.

3. This act shall take effect immediately.

Approved April 8, 1903.

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#### CHAPTER 164.

An Act to amend an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases," approved June fourteenth, eighteen hundred and ninety-eight (Revision of eighteen hundred and ninety-eight).

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

Section  
amended.

1. Section eighty-two of an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases," approved June fourteenth, eighteen hundred and ninety-eight (Revision of eighteen hundred and ninety-eight), be and the same is hereby amended so as to read as follows:

Selection  
of panel.

82. In all cases where any defendant in any indictment is entitled to twenty peremptory challenges, and to have a list of the jury delivered to him previous to his trial, it shall be the duty of the sheriff or other proper officer to draw such list of forty-eight jurors or such larger number as the court in which such indictment shall be pending shall by special order direct so to be served, from the box in the presence of the judge of the court of quarter sessions of the county, or in the presence of the clerk of said court, from the general panel of jurors that may have been drawn and summoned to attend as jurors at the term at which such defendant is to

be tried; but if forty-eight jurors, or such larger number as the court in which such indictment shall be pending shall by special order direct, shall not have been so drawn and summoned, or if for any reason the number of jurors drawn or summoned shall be reduced below forty-eight, or such larger number as the court in which such indictment shall be pending shall by special order direct, then the said sheriff or officer shall add to the number so drawn and summoned as many more persons of the body of his county, qualified to serve as jurors, as shall make up the number of forty-eight, or such larger number as the court in which such indictment shall be pending shall by special order direct; the delivery by the sheriff or other proper officer of a list of the jury to the defendant entitled to the same prior to the first day of the term at which such trial is to be had, shall be as good and effectual as if the same had been delivered to the defendant after the opening of the term; the defendant or his counsel may at any time in open court, except where the indictment is for treason or murder, waive the drawing or service, or both, of such list of jurors, and consent to be tried by a jury drawn in the ordinary way from the general panel.

Deficiency  
of jurors.

List of jurors  
furnished.

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

Repealer.

Approved April 8, 1903.

## CHAPTER 165.

An Act constituting courts for the trial of small causes  
(Revision of 1903).

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

### I. JURISDICTION.

1. Every suit of a civil nature at law, where the matter in dispute does not exceed, exclusive of costs, the sum

Jurisdiction  
not to exceed  
\$200.

Legal name.	of two hundred dollars, shall be cognizable before any justice of the peace of any county, who is hereby authorized to hold a court within such county, to hear, try and determine the same according to law, although the cause of action did not arise in said county; which court shall be known as "the small cause court" and shall be a court of record and vested for the purpose aforesaid with all such power as is usual in courts of record of this state;
Proviso.	<i>provided</i> , this act shall not extend to any action of replevin, slander, trespass for assault, battery or imprisonment, nor to any action wherein the title to lands shall come in question; <i>provided further</i> , the said court shall not have jurisdiction over any cause or proceeding cognizable before a district court, where any defendant resides within a municipality wherein a district court is established.
Proviso.	
Amount recoverable.	2. When the amount really due or recoverable upon any bond, bill, note or other contract in writing, does not exceed, exclusive of costs, the sum or value of two hundred dollars, such amount shall be recoverable in said court and judgment shall be rendered therefor without regard to any kind of penalty expressed therein.
When amount exceeds \$200.	3. Where the amount really due or claimed exceeds, exclusive of costs, the sum or value of two hundred dollars, the plaintiff may elect to sue in said court for a sum not exceeding two hundred dollars and costs; and judgment on the merits in such suit shall bar any other suit on the same claim in any other court.
Amount or penalty cognizable.	4. Every sum of money or penalty, not exceeding two hundred dollars, to be sued for and recovered by virtue of any law of this state or ordinance of any municipality or township shall be cognizable before said court.
Enter action without process.	5. Parties may agree to enter without process any action in said court, which shall be cognizable therein, and the court shall proceed thereon to final judgment and execution in the same manner as in cases where process has been duly served.
Body politic may sue.	6. A body politic or corporate of this or any other state may sue and be sued in said court in the same manner as a natural person.
Justice may conclude cause.	7. Any justice of the peace, whose term of office has expired or who has resigned, may proceed to the final

determination of any cause in said court then undetermined before him, and may grant an appeal from any judgment by him rendered in any cause theretofore brought before him, and also make return to all writs, orders or rules to him directed issuing out of any court in this state, in the same manner as though his commission had not expired or he had not resigned.

8. Every such justice shall, when required so to do, issue writs of scire facias to revive any judgment then remaining unsatisfied upon his docket, and also issue any final process of execution upon such judgment so revived, or upon any other judgment then remaining unsatisfied as aforesaid; and such writs and process shall be returnable before such justice and shall have the same force and effect and be liable to the same legal objections as though the said justice was still in commission; *provided*, the docket or dockets of such justice then remain lawfully in his possession.

Issue writs of  
scire facias.

Proviso.

9. The territorial jurisdiction of every justice of the peace under this act shall be co-extensive with the limits of the county in and for which he is elected and commissioned; his writs, precepts and process issued out of said court shall run in and through such county, and he may in causes pending before him award writs of subpoena for witnesses into other counties of this state.

Where  
justices'  
writs hold.

10. No justice of the peace shall issue any summons, writ of attachment or other process out of the said court for or on behalf of any person for whom he is agent or attorney in fact, nor take any fee or reward for any such service, or for receiving and paying over any moneys paid to him by any defendant in any suit instituted in said court holden before him or, in excess of fifty cents, for writing out or preparing, or assisting in preparing, or writing out any state of demand, bill of particulars, set off, counter claim, affidavit, plea of title, or other paper necessary or proper to be made use of in the progress of any suit or proceeding in his court; any justice of the peace violating the provisions of this section shall be liable to a penalty of fifty dollars, to be recovered by any person aggrieved who may sue for the same.

Justice's fee.

Penalty for  
overcharging.

## II. PROCESS.

Process to  
compel ap-  
pearance.

11. The first process to compel appearance shall be a summons, or a warrant in the nature of a *capias ad respondendum*; but no warrant shall issue against the body of any female; every summons, warrant, writ or process issued out of said court, shall be tested the day on which it is issued, and shall be signed and sealed by the justice who issued the same.

Not issue  
blank writs.

12. No justice shall sign his name to any blank summons or warrant, nor allow any constable or other person to fill up the blank or blanks in such process, without the special direction of said justice, and in his presence, and every such process so signed shall be void.

When warrant  
may issue.

13. A warrant shall be issued only in actions on contract and upon proof by affidavit or otherwise to the satisfaction of the justice, that there is a debt or demand founded upon contract, express or implied, due the plaintiff from the defendant, specifying the nature and particulars of said debt or demand, and establishing one or more of the following particulars:

I. That the defendant fraudulently contracted the debt or incurred the obligation respecting which suit is brought; or,

II. That the defendant is about to remove any of his property out of the state with intent to defraud his creditors; or,

III. That the defendant has assigned, removed or disposed of, or is about to assign, remove or dispose of, any of his property with intent to defraud his creditors.

Justice to  
make order.

14. Upon proof made as aforesaid the justice shall make and subscribe an order that a warrant issue against the defendant for such amount as such proof shall justify and require; but before said warrant shall issue, such order and the proof upon which the same is founded, shall be filed by said justice.

Defendant  
may apply to  
set aside  
order.

15. If the defendant be arrested upon a warrant, he may, at any time before the trial of the cause, make application to a justice of the supreme court, or to a judge of the circuit court or court of common pleas or to a supreme court commissioner, to set aside the order for arrest, having first given reasonable notice to the plain-

tiff of such application, unless the justice, judge or commissioner elect to act without such notice; and giving bond or entering into recognizance in manner hereinafter directed shall not be a waiver of the defendant's right to make such application; if such justice, judge or commissioner shall deem the proof made insufficient to warrant an arrest, he may make an order directing that the order of arrest be set aside; such order when filed with the justice shall operate as a discontinuance of the suit in which such warrant issued; the bond or recognizance, if any, shall become void, and the plaintiff shall be forever thereafter barred from proceeding against the body of the defendant for the same cause of action, but he may proceed against the defendant by summons in the same manner as if no other proceeding had been instituted; and such justice shall furnish certified copies of said order to the parties or their agents on request.

Discontinu-  
ance of suit.

Copies of  
order.

16. Every summons shall be made returnable between the hours of nine o'clock in the forenoon and three o'clock in the afternoon, both inclusive; and shall specify a certain time and place for the appearance of the defendant, not less than five nor more than fifteen days from the date of such process, and shall be served at least five days before the time of appearance mentioned therein, by reading the same to the defendant, and delivering to him a copy thereof, if he shall be found, and if not found, by leaving a copy thereof at his usual place of abode, with some person of his family, above the age of fourteen years, who shall be informed of the contents thereof, and the constable serving such summons shall indorse thereon a return of the time and manner he executed the same, and sign his name thereto.

Summons—  
when return-  
able; how  
served.

17. If the defendant is a domestic corporation the summons may be served on the president or head officer or agent in charge of its principal office in this state, either personally or by leaving a copy at his usual place of abode, at least six days before its return; and in case the president or other head officer or agent cannot be found to be served with process, and has no usual place of abode in the county, the summons may be served on the clerk or secretary of the corporation, if any there be within the county, and if no clerk or secretary, then on

How served  
on corpora-  
tions.

one of its directors, either personally or by leaving a copy at his usual place of abode within the county, six days before its return; if the defendant is a foreign corporation, process may be served upon the agent in charge of its principal office in this state, or upon any officer, either personally or by leaving a copy at his usual place of abode, or by leaving a copy at the office, depot, or usual place of business of such foreign corporation within the county, with any person in charge thereof.

Sum indorsed  
on warrant;  
if paid,  
defendant  
discharged.

18. The justice shall enter in the body of every summons or warrant, issued by virtue of this act, the sum demanded (and indorse the same, with costs, on the summons or warrant); and if the defendant think proper to pay such demand, with costs, without any further proceedings in the cause, then the constable shall receive the same, and his receipt shall be a full discharge to such defendant from such demand, and costs; and if any constable shall not pay the money so by him received, to the justice issuing such process, or to the plaintiff in the said process or his legal representative, within fifteen days after he shall receive the same, then such constable shall be liable to pay to such plaintiff or his legal representative, the amount thereof, with interest, to be recovered by action on contract, with double costs.

Liability of  
constable.

Proceedings  
upon warrant.

19. The warrant commanding the defendant to be arrested shall be returnable forthwith on the day of the service thereof; if a bond for appearance is not given as hereinafter provided, the constable serving said warrant shall forthwith convey the defendant before the justice who issued the same, who shall thereupon allow said defendant to enter into recognizance in the manner hereinafter mentioned, or on his neglect or refusal so to do, shall command the constable to convey the defendant to the jail of the county, to be there detained in custody until such recognizance be given or until the trial of the cause, which the justice shall set down for trial at a certain time and place on a day not exceeding three days from the return of the warrant, or such justice may direct the constable to hold the defendant in custody, until the plaintiff shall be notified and have time to appear and proceed to such trial at once if the defendant consent thereto; and the constable who served the war-

When trial  
had.



rant shall indorse thereon the execution of the same and sign his name thereto; *provided*, nothing in this act contained shall be construed to prevent the constable from discharging from arrest any person arrested either on mesne process or process of execution, in pursuance of an act entitled "An act for the relief of persons imprisoned on civil process."

Proviso.

20. At the time of an arrest the constable who served the warrant shall permit the defendant to enter into bond to the plaintiff, with at least one surety, having sufficient freehold and residing in the county, to the amount of the debt or damages and costs indorsed on the warrant, for his appearance on the day and hour mentioned in the bond, not more than eight days from the service of the warrant; the said bond shall be in the form following, to wit: "We, A. B. and C. D., do hereby bind ourselves jointly and severally to E. F. in the sum of ——— to be paid to E. F. on the following conditions: that if the said A. B. shall be and appear before the small cause court held by ———, one of the justices of the peace of ———, on the ——— day of ——— at ——— o'clock ——— noon, and upon such other day to which the hearing may be lawfully adjourned, and answer unto the complaint 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 ——— one thousand nine hundred and ———;" which bond the constable shall deliver to the justice on the return of the warrant, to be by him filed in his office to and for the use of the plaintiff, for which service the constable 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 constable shall attend at the said 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 justice shall not be found at his usual place of holding trials at the time fixed therefor, the defendant and his sureties shall be permitted by writing to consent that the bond stand for his appearance at such future time not exceeding ten days thereafter as shall be then indorsed on said bond by said constable.

May give bond.

Form of.

Duty of constable.

May enter  
recognizance.

21. If the defendant shall not enter into the bond mentioned in the preceding section, he may when taken before the justice, or at any time before the trial, enter into a recognizance to the plaintiff with at least one surety, having sufficient freehold, and residing in the county, in the amount of the demand specified in the warrant, according to the following form, that is to say: "\_\_\_\_\_ county, to wit:

Form of.

"WHEREAS, A. B. hath been arrested and is now in custody, by virtue of a warrant issued by C. D., one of the justices of the peace in and for the said county, at the suit of E. F., in an action \_\_\_\_\_ for the sum of \_\_\_\_\_; now be it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_\_, the said A. B. and G. H., of the county aforesaid, personally appeared before me the said C. D., and jointly and severally acknowledged themselves to owe the said E. F. the sum of \_\_\_\_\_ to be made and levied of their several goods and chattels, upon condition that the recognizance shall be void, if the said A. B. shall appear on the \_\_\_\_\_ day of \_\_\_\_\_ next, before the said justice, or if he shall pay any judgment that may be recovered against him in said action, or if he shall surrender himself to the constable on the execution to be thereafter issued against him on such judgment, or if the said G. H. shall pay the said judgment for him; acknowledged the day and year last abovesaid, before me, C. D., one of the justices of the peace in and for the said county of \_\_\_\_\_;" and every justice is hereby empowered and directed to take such recognizance, which shall remain with such justice, for the benefit of the plaintiff in the suit.

If recogni-  
zance for-  
feited, judg-  
ment entered.

22. If the recognizance shall become forfeited the justice may on five days' notice to the surety, to be served as a summons should be, enter up a judgment against the surety in favor of the plaintiff for the amount of the judgment against the defendant in the original action with interest and costs, and issue execution thereon as in other cases.

### III. PLEADING.

Actions on  
contract;  
in tort.

23. All suits in the small cause court for debt or damages arising from breach of contract, or the non-performance of duties arising from contract, shall be styled

actions on contract; all other actions in said court shall be styled actions in tort.

24. The plaintiff shall, on or before the return of the summons or warrant, file with the justice his state of demand against the defendant, and in default thereof, shall be nonsuited with costs; if the defendant have any demand against the plaintiff, he shall file the same as a set-off or recoupment against the demand of the plaintiff, on or before the first trial day or the day to which the trial shall be first adjourned, and in default thereof the said demand shall not be received in evidence on the trial of the cause; and he shall forever thereafter be precluded from maintaining any action for such demand or from setting off the same in any future suit, except where the balance found to be due to such defendant exceeds the sum of two hundred dollars, and such excess shall not have been waived.

Demand filed;  
set-off.

25. If the defendant file as a set-off or recoupment a demand against the plaintiff for more than two hundred dollars, and at the trial it shall be proved that a balance exceeding two hundred dollars is due to the defendant, then the suit shall be dismissed, unless the defendant consent to accept a judgment for two hundred dollars and costs in full settlement of his claim.

If set-off  
exceed \$200.

26. When in any action to be brought by virtue of this act the defendant shall as a justification plead title to any lands in himself or another, under whom he acted or entered, such defendant shall commit the said plea to writing, and having signed the same deliver such plea to the justice, who shall countersign it and deliver it to the plaintiff, and thereupon shall dismiss the suit; and if the plaintiff shall within sixty days thereafter commence a suit for the same cause of action in the supreme court or in the circuit court of said county, the defendant shall be entitled to plead therein as a justification no other defence than title to the land in himself or another under whom he acted or entered, and if in such action the plaintiff recover any damages, he shall recover his costs.

Title to land  
pleaded.

27. The justice to whom a plea of justification is tendered as aforesaid, shall before he receives such plea, require and obtain from the defendant a bond, with one good surety, being a freeholder in the said county, in the

Bond  
required.

penalty of one hundred dollars, executed to the plaintiff, and conditioned, that if the plaintiff shall commence such action in the supreme court, or in the circuit court of the county wherein the justice holds his court, within sixty days thereafter, the said defendant will appear thereto, according to law, and pay such costs as may be awarded against him in the said action; and in case such plea is tendered and the defendant shall not forthwith enter into such bond to the plaintiff, the justice shall proceed in the same manner as if such plea had not been tendered.

#### IV. TRIAL.

**First trial day.** 28. Except where the defendant consents that the trial be had at once on the return of a warrant, the day mentioned in the summons or in the bond or recognizance, for the appearance of the defendant, or when no bond or recognizance is given, the day set by the justice for the trial, shall be the first trial day of the action, and on said day at the time and place specified the cause shall be tried, unless an adjournment is granted; if the defendant shall not appear at said time and place or at the time and place to which the cause is adjourned, and no sufficient reason shall be assigned why he does not appear, the justice may proceed to hear the cause in his absence; if the plaintiff shall not appear at said time and place or at the time and place to which the cause is adjourned, and no sufficient reason shall be assigned why he does not appear, the justice shall grant the defendant a nonsuit, but if the defendant is entitled to move the trial on a demand filed against the plaintiff, the justice may proceed to hear the cause in the absence of the plaintiff.

**If defendant does not appear.**

**If plaintiff does not appear.**

**Adjournment of trial.** 29. The justice may, to prevent fraud or surprise, or for other reasonable cause, adjourn the trial at the request of either party to any time not exceeding thirty days from the return day of the summons, or, if the process be by warrant, from the time when the same was returned, or from the time of appearance mentioned in the bond or recognizance; if the application for the adjournment shall be because the party cannot safely go to trial for want of a material witness, whom he shall name, being out of this state and he shall establish such

fact by affidavit, then such justice may adjourn the trial to any time not exceeding three months; if the defendant is in jail under a warrant, no adjournment shall be granted on the application of the plaintiff, but one adjournment for not exceeding five days shall be granted the defendant, if he request the same.

30. In any suit begun by summons, the plaintiff may deliver to the justice his state of demand against the defendant at the time of the issuing of the summons, and furnish as many copies thereof as there are defendants to be served; in such case the state of demand shall be attached to the summons, and one of said copies shall be attached to and served with each copy of the summons and the return of the constable upon the summons shall be proof of the service of such state of demand upon the defendant; in such case the defendant shall not be entitled to an adjournment on the return day, except upon reasonable cause shown by affidavit.

Demand  
attached to  
summons.

31. All adjournments shall be made to some hour between the hours of nine o'clock in the forenoon and three o'clock in the afternoon, both inclusive, unless the respective parties mutually agree that the cause be adjourned to some other hour.

Hours of ad-  
journment

32. If the defendant's demand against the plaintiff is not filed until the first adjourned day, the plaintiff, if he request the same, shall have an adjournment for that cause, for not exceeding five days.

Adjournment  
in case of  
set-off.

33. In every action either of the parties, after the defendant has appeared and before the justice has proceeded to inquire into the merits of the cause, may demand a trial by jury which the justice is hereby required to grant, and thereupon a venire shall be issued to summon a jury of six men, if the demand or matter in dispute do not exceed the sum of fifty dollars, or a jury of twelve men, if the demand or matter in dispute exceed that sum, being citizens of this state, above the age of twenty-one years, and under the age of sixty-five years, and in no wise akin to the plaintiff or defendant nor interested in the suit, to be and appear before the said justice at such time and place as shall be expressed in the venire, to make a jury for the trial of the action between the parties mentioned therein; and the constable shall, at

Trial by jury.

Process and  
qualifications  
of jurors.

the return of the venire, return annexed thereto a panel containing the names of the jurors, whom he shall have summoned by virtue thereof; and if, on return of the venire, it shall appear that one or more of the jurors are disqualified to serve or do not appear, then the constable who served the same, shall by order of the court, immediately summon others who shall serve in their stead; if the jury disagree other writs of venire may issue in the same cause until a verdict be obtained.

Juror's oath.

34. To the jurors and each of them who shall be returned to try the said cause as aforesaid, the justice shall administer the following oath or affirmation:

"You do swear in the presence of Almighty God (or do affirm, as the case may require), that you will well and truly try the matter in difference between ———, plaintiff, and ———, defendant, and a true verdict give, according to evidence."

Witness' oath.

To every witness produced at the said trial, the justice shall administer the following oath or affirmation:

"You do swear in the presence of Almighty God (or do affirm, as the case may require), that the evidence you shall give in this matter in difference between ———, plaintiff, and ———, defendant, shall be the truth, the whole truth, and nothing but the truth."

Constable's oath.

And to the constable who shall be appointed to attend the jury, the justice shall administer the following oath or affirmation:

"You do swear in the presence of Almighty God (or do affirm, as the case may require), that you will, to the utmost of your ability, keep every person sworn (or affirmed) on this jury together in some private and convenient place without meat or drink, water excepted, that you will not suffer any person to speak to them nor speak to them yourself, except by order of the court, unless it be to ask them whether they have agreed on their verdict, until they have agreed on their verdict."

Fines of jurors and witnesses.

35. 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 twenty dollars nor less than one dollar, as the justice

shall think proper to impose; and such justice is hereby authorized and required to issue an execution, directed to any constable of the county, to levy the same of the goods and chattels of the offender, which fine when recovered shall be paid by the justice to the county collector for the use of the county.

36. If the defendant have filed a demand against the plaintiff, the plaintiff shall not be permitted to withdraw his suit, nor shall any judgment of nonsuit or discontinuance be entered without the consent of the defendant, but the case shall be heard on motion of the defendant, if the plaintiff neglect or refuse to move the same, and if it shall appear upon evidence produced by the defendant that the plaintiff is actually indebted to the defendant, judgment shall be rendered in favor of the defendant for the amount found due him; *provided*, such defendant have filed an affidavit with the justice at the time of filing his demand, that the demand is not filed for the purpose of delay, and that he verily believes he does not owe the plaintiff anything, or that he owes only a certain sum, stating such sum, and that the plaintiff is indebted to him in a certain sum, stating such sum.

If set-off filed,  
suit shall  
not be  
withdrawn.

Proviso.

37. Whenever the nature of the plaintiff's demand is such that his book or books of account are requisite to the proof of his cause, a copy of the entries therein, so far as they relate to the plaintiff's demand, together with a statement of the credits or allowances if any, to which the defendant is entitled, shall be received in evidence, with the same effect as the books themselves, in case of the defendant's not appearing at the trial, or if appearing he does not require the production of the books of original entry; such copy shall be accompanied by an affidavit setting forth that it is a true copy of the original entries and that all the credits and allowances to which the defendant is entitled appear on such statement, or setting forth that the defendant is not entitled to any credits or allowances, and that the sum of money or balance claimed by the plaintiff is justly due and owing to him; a copartnership may be proved in like case and manner.

Proof of book  
accounts by  
affidavit.

Proving co-  
partnership.

38. In actions upon promissory notes, bills of exchange, checks, drafts or other written contracts,

Proof of  
notes, checks,  
etc., by  
affidavit.

whether simple or under seal, for the payment of money only, if the defendant does not appear at the hearing, or if he appear and consent thereto, the plaintiff may prove his case by affidavit; the affidavit shall contain a copy of the writing or writings sued on and shall set forth and aver such facts and circumstances as would warrant a recovery in case such facts and circumstances were proved by witnesses.

Competent  
knowledge  
of affiant.

39. In all cases in which proof is made by affidavit, it must appear by affidavit that the affiant has competent knowledge of the fact or facts sworn to, and in actions upon promissory notes, bills of exchange, checks, drafts or other written contracts, simple or under seal, for the payment of money only, such notes, bills, checks, drafts, or other contracts, must be produced at the hearing, or their non-production accounted for by affidavit.

Failure of  
consideration  
as defense.

40. In actions on contract, whether under seal or not, the defendant may set up as a defense in abatement of the debt or damages to be recovered by the plaintiff, a defect in or partial failure of the consideration of the contract sued on; and may also recoup any damages which he may have sustained by reason of the non-performance or defective performance of any part of the same contract by the plaintiff; *provided*, in all cases where such defense is set up, it shall be necessary to file with the justice on the day required by law for filing a set-off, a bill of particulars of such defense or counter-claim; and if the defendant shall recoup damages, and the amount of such damages shall be found to exceed the demand of the plaintiff, judgment shall be given in favor of the defendant and against the plaintiff in such action for such excess, with costs.

Proviso.

## V. BILLS AND NOTES.

Holder of  
note may  
include all  
liable in one  
action.

41. The holder of any bill of exchange or promissory note, instead of bringing separate actions against the parties separately liable thereon, may include all or any of them in one action, and proceed to judgment and execution in the same manner as though all the defendants were joint contractors, subject, however, to the qualifications hereinafter provided.



42. In every such action the plaintiff shall annex to the state of demand a notice containing a copy of the bill or note with the endorsements, and stating that the action is brought to recover the amount due thereon; but he shall not recover judgment against any several drawer, maker, indorser or acceptor not served with process, and any joint drawer, maker, indorser or acceptor may prove in abatement the non-joinder of any other joint drawer, maker, indorser or acceptor; but judgment may be obtained against joint contractors, some only of whom have been served with process, and such judgment shall have the same effect against the joint contractors as heretofore.

Copy of note annexed to demand.

Against whom judgment obtained.

43. In any such action judgment may be rendered for the plaintiff against some one or more of the defendants, and also in favor of some one or more of the defendants against the plaintiff, according as the rights and liabilities of the respective parties shall appear, either upon confession, default or on trial; and any defendant may set-off his demands against the plaintiff; and if judgment shall be rendered in favor of any defendant, he shall recover his costs against the plaintiff in the same manner as though he had been sued alone.

Judgment may be rendered against one or more defendants.

44. If, upon the trial of any such action, the whole amount of the set-off allowed shall equal or exceed the amount allowed to the plaintiff, then in the first case the verdict shall be in favor of the defendants generally, and in the last case a verdict for the excess shall be rendered in favor of any defendant who may be entitled to the same; and in all cases the verdict shall certify the amount allowed to each defendant as a set-off.

Verdict to certify set-off.

45. The rights and responsibilities of the several parties to any such bill or note, as between each other, shall remain as heretofore, saving only the rights of the plaintiff, so far as they have been determined by the judgment.

Rights of several parties unchanged.

46. Whenever an execution against goods and chattels shall issue in any action upon a bill or note as is hereinbefore provided, the constable, after making a levy upon the property liable to the execution, shall make the money out of the property of the person or persons primarily liable, as between themselves, for its payment, if

Constable, after levy, to make the money out of the property primarily liable.

it can be done before selling the property of any person secondarily liable; and for the information of such officer the justice shall indorse on the execution the order in which the defendants, according to the terms of the bill or note, are liable, as between themselves, for its payment, and if the judgment be paid by a defendant secondarily liable, as between themselves, it shall not be considered satisfied as against any defendant liable over on the bill or note to the defendant making such payment, but he shall have (on application to the said justice, giving two days' notice thereof to the other parties to the judgment, and subject to such regulations as may be imposed) the full benefit and control of such judgment for the purpose of compelling repayment from any defendant liable to him for such repayment, and on his application the justice may try the question in controversy.

#### VI. JUDGMENT.

When judgment against plaintiff.

47. If a plaintiff, other than executors or administrators, in any action shall be nonsuited or shall discontinue or withdraw his action, without the consent of the defendant, where he may lawfully do so, then judgment shall be given against such plaintiff for the costs which have accrued.

Judgments by confession.

48. If a judgment by confession shall be entered against the defendant, unless an affidavit shall first be made, as directed by the act entitled "An act directing the mode of entering judgments on bonds, with warrants of attorney to confess judgments" (which affidavits shall be filed and preserved by the justice), such judgment shall not operate or have any effect against any person not a party to said action, but shall be binding and have its full effect so far as relates to the parties in the suit only.

When case submitted to jury.

49. In case of trial by jury, there shall be no judgment of non-suit or of discontinuance after the merits of the cause on either side are submitted to the jury, unless by the consent of both parties.

#### VII. EXECUTION.

Execution.

50. When judgment shall be given against the plaintiff or defendant, by virtue of this act, the justice shall

grant execution thereon, commanding the constable to levy and make the debt, or damages and costs, of the goods and chattels of the party; and in the cases hereinafter specified, for want of sufficient goods and chattels whereon to levy and make the same to take the body of such party and convey him to jail of the county; *provided*, no execution shall issue against the body of any female.

Proviso.

51. An execution against the body shall be granted only in the following cases:

Execution against body.

I. Where a warrant has been duly issued and remains in force; or,

Where warrant issued.

II. Where no warrant has been issued, and the action being founded upon contract, express or implied, due proof is made by affidavit to the satisfaction of the justice establishing the particulars specified in any of the subdivisions of section thirteen; or,

Where no warrant issued, proof made by affidavit.

III. Where no warrant has been issued and, the action being founded upon contract, express or implied, or upon a tort, due proof is made by affidavit to the satisfaction of the justice establishing that the defendant has property or rights which he conceals, or rights or credits, moneys or effects, either in his own possession or in the possession of another person to his use, of the value of fifty dollars or over in excess of property exempt by law, which he refuses to apply in payment of such judgment; or,

Where no warrant issued in action on contract.

IV. Where the judgment is for a tort and due proof is made by affidavit to the satisfaction of the justice that the defendant is not a freeholder in the county in which the court is held; *provided*, no execution shall issue against the body upon a judgment obtained in an action brought to recover damages for the conversion of property where the defendant, as disclosed by the pleadings and evidence in the cause, obtained possession of the property lawfully and under a contract for the conditional sale of said property, or under a lease or other agreement whereby the title to said property was to vest in him only after a certain sum of money had been paid thereon.

Judgment in case of tort.

Proviso.

52. Upon proof made as aforesaid the justice shall file the same and make and subscribe an order that execution

Order of justice.

issue against the goods and chattels of the defendant, and for want of sufficient goods and chattels against the body, whereupon such execution may issue in accordance with such order.

Application  
to set aside.

53. Except where previous application has been made and passed upon under the fifteenth section, the defendant may, at any time, after order made under the fifty-second section, apply to any one of the officials to whom he may apply under said fifteenth section, to set aside said order so far as it authorizes the taking of the body, having first given reasonable notice to the plaintiff of such application, and if the official to whom application is made shall deem the proofs made insufficient to warrant the issuing of process against the body, he may make order that the justice's order, so far as it authorizes the taking of the defendant's body, be set aside.

Order filed;  
copies given.

54. Such order shall be delivered to the justice, who shall file the same with the other papers in the cause, and furnish certified copies thereof to the defendant or his agent on request; the order, from the time of the filing thereof with the justice, shall operate to discharge the defendant from arrest or imprisonment, and from liability thereto.

When officers  
incur no  
liability.

55. No constable, jailer, warden, or other officer or person, taking or detaining the body of the defendant in pursuance of a warrant duly issued, or in pursuance of a writ of execution, shall incur any liability whatsoever for any act done or committed pursuant to the commands of the writ, in or about such taking or detention, prior to service upon him of a copy of the order last mentioned, certified by the justice of the peace with whom such order is filed.

Discharge  
upon service  
of order.

56. Upon the service of said certified copy of the order upon the person in whose custody the defendant may be, he shall immediately discharge such defendant from arrest or imprisonment under said writ.

Copy of order  
furnished.

57. The justice shall furnish to the defendant or his agent on request, a certified copy of the order or affidavit upon which the warrant or execution against the body issued or may issue, and such copy may be used in all proceedings to vacate the order founded thereon in the same manner as if the original order and affidavit were produced.

58. Where a justice of the peace has made an order pursuant to the fourteenth section or to the fifty-second section, and application has been made in the first instance to a justice of the supreme court to set the order aside, if such justice shall have refused to do so, the defendant shall not be permitted to renew his application, but if such application has been made in the first instance to a judge of the circuit court or court of common pleas or supreme court commissioner who either makes or refuses to make such order, then either party may, on notice to the other party, within six days after such order has been made or refused, apply to a justice of the supreme court, to review the action of such judge or commissioner, and such justice of the supreme court may, in his discretion, modify or set aside the order of the judge or commissioner, and make such other order in reference to the discharge or taking of the defendant's body either on the warrant or on any execution issued or that may be issued, as the nature of the case may justify or require.

When second application allowable.

59. When in any action the defendant shall have judgment against the plaintiff for debt or damages, he shall be entitled to have against the plaintiff the same execution as he would have been entitled to if he had been plaintiff in the suit, such execution to be enforced in the same manner and with the same limitations as if it had been issued in favor of a plaintiff.

Execution when judgment for defendant.

60. If any defendant shall at any time before the issuing of execution procure a good and sufficient freeholder, resident in the county, to join with such defendant in a confession of judgment to the adverse party for the amount of his demand, with costs, then if the judgment shall not be more than fifty dollars, no execution shall issue until after one month from the time of rendering such judgment, and when the judgment shall exceed fifty dollars, no execution shall issue until after three months from the time of rendering such judgment, but this provision shall not apply to a suit brought upon a judgment recovered before a small cause court.

Stay of execution.

61. Every constable who, by virtue of an execution, levies on any goods and chattels, shall give notice by advertisements, signed by himself, and put up in three of

Goods, how advertised and sold.

Proceeds.	<p>the most public places in the municipality where they were taken, of the time and place they will be exposed to sale, at least five days before the time appointed for selling them, and therein describe the goods and chattels so taken; and shall, at the time and place so appointed, expose them to sale by public vendue, and strike them off to the highest bidder, and pay the money thence arising to the plaintiff, or in case of his absence to the justice, and within thirty days from the time he shall receive the execution, make return to the justice of the proceedings had thereon, and the said justice shall make a record thereof.</p>
Claim on property.	<p>62. In all cases where any constable shall, by virtue of any writ of execution or attachment, issuing out of the court for the trial of small causes, levy on, attach, or take into his possession, any goods or chattels which shall be claimed, by notice in writing, delivered to said constable by any other person than the defendant, he shall immediately upon such claim delay his sale of the same for the space of ten days, that the said claimant may, within the said term, apply to some justice of the peace within or near the municipality where such goods or chattels were so seized, for a venire to summon a jury of six lawful men as jurors to try the right of such claimant to said property; and such justice of the peace shall issue the same, and direct a return thereof to be to him made, and proceed therein as in other cases of trial by jury; but the claimant shall, in all cases, give notice in writing to the plaintiff of the time and place of the said trial; if the claimant shall not, within ten days, apply to a justice and have his right tried, as aforesaid, the said claim shall be considered abandoned, and the constable shall proceed as if it had not been made.</p>
How claim tried.	
Effect of verdict.	<p>63. The verdict of such jury shall protect the said constable from any action for taking and seizing such property, or delivery thereof to the claimant; and if the property shall be found to belong to the claimant, the constable shall proceed no further with the same; but if it shall be found to belong to the defendant, he shall proceed to dispose of the same, as is directed in such process; and the costs attending such trial shall be taxed by the justice as in other cases, and shall be paid by the</p>
Proceedings thereafter.	

plaintiff at whose suit the property was taken and seized, if the claimant obtain a verdict in his favor; and by such claimant if the verdict is found against him; *provided*, if the plaintiff, upon notice being given to the constable as aforesaid, shall indemnify him against the demand of the claimant, then he shall suspend any further proceedings therein, and proceed to sell as if no such claim had been made.

Proviso.

64. For want of goods and chattels whereon to levy, the constable shall, when execution is issued against the body, according to the tenor of the said execution, take the body of the person against whom the execution is issued, and convey and deliver him to the sheriff of the county, who is hereby commanded to keep such person in safe custody until the debt or damages with costs be fully paid, or until he be thence delivered by due course of law; and the constable shall take said jailor's receipt upon the execution, and return the same to the justice who issued it, who shall make a record thereof in his docket; and if the said keeper shall suffer such person committed to his custody to go or be at large out of jail, except by virtue of some writ of habeas corpus, or of the order mentioned in the fifty-fifth section, before the said debt or damages, with costs, be paid, or he be thence delivered by due course of law, every such going or being out of the said jail shall be an escape, for which the sheriff shall be responsible to the plaintiff to the amount of the debt or damages and costs, for which such person shall be committed, to be recovered with costs.

Body taken on execution.

Retention by sheriff.

65. Execution may issue without a revival of the judgment by scire facias at any time within twenty years from its recovery, if the justice, by successive elections or otherwise, continues so long in office; but if more than six years have elapsed since the recovery of the judgment, a special order of the justice shall be necessary before the execution issue, to be made upon five days' notice to the defendant of the application therefor, and proof to the satisfaction of the justice of the non-payment of the judgment or of the amount remaining due thereon.

Scire facias unnecessary.

If more than six years, order necessary.

66. The notice required by the preceding section, may be served upon the defendant personally, either within

Notice, how served.

or without this state, or in case he resides within this state, may be served by leaving a copy at his residence in the presence of some person of the family of the age of fourteen years, who shall be informed of the contents: proof of such notice and of the time and manner of its service shall be made and filed with the justice.

Execution  
in force one  
year.

67. Every execution issued by any justice of the peace, upon any judgment rendered in pursuance of this act, shall be in full force and operation against the goods and chattels levied on for the term of one year from the time of issuing the same, unless sooner satisfied; and all executions which shall remain unsatisfied for the space of one year, thereafter, shall be null and void; upon the return of any execution unsatisfied, the justice who issued the same shall have power and authority to issue other executions from time to time within six years, without notice to the defendant, which said writs may be levied on the goods and chattels of the defendant, and shall be made returnable, and be in all things executed in like manner as the original execution.

If returned  
unsatisfied.

When an alias  
or pluries  
execution  
issued.

68. When any judgment is obtained, and an execution shall issue thereon, and be returned by the constable to whom it has been delivered to be executed, indorsed to the effect that he could not find personal property of the party against whom the execution was issued on which to levy, or that he had levied on and sold goods and chattels, and had made thereof part of said judgment, and that the same was not fully satisfied and stating the balance still unsatisfied, and if the person against whom such execution shall have been issued and returned as aforesaid shall reside in or be possessed of goods and chattels in any other county than that in which such execution shall have been issued and returned as aforesaid, then an alias or pluries execution may issue, as the case may be, out of said court, directed to any constable in the county where the person against whom such execution may issue, shall at that time reside or be found, or be possessed of goods and chattels, and the constable to whom such execution shall be given shall carry it to some justice of the peace of the county wherein said person or goods and chattels may be found, and the justice to whom the same shall be presented, on

Indorsement  
in another  
county.



proof being made to him of the handwriting of the justice of the peace who issued such execution, shall indorse his name thereon, with an authority to make levy and sale of the goods and chattels of said person in the same manner as in other cases on executions issuing out of the court for the trial of small causes, which execution shall be returned to the justice issuing the same, in the same manner as in other cases.

69. Where one or more executions, issued by virtue of this act, shall have been levied by one or more constables upon the goods and chattels of any defendant, the said executions shall have priority according to the time of levying the same, and all surplus moneys arising upon any sale by virtue of any execution, shall be paid to the officer or person holding the next oldest execution which shall have been levied as aforesaid, until all executions levied upon the goods and chattels of any defendant, at the time of sale upon the first execution, be satisfied or so far satisfied as there shall be proceeds for that purpose, according to their respective seniority as aforesaid; and in case two or more executions, at the suit of different plaintiffs, shall be levied at the same time, such executions shall have preference according to the time when they were received, which shall be noted on each execution by the constable at the time of receiving the same; and if two or more executions shall have been delivered to a constable at the same time against the same defendant, then the moneys arising from the sale under or by virtue of the said executions, or of either of them, shall, if not sufficient to satisfy both or all of them, be applied towards the satisfaction of the several executions in proportion to the sums due on them respectively.

Priority of  
executions.

70. The constable to whom any execution, issued under the provisions of this act, is delivered, shall take an inventory, in writing, of such and so much of the property of the defendant as he means and intends to levy upon; which inventory and levy and the actual time of making the same, shall be annexed to the said execution, and signed by the said constable, and shall, at all times, be received as evidence of the levy and of the time of making the same, as contemplated by this act, and the property so levied upon shall be bound from the time of such levy and not before.

Inventory of  
property  
levied on.

Constable  
liable for  
neglect.

71. If the constable to whom any execution is delivered shall not perform the duties, or any of them prescribed by this act, respecting such execution, such constable shall be liable to pay to the person in whose favor the said execution is issued, the debt or damages and costs, or any of them, mentioned therein, to be recovered by action on contract with double costs, by the person injured thereby; and when any constable shall have in his hands one or more executions, and not have performed the duty required of him by law, he shall be liable to be prosecuted on such execution or executions, separately or jointly, by the person or persons in whose favor said execution or executions were issued, who may recover as aforesaid in an action on contract with double costs; and if it shall appear that the said constable had received the money or any part thereof on any execution for which suit shall be brought, in that case he shall pay to the plaintiff treble costs.

#### VIII. DOCKETING JUDGMENTS.

Docketing  
of final  
judgments.  
Statement.

72. Final judgments of courts, if not less than ten dollars excluding costs remain due thereon, may be docketed in the court of common pleas of the same county, and to that end there shall be filed with the clerk of the court of common pleas a statement signed by the justice of the peace before whom the judgment was recovered, under his hand and seal, which statement shall show the name of the justice before whom such judgment was obtained, the parties for and against whom the judgment was rendered, the amount and date of judgment, and the date of issue and return of the execution, if any; and any justice of the peace whose term of office has expired or who has resigned may make and certify said statement with the same force and effect as if still in commission; with said statement an affidavit of the plaintiff, or his attorney, shall also be filed, setting forth that the judgment about to be docketed is still due and unpaid, in whole or in part, stating the amount due; the fee of the clerk of the court of common pleas for filing said statement and docketing said judgment shall be twenty-five cents, and the fee of the justice for issuing said statement shall be fifty cents.

Fees.

73. When the docket of any justice has been filed in the office of any county clerk pursuant to the provisions of this act, and it shall appear that there is entered therein the record of any case tried before such justice with a judgment entered thereon for an amount not less than ten dollars, excluding costs, said clerk, upon the request of the person obtaining such judgment, his attorney, executors, administrators or assigns, whether execution was issued on said judgment or not, shall make and certify under his hand and seal a statement of said judgment, which shall show the name of the justice before whom such judgment was obtained, the parties for and against whom the judgment was rendered, the amount and date of the judgment, and the date of issue and return of execution, if any, and such statement shall for the purpose of docketing such judgment be of the same force and effect as if made by the justice before whom such judgment was obtained as provided in the preceding section; for making and certifying such statement the clerk of the county shall be entitled to a fee of fifty cents.

Clerk's duty  
after justice's  
docket filed.

Fee.

74. The clerk of every court of common pleas shall keep a docket in which shall be entered a copy of the statement certified as aforesaid and a note of the amount due as shown by said affidavit, which entry, lawfully made, shall have the same force as a judgment of the court of common pleas.

County clerk  
to keep  
docket.

75. After a judgment shall be docketed in court of common pleas, no execution shall issue thereon out of the small cause court, nor shall any proceeding be had except the due and proper granting of an appeal or certiorari.

After  
docketing  
judgment.

76. Every judgment docketed, as herein directed, may be revived by scire facias in the court of common pleas, in the same manner, in the like cases, and with the like effect, as if said judgment had been obtained in a suit originally commenced in that court.

How revived.

77. The clerk of the court of common pleas shall make to the docket in which such judgments are entered a complete alphabetic index; and said docket shall be a public record, to which all persons shall have access.

Index to  
docket.

In case of  
appeal or  
certiorari.

78. If any judgment recovered in any small cause court shall be removed by appeal or certiorari, and the necessary bond be perfected, and such judgment shall, either before or after such removal, be docketed as herein provided, execution from the court of common pleas in which said judgment is docketed shall be stayed and suspended until the final determination of such appeal or certiorari.

Determination  
upon appeal  
or certiorari  
entered.

79. If any judgment docketed as hereinbefore provided shall be reversed upon certiorari or appeal, and a duly certified transcript of the judgment of the court wherein such appeal or certiorari may have been determined shall be delivered to the clerk of the court of common pleas, the said clerk shall file the same in his office, and enter in the margin of the docket opposite the entry of said judgment, in short form, the substance of such determination upon the appeal or certiorari.

#### IX. APPEAL.

Terms upon  
which to grant  
appeal.

80. From any judgment which may be obtained in any small cause court, except such as shall have been given by confession, either party may upon filing a notice of appeal with the justice within twenty days after judgment shall be given appeal to the court of common pleas of the county; which appeal the said justice is hereby directed to grant, on the following and no other terms: that is to say, if the judgment appealed from be one entered against the party demanding the appeal, or if there be in the action an offset against his demand, then the appellant shall file with the justice a bond to the other party, with at least one sufficient security, being a freeholder in the county, and in double the amount of such judgment or offset conditioned that the appellant shall appear and prosecute the said appeal in the said court of common pleas, shall stand to and abide the judgment of the said court, and pay such costs as shall be taxed against him if the judgment be affirmed; if the judgment appealed from be in favor of the appellant and there be no offset in the action against his demand, then no appeal bond shall be required; the appeal shall be taken by a notice in writing, signed by or in behalf of the appellant, briefly describing the judgment and stating that the

Payment  
of costs.

party appeals therefrom to the court of common pleas; all appeals shall be heard and determined by the judge without a jury unless a demand for a jury shall be made and signed in writing and filed with the clerk of the court of common pleas within five days after the filing of the transcript of the justice; either party may bring on the hearing of the appeal at term time or in vacation upon ten days' notice to the other party or his attorney.

Hearing  
appeals.

81. The justice who grants an appeal shall send a transcript of the proceedings and judgment in the said cause, under his hand and seal, together with the bond aforesaid, to the clerk of the court of common pleas to which such appeal is made within ten days after he shall receive notice of appeal.

Justice to  
send up  
transcript  
and bond.

82. In all cases of appeal, the court of common pleas or a judge thereof at chambers upon the filing of the appeal bond with the clerk of said court or on proof that it has been filed with the justice, and being satisfied of the legality and sufficiency of the same, may order a stay of any execution which may have been issued by the justice, until the said court or judge shall make further order, a rule to which effect shall be entered in the minutes of the said court, and a copy thereof certified by the clerk, shall be served on the constable in whose hands the execution may be.

Appeal may  
order stay of  
execution.

83. The court of common pleas may permit the appellant to substitute a new appeal bond in the place of the appeal bond filed and sent up by the justice.

Substitute  
new bond.

84. The courts of common pleas shall hear and determine all such appeals in a summary way and give judgment and award execution thereon with costs, either on the affirmance or reversal of the judgment so appealed.

Appeals  
summarily  
heard.

85. Upon the trial of any appeal either party may produce any witness not produced or sworn in the court below, or any documentary evidence not offered or admitted in the court below, if otherwise legal and competent, without notice to the opposite party.

New wit-  
nesses and  
evidence.

86. If the judgment appealed from shall have been rendered upon the report of referees, the court to which such appeal shall be made, shall have power to inquire into such report of referees, and the judgment thereupon, and either to affirm or set aside the same for the

Judgment  
of referee  
reviewed.

same causes and upon the same principles as reports of referees are set aside in such court in other cases, and to award a trial before the court, if need be, in the same manner as in other cases.

New trial on  
appeal.

87. After the trial of an appeal in the court of common pleas a new trial may be granted by such court.

Entry of  
judgment  
necessary  
for lien.

88. Judgments of the court of common pleas upon appeals from the small cause courts shall not affect or bind any lands, unless a rule shall be entered in the minutes of the court of common pleas in which said judgment shall be rendered, for recording such judgment, which rule shall be a rule of course, and may be entered at any time without notice.

Clerk to  
record  
judgment.

89. The clerk of the court of common pleas, upon the entry of such rule, shall record any such judgment in the book of judgments of said court, and index the same, as now required by law respecting the judgments of said court, in suits originally commenced therein, which record shall be a transcript from the minutes of the said court on said judgment, and for this service the clerk shall be entitled to receive twenty-five cents; and such judgment shall, from the time of entering such rule, affect and bind all lands within the county where such court of common pleas is held, belonging to any person against whom such judgment may be; and executions against the goods and lands of such person may be issued out of such court thereupon, immediately upon the entry of such rule.

Fee.  
Effect of  
judgment.

Appeal listed  
for trial.

90. All appeals to the court of common pleas shall be put on the list by the appellant for trial at the next term after the same shall be appealed, if sufficient time to notice the same, for ten days, remain between the perfecting of the appeal and the first day of the next term; either party may give such notice and place said appeal on the list for trial; in default of such notice the court, unless good cause be shown, shall dismiss the appeal.

#### X. CERTIORARI.

Judgment  
reviewed by  
certiorari.

91. No judgment, order or proceeding, to be had or made by virtue of this act, shall be removed by writ of error, but by certiorari to the supreme court or circuit court.

92. All judgments, orders and proceedings in the small cause courts and in the courts of common pleas upon appeals from said courts may be removed into the circuit court of the same county by writ of certiorari, allowed by any judge of such court in the same manner and upon like terms as such writs are issuable out of the supreme court.

Removal of  
judgments,  
etc., by  
certiorari.

93. Where the small cause court has jurisdiction, no judgment from which an appeal is given by this act shall be removed into the supreme or circuit court by certiorari or otherwise, for the correction of any supposed error therein; but the party thinking himself aggrieved shall have relief by appeal only, and that both as to matter of law and matter of fact.

No certiorari  
where appeal  
lies.

94. No justice of the supreme court or judge of a circuit court shall grant or allow any certiorari to remove any judgment, order or proceeding, to be had by virtue of this act to the supreme or circuit court, unless the party applying for such certiorari shall present to the said justice or judge the reasons therefor, drawn up in writing and subscribed by himself or some attorney-at-law, and the same be deemed by the said justice or judge to contain a probable cause for allowing such certiorari; nor unless such applicant shall enter into bond to the other party in double the amount of the judgment with one or more good surety or sureties, conditioned that such applicant shall prosecute the said certiorari in the supreme or circuit court, as the case may be, and shall pay the sum recovered in the court below, with interests and costs, if the judgment be affirmed, and shall in all things stand to and abide the judgment of the said supreme or circuit court respecting the judgment, order or proceeding given or made by the court below; which said bond shall be tendered to the justice or judge granting such certiorari, to be by him filed with the clerk of the court out of which said writ shall issue for the benefit of the obligee therein named, and on failure thereof no certiorari shall be allowed.

How certiorari  
obtained.

Bond entered.

95. Such certiorari shall be prosecuted before the supreme or circuit court, at the first term after the due return thereof shall be made, or be dismissed with costs, unless the court for good cause shall otherwise direct; a

When  
adjudicated.

motion to dismiss for such default to prosecute shall be a matter of course, and no notice thereof shall be required.

Payment  
of costs.

96. If any judgment, to be given by virtue of this act, shall, on removal by certiorari, be affirmed, the plaintiff in certiorari shall pay to the defendant all costs arising on such suit in the supreme or circuit court, for which the party entitled to such costs may have execution, to be issued out of said supreme or circuit court; but if such judgment be reversed, then the plaintiff in certiorari shall not be entitled to costs except the court so order.

Errors by  
justice  
corrected.

97. No judgment of a small cause court, removed by certiorari to the supreme or circuit court, shall be reversed in the whole for any error or mistake by the justice by whom such judgment may have been rendered, in the entering the same or calculating the amount thereof or for error in the awarding of the costs of suits, but such judgment shall be corrected or revised in so far as respects such error or mistake only; nor for an irregularity in the proceedings of such court, unless such irregularity tends to defeat or impair the substantial right or interest of the party in certiorari praying for such reversal; nor for any error made by a constable in the proper return of a summons as to its service if it appear the defendant was in fact duly and legally served.

If partly  
affirmed or  
reversed;  
costs.

98. In case any judgment be so affirmed in part and reversed in part, neither party shall pay costs in certiorari to the other, unless upon express order of the court therefor.

Re-hearing.

99. If in any cause or proceedings removed by certiorari it shall appear equitable and just that a re-hearing thereof be had before the small cause court, the supreme or circuit court may order that such re-hearing be had upon such terms and conditions as are reasonable, and the small cause court shall thereupon proceed to re-hear said cause or proceeding and give judgment as in other cases.

## XI. Costs.

Fees allowed.

100. In all actions brought by virtue of this act, the following and no other fees shall be allowed:



## JUSTICES.

Justices.

Summons, twenty-five cents;  
 Each copy thereof, ten cents;  
 Warrant, twenty-five cents;  
 Order that warrant issue, fifty cents;  
 Entering each suit, twenty cents;  
 Recording return on summons, ten cents;  
 Recognizance, thirty-five cents;  
 Entering every non-suit, twenty cents;  
 Entering discontinuance, twenty cents;  
 Venire facias, thirty-five cents;  
 Administering every oath or affirmation, ten cents;  
 Subpœna for every witness, ten cents;  
 Swearing the jury, thirty-five cents;  
 Entry of every verdict, twenty cents;  
 Entry of every rule of reference, fifty cents;  
 Every copy thereof, twenty-five cents;  
 Entry of every judgment, twenty cents;  
 Every execution, thirty-five cents;  
 Recording return of execution, fifteen cents;  
 Drawing, signing and sealing return to certiorari, one dollar;  
 Copy of docket or of any proceeding or paper, per folio, fifteen cents;  
 Transcript of judgment, fifty cents;  
 Entering suit without process, fifty cents;  
 Filing each paper requiring to be filed, ten cents;  
 Issuing commission to take deposition, twenty-five cents;  
 Recording return of commission, one dollar and fifty cents;  
 Entering particulars of costs, fifteen cents;  
 Every affidavit, twenty-five cents;  
 Every adjournment, twenty cents;  
 Hearing every contested case, seventy-five cents;  
 Hearing case not contested, twenty-five cents;  
 Granting appeal and sending up transcript and papers, fifty cents;  
 Recording description of each paper offered in evidence, seven cents;  
 Approving bond, fifty cents;

Taking deposition, per folio, fifteen cents;  
Scire facias, thirty-five cents.

## CONSTABLE.

Constables. Serving every summons with or without a state of demand on one defendant, sixty cents;  
And for service thereof on every additional defendant in the same summons, thirty cents;  
Serving every warrant, against one or more persons, for each person, seventy-five cents;  
Serving every scire facias against one or more persons, for each person, sixty cents;  
Serving every subpœna, thirty-five cents;  
Summoning every jury of six men, one dollar;  
Summoning every jury of twelve men, one dollar and fifty cents;  
Attending jury until agreed on their verdict, fifty cents;  
Serving every execution, seventy-five cents;  
In addition to which, five cents on each dollar secured to the plaintiff.  
Advertising property under execution, thirty-five cents;  
Selling property under execution, fifty cents;  
For every copy of an execution filed with the jailer, twenty-five cents;  
For every mile of travel in serving any summons or warrant, issued by a justice of the peace, after the first mile, the distance computed by counting the number of miles in and out, by the most direct route from the place where such process is issued and returnable, four cents;  
For transporting a defendant to the county jail under a warrant or commitment, the same mileage.

## JURORS.

Jurors. For all cases tried, fifty cents a man;  
When summoned to attend and cause not tried, twenty-five cents a man.

## WITNESSES.

For their services under sections one hundred and nine and one hundred and ten, fifty cents; Witnesses.

For all other services, the same fees as are or shall be allowed in causes before the court of common pleas; *provided*, no fees shall be allowed for the service of subpoenas for more than three witnesses, nor shall fees be allowed to more than three witnesses for each party in a cause. Proviso.

101. On all appeals heard and determined in the court of common pleas the following and no other shall be allowed: Fees on appeals.

## COURTS.

Every appeal heard, fifty cents. Courts.

## CLERKS.

Entering action and filing bond and transcript, fifty cents; Clerks.

Every subpoena, ten cents;

Entering judgment, ten cents;

Every witness sworn or affirmed, ten cents;

Every order or rule of court, or of a judge, ten cents;

Every execution, forty cents;

Entering and filing execution, twenty cents;

Calling and swearing a jury, twenty cents;

Taking and entering verdict, ten cents;

Docketing judgment and filing transcript and affidavit, twenty-five cents.

## SHERIFF.

Making out and returning a list of the jury, twenty cents. Sheriff.

## CONSTABLES.

Serving every subpoena, thirty-five cents; Constables.  
Attending jury, fifty cents.

## CRIERS.

Criers            Every appeal, ten cents ;  
                   Calling and swearing each witness, five cents ;  
                   Calling jury, ten cents.

## JURORS.

Jurors.           The same fees as are allowed in other cases in the  
                   court of common pleas.

## COMMISSIONER.

Commis-           The supreme court commissioner, for hearing applica-  
 sioner.           tion to set aside order, one dollar.

Who pay           102. When the plaintiff in any action on contract,  
 jury.           shall demand a jury of twelve men, and the jury shall  
                   find a sum in favor of the plaintiff, not exceeding fifty  
                   dollars, then the plaintiff shall pay one-half of the costs  
                   of the jury.

When           103. No constable or other officer, authorized to serve  
 constable not   a subpoena, summons or other mesne process issued out  
 required to   of the small cause court, shall be required to serve such  
 serve process. process until his legal fees and mileage for so doing shall  
                   have been paid to him.

Justice's fees   104. No appeal from the judgment of a justice shall  
 paid before   be allowed until the party applying for the same shall,  
 appeal.       in addition to the matters now required by law, pay to  
                   said justice all costs incurred by him except such as shall  
                   be adjudged to the prevailing party.

Fees paid       105. The fee of the court for hearing the appeal, and  
 before hear-   the fees of the clerk for entering the action and filing  
 ing appeal.   the bond and transcript, shall be paid in the first instance  
                   by the appellant; if he refuses to pay the same before  
                   the hearing, the court shall, on application of the clerk,  
                   refuse to hear such appellant, and the appellee, if he will  
                   pay the same, may move the court to make, and the  
                   court may thereupon make, such disposition of the case  
                   as if the appellant failed to appear and prosecute his  
                   appeal.

## I. AMENDMENT.

106. When judgment shall have been rendered upon the verdict of a jury, the court of common pleas, to which an appeal shall be made, shall, before proceeding to hear and determine the same, amend the process, proceeding, verdict and judgment in all things which by the act entitled "An act respecting amendments and jeofails," are amendable on writs of error after verdict in other courts; and if it should be inconvenient, actually to make such amendments, then everything so amendable shall be taken and considered as amended, and proceeding shall be had thereupon, as if the same had been actually done.

Amendments  
made.

107. If the constable's return to any summons or warrant be defective, and such constable has, in point of fact, complied with all the requirements of this act in serving such writ, whether the defendant appears or not and whether he objects or not, such constable may amend his return in such manner as to make it conform to the fact; *provided*, he do so on or before the trial of the cause.

Amending  
defective  
return of  
constable.

Proviso.

## 2. REFERENCES.

108. In every suit instituted in the small cause court, and in every appeal to the court of common pleas, the justice of the peace, or court of common pleas, as the case may be, with the assent and at the request of the parties, shall enter a rule of reference of the matters in difference, to such person or persons as shall be nominated and agreed upon by and between the parties; and the reference so made shall be conducted in the same manner as directed in the case of references by the rule of court, in and by the act entitled "An act for regulating references, and determining controversies by arbitration," and the report of the said referee or referees, or the major part of them, whether in favor of the plaintiff or defendant, appellant or appelle, shall be final and conclusive to the parties, judgment shall be entered thereon with costs, and execution issued accordingly.

Rules of  
reference  
entered.

## 3. DEPOSITIONS.

Deposition  
of witness.

Two days'  
notice  
required.

Deposition,  
how taken.

Transmitted  
to court.

Provisions  
of "Evidence  
Act" ap-  
plicable.

109. If a material witness in an action instituted in the small cause court is in the state, but is infirm or sick, or is about to go out of the state, the deposition of such witness may, at the option of either party, be taken before a justice of the peace; the party at whose request the deposition is to be taken shall cause two days' notice to be given to the adverse party of the time, place and the person before whom the deposition will be taken, or such shorter notice as the cause in the opinion of the justice may require, to attend at the taking thereof, and cross-examine, if he shall think fit; and a deposition so taken and offered in evidence shall be subject to the same rules and exceptions that the witness would be if personally present.

110. Every person so deposing shall be sworn or affirmed, and shall subscribe the testimony by him given, after the same shall be reduced to writing, which shall be done only by the justice taking the deposition, or by the deponent or other person, in his presence, and the deposition, so taken, shall be retained by such justice until he deliver the same, with his own hand, into the court for which it was taken, or shall be by said justice sealed up, directed and transmitted to such court, and remain under his seal until opened in court, and when so opened the same shall be deposited in the office of the justice before whom the action shall be brought, there to remain on record, and either of the parties in the said action may, at his cost, take copies of such deposition as soon as it is so deposited.

111. The provisions of the act entitled "An act concerning evidence" (Revision of 1900), so far as the same can be applied, are hereby extended to the small cause courts.

## 4. JUSTICES. THEIR DUTIES AND DOCKETS.

Justice's  
docket,  
entries.

112. Every justice of the peace, before whom any suit shall be instituted, shall enter in a book to be kept for that purpose, the names of the plaintiff and defendant, the style and nature of the action, the sum demanded or

penalty sued for, the time of issuing process, and when returnable, the return made thereto by the constable, when the copy of the account, or state of the demand, or set-off, was delivered by the parties or either of them, the time of taking the recognizance, of making or filing any order, the adjournment, the rule of reference, and report of referees, the jury, when and by whom demanded, the venire, when issued and how returned, the time of trial, the names of the jurors and witnesses, the admission of evidence objected to, the rejection of evidence offered, a description of each paper offered in evidence, the verdict and judgment and when given, the execution or executions, when issued, the endorsement thereon, and how returned by the constable, the appeal, when and by whom demanded, the date of receiving notice thereof, and all the proceedings before him had, touching the said suit; such justice shall grant to either party, when required, a certified copy of such entries, which copy may be used as evidence in any court in this state; no imperfection or irregularity in the book so kept shall invalidate any proceedings or judgment, but the same may be corrected to conform to the fact at any time, under rule by the court to certify or otherwise.

Parties  
entitled to  
certified  
copies.

113. The justice before whom any judgment is rendered shall make out and enter in his docket a full bill of costs in the case, specifying each item and the fees for the same, and the amount paid him by each party.

Render full  
bill of costs.

114. Every justice of the peace whose term of office has expired, or who has resigned, shall, when required so to do, make out transcripts from his docket or dockets, under his hand and seal, and certify them as "late justice of the peace;" which said transcripts shall have the same force and effect and be liable to the like legal objections as though the said justice was still in commission.

Ex-justice  
may give  
transcripts.

115. The book in which such proceedings shall be entered by any justice of the peace, shall, within one year after the death of the said justice, be deposited in the office of the clerk of the county wherein the said justice held his commission, to be there kept as a public record; if any justice of the peace shall be removed from his office by impeachment, or if either before or after the expiration of his term of office, he shall be about to

Deposit of  
docket after  
death of  
justice, or  
removal.

remove from the county in which he was commissioned, the docket or dockets of the said justice shall be forthwith deposited in the clerk's office of his county; every justice of the peace and his legal representatives shall at all times, after the said docket or dockets are so deposited, have free access to the same without payment of any fees to the clerk therefor, to enable them to recover any costs which may be due the said justice thereon.

Penalty for neglect.

116. If any justice of the peace or his executor or administrator shall neglect or refuse to deposit his docket or dockets in the clerk's office, at the time and in the manner by this act directed, he shall forfeit and pay the sum of fifty dollars, to be recovered by action on contract, with costs, in any court of competent jurisdiction, and to be sued for and recovered by the collector of the county, for the use of the county.

Transcript as evidence.

117. The transcript of the record of any case entered in any docket, deposited in the clerk's office as aforesaid, certified to be a true transcript by said clerk, shall be received in evidence in any court of this state, and be as good, effectual, and available in law, as if the deposited docket were then and there produced.

Justice or constable may not prosecute suits.

118. No justice of the peace, unless duly licensed as an attorney-at-law of this state, or constable shall appear and prosecute or defend any action brought in the small cause court unless such justice or constable shall be one of the parties on record in the cause; and any justice or constable who shall offend against this provision shall forfeit the sum of fifty dollars, to be recovered by action on contract, with costs of suit, in any court having cognizance thereof, in the name and for the use of any person who shall prosecute for the same.

##### 5. CONSTABLES, THEIR DUTIES.

Constables to be ministerial officers.

119. The constables of the several wards and townships in any county shall be the ministerial officers of the said courts, and said constables shall execute within the county all precepts, summons, warrants, writs, and all other process, issuing out of the said court, and to them or any of them directed and delivered and make return



thereof, and to perform all matters, acts, and things appertaining to their offices aforesaid.

Approved April 8, 1903.

## CHAPTER 166.

An Act to authorize the board of fish and game commissioners of this state to co-operate with the state of Pennsylvania in assisting to restore the sturgeon fisheries in the Delaware river and bay, and making an appropriation therefor.

WHEREAS, The sturgeon fisheries of the Delaware river and bay, once an important industry, giving employment to many citizens of this commonwealth, have decreased so rapidly that it is advisable by concerted action of the states bordering upon these waters to restore said fisheries, and a bill similar to this act is now pending in the legislature of the state of Pennsylvania; therefore,

Preamble.

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

1. The sum of seven hundred and fifty dollars, or as much thereof as may be necessary, provided an appropriation be made therefor in the annual appropriation bill, is hereby appropriated to the board of fish and game commissioners of this state, for the purpose of co-operating with the state of Pennsylvania in the artificial propagation of the species of fish known as sturgeon in the Delaware river and bay, and the said board of fish and game commissioners is hereby authorized and directed to undertake this work; *provided*, the sturgeon fishermen shall agree to furnish, free of charge, upon demand of the said board of fish and game commissioners of this state, ripe eggs and milt suitable for propagating said sturgeon; *and further provided*, that said fishermen shall, at the close of the open season, furnish the board of fish

Appropriation for propagation of sturgeon.

Proviso.

Proviso.

and game commissioners of this state, or their agents, free of charge, at least two boats and all the necessary nets and appliances for the capture of sturgeon for propagating purposes on the spawning beds in any part of the Delaware river below Trenton falls, the said boats and appliances to be returned to the owners when no longer needed for the purposes aforesaid.

Sale of  
sturgeon.

Proviso.

2. It shall be lawful for the board of fish and game commissioners, having in their possession after the open season has expired, mature sturgeon obtained in the securing of eggs and milt to sell or otherwise dispose of said sturgeon; *provided*, that all moneys accruing from such disposal shall be used only for the purpose of propagating and increasing sturgeon in the Delaware river and bay.

When act  
operative.

3. This act shall not become operative and any money appropriated therefor not become available until the legislature of Pennsylvania has passed a similar act and appropriation.

Approved April 8, 1903.

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## CHAPTER 167.

An Act to provide for the appointment of water commissioners in certain cities of this state.

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

Water com-  
missioners.

1. It shall be lawful for the board of aldermen, council or other legislative body of any city in this state which has adopted or which may hereafter adopt the provisions of an act of the legislature entitled "An act to enable cities to supply the inhabitants thereof with pure and wholesome water," approved the twenty-first day of April, one thousand eight hundred and seventy-six, to provide by ordinance for the appointment of five commissioners to be known and designated as "board of water commissioners of the city of \_\_\_\_\_."

2. After the adoption of any such ordinance in any city, the commissioners thereby provided for shall be appointed by the said board of aldermen, council or other legislative body, and the commissioners thus appointed shall hold office for the term of one, two, three, four and five years respectively, and thereafter, annually, the said board of aldermen, council or other legislative body shall appoint one such commissioner, who shall hold office for the term of five years.

Their appointment and term.

3. Within ten days after their appointment the said commissioners shall take and subscribe an oath, and file the same with the city clerk, to faithfully, impartially and justly discharge the duties of their office.

Oath.

4. Upon the appointment and qualification of said board of water commissioners in any such city all of the powers and duties conferred and imposed by the said act or any supplement thereto upon the said board of aldermen, council or other legislative body of such city shall devolve upon and be exercised by said board of water commissioners, save and except the duties and powers imposed by the thirteenth and fourteenth sections of the said act; *provided, however*, that no bonds shall be issued as provided for in the seventh section of said act save and except by the consent and approval of the said board of aldermen, council or other legislative body.

Powers and duties.

Proviso.

5. The said board of water commissioners shall, on or before a certain day in each year, to be fixed by the said body, cause a careful estimate to be made of the interest of 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 board of aldermen, council or other legislative body of said city, and the said deficiency said city shall raise by tax as other city taxes are assessed, levied and collected, and said board of aldermen, council or other legislative body shall, in case of any estimated deficiency, furnish a copy of said report to the board or officer who by law is required to make assessment of taxes in said city, and an assessment shall be made therefor as provided in the fourteenth section of the said act.

Estimates of receipts and cost.

If deficiency.

- Compensation. 6. The said board of water commissioners shall receive for their services such compensation as may be provided for in and by the said ordinance which shall authorize their appointment, and the salary of no commissioner shall be increased or diminished during his term of office.
- Repealer. 7. 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.
- Approved April 8, 1903.

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CHAPTER 168.

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:

- Cities adopting act affected. 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.
- Officers elected; council, mayor, etc. 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 and at every such election in each second year thereafter, there shall be elected in and for each ward of such city one member of the city council of such city and for the city at large three members of the said council; there shall be elected also one mayor, one recorder, one city treasurer, one collector of taxes, one overseer of the poor, and such other elective officers as may be provided by this act or by law, and in each of the wards of such city there shall be elected such number of constables, justices of the peace and chosen freeholders as are now or may be hereafter provided for by law; it being the intention hereby to provide for the general election of public officers in such city once every two years.
- Biennial elections. 3. The term of office of all the officers elected in such city shall commence at twelve o'clock noon on the first
- Term of officers.

Monday of the month succeeding the day on which the election for such officers is held; if any person elected shall not qualify, according to law, on or before the date herein fixed at which his term of office shall begin, or if any person appointed to office under the provisions of this act shall not qualify within ten days after his appointment, then the office to which the person so failing to qualify is elected or appointed shall be deemed vacant.

4. In case of a vacancy by death, resignation or otherwise in any appointive office such vacancy shall be filled by the city council by appointment for the unexpired term, and if such vacancy shall occur in any elective office, except that of mayor, such vacancy shall be filled by the city council by appointment for the unexpired term; appointees to fill vacancies shall perform the duties, receive the compensation and be subject to the responsibilities of officers elected or appointed for a full term; in case a vacancy occurs in the office of mayor during the first year of a term the city council shall order a special election for the choice of a successor to fill the vacancy for the unexpired term; if such vacancy occurs, however, during the second year of the term, it shall be filled by the city council by appointment for a like term; all resignations of officers shall be made to the mayor in writing and he shall report the same to the city council at its next regular meeting thereafter.

Vacancies.

Resignations.

5. 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 or city clerk 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 laws of this state; all such oaths or affirmation shall be filed by the city clerk in his office; the recorder, city treasurer, collector of taxes, deputy collectors, constables, overseer of the poor, city comptroller, 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 sums and with such sureties as the city council may approve, or as may be required by any act of the legislature of this

Oath, bond.  
sureties.

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 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 expense incurred in obtaining such bonds and keeping the same in force.

Removal  
from office  
by council.

Proviso.

6. Any city or ward officer, except officers of the police department, may be removed from office by resolution of the city council for disability or other good 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 days' notice of the proceedings and an opportunity to be heard in his defense, nor unless two-thirds of all the members of the city council shall vote for such removal.

Officers of  
council; rules.

Expulsion.

7. The city council shall choose its officers, and, in the absence of the president, elect a president pro tempore, 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 a violation of its rules; but no expulsion shall take place except by vote of two-thirds of all the members of city council nor until the member sought to be expelled shall have had five days' notice of the proceedings and an opportunity to be heard in his defense; the stated meetings of city council shall be held on the second and fourth Mondays of each month.

City clerk;  
duties.

8. There shall be in every such city a city clerk, who shall be appointed by the city council for the term of two 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 city council, and upon the first publication of any ordinance, to immediately transmit a certified copy of such motion, resolution or ordinance to each and every officer, department, board or committee

that may be affected thereby, and it shall be the duty of every officer receiving such certified copies to file the same in their respective offices; the city clerk shall perform such other duties as may be required of him by law or by city council.

9. A majority of the whole number of the members of the 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 of the city council 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 request of a majority of the members of the city council in writing.

Quorum;  
special  
meetings.

10. No ordinance shall be passed or repealed by the city council except with the concurrence of a majority of all the members of the 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; no ordinance shall be introduced except at a stated meeting, nor shall any ordinance be finally passed except at a subsequent stated meeting to that at which it may be introduced; and no ordinance shall be introduced or finally passed at any adjourned meeting; 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 not approve it, he may file his objections thereto with the city clerk within ten days after the same was so 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 to 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 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 objections filed, as above provided, for ten days after the same was presented to him, or if not so approved by the mayor, shall have been passed by a vote of two-thirds of all the members of the

Passage of  
ordinances.

Mayor's  
action  
thereon.

Publication of ordinances.	city council upon a reconsideration, as above provided, notwithstanding his objections filed, shall be published in one or more newspapers published in such city, and upon the day of the first publication thereof shall take effect; it shall be the duty of the mayor to return every 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
Aye and nay vote.	mayor as aforesaid, shall be taken by ayes and nays, and shall be entered in full on the journal of said council; 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 such publication 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.
Enacting clause.	11. 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).
Council, how styled.	12. The councilmen of such city, duly elected in the several wards thereof, and the aldermen shall constitute and be called "The city council of....." (inserting the name herein of the city in which this act shall take effect).
Powers of council.	13. The city council of such city shall have power to make, establish, publish, modify, amend or repeal ordinances for the following purposes:
Finances.	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, and for payment for any public improvement not exceeding the amount of the specific assessment for such improvement;
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;



III. To restrain and suppress disorderly and gaming houses, houses of ill-fame, opium joints, all instruments and devices for gaming, and to prohibit all gaming and fraudulent devices;

Restrain  
gaming.

IV. To prohibit the sale of malt, spirituous, vinous and intoxicating liquors or drinks, without a license for such sale first had and obtained in the manner provided by law;

To prohibit  
illegal sale  
of liquor.

V. To prohibit, restrain, regulate or license all parades on or along the streets or highways, sports, exhibitions or 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;

Regulate  
amusements.

License  
same.

VI. 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;

Locate streets  
and regulate  
use of.

VII. 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 incumbrances 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 the manner in which corporations or persons shall exercise any privileges granted to them by said city in the use of any street, avenue, highway, alley or public place in such city, or in digging up any street, avenue, highway, alley or public place for the purpose of laying down pipes or any other purposes whatever, and to prohibit and prevent any such use or work at such time and seasons of the year as city council may designate; 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 and to change such names or numbers, and to enforce the removal of snow, ice or dirt from the sidewalks by the owners or occupants of the premises fronting thereon;

Maintain  
highways,  
bridges,  
sewers, etc.

Protect trees.

Width of  
walks, etc.

VIII. To establish the widths of sidewalks and drive-ways of the public streets and highways, and to alter or change 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 and control the same;

Care of idle  
land injurious  
to community.

IX. 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 or 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 and equitable proportions on the lots, pieces or parcels of ground, whether improved or unimproved, benefited thereby to the extent of the peculiar benefits conferred;

House and  
stoop lines.

X. To prevent or regulate the erection or construction of any stoop, step, platform, bay-window, cellar door, 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;

Horse racing,  
speed of  
vehicles and  
cars, signals  
and public  
safety.

XI. To prevent and punish horse racing and immoderate 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, motor, electric and other cars through said city and designate the crossings at which any railroad company shall be required to place safety gates, to station flagmen, to place and maintain signals to warn travelers of the approach of locomotive engines, or railroad cars; to designate the points or places in the streets or highways at which street cars shall stop, to take on or let off passengers, and to compel the equipment of motor, electric and other cars running through said city with fenders and other devices for the safety of the public;

- XII. 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; Cattle on streets.
- XIII. To regulate, protect and improve the parks, public burial grounds and other public grounds in said city, and to protect the property of such city from encroachments of the sea; Parks, etc.
- XIV. To provide for the lighting of all streets, parks and public places; Lighting.
- XV. To prohibit and regulate the construction and use of wells, pumps, aqueducts and cisterns in public streets and places; Wells and cisterns.
- XVI. To regulate and prescribe the conditions under which horses may be left standing upon the public streets or highways; Horse standing on streets.
- XVII. To establish and regulate one or more pounds, and to prohibit, restrain and regulate the running at large of horses, cattle, swine and other animals, and to authorize the impounding and sale of the same for the penalty incurred and the costs of keeping, impounding and sale; and to regulate or prohibit the keeping of swine or cattle in any part of such city; Animals running at large; pound.
- XVIII. 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.
- XIX. To locate, regulate and remove slaughter houses, establish and regulate public markets, license and regulate butchers, designate the places and manner of selling meat, fish, fruits and vegetables and to prohibit persons from selling such articles without license; to provide for the collection and disposition of offal, garbage, wastes and all refuse matter which may become dangerous to the public health, and to authorize and empower the local board of health, established or to be established in such city, to make collection and disposition thereof or to provide therefor, and in case such board is given such power and authority it is hereby authorized to accept the same and given power to collect and dispose of all such refuse matter; Slaughter houses; sale of food; garbage.
- XX. To prescribe and regulate the place of vending or exposing for sale wood, hay, straw and other articles from wagons or other vehicles; Sale of wood, hay, straw, etc.

Annoyance to persons or animals.	XXI. To regulate or prohibit and practice having a tendency to frighten animals or to annoy persons passing in the streets or on the sidewalks in such city;
Street beg- ging, drunk- eness, etc.	XXII. To restrain and punish drunkards, vagrants, mendicants and street beggars; to prevent loitering, lounging or sleeping in the streets, parks or public places;
Health.	XXIII. To establish a board of health, define its powers and duties and provide for the protection and maintenance of the health of the city;
Contracts.	XXIV. To prescribe the manner in which all contracts for performing work or furnishing materials for the city shall be made and executed;
Public nuisances.	XXV. To abate and remove nuisances of every kind and to require the owner or occupant of any grocery, cellar, tallow chandler's shop, butcher's stall, soap factory, tannery, stable, privy, hog pen, sewer or other offensive or unwholesome house or place, lot or enclosure, to cleanse, remove or abate the same, or in a summary manner to cause the same to be done at the expense of the owner or occupant thereof;
Interments.	XXVI. To regulate the burial of the dead, prohibit interment within such limits as may be prescribed; purchase land for public burial places, direct the keeping and return of bills of mortality and to establish such regulations for conveying the dead through the streets of such city as the health, quiet and good order of the city may, in the opinion of city council, require;
License cabs, peddlers, shows, pool rooms, vend- ers, etc.	XXVII. To license and regulate cartmen, porters, hacks, street cars, omnibuses, automobiles, 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, 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; 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, using 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 farm;

Fix fees.

Proviso.

XXVIII. To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

Ringing bells and crying goods.

XXIX. 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 of the public streets and places clad in bathing robes or other costumes of a similar character;

Bathing.

XXX. To regulate weights and measures in conformity with the standard of weights and measures established by law, and to require every merchant, retailer, trader and dealer in merchandise, or property of any description which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer and to be subject to his inspection;

Weights and measures.

XXXI. To establish a day and night police and to fix and determine their compensation;

Police.

XXXII. To establish, regulate and control a fire department; to regulate and define the manner of the appointment and removal of the officers and members of the 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;

Fire department.

XXXIII. 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, and to prescribe, by ordinance, the kind of materials to be used in such construction; to regulate the construction of chimneys and to compel the sweeping thereof; to regulate and require

Erection of buildings.

Electric wiring.	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 regulate or prohibit the manufacture, sale, keeping, storage or use of fireworks and the use of firearms in such city; to regulate or prohibit the manufacture, sale, storage, keeping or conveying of gunpowder, kerosene, benzine, gasoline, burning fluid, nitroglycerine, 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 or destroy such building at the expense of the owners 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;
Fireworks and firearms.	
Explosive materials.	
Raze certain buildings.	
Rubbish.	XXXIV. To regulate or prohibit the deposit of hay, straw, paper, boxes or other rubbish upon any yard, lot or parcel of land, or under any building or within any street, highway or public park in such city;
Levy taxes, etc.	XXXV. To provide for the levying and collecting the taxes, fines, penalties and all assessments for public improvements;
Duties, term and compensation of officers.	XXXVI. To prescribe and define, except as herein provided, the duties and terms of office of all city and ward officers, and to fix and determine their salaries or compensation; to appoint from time to time such subordinate officers and employees as may be deemed necessary to carry into effect the powers and duties hereby created or otherwise conferred or imposed, and to fix and determine their compensation, duties, term of office or

employment; *provided, however*, that the city council shall not have the power to decrease the salary or compensation of any officer during his term of office;

Proviso.

XXXVII. To fix and determine a reasonable compensation to be paid to any officer of such city, or other person employed by such city, for any service required of him by 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;

Compensation of employees.

XXXVIII. To provide a supply of water for the city and its inhabitants;

Water supply.

XXXIX. 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 constructions which may hereafter be placed therein; to establish the grade and crown of such streets and to require that the tracks of such railway companies shall conform thereto;

Use of streets by street car lines.

XL. To provide for and authorize the sale of any lands belonging to such city that in the opinion of the city council are not needed for the use of such city; *provided*, that the ordinance authorizing or directing such sale shall receive the affirmative vote of two-thirds of all the members of city council and be approved by the mayor;

Sale of lands.

Proviso.

XLI. To regulate, prescribe, control or prohibit the passage of buildings and other structures through, along or across the streets and public places, and fix and charge, for the purposes of revenue, a fee for the permission of such passage of buildings;

Moving buildings.

XLII. 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 system.

XLIII. To increase the number of wards in such city and to change, readjust and define the boundary lines of each ward 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.

Wards; precincts.

14. The city council shall have power to make and establish such other ordinances, rules, regulations and

Further powers.

by-laws, not contrary to the laws of this state or of the United States, as they may deem necessary to carry into effect the powers and duties conferred or imposed on them by this act or by any other law of this state, and such, also, as they may deem necessary and proper for the good government, order, protection of persons and property, and for the preservation of the public health and prosperity of such city and its inhabitants, and the same to alter, amend and repeal.

Prescribe  
penalties.

15. 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 two 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 imprison for any term not exceeding the term fixed therein; the book 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 all 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 the public newspaper or newspapers according to law, shall in all cases be presumed to have been made until the contrary be proved; all fines imposed for a violation of the city ordinances shall, when received, be paid to the city treasurer for the benefit of the city.

Discretion  
of officer.

Record of  
ordinances  
as evidence.

Publication  
of ordinances  
presumed.

Continued  
neglect a new  
offense.

16. 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.



17. The application and expenditure of all moneys raised for the maintenance and relief of the poor of such city shall be under the government, management and direction of the said city council and of the overseer of the poor, and such other officer as they may for that purpose constitute and appoint; and the overseer of the poor shall possess the powers and perform the duties of the like officer of the townships of this state so far as such powers and duties shall be consistent with the provisions of this act.

Relief of  
poor.

Power of  
overseer of  
poor.

18. All licenses to keep saloons or taverns, or to sell spirituous, vinous or malt liquors within the limits of such city, shall be granted by the court of common pleas of the county within which such city is located, in the manner now or hereafter provided by law; *provided, however,* that all fees for licenses granted shall be paid to the city treasurer for the use of the city and no such licenses shall be valid or operative until such payment shall be made and the receipt of the city treasurer obtained therefor.

Liquor  
licenses  
granted  
by court.

Proviso.

19. 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 hereinafter specified, and he shall receive such salary as shall be fixed by the city council.

Powers and  
duties of  
mayor.

20. The mayor shall be the head of the police department, and shall have exclusive power to appoint, suspend and remove all policemen and all subordinates in such department, including a chief of police and such captains and sergeants of police as may be authorized by ordinance; he shall see that all such officers are prompt and faithful in the discharge of their duties, and shall from time to time take such measures as he shall deem necessary for the preservation of peace and good order and the enforcement of the laws and ordinances of the city.

Authority  
over police.

21. 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 as he shall deem expedient; to keep the corporate seal of

Annual  
message.

Keep seal.

Supervision of officials.	the city, to cause the laws and ordinances to be fully executed and enforced, and to exercise a supervision over the official acts of the subordinate officers of the city and to report any dereliction of duty 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;
Offer rewards.	he may, under the direction of the city council, offer rewards for the detection or apprehension of the perpetrator of any offense against any city ordinance or any high crime or misdemeanor committed within the city, to be paid on the conviction of the criminal.
Quell disturbances.	22. The mayor of such city is hereby invested with all the power of a constable or police officer for the purpose of quelling any insurrection, riot, disturbance or disorderly assemblage, and shall for this purpose have the control of the constables, watchmen or other police force of such city, and shall have the power to call upon the citizens for aid in all such cases, and, when he shall deem it proper and necessary, may call out the militia of such city and employ the same in quelling such insurrection, riot or disturbance of the peace, and on public parades or other public gatherings 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 and the city council shall in every such case provide for their compensation.
Summon aid to enforce order.	23. Whenever there shall be a vacancy in the office of the mayor, or whenever the mayor shall be prevented by absence from the city by sickness or any other cause from attending to the duties of his office, the acting president of the 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; <i>provided, however</i> , that while so acting he shall not vote upon any resolution or ordinance which may require his signature as acting mayor.
Acting mayor.	
Proviso.	
Powers and duties of overseer of poor, constables, collectors.	24. The overseer of the poor and constables elected as aforesaid shall respectively 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; and the collector of taxes shall possess the power and perform the

duties of collectors of the several townships so far as such powers and duties shall be consistent with the provisions of this act.

25. There shall be in every such city a building inspector who shall be appointed by city council for a term of three years, whose special duty it 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 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 such building or structure or any part thereof unsafe, or has been or is being erected in violation of such laws and ordinances, he 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 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 upon such building or structure shall cease, if the said building inspector shall so direct, until the defects have been remedied and corrected; *provided*, that if in the opinion of such building inspector, 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 and ordinances, and he shall so declare in said notice of condemnation, then, in such case, such building or structure or defective part thereof shall be immediately torn down and removed.

Building  
inspector;  
duties.

Authority of  
inspector and  
assistants.

Right to  
condemn.

Proviso.

26. The city council may by ordinance provide that any building or structure, or any part thereof, which shall be condemned by the building inspector, shall be made safe, and made to conform with the laws and ordinances relating thereto in effect in such city, and if the building inspector shall declare that such building or structure, or any part thereof, cannot be made safe or in conformity with such laws and ordinances, may pro-

Condemned  
buildings to  
be made safe.

vide 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 collection of such cost and expense.

City solicitor. 27. There shall be in every city a city solicitor, who shall be appointed by city council on nomination of the mayor for a term of two years; he shall be the law officer of such city and shall perform such duties as may be required of him by law or by the city council of such city, and receive such compensation as shall be fixed by the city council.

Collector of taxes. 28. The office of the collector of taxes shall be kept in the city hall of such city or such other place as the city council shall designate, and he, or such deputy as he shall appoint, shall sit at such times and places in such city for the receipt of taxes as the city council shall direct; and it shall be the special duty of the said collector of taxes to 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 predecessor in office; it shall also be the duty of the collector of taxes to collect all assessments, current and delinquent taxes due to the city, and such proceedings shall be had by the tax collector for the collection of such taxes as are now or may hereafter be 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 date of acceptance of the provisions of this act by such city, the rights and duties of the person or persons intrusted with the collection of the taxes or assessments in such city, shall cease and determine, and any and all persons having custody of any of the books, records and certificates or other documents of such city, pertaining to such taxes or the collection thereof, shall on said date deliver all such books, records and documents to the tax collector then duly qualified, accompanied by a statement showing the amount of taxes, interest, costs and charges due such

Duties.

Termination of office.

Transfer of books and records.

Statement.

city, and collected by such collector to such date, from which amount shall be deducted all sums due such collector for compensation provided by law for his services as such collector, and also all compensation authorized by city council for the collection of delinquent taxes, and all costs due such collector pertaining to tax sales, and said statement shall also show every item of uncollected taxes appearing upon said book, and each tax collector shall deliver all such books and papers to his successor in office; and it shall also be the duty of the collector of taxes, 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 or conveyances for delinquent taxes or assessments for the year or years applied for, affecting such land, except such as are shown upon such certificates; he shall be entitled to the following fees for such certificates of search and no more: for each property as assessed and as 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, fifty cents.

Searches.

Fees for  
certificates  
of search.

29. The collector of taxes shall have power to appoint one or more deputies, who shall have power to do all and every act or acts which it may be lawful for the said collector to do, and every warrant directed to him may be executed by his deputy or deputies, or either of them, in as full and complete a manner as if executed by the said collector of taxes; and the said deputy or deputies shall give such security for the faithful performance of the duties of their respective offices as the city council shall direct, and shall hold office at the pleasure of said collector.

Deputy  
collectors.

30. The city treasurer shall receive all moneys belonging to the city, and shall disburse the same as directed by law, and shall keep an account of all receipts and expenditures in such manner as the city council shall direct,

City  
treasurer.

Fiscal state-  
ment.

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 the city council; the city treasurer 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 will lay the same before the city council at their next meeting; the city treasurer shall make such further reports from time to time as city council shall direct.

Order of  
precedence  
in paying  
moneys.

31. The city treasurer shall pay to the officers entitled to receive the same, out of the first moneys which he shall receive from the tax collector on account of current taxes for any year, the amounts of the respective sums assessed or appropriated in such year for the following purposes and in the following order of precedence:

I. State school and county taxes;

II. District school taxes;

III. Amounts appropriated to the sinking fund; and all such sums shall be paid on or before December twentieth of the current year, or on such other day as may be fixed by law as the day upon which taxes are due and payable to the city; *provided, however*, that no moneys shall be paid out by said treasurer for any purpose whatever except upon warrants of the city comptroller therefor.

Proviso.

Fiscal year.

32. 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, and shall also have power, in like manner, to fix the date in each year upon which taxes levied and assessed upon real estate shall become a lien.

Daily cash  
book.

33. All officers of such city collecting or receiving public moneys shall cause to be entered in suitable books to be kept for that purpose daily records of all sums received or collected by them due to such city, and shall pay the same at least once in each week to the city treasurer, accompanied by a statement in sufficient detail to enable the city treasurer to credit such sums to the

Weekly pay-  
ments to  
treasurer.

appropriate account, officer or department, and a copy of such statement shall be at once furnished by such officer to the city comptroller; and it shall be the duty of said city treasurer to give such officer receipts or vouchers therefor to be filed in their respective offices; *provided*, that nothing herein contained shall be construed as requiring any officer to account for or pay over to said treasurer any moneys received or collected by him as fees or commissions which may be due to himself, but they shall, at the same time, report the amount of money so retained.

Proviso.

34. The city clerk shall engross all the ordinances of the city council in a book to be provided for that purpose, with a proper index, which book shall be deemed a public record of such ordinances, and he shall enter therein his certificate of the date of the passage thereof; and copies of all papers duly filed in the office of the city clerk, and transcripts thereof, and of the records and proceedings of the city council and copies of the laws or ordinances of the said city, certified by him under the corporate seal, shall be evidence in all courts and places.

Book of ordinances.

Certified copies of papers as evidence.

35. 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 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 so to do he shall be deemed guilty of a misdemeanor.

Delivery of books, records, etc., at expiration of office.

36. The city council shall have power to raise, by tax, in each year such sum or sums of money within the limitation herein imposed as they shall deem expedient for the following purposes:

Purposes for which taxes may be imposed.

I. For lighting the streets, buildings and public places of the city, and the maintenance and operation of any lighting plant owned by the said city;

Lighting.

II. For the maintenance and support of the poor, and for the support or partial support of any public hospital;

Poor.

III. For regulating, cleaning, sprinkling and keeping in repair the streets, sidewalks and highways;

Streets.

IV. For acquiring public grounds, parks, public docks, piers or other property for such city, and for maintaining, regulating and protecting the same;

Parks, docks.

Paving.	V. For paving, graveling, macadamizing or telfordizing or otherwise improving the streets of the city and the laying of crosswalks therein;
Police; armory.	VI. For the support of the police department and armory purposes;
Fire de- partment.	VII. For the maintenance of a fire department, or for the support of volunteer fire companies;
Water.	VIII. For supplying the city or inhabitants thereof with water;
Interest; sinking fund.	IX. 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;
Sewers and drains.	X. For purchasing necessary real estate and providing for the construction, maintenance and operation of a system or systems of sewerage and drainage;
Anticipation of assess- ments.	XI. 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;
Music.	XII. For the purpose of providing music for the public parks and other places to which the people resort for recreation;
Health; ashes and garbage.	XIII. 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;
Library.	XIV. For the establishment and maintenance of a public library;
Incidental expenses.	XV. For the general, incidental and contingent expenses of the city, and for all other objects and purposes authorized by law; <i>provided, always</i> , that it shall not be lawful for the city council to raise by taxation in any one year, in the general assessment for city purposes, an amount of money that shall cause a greater rate than one hundred cents on one hundred dollars of valuation of the real and personal property rated and returned for taxation therein as shown by the duplicate of assessment for the current year, not including therein, however, the amount to be raised in said city for state and county taxes and for school purposes, and for the principal and interest of any bonded indebtedness.
Proviso.	



37. There shall be in every such city a city engineer, who shall be appointed by the city council, and shall hold office for the period of two years.

City  
engineer.

38. It shall be the duty of the city engineer to prepare, keep, renew and have the custody of a city map or atlas, whereon 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 or tracts by numbers; he shall make or cause to be made and shall keep in his office an abstract of each and every deed or conveyance of lands, tenements and hereditaments, situate within such city, of record in the county clerk's or register's office of the county in which such city is located, and shall cause said abstracts to be properly indexed, and the information as to location and dimensions of the land described in said abstracts to be entered upon said atlas, to the end that it may show, as far as practicable, the ownership of each taxpayer.

City atlas.

Abstract of  
deeds kept.

39. On the first day of January next after the adoption of this act by any city, the mayor shall appoint therein three suitable persons, resident in such city, to constitute a board for the assessment and revision of taxes, to be known as "the board of assessment and revision;" the first appointments made for members of such board shall be one for one year, one for two years and one for three years (the term of each appointee to be designated in his appointment), and thereafter one such commissioner shall be appointed each year to serve for a term of three years.

Board of  
assessment  
and revision.

40. The said board first appointed under this act shall meet as soon as practicable after their appointment and shall select one of their number to act as president and one to act as secretary for the ensuing year, and thereafter shall, in like manner, select a president and secretary each year; the acts of two members of the said board shall be deemed the acts of the board; they may make rules and regulations for the transaction of their business not inconsistent with any ordinance of such city or any law of this state.

Organization.

41. The said board, as assessors of taxes, shall make a full and fair valuation, enumeration and assessment of all the real and personal property in said city according

Valuation and  
assessment.

Lists of persons taxable.

State, county and city taxes in same duplicate.

Hearing on valuations.

Proviso.

Assessors to attend county board.

Lists furnished collector of taxes.

to law ; and all statements, returns, valuations and assessments shall be made as the first day of January of each year, the day on which the assessment is to commence ; the said assessors shall tabulate and arrange such valuations, enumerations and assessments in lists, which shall exhibit the names of all persons, firms, companies or corporations assessed to pay any tax, designating the lands, tenements and real estate as laid down on said city atlas and designate each lot as the same stands recorded thereon, distinguishing the same by its mark or number as shown thereon, the true value of each lot, together with the value, enumeration and assessment of the property liable to taxation for which such person, company or corporation is liable at the time of making such valuations, enumerations and assessments ; all assessments for state, county and city taxes shall be assessed in one and the same duplicate, and when the said board, as assessors of such city, shall have made the valuation of personal and real estate and the improvements thereon, they shall give one week's notice in at least one of the daily newspapers published in said city, setting forth the time or times and place or places when and where they will attend to hear all persons touching such valuations under such rules and regulations as they may prescribe, and they shall have authority at such hearing to increase, reduce, alter or modify such valuations as to them may appear just and equitable, and may adjourn from time to time ; *provided*, that no such public hearing shall be had after the first Monday in August in each year.

42. The said board, as assessors, shall attend all the meetings of the county board of assessors which shall be convened according to law, and in the proceedings of said county board of assessors shall be entitled to as many votes as there are wards in the city they represent, which votes shall be cast by the said city assessors or as a majority of them shall direct.

43. It shall be the duty of the said board, as assessors, to prepare full lists of their valuations and assessments and place the same in the hands of the collector of taxes on or before the first day of October in each year, and it shall be the duty of the said collector to make out bills

showing the assessments so made and deliver such bills to the persons assessed or their representatives, in person or by mail, on or before the fifteenth day of November following; such delivery by mail may be by letter, post-paid, directed to the persons so assessed at their last known place of abode; but if for any reason such bill shall not be delivered or is not received by the person assessed or by his or her representatives, it shall in no way impair the right of the city to collect the tax and the interest thereon from the day it becomes due and payable; said bills shall contain a printed notice when and where the said board, as commissioners of appeal, will hold their first meeting for the purpose of hearing any appeals from the parties considering themselves aggrieved.

Tax bills  
delivered.

Commission-  
ers of appeal.

44. The said board of assessors shall so arrange their duplicates as to specify therein, by letters and numbers, as shown on the city atlas, the several lots assessed, with the valuations thereon as shown by the register kept by the city engineer, to the end that each lot as it appears at the time upon the city atlas shall be liable for the whole tax assessed thereon; but if any lot shall have been sold and such transfer not entered on such atlas and register as aforesaid, the person who shall have paid the tax assessed thereon shall have the right to recover from the other parties interested their proportion of said tax in proportion to the value of the several parts thereof.

Arrangement  
of duplicates.

If lot not  
transferred  
on atlas.

45. It shall be lawful for the city council of such city by resolution to release any portion of any lot from the lien of any tax or assessment against said lot, upon payment of such sum as the said city council shall determine to be an equitable proportion of the tax so assessed against the whole lot.

Lien released  
by council.

46. The said board as a board of revision shall meet at its office in the said city on the fourth Tuesday of November annually, and on that day, or some subsequent day to which their meeting shall stand adjourned, hear any complaint of a taxpayer feeling himself aggrieved by the assessment of taxes made against him or his property; every taxpayer desiring to make such complaint shall file with the said board on the day of their

Complaints  
heard.

first meeting as a board of revision a written petition of appeal, setting forth therein the cause of complaint and asking therein for such relief as he may claim to be entitled to, and the said commissioners as a board of appeal shall proceed summarily to hear and dispose of such complaint and may make such rule or order in respect to the procedure in each case as to them shall seem just.

Judgment of  
board of  
revision.

47. The said board as a board of revision, after due examination of the facts and consideration of the case, shall give judgment thereon and shall make a transcript of their judgment in each case in writing and deliver the same to the tax collector as soon thereafter as practicable, which transcript shall be signed by the said commissioners or a majority of them, and shall designate by block and lot number the property affected by said judgment as the same was assessed, and shall state the amount of the tax and valuation as assessed, the amount of the reduction or addition made thereto, and the amount of the tax and valuation after such correction, change or reduction.

Correction of  
duplicate.

48. Upon receipt of such transcript the collector of taxes shall forthwith correct his duplicate in accordance therewith and mail a corrected bill to the person or corporation assessed, and in case said commissioners shall reduce the assessment of any taxpayer such taxpayer shall be allowed ten days from the date of the filing of such transcript in the office of the tax collector within which to pay such tax without interest, costs or penalty added, but such penalty, costs or interest shall be added in every case unless the petition of appeal was filed on or before the twentieth day of December, the day on which taxes shall be due and payable in the said city; and no petition of appeal shall be entertained by the said commissioners which shall be filed after their final adjournment, and in no case after the fifteenth day of January following the date when such tax shall become due; and the said commissioners of appeal shall determine all appeals pending before them and file a transcript as herein provided in all cases on or before the thirtieth day of the said month of January.

When taxes  
due.

Power to  
increase  
assessments.

49. The said commissioners as a board of revision shall have the power to increase assessments upon com-

plaint in writing of any person or persons, but in such case at least five days' notice of such complaint and of the date of the hearing thereon shall be served upon the owner or reputed owner of the lands affected by such complaint or the person so assessed, either personally or by mail, addressed to the last known place of residence of such person, or by publication in one or more of the newspapers published in such city.

50. The said commissioners as a board of revision shall give a transcript of their judgment in each case to the tax collector as soon as said judgment is rendered, which transcript shall be in the same general form as above provided where appeals are taken, and upon the receipt of such transcript the collector shall immediately add the amount of such increase to his duplicate with the date of such entry and mail a copy of the corrected bill to the last known address of the person assessed; such increased tax shall be and become a lien upon lands against which it is assessed upon the date of the entry of the transcript of judgment upon the duplicate.

Judgment rendered.

Increase added to duplicate.

51. If there shall be in any such city any plant or works designed or used for the purpose of supplying the said city or the inhabitants thereof with water for public or other lawful uses, or for the manufacture and distribution of gas or electricity for public or private lighting or for the disposal of sewage, it shall be lawful for the said city council, funds having been made available therefor as herein provided, to purchase or condemn the same for public use or to construct, maintain or operate such plant or works for either or all of the aforesaid purposes, and in case of the purchase, condemnation or construction of any such works or plant the city council of such city shall have power and authority to provide for the regulation, operation and management of the same by ordinance.

Acquire and operate water, gas and electric plants.

52. In case the territory included within the boundaries of such city shall be included within the boundary lines of an existing school district and shall not embrace the entire territory included in such school district, then and in every such case territory embraced within such city shall continue and remain a part of such school district, in the same manner and with the same effect as if

Portion of city in school district to remain.

such city had not been incorporated, nor shall this act affect any legislation applying to such school district.

Lay out and  
open streets,  
etc.

53. It shall be lawful for the city council of such city, whenever in its opinion the public good requires it, by ordinance, to lay out and open any street, road, highway, alley, public park or public square within such city and to order and cause any street, road, highway or alley already laid out to be vacated, straightened, altered or widened, and to purchase and condemn for any such purpose, when necessary, any lands and real estate upon making compensation to the owner or owners thereof as hereinafter provided; in like manner to order and cause sewers or drains to be constructed; and also to order and cause any street or section of a street to be graded, graveled, paved, flagged or otherwise improved and regulated, in such manner as to the city council may seem advisable; and in each case the city council shall have power to cause an assessment to be made and levied upon the owners of property benefited by such improvement of so much of the cost and expense incurred in making the improvement as is represented by the special or peculiar benefit conferred upon such owners by the improvement; in no case, however, shall any assessment of benefits made under the authority of this act exceed the special or peculiar benefit which the owners of such property shall receive by reason of the improvement, and in all cases such assessment shall be made against the said owners in proportion to the benefits received by each; the city council shall have power also to provide for the construction, grading, curbing, flagging, paving, improvement or repair of the sidewalks within such city, and for renewing, reconstructing and repaving the same.

Assessments  
for benefits.

Curbing, etc.

Assess cost  
of curbing,  
etc., on own-  
ers of lots  
improved.

54. It shall be lawful for the city council, by resolution, to assess the cost of grading and repairing, constructing or reconstructing, curbing or recurbing, paving or repaving, or otherwise improving, repairing or renewing the sidewalks in such city upon the owners of the lot or lots of land in front of which such sidewalks have been so constructed, improved or repaired; such resolution shall state the name of the owner or owners of each lot, as nearly as the same can be ascertained, the number of the lot or lots as the same appears upon the

city atlas, and the amount assessed thereon, and it shall be the duty of the city clerk to forthwith deliver a certified copy of such resolution to the collector of taxes in the said city, who shall at once enter the same in an orderly manner in a book to be provided for that purpose, to be known and designated "sidewalk assessments," and all such assessments shall, from the date of the passage of such resolution, be and remain a first lien upon the lots upon which they are laid until they shall be paid, and payment thereof shall be enforced in the manner herein provided for the enforcement and collection of assessments for benefits conferred by other public improvements.

Sidewalk  
assessments.

Assessments  
a lien.

55. Whenever any ordinance shall be passed by the city council for making any improvements or performing any work under and by virtue of the provisions of this act, all further acts and proceedings of the city council which may be necessary to carry out the said improvement or work to its completion and all orders relating thereto may be by resolution and not by ordinance.

Further pro-  
ceedings by  
resolution.

56. Whenever the city council of any such city shall have determined to acquire lands or other property, pursuant to the authority conferred by law, for public use by condemnation, the compensation required to be paid to the owner or owners thereof, or other persons interested therein, shall be ascertained and paid and the proceedings in condemnation conform to and be regulated by the laws of this state regulating the ascertainment and compensation for property condemned or taken for public use.

Acquiring  
property by  
condemna-  
tion.

58. 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 benefit 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 of estimate and

Petition for  
commis-  
sioners of  
estimate.

Appointed by court.	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, 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
Date for filing report.	appointment, fix the date on or before which the commissioners must file their report, and 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; <i>provided</i> , that nothing herein contained shall be construed as affecting the method of assessing the cost of sidewalk improvements by the city council, as hereinbefore provided.
Proviso.	
Notice of hearing.	58. The commissioners have 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, in such manner as shall be directed by said justice, give at least six days' notice of the time and place when and where they will hear any persons 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 give a public hearing to those persons who may desire to be heard; the said commissioners shall have
Examine wit- nesses, view premises.	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.
Make assessment upon lands benefited.	59. 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 especially 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 on the city atlas, together with the names of the respective owners thereof, and the amount assessed on each lot, and shall make a 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.

Report.

When two  
commission-  
ers may act.

60. The said commissioners 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.

Effort to  
ascertain  
owners of  
property.

61. 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, said justice may, by order, confirm said report, or may refer the same to said commissioners for revision and correction, and 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 upon such city as upon the owners of any land and 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

Notice to hear  
objections  
to report.

Justice may  
order revision  
of report.

Confirmed  
report final.

Assessments first lien.	report to be transmitted to the tax collector 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 be due and payable to such city upon the expiration of thirty days from and after the date of said confirmation, and shall draw interest from the date they are due at the rate of twelve per centum per annum.
Costs taxed	62. The said justice shall tax and allow such costs, fees and expenses of the commissioners, clerks and other persons performing any of the duties prescribed in this proceeding, as he shall think equitable and right, which shall be paid by such city.
Notice of assessments given by collector.	63. It shall be the duty of the collector of taxes, 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 upon the agent or representative of the owner shall be deemed personal service, and service by mail shall be by letter, postpaid, directed to the person assessed at his or her last known place of abode; but 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 right of the city to collect the assessment so made and the interest thereon, from the date they became due and payable.
Assessment for improve- ment on land benefited.	64. It shall be lawful for the city council in every case to cause so much of the cost, damages 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.
Or borne by city at large.	
Taxes and assessments a first lien.	65. 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 encumbrances thereof, and if the full amount of any such tax or assessment shall not be paid and satisfied within six months from the day such tax shall have become due or such assessment shall have been confirmed, it shall and may be lawful for the city council to cause such lands, tenements or real estate to be sold at public auction for the shortest term, not exceeding thirty years, for which any person will agree to take the same and to pay such tax or assessment or the balance due thereof remaining unpaid, with interest thereon and all costs, charges and expenses, and to execute under the corporate seal of such city a declaration of such sale to be signed by the mayor and attested by the city clerk, and to deliver the same to the purchaser; and such purchaser, his executors, administrators or assigns shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements or real estate for his and their own proper use against the owner or owners thereof and all persons claiming under him or them until said term shall be completed and ended; *provided*, the said city council shall first have caused said sale to be advertised for at least one month in one or more newspapers, published in said city, and also by advertisements put up in at least five public places in such city, which advertisements shall describe the said lands, tenements or real estate by the letters or numbers by which they are designated on the city atlas, and specify the amount of such assessment or tax, and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale; *and provided also*, that the purchaser shall not be entitled to possession of lands so purchased until the period herein limited for the redemption shall have expired; *and provided also*, that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or person interested therein, or by any other persons in behalf of the owner, mortgagee or claimant of such lands, tenements or real estate at any time within two years after the sale for either taxes or assessment, or for both, by paying to the collector of taxes of such city, for the use of said purchaser,

Sold for unpaid taxes.

Proviso.

Proviso.

Proviso.

Evidence of redemption.

Mortgagee may redeem.

Proviso.

Proviso.

Proviso.

Proviso.

the purchase-money, together with any other sum paid for taxes or assessments which the said purchaser may have paid, chargeable on such lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon at the rate of twelve per centum per annum in addition thereto; and the certificate of the collector of taxes of the city stating the payments and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption, and upon the delivery of such certificate to the county clerk, it shall be his duty to enter upon the margin of the record of the certificate of tax sale of the premises so redeemed, a declaration to the effect that such certificate of tax sale has been canceled, also the date of such entry; any mortgagee shall have power to redeem at any time until the expiration of the six months' notice herein specified; no mortgagee whose mortgage shall have been duly recorded before sale for any tax or assessment shall be affected by said sale until six months' notice in writing shall have been given to him personally, but nothing therein contained shall be so construed as to impair the lien created by such tax assessment or sale; *provided*, the said term of time for which any lands, tenements or real estate were sold as aforesaid shall not commence nor shall said purchaser or those claiming under him have a right of possession of said lands, tenements or real estate, until the two years' limit for the redemption of same shall have expired; and the said purchaser or those claiming under him shall at the expiration of the time limit in such declaration of sale quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural wear and accidents excepted; *provided also*, that the said sale may be adjourned or postponed from time to time; *and provided*, that if at any sale of lands, tenements or real estate for assessment for taxes, the whole or any part thereof shall remain unsold for want of purchasers, then it shall be lawful for such city to purchase the said lands, tenements or real estate for any term not exceeding thirty years for the benefit of the city, subject to the same redemption as hereinbefore provided; *provided also*, that all moneys paid for the re-

demption of said lands, tenements or real estate as aforesaid, together with the taxes and assessments paid by any mortgagee or judgment creditor, shall be a lien upon said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum, and such lien shall have precedence over all other liens on said lands, tenements or real estate; *provided* Proviso. *further*, that a complete record of all taxes and assessments shall be kept in the office of the collector of taxes, which record shall contain the time when such assessments and taxes were laid, the time when they were paid (and if the property has been sold therefor), the time of said sale and to whom sold, and if redeemed, when and by whom; it shall be the duty of the collector of taxes to enter in a book to be called "record of tax sales," a minute of all declarations of all sales, and to cancel such declarations of sale when the property for which they were given shall be redeemed; it shall be lawful for the city council of such city to sell, assign and transfer any declaration of sale or any term in lands purchased for the benefit of such city as aforesaid, or any portion of a term for such price as such city council may obtain therefor, not less, however, than the amount due thereon.

"Record of  
tax sales."

Transfer  
declaration  
of sale.

66. All declarations of sales for taxes or assessments upon any lands, tenements or real estate shall be void as against subsequent purchasers or mortgagees without notice after the expiration of thirty days from the date of such sale, unless such declarations shall have been recorded within such period of time in the clerk's office of the county in which such city is situate.

Declarations  
of sales must  
be recorded.

67. Taxes assessed in such city shall become due and payable on the twentieth day of December in each year; it shall be the duty of the collector of taxes to return a list of all unpaid taxes on real estate to the clerk of the county in which such city is situate, on or before the first day of February next following the date such taxes became due in each year.

When taxes  
due; return  
of unpaid to  
county clerk.

68. The fees to be collected by the tax collector, county clerk and other officers for performing any service in relation to the sale of lands, tenements and real estate for unpaid taxes and assessments and for the recording

Fees.

and canceling of declarations of sales shall be the same as is now or may hereafter be provided by law.

Grades of  
streets and  
alleys.

69. It shall be the duty of city council to establish, by ordinance, the grades of the several streets and alleys which now are or may hereafter be opened 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.

Laying of  
pipes, sewers,  
their connec-  
tions and use.

70. 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, 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  
made as  
recorded on  
city atlas.

71. All assessments or taxes upon lot owners in such city which may be made for any purpose authorized by this act or authorized by law, shall be made upon the lots as they shall stand recorded on the city atlas, and in advertising the sale of the same for such assessments or for taxes, or in entering liens thereon 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.

If irregularity  
in assessments  
or condemna-  
tion, proceed-  
ings rein-  
stituted.

72. 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 said 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 or 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 after the confirmation of any assessment.

Allowance  
of certiorari.

73. Bonds or obligations, funds for the liquidation and discharge of which are not provided for in the current tax levy of the year in which they are issued, may be issued upon the faith and credit of the city only as hereinafter provided; all such bonds, when authorized as herein provided, shall be signed by the city treasurer and countersigned by the mayor, attested by the signature of the city clerk and the seal of the city; such bonds may run for any period fixed by the city council not to exceed a period of thirty years from the date of issue and be of such denomination and payable at such place in gold coin, and bearing such rate of interest, payable semi-annually, not to exceed four per centum per annum, as the city council may by ordinance or resolution determine; before any such bonds shall be issued, however, and before any resolution of the city council shall be passed authorizing the same, the said city council shall, by resolution, recommend such issue, stating therein the amount proposed and the purpose or purposes for which such bonds or the proceeds thereof are to be used; upon the passage of such resolution the question of the approval of such resolution and the authorization of such issue to the amount and for the purpose or purposes stated, shall be submitted to the legal voters of such city at the next municipal election held therein after the adoption of such resolution, by printing upon the ballots used at such election for the choice of municipal officers, at the foot of the ballot and after the names of the officers to be voted for, the words "for the issue of bonds as recommended," and also immediately beneath the said words, the words, "against the issue of bonds as recom-

Issuance  
of bonds.

Time, rate.

Question of  
bonding city  
submitted  
to voters.

Ballots.

Canvass result.	mended," and if the said words "for the issue of bonds as recommended," are marked off or defaced on any ballot it shall be counted as a ballot against such issue, and if the words "against the issue of bonds as recommended," are marked off or defaced on any ballot it shall be counted as a ballot in favor of such issue, and it shall be the duty of the election officers holding such election to ascertain and report the number of ballots cast at such election in favor of issuing bonds as recommended and against issuing such bonds, and forthwith report the same to the city clerk of such city by a statement in writing signed by them, and it shall be the duty of the said city clerk to report the same to the city council of such city at its next meeting thereafter; whereupon, if it shall be found that the resolution of the said city council has been approved by a majority of the voters voting at such election it shall be so declared by the said city council, and the result of such election shall be entered upon its minutes, and the said city council may thereafter proceed to authorize the issue of bonds so recommended and approved, and when so issued the said bonds and the proceeds thereof shall be used exclusively for the purpose or purposes designated in such resolution recommending the issue thereof, and the adoption of the resolution of the city council declaring the said result shall be deemed and taken as final and conclusive evidence of the result of the said election; the limit of the bonding power in such city is fixed at fifteen per centum of the value of property thereon as rated for taxation, as shown by the last duplicates of assessment for taxes made therein, and such limitation shall in no case be exceeded.
If approved.	
Limit of bonding power.	
Temporary loans.	74. It shall be lawful for the city council of such city, by ordinance or resolution, to negotiate temporary loans for a period not exceeding, with any renewals thereof, two 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 for fees imposed for licenses, and shall not exceed ninety per centum of the amount of such anticipated assessments, taxes and license fees, and all
Amount.	



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.

Refunding  
loan.

75. The mayor, city treasurer, the comptroller and the city solicitor, shall ex officio constitute a board of sinking fund commissioners and as such shall have charge of the investment and application of moneys devoted to the sinking fund; the city council shall have power, by ordinance, to prescribe the duties of the said commissioners and the manner in which the same shall be performed.

Sinking fund.

76. Whenever any bonds shall be issued under the authority of this act it shall be the duty of the city comptroller 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 shall make report thereof to the city council from time to time whenever required so to do; and it shall be the duty of the city comptroller 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.

Record book  
of bonds.

77. There shall be in every such city a city comptroller who shall be appointed by the city council for a term of two years and until his successor shall be appointed and shall duly qualify.

City comp-  
troller.

78. It shall be the duty of the city comptroller 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 each warrant on the treasurer to state particularly against which appropriation the said warrant is drawn; the said officer, on

Duties—  
superintend  
all fiscal  
matters.

Warrant on  
treasurer.

Examine  
claims.

Audit  
accounts of  
officials va-  
cating office,  
etc.

Audit all  
bills.

Suggestions  
to council.

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 other 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 comptroller is acting as aforesaid, 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, department or committee of city council 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 or committee, after examining the 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 or committee shall approve the bill or claim and return the same to the comptroller for payment in the manner herein provided; the said comptroller 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 of the fiscal concerns of all departments and officers of the city, and may require at any time 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 comptroller 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 and vouchers pertaining to any and all departments of the city's 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 witnesses 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 such officer to sign any warrant or order or otherwise procure the payment of any money from the city treasury not authorized by law.

Access to  
books of city  
and examin-  
ation of  
witnesses.

79. There shall be in every such city a court to be called "recorder's court of \_\_\_\_\_" (inserting the name of such city), to be held by the recorder, which shall have power, authority and jurisdiction as follows: the said court shall have, possess and exercise all the jurisdiction, 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 on such justices of the peace by the following acts: an act entitled "An act constituting courts for the trial of small causes," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act concerning landlords and tenants," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; 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 sixteenth, one thousand eight hundred and forty-six, and the various supplements thereto; and an act entitled "An act to in-

Recorder's  
court; power,  
authority, etc.

Exclusive  
jurisdiction.

Warrant  
against vio-  
lators of city  
ordinances.

Hearing and  
judgment.

Execution.

Penalties.

crease the jurisdiction of justices of the peace," approved March twelfth, one thousand eight hundred and seventy-nine; and the said 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 ordinance or regulation, 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 or 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 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 one hundred dollars, on such person as shall be brought before him charged with disorderly conduct or breach of the 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 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 the said court of such fine or the amount remaining due thereon, the said recorder shall issue a warrant for the discharge of said prisoner; *provided, however*, that nothing in this act contained shall be held to repeal or alter any law of this state concerning any misdemeanor or crime.

Of refusal to  
pay penalty.

Proviso.

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 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.

Docket kept  
by recorder.

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 will permit, as 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 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

Officers of  
court.

Processes.

Recogniz-  
ances.

If commitment issued.	<p>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 without warrant or process and take such offender or offenders immediately before the recorder for a hearing.</p>
Authority of policemen.	<p>82. The city council of such city shall provide a suitable room or rooms for the transaction of the business of the said 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 said city council shall designate and provide a police officer or officers to attend the sittings of such court and preserve order therein.</p>
Provision for court.	<p>83. 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 other courts of record in this state having power to punish for contempt of court, and such judge may make such rules as may be necessary for the orderly conduct of business and proceedings in such court; such rules shall be approved by and be subject to revision by the judge of the court of common pleas of the county in which such city is situate.</p>
Sessions.	
Court of record; seal; contempt of; rules.	

84. All laws in force in such city not inconsistent with or repugnant to the provisions of this act shall remain and continue in force, and all powers conferred and duties imposed thereby upon the governing body or any municipal officer thereof, shall apply to and be conferred upon all boards and bodies created and officers to be elected or appointed under the authority of this act having like or corresponding powers or duties.

Continuance  
of laws,  
powers,  
duties, etc.

85. Whenever the provisions of this act shall be adopted by any city, the officers of such city, holding office therein at the date of such adoption, shall continue to hold their respective offices and exercise the duties and functions imposed upon them respectively until other officers shall have been elected or appointed as hereinbefore provided, and the common council or other governing body of any such municipality may temporarily appoint such other officers as may be necessary in order to carry the provisions of this act into full effect; all such officers temporarily holding over or appointed under this provision shall hold office only until other officers are elected or appointed as hereinbefore provided.

Continuance  
of officers.

86. This act shall take effect immediately, but its provisions shall remain inoperative in any city of this state until assented to by a majority of the legal voters thereof voting at an election to be held in such city at any time to be fixed by the city council or other legislative body of such city, of which election the city clerk or equivalent city officer of such city 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 twenty public places in such city and published in two or more newspapers printed or circulating therein at least six days previous to the time of such election, and said clerk shall provide for each elector voting at such election ballots, to be printed or written or partly written or partly printed, on which shall be the words: "For the adoption for this city of the provisions of an act passed by the legislature of this state at the session of one thousand nine hundred and three, entitled 'An act relating to, regulating and providing for the government of cities;'" if said words or proposition be marked off or defaced upon the ballot it shall be counted as a vote against the

Referendum.

Notice.

Ballots.

Submission.	adoption of this act; if not marked off or defaced the ballot shall be counted in favor thereof; submission may be made at a special election to be held for this purpose as above provided, or at any general or municipal election held in such city, and if any such election shall result in its rejection, it may be re-submitted in the same manner at any general election thereafter; if such submission or re-submission shall be made at any municipal or general election, then the said words "For the adoption for this city of the provisions of an act of the legislature of this state passed at the session of one thousand nine hundred and three, entitled 'An act relating to, regulating and providing for the government of cities,' " shall be printed on each ballot beneath the list of candidates thereon, and no separate ballot shall be required in such case; if submitted at a special election such election shall be held at the usual places of holding the annual election in such city; the polls shall be open at six o'clock in the forenoon and close at seven o'clock in the afternoon; every such election shall be conducted by the proper election officers of such city for the time being and in the manner prescribed by law regulating elections therein, and such officers shall return to the city clerk or to the equivalent city officer of such city a true and correct statement, in writing, under their hands, of the result of said election, and it shall be the duty of the city clerk or the equivalent city officer to certify and report the same to the city council or other legislative body of such city or municipality at its first meeting thereafter and the same shall be entered at large in the minutes of said body; whereupon, if it is found that a majority of the votes cast are in favor of the adoption of this act, this act shall in all respects be and become operative in such city 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 anywise affecting the government of such city which are contrary to or inconsistent with the provisions of this act; <i>provided, however</i> , that this act shall not abrogate, repeal or annul an act entitled "An act concerning district courts (Revision of 1898)," approved June fourteenth, one thousand eight hundred
Re-submission.	
Ballots, how prepared.	
If special election.	
Returns.	
If adopted.	
Proviso.	



and ninety-eight, or any supplement thereto or amendment thereof; *provided, however*, that before the election, for which provision is made in this section, shall be held, if any territory included within the boundaries of such city is not or shall not be included within the boundary lines of existing wards therein, then such territory shall constitute a new additional ward or shall be divided into additional wards or divided between and annexed to existing wards as the city council or other legislative body of such city may determine; and it shall be the duty of such city council or other legislative body forthwith, by resolution, to designate the boundary line or lines of such ward or wards and to appoint therein and therefor all necessary election officers, and to divide the territory within such new ward or wards or additional territory into proper election districts and to fix and designate the polling places therein.

Proviso.

New wards.

Approved April 8, 1903.

#### CHAPTER 169.

An Act to amend an act entitled "An act for the punishment of crimes" (Revision of 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*:

1. Section ninety-five of the act entitled "An act for the punishment of crimes" (Revision of one thousand eight hundred and ninety-eight), approved June fourteenth, one thousand eight hundred and ninety-eight, is hereby amended so that the same shall read as follows:

Section amended.

95. It shall not be lawful to sell, barter, exchange, hire or loan to any person under the age of fifteen years, any gun, pistol, toy pistol, or other firearms, or for any per-

Unlawful to sell firearms to children.

son under the age of fifteen years to purchase, barter or exchange any gun, pistol, toy pistol or other firearms, nor for any person under the age of fifteen years to carry, fire or use a gun, pistol, toy pistol or other firearms, except in the presence of his father or guardian, or for the purpose of military drill in accordance with the rules of a school; it shall be the duty of all persons selling, hiring, bartering or exchanging pistols, revolvers, guns or other firearms, to keep and maintain a book of registry of the same, in which said book of registry shall be entered the number of the article sold, if any, the name of the maker, together with such other means of identification as may be obtainable concerning the same, and also the name and address of the person to whom such pistol, revolver, gun or other firearm is sold, bartered, exchanged or hired, which said book of registry shall be at all times open to inspection by or upon the written order of the judges of the several courts of oyer and terminer and quarter sessions, the attorney-general, and the several prosecutors of the pleas of this state; any person violating this section or failing to comply with the several provisions of the same, or giving a fictitious name or address, or knowing, receiving or registering such name and address, shall be guilty of a misdemeanor.

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

Record of  
sales of  
firearms.

Book open to  
inspection.

Violation a  
misdemeanor.

Repealer.

Approved April 8, 1903.

## CHAPTER 170.

A Supplement to an act entitled "An act to provide for the employment of the inmates of any prison, penitentiary, jail or public reformatory or institution located within this state," approved April eighteenth, one thousand eight hundred and eighty-four.

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

1. The provisions of the act to which this is a supplement shall not be held or construed to apply or in any manner affect the government or control of "the state home for boys," located at Jamesburg, in this state, or the disposition and use of revenues derived from the labor of its inmates and other sources, and the trustees and managers of the said institution shall make report annually to the governor of all such revenues and the sources from which they are received.

Not applicable to Jamesburg school.

Annual report.

2. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 171.

An Act authorizing the state board of voting machine commissioners to purchase voting machines for use at elections to be held in this state, and providing for the location, use and care of such machines.

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

1. The state board of voting machine commissioners shall have power and authority to expend with the con-

Purchase of voting machines.

sent of the governor such sum or sums of money as shall be appropriated for that purpose in the purchase of voting machines of a kind, style or pattern which have been or may hereafter be approved by said commissioners in conformity with the laws of this state.

Invite  
proposals.

2. Before any purchase shall be made, the state board of voting machine commissioners shall advertise for a period of thirty days their intention to purchase voting machines, inviting proposals, said proposals to state the style or kind of machine proposed to be furnished and the price, which in no case shall be more than five hundred dollars for each machine; the said commissioners shall have power and authority to contract for and purchase as many machines as the appropriation for that purpose will permit of such styles, kinds or makes as they shall deem to be for the best interests of the state; *provided*, no contract or purchase shall be binding until approved by the governor and until the state board of voting machine commissioners shall receive a bond in such sum and with such sureties as shall be approved by them for the faithful performance of the terms of the contract.

Proviso.

Inspection  
and approval.

3. All machines shall be inspected by the commissioners or some person or persons appointed by them for that purpose, and if found to be in accordance with the terms of the contract shall be approved, and no machines shall be paid for unless so approved.

Delivery,  
care and use.

4. It shall be the duty of the state board of voting machine commissioners, after the approval of machines as provided by section three of this act, to deliver the machines purchased as above to such boards, officer or officers whose duty it is under the laws of this state to furnish or care for ballot boxes as the secretary of state shall select, and it shall be the duty of any board, officer or officers who shall be furnished with a voting machine or machines by said commissioners to cause them to be cared for and such machine shall be used as a substitute for the ballot box in such election districts as the secretary of state shall select; and the said voting machine commission shall provide for the setting up of the machines and the giving of such instruction for their use as in their judgment shall be necessary.

Cost, ex-  
penses, per  
diem.

5. The expenses and disbursements of the state board of voting machine commissioners incurred in carrying

out this act, and a per diem of ten dollars to each member of said board for the time spent in the performance of the duties imposed by this act when approved by the governor, shall be paid out of any moneys in the state treasury not otherwise appropriated.

6. This act shall take effect immediately.

## CHAPTER 172.

An Act to amend an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases (Revision 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 eleven of the act to which this act is an amendment is hereby amended to read as follows:

Section  
amended.

11. The respective sheriffs of the several counties of this state shall cause to come before the said court of oyer and terminer, at the time and places of holding their said respective courts, twenty-four good and lawful men to serve as grand jurors and so many good and lawful men to serve as petit jurors as shall be necessary, and without any precept being issued for that purpose; and in every county of this state which has or may hereafter have within its territorial limits a population exceeding two hundred and fifty thousand inhabitants, the respective sheriffs shall in like manner cause to come before the said court six weeks thereafter twenty-four other good and lawful men to serve as grand jurors in the place and stead of the grand jurors summoned to attend at the opening of the court; and when the grand jurors so summoned shall appear for service, the court shall discharge the grand jurors summoned to attend at the opening of the court, if then serving; the court of oyer and terminer may, however, by order direct the sheriff to refrain from summoning in any term such new grand jurors, in which

Grand and  
petit jurors.

Second panel  
summoned.

case the general jurors summoned to attend at the opening of the court shall continue to serve until the end of the term unless sooner discharged by the said court.

2. This act shall take effect on the first day of April, one thousand nine hundred and three.

Approved April 8, 1903.

## CHAPTER 173.

A Supplement to an act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use (Revision of 1900)."

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

When bound-  
ary intersects  
counties.

1. Whenever any parcel of land taken for public use shall be intersected by the boundary line between two counties, the commissioners appointed may be residents of either county, and their report may be filed in the clerk's office of either county, and a certified copy thereof shall be filed and recorded in the clerk's office of the other county; in case of appeal, the trial shall be held in such one of the said counties as a justice of the supreme court may direct.

Section  
amended.

2. Section thirteen of the act to which this is a supplement, shall be amended to read as follows:

Issue, how  
tried.

13. The issue shall be tried in the same manner as other issues in said court are tried, and the jury shall assess the value of the said land or other property and the damages sustained; and if they shall find a greater sum than the commissioners awarded, then judgment, with costs, shall be entered against the petitioner and execution awarded therefor; but if said jury shall be applied for by the owner and shall find a less sum than the commissioners awarded, then costs shall be paid by said appellant and either deducted out of said sum found

by the jury or execution awarded therefor, as the court shall direct; where payment of the amount found by the commissioners has been made before the trial of the appeal, to the owner, or into court, as above provided, and the amount found by the jury shall be a less sum than was awarded by the commissioners, the petitioner may recover back the amount paid, less the amount found by the jury, and on proof of such payment, judgment may be entered by order of the court in favor of the petitioner against the owner or owners, or either of them, for the excess recovered by him or either of them respectively, and execution therefor may be issued against any owner to recover the amount received by him; and the petitioner shall have such further remedies in law or equity as may be appropriate for the recovery of the amount paid in excess of the true value as found by the jury.

Recovery of  
excess.

3. This act shall take effect immediately, and shall apply to all proceedings now pending or hereafter taken.

Application.

Approved April 8, 1903.

#### CHAPTER 174.

An Act relative to the writ of certiorari (Revision of 1903).

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

1. Writs of certiorari may be allowed in term or vacation by a justice or judge of the court, out of which they may issue, and such justice or judge is hereby authorized at any time to make all necessary orders thereon.

Certiorari  
allowed in  
term or  
vacation.

2. No writ of certiorari shall issue out of the supreme court unless it be allowed in open court by rule, or be allowed and signed by a justice at chambers.

Allowance of.

3. No writ of certiorari shall be allowed to review any judgment, order or proceeding entered or obtained in any court of record, unless the same be issued in

Limitation  
of certiorari.

	eighteen months after the entering or obtaining the same.
Rule to show cause.	4. Upon application to a justice of the supreme court for a writ of certiorari he may allow the same or grant a rule to show cause why the same should not be allowed with such ad interim stay as he may deem necessary; such rule may be made returnable before the justice granting the same at chambers, or before the court, and shall have the same force as if allowed by the court.
Reasons for reversal filed.	5. The plaintiff in certiorari shall file his reasons for reversal within ten days after the return of the writ, unless the court or justice allowing the same shall grant further time or order the filing of the reasons within a shorter time; and after reasons filed either party may bring the action on for argument on five days' notice before any justice of the supreme court at chambers, and his order and determination therein shall be entered as the judgment of said court, and error may be assigned thereon; <i>provided</i> , if the action be not noticed for argument before a justice at chambers within fifteen days after reasons filed, the hearing shall be before the supreme court as heretofore.
Notice of argument.	
Proviso.	
Certiorari to remove indictment.	6. The supreme court or any justice thereof may, in its discretion, at the instance of any person indicted, on application in term time or vacation, award a writ of certiorari to remove into said court any indictment before trial, from any court of oyer and terminer, or court of quarter session, upon the following and no other terms, that is to say: that the person indicted and prosecuting such certiorari, shall, before the allowance thereof, with two sufficient sureties, enter into recognizance to the state of New Jersey before the supreme court, or any justice thereof, or a supreme court commissioner, in such sum as the said court or justice shall direct, with condition that the person so indicted and prosecuting the certiorari shall, at its return, appear and plead to the said indictment in the supreme court, and at his own costs and charges, cause and procure any issue of fact that shall be joined upon the said indictment to be tried at the next circuit court to be held for the county wherein the said indictment was found, after such certiorari shall be returnable, if the said supreme court shall not appoint any
Terms of removal; recognizance required.	
Condition of.	



other time for the trial thereof, and if any other time be so appointed, then at such other time; and shall not depart the said supreme court until discharged by the same, and shall pay costs, if convicted of the offense charged in the said indictment; and upon further condition, that, if the supreme court shall so order, the said person so indicted shall appear in the court from which such indictment was removed, at any term thereof which the supreme court shall order, and plead to the said indictment and abide the judgment of the court, and pay costs, if convicted of the offense charged in the said indictment; every certiorari allowed under this section shall be delivered to the court to which it is directed in open court.

Order of  
court.

7. Every recognizance, taken by virtue of the preceding section, shall be delivered to the court to which the certiorari is directed, together with said writ; and the recognizance so taken, shall be certified into the supreme court, with the said certiorari and indictment, and be there filed; and if such recognizance be not delivered with the certiorari, as directed, then the court shall proceed to the trial of the said indictment in the same manner as if no certiorari had been allowed.

Recogni-  
zances;  
where filed.

8. Upon the removal of any indictment into the supreme court, if the court shall determine that the indictment is not sufficient in law, the person so indicted shall thereupon be discharged, and all further proceedings thereon cease; and in case the court shall determine that the indictment is sufficient in law, the court may in its discretion retain the same in said court, to be carried down for trial before the proper circuit court, or may order that the same be returned by the clerk of the supreme court to the court from which the same was removed, and the court to which such indictment shall be remanded shall in such case proceed thereon in the same manner as if the said writ had not been allowed.

Proceedings  
in supreme  
court on  
certiorari.

9. No writ of certiorari shall be allowed to remove into the supreme court any judgment or order, given or made by any justice of the peace, police justice or other police magistrate, or court of oyer and terminer, or of quarter sessions, unless the party prosecuting such certiorari, or some responsible person in his behalf, shall, before the allowance thereof, with sufficient surety, enter

Recogni-  
zances on  
certiorari in  
other cases.

Condition.	into recognizance to the state of New Jersey, before the supreme court, or before one of the justices of the supreme court, or a supreme court commissioner, in the sum of one hundred and fifty dollars, with condition that the party obtaining such certiorari shall prosecute the same to effect without delay, and shall perform such judgment or order as the supreme court shall give or make thereon, with costs, if costs be awarded, unless the court or justice allowing the writ shall make an order to dispense with such recognizance; and every recognizance taken by virtue of this section shall be delivered.
Where delivered and filed.	together with the writ of certiorari, to the justice of the peace, police justice, or other police magistrate, or court, to which such writ shall be directed, and be certified into the supreme court, with the said certiorari, and the judgment or order removed thereby, and be there filed; and if such recognizance be not so delivered with the certiorari, then the said justice, police justice, or other police magistrate, or court, shall proceed on such judgment or order in the same manner as if no certiorari had been allowed, unless the order dispensing with the recognizance shall be served with the writ; <i>provided</i> , this section shall not extend to orders or judgments in actions made cognizable before the small cause court.
If recognizance not delivered.	10. The court, justice or judge, on the hearing of any certiorari, may, in its or his discretion, give judgment for costs in favor of either party.
Proviso.	11. In all cases of writs of certiorari, brought to remove any assessments or other order or proceeding touching any local or public improvement, or to review the proceedings of any special statutory tribunal, the court shall determine disputed questions of fact, as well as of law, and inquire into the facts by depositions taken on notice, or in such other manner as is according to the practice of the court; <i>provided</i> , either party may use the testimony taken before the tribunal whose action is being reviewed, which testimony shall be considered by the court the same as if it had been taken by deposition on notice, and either party may take additional testimony; the court may reverse or affirm, in whole or in part, such assessment or other order or proceeding.
Allowance of costs.	12. In all cases of writs of certiorari brought to remove any assessment or other order or proceeding touch-
Court to determine questions of fact and law.	
Proviso.	
Proceedings when return defective.	

ing any local or public improvement, when reasons for reversal are filed, founded on any omission or defect in the return of said assessment or proceeding which, in the opinion of the court, may be supplied by a new or supplemental certificate of the commissioners who have made the assessment or the person who has made such return. the court, on the application of either party or on its own motion at any time before said writ shall be finally determined, may grant a rule upon the said commissioners, or other person, to certify to said court touching such omission or defect, and may state the final determination of such cause for a reasonable time, until said rule shall be returned to the court; and if it shall appear by the return to said rule that the action or determination in respect of which said reason for reversal is filed was really had, made or taken and was accidentally or inadvertently omitted from the return or report of assessment, the return to said rule shall have the same force and effect as if the facts therein certified had been contained in the said original report or return; and said original report or return shall be considered as amended by said return to said rule.

Supplemental  
certificate.

Effect of  
amended  
return.

13. When an assessment for any local or public improvement shall be set aside or reversed only as to the prosecutor in certiorari, and the property on which such assessment was assessed, is in fact liable to assessment in respect to the purposes for which such assessment was assessed, the court in which said assessment shall be set aside, shall upon application for that purpose ascertain and determine for what sum such property is liable to be assessed and by order or decree fix the amount thereof, and the sum so fixed shall be the amount or assessment for which such property shall be liable, and the same shall be and remain a first lien or charge upon the property, and collectible in the manner provided by law, the same as if such assessment had been legally assessed in the first instance by the municipal board, commissioners, or other authority attempting to make or levy the same; *provided*, this section shall not apply to any assessment that may have been or shall be set aside more than three years before said application.

When assessment set aside,  
court to determine sum  
liable to be assessed.

Proviso.

No certiorari  
to review sale  
after three  
years.

14. No writ of certiorari shall be allowed to review any sale of land to enforce any assessment or tax, unless such writ be allowed within three years from the date of any such sale.

Approved April 8, 1903.

## CHAPTER 175.

An Act to amend an act entitled "An act to authorize and empower municipalities governed by a board of commissioners or by an improvement commission, by ordinance, to prohibit the erection of buildings of wood or other combustible materials, and to regulate and control the erection and construction of fire-escapes," approved March twenty-third, one thousand nine hundred.

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

Section  
amended.

1. Section one of an act entitled "An act to authorize and empower municipalities governed by a board of commissioners or by an improvement commission, by ordinance, to prohibit the erection of buildings of wood or other combustible materials, and to regulate and control the erection and construction of fire-escapes," approved March twenty-third, one thousand nine hundred, be amended so as to read as follows:

Ordinances  
regulating  
buildings,  
fire-escapes,  
chimneys.

1. It shall be lawful for the governing body of every municipality governed by a board of commissioners, by an improvement commission, or board of trustees, from time to time, to pass, alter and repeal ordinances regulating and prohibiting, within certain limits, the building or erection of any dwelling-house, store, stable or other building, of wood or other combustible material, and to provide for the erection and construction of fire-escapes upon any building, and of what material, size and height such fire-escapes shall be, and to regulate the construction

of chimneys in any building within their jurisdiction, and under whose supervision the same shall be erected and constructed, and to authorize any municipal officer or person or persons whom they may designate for that purpose to enter upon and inspect any place or places, building or buildings, for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to compel the same to be made so, under his or their direction, at the expense of the owner of said building. Inspection.

2. All acts or parts of acts inconsistent herewith are hereby repealed. Repealer.

3. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 176.

An Act to amend an act entitled "An act concerning trespassing on private lands," 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 of the act to which this is an amendment is hereby amended 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; *provided*, written or printed notice forbidding trespassing shall have been posted in at least four conspicuous places on said lands within three months next before the date of such trespass; and every person violating this act shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail for a term not Trespassing without consent.

Proviso.

exceeding ten days, or both; such fine and imprisonment at the discretion of the court before which such conviction is had.

Approved April 8, 1903.

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CHAPTER 177.

An Act to provide for submitting proposed amendments to the constitution of this state to the people thereof.

Preamble.

WHEREAS, Certain proposed amendments to the constitution of this state were, at the session of the legislature held in the year nineteen hundred and two, agreed to by a majority of the members elected to each of the two houses thereof, and entered on the journals of each of said houses with the yeas and nays taken thereon, and referred to the legislature then next to be chosen; and,

WHEREAS, The said proposed amendments were published, as required by the constitution; and,

WHEREAS, In the legislature then next chosen the said proposed amendments have been agreed to by a majority of all the members elected to each house; and,

WHEREAS, The constitution of this state requires the legislature to submit such proposed amendments as have been agreed to as aforesaid to the people at a special election to be held for that purpose only; therefore,

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

Submission  
at special  
election.

1. On Tuesday, the twenty-second day of September next, a special election shall be held in the several election districts or precincts of this state, at such places as the clerks of the several townships, cities and municipalities of the state shall provide and secure, to enable the electors qualified to vote for members of the legislature to vote for or against each of said proposed amendments to the constitution.

2. The district boards of registry and election in the several election districts or precincts shall conduct said special election; the polls shall be opened and closed at the times now fixed by law for opening and closing the polls at the election for members of the general assembly, and said special election shall be conducted, so far as practicable, in the same manner now required by law in conducting annual elections for members of the general assembly, except as otherwise directed in this act.

Election, how conducted.

3. The ballot shall be delivered to the voter in the following form:

Form of ballots.

“ARTICLE V.

“EXECUTIVE.

“1. Insert in lieu of paragraph 10 a new paragraph as follows:

“10. The governor, or person administering the government, the chancellor and the attorney-general, or two of them, of whom the governor, or person administering the government, shall be one, may remit fines and forfeitures and grant pardons, after conviction, in all cases except impeachment.

Court of pardons.

“ARTICLE VI.

“JUDICIARY.

“1. Insert in lieu of section II., a new section as follows:

“1. The court of errors and appeals shall consist of a chief judge and four associate judges, or any four of them.

Court of errors and appeals.

“2. In case any judge of said court shall be disqualified to sit in any cause, or shall be unable for the time being to discharge the duties of his office, whereby the whole number of judges capable of sitting shall be reduced below four, the governor shall designate a justice of the supreme court, the chancellor or a vice-chancellor, to discharge such duties until the disqualification or inability shall cease.

If judge disqualified.

“3. The secretary of state shall be the clerk of this court.

Clerk.

Reasons in  
writing on  
writ of error  
or on appeal.

"4. When a writ of error shall be brought, any judicial opinion in the cause, in favor of or against any error complained of, shall be assigned to the court in writing; when an appeal shall be taken from an order or decree of the court of chancery, the chancellor or vice-chancellor making such decree or order shall inform the court in writing of his reasons therefor.

Writ of error  
vested in court  
of errors and  
appeals.

"5. The jurisdiction heretofore exercised by the supreme court by writ of error shall be exclusively vested in the court of errors and appeals; but any writ of error pending in the supreme court at the time of the adoption of this amendment shall be proceeded upon as if no change had taken place.

#### *"Section IV.*

"1. Insert in lieu of paragraph 1 a new paragraph as follows:

Court of  
chancery—  
jurisdiction  
and rules.

"1. The court of chancery shall consist of a chancellor and such number of vice-chancellors as shall be provided by law, each of whom may exercise the jurisdiction of the court; the court shall make rules governing the hearing of causes and the practice of the court where the same is not regulated by statute.

#### *"Section V.*

"1. At the end of paragraph 1 add the following:

Division of  
court.

"The court may sit in divisions at the same or different times and places.

Paragraph  
stricken out.

"Strike out paragraph 3 of section 5 of article VI., relating to writs of error from the circuit court, which reads as follows:

"Final judgments in any circuit court may be brought by writ of error into the supreme court, or directly into the court of errors and appeals.

#### *"Section VI.*

"1. Insert in lieu of paragraphs 1 and 2 the following:

Court of  
common pleas.

"The court of common pleas shall be constituted and held in each county in such manner as may be provided by law.



## "ARTICLE VII.

## "CIVIL OFFICERS.

## "Section II.

"1. Insert in lieu of paragraph 1 a new paragraph as follows:

"1. Judges of the court of errors and appeals, justices of the supreme court, the chancellor, the vice-chancellors, and the judges of the circuit court and of the court of common pleas shall be nominated by the governor and appointed by him with the advice and consent of the senate; all persons now holding any office in this paragraph named, except the judges of the court of errors and appeals, as heretofore existing, shall continue in the exercise of the duties of their respective offices according to their respective commissions or appointments; the judges of the court of errors and appeals, except those first appointed; the justices of the supreme court, the chancellor and the vice-chancellors shall hold their offices for the term of seven years, and shall, at stated times, receive for their services a compensation which shall not be diminished during the term of their appointments; and they shall hold no other office under the government of this state or the United States; the judges of the court of errors and appeals first appointed shall be appointed one for three years, two for five years and two for seven years; judges of the court of common pleas shall hold their offices for the term of five years.

Judicial  
officers  
nominated by  
governor;  
confirmed by  
senate.

Terms and  
compensation.

"Strike out paragraph 2 of section II., of article VII., relating to the judges of the court of common pleas, which reads as follows:

"Judges of the courts of common pleas shall be appointed by the senate and general assembly in joint meeting; they shall hold their offices for five years, but when appointed to fill vacancies they shall hold for the unexpired term only.

Paragraph  
stricken out.

## "DIRECTIONS FOR VOTING.

"If you are in favor of all the amendments, vote the ticket as printed, without change; if

How to vote.

you desire to vote against any particular amendment, write the word 'against' on the margin of the ballot opposite such amendment; if you do not desire to vote for or against any particular amendment, draw a line or lines through such amendment; use either black ink or lead pencil that writes black."

As to ballots.

4. Said ballot deposited in the ballot-box shall be counted as a vote in favor of all the amendments, except that if the voter shall have written the word "against" in the margin opposite to any amendment, the ballot shall be counted as a vote against said amendment; and if he shall have drawn one or more lines across any amendment, the ballot shall not be counted as a vote upon that amendment; such writing or lines shall be made with black ink or a pencil that writes black.

Who may vote.

5. All persons entitled to vote in this state for members of the legislature at the time of said special election shall be entitled to vote in their respective election districts or precincts; *provided*, they shall have been registered as hereinafter provided.

Proviso.

Registration of voters.

6. It shall be the duty of the district boards of registry and election to make, alter and revise, as the case may require, the registry of voters entitled to vote in their several districts or voting precincts, for use at said special election, in the manner now required by law for general elections; *provided, however*, that where the election districts or voting precincts have remained unchanged since the last local or municipal election, it shall not be necessary for said district boards of registry and election to make a new registry of the voters in such districts or precincts, but only to revise and correct the registry used at such local or municipal election, and for that purpose the said district boards of registry and election shall meet at the places in their respective election districts or precincts where the said special election shall be held, or at such other place as shall be designated by the clerk of such city, township or municipality, on Tuesday, the fifteenth day of September next, at one o'clock in the afternoon of that day, and continue in session until nine o'clock in the evening, for the purpose of revising and correcting the registry and of add-

Proviso.

Correction of registry.

ing 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 such boards that they are entitled to vote in that election district or precinct at such special election, or who shall be shown by the written affidavit of a voter residing in the same district or precinct to be so entitled 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.

7. The county boards of election in the several counties shall sit on the Saturday next preceding such election, and also on the day of election, from eight o'clock in the forenoon till five o'clock in the afternoon of each of said days, and perform the same duties in respect to such registry as is now provided by law in respect to the registry for any general election, and each member of said board shall receive the sum of five dollars for his services under the provisions of this act for each of said days.

County board  
of registry.

8. All laws respecting illegal voting or other offences against the election laws of this state shall be applicable to such special election.

Laws  
applicable.

9. No official envelope shall be required or used at such election, but each person entitled to vote shall receive one ballot, to be furnished by a member of the board of election, and shall retire with the same into one of the election booths to prepare his ballot, and shall then deliver the same folded to a member of the election board, who shall immediately deposit the same in the ballot-box in the presence of the voter; the manner of voting and the procedure of the election officers shall in all respects, as far as practicable, conform to the requirements of the general law respecting elections.

Envelope not  
required.

Manner of  
voting.

10. After finally closing the polls of such election, the respective boards of registry and election shall count and canvass the ballots given relative to each of the said proposed amendments to the constitution, and thereupon shall set down in writing the whole number of votes given for each of the said proposed amendments in the words in which the said proposed amendment is hereinbefore given, and the whole number of votes given

Canvass the  
ballots.

Statement  
filed with  
county clerk.

against each of the said proposed amendments as hereinbefore given, and shall certify and subscribe a statement of the result of the same, and cause the same so certified to be delivered to the clerk of the county in which the election district or precinct is situated within three days after said election, who shall forthwith file the same in his office as an official paper.

County boards  
of election to  
make and file  
statements.

11. The county boards of election of the several counties of this state shall meet on Monday, the twenty-eighth day of September next, at the hour of eleven o'clock in the forenoon of that day, at the court-houses of their respective counties; the clerk of the county shall thereupon produce before said board the certificates filed in his office in pursuance of the preceding section of this act, and said board shall thereupon proceed to examine the same and make and certify duplicate statements of the result of said election as shown thereby, and cause one of such statements so certified to be delivered to the clerk of the county, who shall forthwith file the same in his office as an official paper; and said board shall cause the other of such statements to be transmitted by mail to the secretary of state on or before the third day of October next, who shall forthwith file such statement in his office as an official paper; the said county board of election shall have power to adjourn their meeting if necessary in order to properly discharge their duties under this section.

Board of state  
canvassers.

12. It shall be the duty of the governor to summon to attend him, on the thirteenth day of October next, four or more of the members of the senate, who shall meet on said day of October in the senate chamber, in the city of Trenton, at the hour of two o'clock P. M., and they, with the governor, shall constitute a board of state canvassers to canvass and estimate the votes given for and against each of said amendments, and the said board of state canvassers shall proceed to organize and determine the result according to the provisions of the act entitled "An act to regulate elections" (Revision of 1998), approved April fourth, eighteen hundred and ninety-eight, so far as they are applicable, and it shall be the duty of the secretary of state to produce and lay before such board all such statements and copies as relate to such election which he shall have received or obtained pur-

suant to this act or pursuant to the above-stated act to regulate elections; the said board of state canvassers shall determine and declare which of said proposed amendments have been adopted, and shall forthwith deliver a statement of the result as to each amendment to the secretary of state of this state, to be filed in his office as an official paper; and any proposed amendment which by said certificate and determination of the board of state canvassers shall appear to have received in its favor a majority of all the votes cast in the state for and against said proposed amendment shall from the time of filing such certificate be and become an amendment to and part of the constitution of this state; and it shall be the duty of the governor of this state forthwith, after such determination, to issue a proclamation declaring which of said proposed amendments have been adopted by the people.

Declaration of  
result.

If adopted:  
governor's  
proclamation.

13. Notice of the time and purpose of said special election, which notice shall contain such proposed amendments in full, shall be published in at least two newspapers printed and circulated in each county of this state for four weeks, once in each week, next preceding said twenty-second day of September, said newspapers to be designated by the president of the senate, the speaker of the house of assembly and the secretary of state, and the secretary of state shall furnish a copy of such notice to each of the newspapers so selected, but neglect or failure to make such publication shall not impair the validity of such special election.

Notice of  
special election  
published.

14. The same notice of meeting of the district boards of registry and election for the purpose of making or revising registries to be used at such election, and the notice of such special election in the various election districts or precincts shall be given as is now required by law in case of the election for members of the legislature.

Notice of  
meeting of  
boards of  
registry and  
election.

15. For the services and duties required and imposed upon them, under and by virtue of this act, the members of the boards of registry and election shall each receive the sum of three dollars for making or revising the registry and five dollars for conducting the election, to be paid as the expenses of elections for members of the general assembly are now paid.

Expenses.

Publisher's  
fee.

16. The price for publishing in any newspaper the notice of this election required to be given by the secretary of state shall be sixty cents per folio of one hundred words for the first insertion, and thirty cents per folio for each subsequent insertion after the first.

Preparation  
of and fur-  
nishing ballots.

17. It shall be the duty of the secretary of state to prepare and have printed a sufficient number of ballots required by this act, in the form herein provided, for the use of the voters, and shall, at least two weeks before the time herein fixed for said special election, transmit to the clerk of each county in this state a sufficient number for the use of the voters therein, and also blank statements of the result of the election and copies of this act; and it shall be the duty of the clerk of each county, at least one week before said election, to transmit to the district boards of registry and election in each election district or precinct in his county a sufficient number of such ballots and blank statements for the use of the voters and the board of election in such district or precinct; on the back of each of said ballots shall be printed the words "special election, September twenty-second, nineteen hundred and three; official ballot;" then shall follow the fac simile of the signature of the secretary of state, and no ballot shall be used or counted at such election except such official ballots; *provided*, that if in any election district the official ballots shall not have been delivered, or shall have been destroyed or stolen, or the supply of ballots shall have become exhausted, the deficiency shall be supplied in the manner provided by the provisions of the law regulating general elections, and such proceedings shall be taken as shall conform as nearly as possible to the requirements of that law.

Election  
blanks.

Official ballot  
endorsed.

Proviso.

Ballots may  
be procured  
from secretary  
of state.

18. Any voter may procure from the secretary of state official ballots for said election in the manner and upon the same terms as are prescribed by law for furnishing official ballots at general elections upon payment of the expense of printing the same, which ballots the secretary of state is required to furnish; said ballots may be distributed before election day, and the same may be voted by any voter desiring to do so under the restrictions and regulations prescribed by law.

19. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 178.

An Act to fix and define the southwesterly boundary line of the borough of Holly Beach City, in the county of Cape May and state of New Jersey.

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

1. That the middle line of Cressee avenue, as laid down on the general plan of Holly Beach City, be and the same is hereby declared to be the southwesterly boundary line of the said borough of Holly Beach City, in the said county of Cape May. Boundary line.

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

Approved April 8, 1903.

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CHAPTER 179.

An Act relating to corporations of this state now or hereafter having lawful authority to lay or maintain pipes or mains in the streets or public places of any municipality for the distribution of gas.

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

1. Any corporation of this state, now or hereafter having lawful authority to lay or maintain pipes or mains in the streets and public places of any municipality for the distribution of gas, may use its pipes or mains within such municipality for the transmission of gas to any other municipality, in the streets or public places of which it may also have lawful authority to lay or main- Piping gas to other municipalities.

tain pipes or mains for the distribution of gas; nothing herein contained shall grant to any corporation a franchise or right to lay down gas pipes for the distribution of gas in any municipality of this state.

2. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 180.

An Act to prevent deception in the sale of red clover seed with which yellow trefoil seed has been mixed.

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

Sale of mixed red clover and yellow trefoil seed to be so indicated.

1. Every person who shall knowingly sell, or offer or expose for sale, red clover seed, with which what is commonly known as yellow trefoil seed has been mixed, shall prominently, distinctly and durably stamp, brand or stencil on the top, bottom and sides of each and every box, bag or package containing the same, in plain Roman letters, not less than half an inch square, the following words in their proper order, to wit: "Containing yellow trefoil seed," so as to be conspicuous in any position in which the box, bag or package may be placed; and every sale of any mixture of red clover and yellow trefoil seeds, by whatsoever name the same may be called, either at wholesale or retail, in boxes, bags or packages not marked as aforesaid, shall be void, and no action shall be maintained for the price thereof.

Penalty for non-compliance with act.

2. Every person who shall sell, or offer for sale, or have in his possession with intent to sell or offer for sale, any red clover seed with which yellow trefoil seed has been mixed, who shall neglect or refuse to comply with the provisions of this act; and every person who shall render illegible, remove, conceal or hide in any manner the inscription stamped, branded or stenciled, pursuant to the provisions of this act, on any box, bag or package containing red clover seed, with which yellow trefoil seed has been mixed, shall forfeit and pay the sum of one



hundred dollars for each and every offense, to be recovered by action of debt before any justice of the peace, in the county where such offense is committed, one-half thereof, when recovered, to be paid to the person prosecuting said suit, and the remainder to the collector of said county; or, in default of such payment, shall be committed by such justice to the county jail for a term not exceeding three months.

3. This act shall take effect immediately.

Approved April 8, 1903.

#### CHAPTER 181.

A Supplement to an act entitled "An act to provide for the construction and maintenance of speedways in counties of this state," approved March nineteenth, one thousand nine hundred and two.

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

1. In order to obtain moneys to be used in paying for lands to be acquired in pursuance of the act to which this is a supplement, the boards of chosen freeholders of the several counties are hereby authorized to borrow the same by issuing the bonds of the respective counties to a sum in the aggregate not to exceed one hundred thousand dollars; such bonds to run for a term not to exceed fifty years, to bear interest at a rate not to exceed four per centum, payable semi-annually; such bonds shall not be sold or disposed of at less than their par value, and shall be in such form as the boards of freeholders shall respectively adopt; sinking funds shall be established by the boards of chosen freeholders upon the issuing of any such bonds, sufficient, with the accumulation thereof, to extinguish the principal of said bonds so issued when due; the interest and principal of all bonds issued under the authority of this act shall be the debt or obligation

Freeholders  
may borrow  
moneys by  
bond issue.

Term, rate,  
sale of bonds.

Sinking fund.

Payment of  
bonds.

of the county wherein they are issued, and the payment thereof shall be provided for by taxation in the same manner as other debts and obligations of the county are provided for by taxation.

2. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 182.

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:*

Acceptance of  
bonus or  
reward by  
officer or  
agent to be  
reported.

1. Any director, officer, promoter or other agent of any corporation organized or existing under the laws of this state who shall have heretofore made or received, or who shall hereafter make or receive, while acting in such capacity, any bonus, profit or reward of any kind whatsoever out or on account of any transaction for or with such corporation, without disclosure of the fact of such bonus, profit or reward to the corporation and without obtaining its approval thereof, shall be liable to such corporation for the amount or value of such bonus, profit or reward for and during the period of four years from and after the making or receipt of the same and not afterwards; and an action shall lie on behalf of such corporation, either at law or in equity, to recover such bonus, profit or reward, or the value thereof, or for an account with respect thereto, at any time before the expiration of said period of four years, but not afterwards.

Liability.

Effect of act.

2. This act shall take effect immediately, but shall not affect any action or proceeding pending in any court at the time it takes effect, or any right of any corporation, or of any stockholder, against any such director, officer, promoter, or other agent, under existing law, provided

action thereon be commenced within six months after this act takes effect.

Approved April 8, 1903.

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### CHAPTER 183.

A Supplement to an act entitled "An act respecting the orphans' court and surrogates (Revision, 1898)."

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

1. A judge of the orphans' court, on the presentation to him of a verified statement of an account with his ward by a guardian of a person who is a pensioner of the United States, is authorized and empowered to make certificate to the commissioner of pensions, that the trust is being properly executed and that the guardian is in good standing with the court, in all cases where, in the discretion of the judge, such conditions are found to exist; *provided, however*, this act shall not apply when the guardian has other funds of his ward in his hands than pension moneys.

Certification  
by judge that  
trust is prop-  
erly executed.

Proviso.

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

Repealer.

Approved April 8, 1903.

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### CHAPTER 184.

Supplement to an act entitled "An act to incorporate and regulate telegraph companies," approved April ninth, on thousand eight hundred and seventy-five.

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

1. Any corporation organized under this act may be dissolved in the manner provided in section thirty-one of the act concerning corporations (Revision of 1896).

Dissolution.

2. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 185.

An Act concerning consolidated boroughs and annexed municipalities and townships.

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

District  
annexed to  
borough  
subject to its  
laws.

1. Any borough, town or township which has been or shall hereafter be annexed to or consolidated with any borough by or pursuant to any general or special law, shall be subject to the charter of such borough and all general laws affecting the same, and the ordinances and regulations of such borough shall extend to and have the same force and effect within the territory of the municipality so annexed as the same had within the original limits of such borough; *provided*, that all ordinances and regulations of such annexed municipality, so far as the same may be consistent with the ordinances and regulations of such borough, shall continue in full force and effect until the same shall be altered or repealed by the proper authorities of such borough.

Proviso.

Property  
rights and  
liabilities.

2. The residents of such borough and of such annexed municipality territory, and their successors, upon such annexation, shall be as a municipal corporation, under and by the corporate name of such borough, and they are declared so to be absolutely and completely vested with all the lands, tenements, hereditaments, property, rights, causes of action and estate whatsoever, both at law and in equity, in possession, reversion and remainder, which at the time of such annexation was or shall be vested in or of right belonged or shall belong to such borough and to such annexed municipality, and shall be liable to pay the bonded and other indebtedness of such municipality so annexed; *provided*, that nothing in this act contained shall affect any suit or suits or proceedings for the issue of bonds, or to enforce the arrearages of taxes and other assessments that were or shall be pending at the time of such annexation in the name of or in

Proviso.

such borough or of any such annexed municipality, but the name of such borough may be substituted on its own application as party plaintiff or defendant in any suit pending in any court of law or equity in which said annexed municipality is a party, and all proceedings for the issue of bonds and bonds authorized by such borough or by such annexed municipality may be completed and issued by such borough and the officers thereof, and all proceedings pending to enforce the arrearages of taxes and assessments in such borough or annexed municipality shall be completed by the same officers and in the same manner as though originally appointed for such borough; and all taxes and assessments theretofore levied by such annexed municipality shall be valid and effectual as if originally levied and assessed by the officers of such borough; and the collection of all taxes and assessments of such annexed municipality standing at the time of such annexation, shall be effected in the manner prescribed by law or by the ordinances and regulations of such annexed municipality; and the governing body of such borough to which such municipality shall be so annexed is authorized to do and perform all necessary acts to conform or make effectual the levy and assessment of such taxes and assessments, and may have the same rights and remedies for the enforcement and collection thereof as if the same had been levied and assessed by the officers of such borough.

Taxes heretofore levied valid.

Collection of.

Rights and remedies of borough.

3. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 186.

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

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

1. All that portion of the township of Howell, in the county of Monmouth, described as follows: beginning

Boundaries.

at the point where the southerly side of the road to Glendola intersects the easterly side of the road from Farmingdale to Lakewood; thence easterly along the southerly side of the road to Glendola to Mengamagone brook; thence northerly following the course of said brook to the north boundary line of the property of Rebecca E. Megill; thence westerly along the north boundary line of the property of the said Rebecca E. Megill to Marsh bog brook; thence southerly following the course of said brook to the westerly line of the right of way of the Pennsylvania railroad company; thence southerly along said westerly line of said right of way of said Pennsylvania railroad company to the south boundary line of the property of William F. Demme; thence easterly along said south boundary line of the property of William F. Demme to the easterly side of said road from Farmingdale to Lakewood; thence northerly along the easterly side of said road to the place of beginning, shall be and is hereby incorporated into a borough to be called "the borough of Farmingdale."

Corporate  
name.

2. This act shall take effect immediately.  
Approved April 8, 1903.

## CHAPTER 187.

An Act concerning the sinking fund of this state.

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

Transfer of  
moneys, etc.,  
to school  
fund.

1. The state treasurer shall forthwith deliver to the trustees for the support of public schools all moneys now held in the name of the commissioners of the sinking fund, or in the name of the state treasurer, as successor to the commissioners of the sinking fund, and shall make conveyances to said the trustees for the support of public schools of all lands now standing in the name of the commissioners of the sinking fund, or in the name of the state treasurer, as successor to the commissioners of the

sinking fund, and shall make assignment to said the trustees for the support of public schools of all mortgages now standing in the name of the commissioners of the sinking fund, or in the name of the state treasurer, as successor to the commissioners of the sinking fund, together with the bonds or obligations in said mortgages described, and such moneys, lands, bonds and mortgages, respectively, shall, from the time of such delivery, conveyance or assignment, be the sole and exclusive property of said the trustees for the support of public schools, the same to constitute a part of the permanent school fund of the state.

2. This act shall take effect immediately.

Approved April 8, 1903.

#### CHAPTER 188.

An Act to dedicate certain lands of the state of New Jersey, in the city of Trenton, in the county of Mercer, for a public road.

WHEREAS, The public convenience will be promoted, and the privacy of the state home for girls better secured, by opening and laying out a public road in the city of Trenton, in the county of Mercer, across the lands now occupied by the state home for girls, in the manner hereinafter set forth; therefore,

Preamble.

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

1. There is hereby dedicated to the use of the public for the purpose of a public road in the city of Trenton, in the county of Mercer, all that certain tract of land beginning at a point in the northerly line of Stuyvesant avenue corner to lands of Mills Wittlesey, and running thence (1) north twenty-one degrees and fifteen minutes east along the line dividing lands of the state of New Jersey from lands of Mills Wittlesey, and other lands of Albert Clayton, James A. H. Delp, Owen H. Locke and William G. Moore, one thousand five hundred thirty-

Description of tract dedicated to Trenton by state for road through lands of home for girls.

nine and ninety-nine hundredths feet to a point in said line; thence (2) north fifty-seven degrees and fifty-five minutes west along other lands of the state of New Jersey, twenty-five and forty-five hundredths feet to a point; thence (3) south twenty-one degrees and fifteen minutes west, nine hundred thirteen and eighty-eight hundredths feet to a point; thence (4) south twenty-three degrees and thirty-five minutes west, still along lands of the state of New Jersey, six hundred thirteen and nineteen-hundredths feet to a point in the northerly line of Stuyvesant avenue; thence (5) south forty-six degrees and twenty-five minutes east, along the northerly line of Stuyvesant avenue, fifty-three and twenty-one hundredths feet to the point of beginning; also, all that certain tract of land beginning at a point in the present line dividing lands of Mills Wittlesey, and other lands of Albert Clayton, James A. H. Delp, Owen H. Locke and William G. Moore from lands of the state of New Jersey, distant one thousand five hundred sixty-five and forty-four hundredths feet (measured along said division line which is on a course of north twenty-one degrees fifteen minutes east), from the northerly line of Stuyvesant avenue and running thence (1) north fifty-seven degrees and fifty-five minutes west across lands of the state of New Jersey, two hundred ninety-four and four-tenths feet to a point; thence (2) north three degrees and thirty-five minutes east still across lands of the state of New Jersey, two hundred eight feet to a point in the easterly line of a road leading from Stuyvesant avenue to the Scotch road, said last mentioned point being also distant two hundred forty-four and seven-tenths feet southerly, measured at right angles from the center line of the right of way of the Delaware and Bound Brook railroad company; the last mentioned description being the center line of a strip of land fifty feet in width; *provided, however*, that in case the lands hereby dedicated should at any time be vacated or be used for any other purpose than for a public road, then the state of New Jersey, its officers or agents, may re-enter upon, enclose and resume the possession of the lands dedicated hereby to public use.

Proviso.

2. This act shall take effect immediately.

Approved April 8, 1903.



## CHAPTER 189.

An Act concerning cities of the first class in this state, constituting municipal boards of excise commissioners 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 boards, and providing for the maintenance of the same.

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

1. In all cities of the first class in this state the mayors thereof respectively, within thirty days after this act shall take effect or shall become applicable to any city, shall appoint a board of excise commissioners consisting of four members, who shall serve for the term of two years and until their successors shall be appointed.

Board of  
excise.

Term.

2. Any vacancy which may happen in the office of member of the board of excise commissioners in such city shall be filled by the mayor of said city for the unexpired term only.

Vacancies.

3. The annual salary of such commissioners shall be one thousand dollars each, and shall be paid to them by the city treasurer in monthly installments.

Salary.

4. Two members of said board of excise commissioners shall be selected and appointed from the political party which at the election for mayor in such city last preceding such appointment cast the largest number of votes for mayor, and two from the political party which at said election cast the next largest number of votes for mayor.

Bi-partisan  
board.

5. Such board of excise commissioners shall have the sole power in such cities to license and regulate inns, taverns, restaurants, beer saloons and all places where any kind of vinous, malt, brewed, spirituous or other intoxicating liquor is sold, and after the licensing to

Sole power to  
license.

Revoking license.	transfer such license, and to revoke any license; and no license for such purposes within any such city shall be granted by any other authority, and any license purporting to be granted for such purposes by any other authority shall be unlawful and void;
Proviso.	<i>provided, however,</i> that any such license lawfully granted before the passage of this act shall, subject to its conditions, remain valid and in full force and effect until the expiration of the term for which it was originally granted; but nothing in this act shall prevent the revocation of any such license in the manner hereinbefore provided.
Duties, powers, liabilities.	6. In addition to the powers conferred in the foregoing section, the said board of excise commissioners shall perform all the duties, possess all the powers and be subject to all the liabilities now or hereafter conferred or imposed on boards of excise commissioners in cities of the first class in this state.
Supersede existing boards.	7. Immediately upon the appointment and organization of the board herein provided for, the existence and functions of all and any other board or boards having or assuming to have charge or control of the excise matters in such city shall thereupon cease and determine.
License fees.	8. The fee for licenses granted by said board of excise commissioners shall be such as are from time to time prescribed by law in such cities, and when the amount is by law discretionary with the licensing authority, then such as said board shall by ordinance, regulation or rule provide, and all fees for licenses so granted by said board shall be paid to the city clerk, who shall, in addition to his duties, act as clerk of said board, and such fees shall be by him paid over to the proper financial officer of said city forthwith.
Oath.	9. Each of such commissioners shall, before he enters upon the duties of his office, take and subscribe an oath to faithfully, fairly and impartially perform the duties of his office, and such oath shall be filed with the city clerk, there to remain of record, and perjury may be assigned thereon in case of any wilful violation thereof;
Failure to qualify.	should any person or persons appointed to be a member or members of any such board fail to qualify as herein provided within twenty days after appointment, such

failure shall cause a vacancy or vacancies to exist in said board.

10. Said board of excise commissioners shall meet for organization within twenty days after their appointment under this act, and thereafter annually on the first day of January, except when the first day of January is on Sunday, in which event they shall meet on the second day of January; they shall annually elect one of their number to be president of said board; the board shall meet on stated days at least twice in each month, and a suitable and proper place for the holding of said meetings shall be provided by the municipal body or board having charge of the finances of the city.

Organization.

11. The common council, board of aldermen, board of finance or such other board or body having charge or control of the finances of the city, shall annually appropriate sufficient funds for the maintenance of the board of excise commissioners, said funds to be appropriated from the license moneys received by such city; or said funds or moneys may, in the discretion of said board or body, be provided for in the annual tax budget or levy; in case no appropriation has been made or set apart as herein provided for the maintenance of said board of excise commissioners for the fiscal year during which said board shall be appointed, then and in such case the said board or body having charge and control of the finances of the city shall forthwith provide for and set apart sufficient moneys for the maintenance of said board of excise commissioners for the said fiscal year; and for the purpose of providing said funds or moneys said board or body having control of the finances may issue temporary loan bonds, the amount whereof, with interest, shall be placed in the next ensuing annual tax budget or levy of such city, if not otherwise paid.

Funds for maintenance of board.

12. In the event that any section or provision of this act shall be held to be invalid, the same shall not affect the validity of the remainder of this act.

Validity.

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

Repealer.

14. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 190.

An Act to incorporate the municipality heretofore known as the Long Branch commission, in the county of Monmouth, as a city to be known as Long Branch, and to fix the boundaries thereof.

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

Boundaries of  
Long Branch.

1. All that portion of the county of Monmouth, in the state of New Jersey, formerly known as the Long Branch commission, beginning at the middle of the intersection of Atlantic avenue and the New Jersey Southern railroad at North Long Branch, and thence (1) running along the middle of the said Atlantic avenue and in a westerly direction to the middle of Rockwell avenue; thence (2) along the middle of Rockwell avenue and in a southerly direction to the south line of the right of way of the New Jersey Southern railroad; thence (3) along the south line of the right of way of said railroad and in a westerly direction to the east line of the Kensington park property; thence (4) along the east line of said property and in a southerly direction to the middle of Broadway; thence (5) along the middle of Broadway and in an easterly direction to the middle of Oakwood avenue; thence (6) along the middle of Oakwood avenue and in a southerly direction to High street (formerly known as the road from Samuel Lane's store to West Long Branch); thence (7) along the middle of High street and in an easterly direction to the middle of Norwood avenue; thence (8) along the middle of Norwood avenue and in a southerly direction to the middle of Cedar avenue; thence (9) along the middle of Cedar avenue and in a westerly direction to the middle of the continuation of Norwood avenue; thence (10) along the middle of Norwood avenue and in a southerly direction to the southwest corner of a tract of land purchased by Lewis B. Brown of Amzi McLean and others; thence

(11) along the southerly line of said tract of land to the ocean at low-water mark; thence (12) along the ocean at low-water mark and in a northerly direction to a point due east and opposite to a certain monument on the line of the New Jersey Southern railroad as formerly laid; thence (13) in a southerly direction to the place of beginning, the last course from said monument to said point of beginning being seven hundred and seventy-five yards, more or less.

2. This act shall take effect immediately.

Approved April 8, 1903.

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#### CHAPTER 191.

Supplement to an act entitled "An act to incorporate the town of Clinton, in the townships of Clinton, Franklin and Union, in the county of Hunterdon," approved April fifth, one thousand eight hundred and sixty-five.

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

1. At the next regular town election of the said town of Clinton, two common councilmen shall be elected for one year, two for two years and two for three year; and two common councilmen shall be elected annually thereafter for a term of three years. Election of councilmen.

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

Approved April 8, 1903.

## CHAPTER 192.

An Act to incorporate the borough of Etna, 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 Washington, 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 Etna," and shall be governed by the general laws of this state relating to boroughs.

Boundaries.

2. All that part of Washington township, in the county of Bergen, beginning in the center of the Pascack brook at the place where the Momsquamsink brook empties into the said Pascack brook and running thence easterly through the center of the same, following the several courses thereof, to the easterly boundary line of the farm known as the Jacob Van Derbeck or Hiram Bellis farm; thence southerly along the easterly line of the same in a straight line to the Hackensack stream; thence westerly and southerly through the center of the Hackensack stream, following the several courses of the same, to a point formed by the intersection of the center line of said stream with the prolongation of the northern line of Delford borough; thence westerly along the northerly line of the Delford borough line to the northwest corner thereof; thence southerly along the westerly line of the borough of Delford to the Soldier's Hill road, or northerly line of Midland township; thence westerly along the center of said road or northerly line of Midland township to the southwest corner of Albert Van Wagner's farm; thence northerly along the western lines of Albert Van Wagner, Kimball C. Atwood, John Lutkins and John B. Lozier's lands to the Momsquamsink brook; thence easterly along center of said brook to the extreme southerly Westwood borough line; thence along

said south and easterly Westwood borough line, following the several turns thereof, to the place of beginning.

3. This act shall take effect immediately.

Approved April 8, 1903.

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#### CHAPTER 193.

A Supplement to an act entitled "An act to authorize the use of voting machines at elections hereafter to be held in this state or in any subdivision thereof, and providing that the votes cast at any such elections may be registered or recorded and counted and the result of such elections ascertained by such machines," approved April ninth, one thousand nine hundred and two.

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

1. In voting for or against any constitutional amendment or other question or proposition to be voted on, the assent or dissent of the voter to any such amendment, question or proposition may be expressed by the words, "for" or "against."

Voting on  
amendments.

2. This act shall take effect immediately.

Approved April 8, 1903.

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#### CHAPTER 194.

An Act relating to informations in the nature of a quo warranto (Revision of 1903).

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

1. In case any person shall usurp, intrude into or unlawfully hold or execute any office or franchise within

Informations  
against  
intruder into  
office.

this state, it shall be lawful, with the leave of the supreme court or a justice thereof, to exhibit in the supreme court in the name of the attorney-general an information in the nature of a quo warranto, at the relation of any person desiring to prosecute the same, who shall be mentioned in such information to be the relator, against such person for usurping, intruding into or unlawfully holding and executing any such office or franchise, and to proceed therein in such a manner as is usual in cases of informations in the nature of a quo warranto; and if it shall appear to the court or justice, that the several rights of divers persons to the same office or franchise may properly be determined on one information, the court or justice may give leave to exhibit one such information against several persons, in order to try their respective rights to such office or franchise.

Several rights  
determined in  
one proceeding.

Judgment and  
costs.

2. In case any person against whom such an information shall be exhibited, shall be adjudged guilty of usurpation or intrusion into or unlawfully holding and executing any such office or franchise, the court may give judgment of ouster against him, and fine him for usurping, intruding into or unlawfully holding and executing such office or franchise, and may give judgment, that the relator in such information shall recover his costs of such prosecution; and if judgment shall be given for the defendant in such information, he shall recover his costs against the relator.

Leave to file  
in vacation;  
pleadings, etc.

3. Leave to file such an information may be granted by the supreme court, or by a justice thereof in vacation, upon written petition therefor duly verified; upon the granting of leave to file an information, or upon one being filed by the attorney-general of his own motion, the defendant shall plead or demur thereto within twenty days after the filing thereof and the service upon him of a certified copy thereof; any subsequent pleadings required to be filed by either party shall be filed within fifteen days respectively, after the filing of the pleading to which it is a reply; if a demurrer shall be filed no rejoinder therein shall be necessary, but joinder shall be presumed; the time for filing any pleading may be extended or shortened by the court, or a justice thereof, for cause; if for any reason the defendant in the informa-



tion cannot be found, then service thereof, as above required, may be made upon him in such manner as the court, or justice, may by order direct.

4. Whenever it is alleged that any person usurps, intrudes into or unlawfully holds or executes any municipal office or franchise within this state, any citizen of this state, who believes himself lawfully entitled to such office or franchise, may, as relator, file in the office of the clerk of the supreme court an information in the nature of a quo warranto, against such person, for usurping, intruding into or unlawfully holding or executing any such office or franchise, and may proceed therein in such manner as is usual in cases of informations in the nature of a quo warranto, except as is otherwise provided in this act.

Proceedings  
against person  
unlawfully  
holding  
municipal  
office.

5. Upon the filing of such information the relator shall execute a bond to the defendant in the penal sum of two hundred dollars, with sufficient surety, with condition to prosecute said action with effect, and to pay costs to the defendant if he shall be entitled thereto; which bond shall be approved by a justice of the supreme court, or a supreme court commissioner and filed.

Upon filing  
information  
relator to give  
bond.

6. Upon the filing of said information and bond, the clerk shall, at the request of the relator, enter as of course a rule on the defendant to plead or demur to said information within ten days after service upon him of a certified copy of such information and rule; and such service shall be made upon each defendant, either personally if he shall be found, or if not found by leaving said copies at his usual place of abode, in the presence of some person of the family of the age of fourteen years, who shall be informed of the contents thereof; proof of said service shall be made by the affidavit of the person making the service, stating the time, place and manner of said service, which affidavit shall be filed.

Rule entered  
on defendant  
to plead.

Service.

7. The defendant, within ten days after the service of said information and rule, shall enter an appearance to said action, and (unless a justice of the supreme court, upon proper evidence of a reasonable cause therefor, shall grant further time, which, in case there has been personal service, shall not exceed ten days without consent of the relator) shall file his plea or demurrer to

Appearance  
entered and  
plea filed.

Affidavit annexed.	said information, and in default thereof judgment by default shall be entered against him; if a plea shall be filed it shall have annexed to it an affidavit by each defendant, stating that the facts, matters and things set forth in said plea, so far as they relate to his own acts, are true, and so far as they relate to the acts of others, he believes them to be true, and also stating that said plea is not filed for the purpose of delay, and that he believes he has a legal defense to said action on the merits of the case; if further pleadings shall be necessary they shall be filed within ten days, each after the other, or within five days after service of a certified copy upon the adverse party, or his attorney, unless a justice of the supreme court shall, under special circumstances, grant further time as aforesaid; and thereupon such further proceedings shall be had as are required by law.
Further pleadings.	8. When a demurrer shall be filed by either party, the adverse party shall be deemed to join in demurrer at once without the filing of any joinder therein; such demurrer shall be placed at once upon the calendar of the supreme court of the term in which issue is joined, for an immediate hearing, as soon as it is possible for the court to hear the same; if not heard at the term in which issue is joined, said cause shall be placed by the clerk on the calendar of the succeeding term of said court, and may be brought to a hearing at that term, upon ten days' notice by either party.
Joining in demurrer.	9. Whenever notice is required, two days' notice of the hearing, argument or trial of any motion or issue arising under this act shall be sufficient.
When heard.	10. The supreme court shall always be open, except on Sunday, for the return of all writs and of any motion or issue arising under this act.
Two days' notice of hearing.	11. When a relator, who has filed an information as aforesaid respecting any office or franchise claimed by him, shall have judgment establishing his claim and ousting the defendant, he shall be entitled at once upon the entry thereof to enter, possess and enjoy the office in respect to which the said proceedings were taken; and the court, or a justice thereof, may, upon the entry of such judgment, make an order on any defendant in such proceedings requiring him immediately to surrender
Court always open for return of writ.	
Relator to have immediate possession upon judgment of ouster.	

any such office or franchise, with all the books, papers and insignia thereof, to the relator; and no writ of error or other proceedings shall in any wise affect the right of such relator to immediate entry into such office or franchise; *provided*, such relator shall, upon his entry into such office or franchise, give bond to the defendant in such sum and with such surety or sureties as the supreme court, or a justice thereof, shall approve, conditioned for the repayment to the defendant of the emoluments of the office or franchise during such relator's incumbency therein to which such defendant may be adjudged to be entitled, as well as the costs of the defendant, in the event of the subsequent reversal of the judgment of ouster in the said proceedings.

Proviso.

12. In all actions of quo warranto, the supreme court may, if the writ, return and pleadings are properly framed for the purpose, determine by its judgment, not only the title of the respondent to the office or franchise in question, but also the title of the relator to the same office or franchise, and shall have power by appropriate process or orders to enforce its said judgment, that the very right to the office or franchise may be determined in the one proceeding.

Supreme court may determine title of respondent or relator.

13. In any proceeding by quo warranto to test the title of any person to an office, which is claimed by the relator, if there shall have been a recount of the votes cast at the election at which the relator and respondent claim to have been elected, and a certificate given by a justice of the supreme court as to the result of such recount, pursuant to statute, such certificate shall be prima facie evidence of the right of the person holding the same to the office and to a judgment accordingly.

Prima facie evidence to office on recount.

Approved April 8, 1903.

## CHAPTER 195.

An Act relative to writs of mandamus (Revision of 1903).

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

Return made  
to first writ.

1. Writ of mandamus shall issue out of the supreme court and be directed and delivered to any person who by law is required to make a return to such writ; such person shall make his return to the first writ.

When return  
made.

2. When a return shall be made, the person prosecuting such writ may demur or plead to the return or traverse any material facts contained therein, and the person making such return shall reply, take issue or demur; and such further proceedings shall be had therein for the determination thereof as if the person prosecuting such writ had brought his action on the case for a false return; all pleadings shall be filed within the time limited for similar pleadings in personal actions, unless otherwise ordered; and if any issue shall be joined, the person prosecuting such writ shall bring the same to trial as an issue joined in such action on the case might have been tried; and in case judgment shall be given for the person prosecuting such writ he shall recover his damages and costs in such manner as he might have done in such action on the case; and such damages and costs may be levied as in other cases; and a peremptory writ of mandamus shall be granted without delay; and in case judgment shall be given for the person making such return, he shall recover his costs, to be levied in like manner; if any damages shall be recovered against any person making return to such writ, he shall not be liable to be sued in any other action for making such return.

Further  
proceedings.

If judgment  
for prosecutor.

If for person  
making  
return.

Court pre-  
scribe time to  
make return.

3. The supreme court or a justice thereof may, by special rule, in any case prescribe such time in which to make a return, plead, reply, rejoin or demur as to the court or justice shall seem reasonable.

4. When any final judgment in mandamus shall be given upon any issue of fact or law, any party to the record who shall think himself aggrieved thereby may prosecute a writ of error, as in judgments in personal actions.

Writ of error  
sued out to  
remove  
judgment.

5. When an application is made for a mandamus against a municipal corporation to require it to raise by taxation money to satisfy any judgment against it, all subsequent applications, while the first is pending, shall be consolidated with the first, and shall be considered as made at one and the same time and be proceeded with in one proceeding only, and only one writ of mandamus shall issue upon all the applications on which the court shall determine a writ should issue.

Consolidation  
of applications  
for mandamus  
against  
municipality.

6. Where a writ of alternative or peremptory mandamus is denied, or where a rule to show cause why such writ should not be issued is discharged as the legal consequence necessarily resulting from a determination by said court of the question of the constitutionality of any statute, such question being the main issue brought before the court and the principal ground of the litigation, the person prosecuting such writ may, at any time within one year after the entry of the rule denying said writ or discharging said rule to show cause, prosecute a writ of error to remove the proceedings into the court of errors and appeals; and in such case the writ of error shall be made returnable forthwith, and joinder in error shall be unnecessary, and the court shall hear and determine the cause during the term in which said writ is returnable, if possible without the postponement of other business of said term.

When writ of  
error to  
remove  
proceedings  
to court of  
errors.

7. In all proceedings by mandamus, to enforce the collection or payment of a tax or appropriation, it shall be lawful to plead and show as a defense that such tax or appropriation is in whole or in part illegal.

Writ return-  
able forthwith.

Illegality of  
tax may be  
pleaded.

Approved April 8, 1903.

## CHAPTER 196.

An Act to amend an act entitled "An act to regulate the manufacture of flour and meal food products," approved April sixteenth, one thousand eight hundred and ninety-six.

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

Title amended.

1. The title of said act be amended so as to read as follows: "An act to regulate the manufacture of flour and meal food products in biscuit, bread or cake bakeries or confectionery establishments."

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

Approved April 8, 1903.

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CHAPTER 197.

A Further Amendment of 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*:

Taking of  
easements  
upon altering  
or laying out  
streets.

1. In all cases where the owners of lands in any borough have made a map thereof, and filed the same in the office where deeds are recorded in the county, and laid out streets thereon and dedicated the streets to public use, and sold lots by reference to the map, and, in addition to the right in common with the public to use the streets, have given, by deed or other writing, to the purchasers of lots, private easements and rights of way in and along the several streets shown on the map, and the council shall desire to vacate or alter such streets or parts

thereof and to lay out other streets in lieu thereof, such easements and private rights of way may be taken and appropriated for public use, and upon the vacation of any street or part thereof shown on such map, by due proceedings of the council, such private easements and rights of way in the street or part of street so vacated may also be taken, vacated and extinguished, compensation therefor being made and damages paid as in cases of taking land for public streets; *provided*, that this act shall not authorize the taking away from the owner of any such lot, his private easements and rights in that part of the street which lies immediately adjacent to the block of land in which his lot is situated, and on which street his lot has its frontage. Proviso.

2. Any ordinance passed in exercise of the powers granted by this act shall be preceded by an application in writing signed by at least fifteen freeholders of the borough and shall receive the unanimous vote of the council; it may embrace two or more streets or parts thereof, and may include the vacation, alteration, opening and improving of such streets, and it may include the adoption of a map showing the changes made, and the new streets and avenues laid out and established, which map shall be filed in the office of the clerk of the borough and remain a record therein, and a duplicate thereof shall be filed and remain a record in the office where conveyances of land are recorded in the county wherein such borough is situate. Powers, how exercised.

3. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 198.

An Act authorizing corporations, organized for religious, educational, charitable or benevolent purposes, to take, hold and convey real and personal property either as the absolute owners thereof or as trustees.

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

Hold or sell  
real estate.

1. Every corporation of this state, organized for religious, educational, charitable or benevolent purposes, is hereby authorized to take and hold by purchase, gift, devise, bequest or otherwise, such real and personal property as shall subserve the purposes of the corporation, or as the corporation may require, and to grant, bargain, sell and convey the same; every such corporation may also take and hold real and personal property in trust for any of the purposes for which it may be organized, and may grant, bargain, sell and convey the same as it may be lawfully empowered to do.

Acts repealed.

2. The act entitled "An act to authorize corporations organized for religious, educational or benevolent purposes to take and hold property to the amount of one hundred thousand dollars, and also to serve as trustee thereof," approved March twenty-third, eighteen hundred and ninety-nine, and the act entitled "An act to authorize corporations organized for religious, educational, benevolent or charitable purposes to take, hold and convey property in trust," approved March twenty-second, nineteen hundred and one, are hereby repealed, and this act shall take effect immediately.

Approved April 8, 1903.



## CHAPTER 199.

An Act to amend an act entitled "An act respecting the court of chancery" (Revision 1902), 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. The fifty-eighth section of the act entitled "An act respecting the court of chancery" (Revision 1902), approved April third, one thousand nine hundred and two, is hereby amended so that the same shall read as follows:

Section  
amended.

58. In any suit for the foreclosure of a mortgage upon or which may relate to real or personal property in this state, all persons claiming an interest in or an incumbrance or lien upon such property, by or through any conveyance, mortgage, assignment, lien, or any instrument which, by any provision of law, could be recorded, registered, entered or filed in any public office in this state, and which shall not be so recorded, registered, entered or filed at the time of the filing of the bill in such suit, shall be bound by the proceedings in such suit, so far as the said property is concerned, in the same manner as if he had been made a party to and appeared in such suit, and the decree therein made against him as one of the defendants therein; but such person, upon causing such conveyance, mortgage, assignment, lien, claim or other instrument to be recorded, registered, entered or filed as provided by law, may cause himself to be made a party to such suit by petition, in the same manner as is by this act provided in the case of persons acquiring an interest in the subject-matter of a suit after its commencement; the petition in such case must set forth such instrument at length, and the title and interest of such party in such manner as to show that he has an interest in the subject-matter, and is a proper party in that suit.

Owners of  
unrecorded  
mortgage  
bound by  
decree.

Person made  
party to suit.

Repealer.

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

Approved April 8, 1903.

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CHAPTER 200.

A Supplement to an act entitled "An act to establish a system of public instruction," 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:*

Section  
repealed.

1. Section one hundred and forty-nine of the act to which this is a supplement is hereby repealed.

2. This act shall take effect immediately.

Approved April 8, 1903.

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CHAPTER 201.

An Act to amend an act entitled "An act to limit the age and employment hours of labor of children, minors and women, and to appoint an inspector for the enforcement of the same," approved March fifth, one thousand eight hundred and eighty-three.

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 amendatory is hereby amended to read as follows:

Minimum  
age.

1. No child under the age of fourteen years shall be employed in any factory, workshop, mine or establishment where the manufacture of any goods whatever is carried on.

2. Section two of the act to which this is amendatory is hereby repealed. Section repealed.

3. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect September first. Repealer; when effective.

Approved April 8, 1903.

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## CHAPTER 202.

A Further Supplement to "An act to ascertain the rights of the state and the riparian owners in the lands lying under the waters of the bay of New York and elsewhere in the state," approved April eleventh, one thousand eight hundred and sixty-four.

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

1. Whenever any public park has been or shall hereafter be laid out or provided for by ordinance of any city or other municipality, under the authority of any act of the legislature of this state, along or fronting upon any of the tide waters of this state, and whenever any streets or highways shall extend to said tide waters, such municipality may apply through its legislative body to the commissioners appointed under the act to which this is a further supplement, for a grant or conveyance to such city or municipality of the lands under water within the limits of said public park, and of the land in front of said streets or highways; such grant to contain a provision that any land under water granted or conveyed for park uses shall be kept and maintained as an open public park or place for public resort and recreation, and that no building or other structures shall be erected on such park or on the lands under water so granted and conveyed inconsistent with its use as a public park or place for public resort and recreation; *provided, however*, that public walks and drives may be constructed along or upon any portion of the land so granted or conveyed. Grant of lands under water for park purposes.

Proviso.

Consideration  
fixed.

2. The commissioners may, upon the payment thereof of a consideration, the amount of which shall be fixed in the manner now provided by law for the fixing of the amount of the considerations to be paid for grants of riparian lands by said commissioners, make all such grants or conveyances applied for as aforesaid for the lands under water owned by the state extending from the inland limits of such park to the exterior line established or to be hereafter established by the said commissioners, and for all land under water within the lines of the streets or highways, and in front of the ends of such streets or highways and extending from the high-water lines of said exterior line; and said grant or conveyance shall also contain a provision that if at any time after the grant or conveyance aforesaid has been made, such public park or highway shall cease to be used as such park or place for public resort and recreation, or as such street or highway, the lands under water, granted as aforesaid in front thereof, shall at once revert to the state.

Provision for  
reversion.

Future  
conveyances.

3. No conveyance shall hereafter be made by the said commissioners, except to the municipality aforesaid, of any land under water within the limits of such park or within the lines or at the end of any such public street or highway or oceanward thereof.

Repealer.

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

Approved April 8, 1903.

#### CHAPTER 203.

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:

Section  
amended.

I. That section one hundred and sixty-four of said

act be and the same is hereby amended to read as follows:

164. Any person who shall, without permission, connect by wire or in any other manner with the wire or wires of any electric light or other electric company, or who shall, without permission, connect or disconnect the meters, pipes or conduits of any gas or water company, or in any other manner without such permission tamper or interfere with such meters, pipes or conduits, or who shall, without such permission, connect with the meter, pipes or conduits of such company by pipes, conduits or other instrument, for the purpose of obtaining power or electric current or gas or water with intent to defraud such company or companies, shall be guilty of a misdemeanor.

Tapping  
water or gas  
pipes or  
electric wires  
fraudulently a  
misdemeanor.

Approved April 8, 1903.

#### CHAPTER 204.

A Supplement to an act entitled "An act to provide for the purchase of sites for 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.

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

I. The commission constituted by the act to which this is a supplement is hereby authorized to purchase or otherwise acquire the lands and premises, with the buildings thereon erected and the appurtenances thereunto belonging, in the city of Newark, now occupied and used by the first troop of cavalry of the national guard of the state of New Jersey as an armory, and to cause the

Authority  
given to  
acquire lands  
and armory  
for first troop  
of cavalry.

- armory now erected thereon to be rebuilt or a new armory to be erected thereon as a cavalry armory for the use of said first troop of cavalry, and to suitably equip the same, when rebuilt or erected as aforesaid, with the necessary stables and range or ranges suitable for carbine and revolver practice, and with all necessary fittings and furnishings, and apparatus for heating the same, in the manner prescribed by the act to which this is a supplement, or said commission may, in its discretion, purchase or otherwise acquire such other lands and premises as maybe suitable or convenient for the erection of such armory, and erect thereon and equip, in the manner aforesaid, an armory for the use of said first troop of cavalry as aforesaid; *provided*, however, that the state of New Jersey shall not be obliged to pay more than one hundred and twenty-five thousand dollars for the entire cost of purchasing the necessary lands and premises and rebuilding or erecting and equipping such armory as aforesaid.
2. For the payment of expenditures herein authorized the comptroller of the treasury shall draw his warrant on the state treasury, and the state treasurer shall pay the same from time to time as the said commission shall certify to the comptroller to be necessary, and to such persons as they may designate, but not more than fifty thousand dollars shall be drawn from the state treasury in one year for the purchasing or other acquisition of such lands and premises, and rebuilding or erection of such armory as aforesaid, and provided no money shall be drawn from the state treasury for the purposes of this act until the armory now in process of construction at Trenton, under an act entitled "A further supplement to an act entitled 'An act to provide for the purchase of sites for 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, and being chapter fifty-nine of the laws of one thousand nine hundred and two," shall have been fully paid for.
- Equip same.**
- Proviso.**
- Sum named.**
- Proviso.**

3. No money shall be paid from the state treasury for the purchase or other acquisition of such lands and premises, and the rebuilding or erection of such armory, until the amount shall be placed in the yearly appropriation bills, but nothing in this act contained shall prevent said commission from accepting plans and estimates and doing thereunder such preliminary work as shall pertain to the erection of said armory; *provided*, the cost of said plans and preliminary work shall be furnished temporarily from sources other than the state treasury.

Amount must be in annual appropriation bill.

Proviso.

4. All acts and parts of acts so far as inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved April 8, 1903.

#### CHAPTER 205.

A Supplement to an act entitled "An act concerning the extension, renewal and continuance of the existence of corporations organized under the laws of this state," approved April eighth, one thousand nine hundred and two.

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

1. Section five of the act to which this is a supplement, be and the same hereby is amended so as to read as follows:

Section amended.

5. No corporation shall have the right to proceed under the provisions of this act unless it shall file with the certificate and written assent provided for in section one hereof an affidavit of the presiding officer and secretary of said meeting that it is at the time either actually engaged in, or has provided for, the conduct of the business for which it was incorporated; and in all cases where the charter of a corporation may have expired by limitation of time within four years next preceding the

Affidavit required.

Renewal of  
corporate  
existence.

date when such corporation shall file the certificate herein mentioned, said corporation shall have the benefit of the right to proceed under the provisions of this act, and upon complying with the conditions set forth in this act the existence of such corporation shall be renewed, extended and continued as declared in said certificate with the same effect and force as if the certificate, written assent and affidavit provided for herein had been filed prior to the expiration of such charter period, and as fully as if said period of extension had been named in the original charter or certificate of organization of such corporation.

Application  
of act.

2. The provisions of this act shall not apply to any savings bank, a building and loan association, an insurance company, a surety company, a railroad company, a street railroad company, a telegraph company, a telephone company, a gas company, an electric light company, a turnpike company, a plank road company, or any company which possesses the right of taking and condemning lands in this state.

3. This act shall take effect immediately.

Approved April 8, 1903.

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#### CHAPTER 206.

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.

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

Assessments  
payable in  
installments.

1. All assessments for improvements upon lands in towns incorporated under the act to which this is a supplement, shall be payable in ten equal annual installments, the first at or before the expiration of one month from the date of the confirmation of the assessment, and thereafter at the expiration of each year from the date



of such confirmation, one installment shall be payable with legal interest thereon from the date of confirmation; *provided*, that the owner of the lands assessed shall have the privilege of paying the whole of any such assessment or any balance of installments with accrued interest thereon at one time; in case any such installment shall remain unpaid for sixty 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 for the collection of other past due assessments in such towns; said assessments shall remain a lien upon the land 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.

Proviso.

If installment remain unpaid.

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

Repealer.

3. This act to take effect immediately.

Approved April 8, 1903.

## CHAPTER 207.

A Supplement to an act entitled "An 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*:

1. In all cases in which authority has been or may hereafter be given to boroughs to acquire lands for any public work, improvement or use by purchase, it shall be lawful for such boroughs to condemn and take such lands in the manner and by the proceedings provided by law.

Condemnation proceedings to acquire lands.

Repealer.

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

Approved April 8, 1903.

## CHAPTER 208.

An Act for the assessment and collection of taxes.

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

## ARTICLE I.

## PERSONS AND PROPERTY TO BE TAXED.

Poll tax.

1. A poll tax of one dollar shall be assessed upon every male inhabitant of this state of the age of twenty-one years and upwards except paupers, idiots and insane persons, subject, however, to the exemptions hereinafter provided.

Property taxable.

2. All property, real and personal, within the jurisdiction of this state, not expressly exempted by this act, or excluded from its operation, shall be subject to annual taxation at its true value under this act, and shall be entered on the list of taxable property; the term "taxing district," as used in this act, shall be construed to include every political division less than a county whose inhabitants or officers have the power to levy taxes; the term "assessor" shall apply to all officers charged with the assessment of taxes, and the term "collector" to officers charged with the collection thereof.

Taxing district.

Assessor.  
Collector.

Property exempt.

3. The following property shall be exempt from taxation under this act, namely:

Securities of  
U. S., state,  
county,  
school  
district.

(1.) The bonds and other securities of the United States and all bonds, securities, improvement certificates and other evidences of indebtedness heretofore or hereafter issued by this state or by any county thereof, or by any taxing district or school district of this state, and the personal property owned

by citizens or corporations of this state situate and being out of the state upon which taxes shall have been actually assessed and paid within twelve months next before May twentieth, being the day prescribed by law for commencing the assessment;

(2.) The property of the United States and of the state of New Jersey and of the respective counties, school districts, and taxing districts when used for public purposes, but this exemption shall not include real property bought in for debts or on foreclosures of mortgages given to secure loans out of public funds or out of money in court, which property shall be taxed unless devoted to public uses;

Property of  
U. S., state,  
etc.

(3.) Any building, real estate or personal property used solely by any organization of the national guard for military purposes, and purchased or erected at public expense; also any building and lot and the personal property in said building used for an armory and owned by an incorporated armory association composed entirely of members of the national guard of this state and supported in whole or in part by annual state appropriation, on condition that all the income derived from said property above the expense of its maintenance and repair shall be used exclusively for such national guard and armory;

Property of  
national  
guard.

(4.) All buildings actually and exclusively used for colleges, schools, academies and seminaries not conducted for profit; also all buildings actually and exclusively used for public libraries, religious worship, or for asylums or schools for feeble-minded or idiotic persons and children, and owned by corporations of this state authorized to carry on such charities, and the land whereon the same are situated necessary to the fair use and enjoyment thereof, not exceeding five acres in extent for each, the furniture thereof and personal property used therein, and the endowment or fund held exclusively for the charitable purposes of the corporation owning such buildings; the parsonage and the land whereon the same stands to an amount not exceeding five thousand dollars owned by any religious corporation of this state while actually used by the officiating clergyman thereof; also all buildings used exclusively for purposes considered

Schools,  
colleges,  
libraries,  
churches, etc.

Charitable  
institutions.

charitable under the common law, or belonging to any society or incorporated company formed for the purpose and actually engaged in the work of preventing cruelty to animals, with the land whereon the same are erected and which may be necessary for the fair enjoyment thereof, and the furniture and personal property used therein, the funds of all charitable institutions and associations collected and held exclusively for the sick and disabled members thereof, or for the widows of deceased members, or for the education, support or maintenance of the children of deceased members, and all endowments or funds held and administered exclusively for charitable purposes within this state; no buildings used for any such purposes which may be hired for rental, paid to a landlord, shall be exempt; the exemption described in this paragraph of a building and land used for charitable purposes shall extend to cases where the charity is supported partly by fees and charges received from or on behalf of beneficiaries occupying said building, provided the building is wholly controlled and the entire income therefrom is used by the charitable corporation for its charitable purposes;

Stock ex-  
empted by  
law.

(5.) The shares of stock of any corporation of this state, which by contract with the state is expressly exempted from taxation, and the shares of stock of any corporation of this state the capital or property whereof is made taxable to and against said corporation;

Cemeteries.

(6.) Graveyards not exceeding ten acres of ground, cemeteries and buildings for cemetery use erected thereon;

Volunteer  
fire com-  
panies.

(7.) The real and personal property of any exempt firemen's association, firemen's relief association, and volunteer fire company incorporated under the laws of this state, and which is used exclusively for the purposes of such corporation;

Certain  
railroad  
properties.

(8.) All officers and franchises, and all property used for railroad and canal purposes, the taxation of which is provided for by any other law of this state.

Exemptions  
of firemen,  
soldiers,  
sailors and  
their widows.

4. All persons enrolled as active members of the fire department or of any organized volunteer fire department of any taxing district or fire district under the control of any township committee, common council or

other authorized public body; all exempt firemen of any taxing district; all honorably discharged soldiers and sailors who have served in the army or navy of the United States during any war or rebellion and their widows during widowhood; and all members of the national guard during their term of service, shall be exempt on proper claim made therefor from poll taxes and from state, county and municipal taxation upon real and personal property or both to a valuation not exceeding in the aggregate five hundred dollars, which may be assessed against their property, in the case of active and exempt firemen in the municipality or township under the supervision of which they may be doing public fire duty, or in the service of which they became exempt; in the case of soldiers and sailors, in the municipality or township wherein they reside; no taxpayer shall be allowed more than one exemption under this section; the right to claim exemption shall extend to cases where it has accrued before and exists on the date when taxes are due and payable: sufficient evidence to the assessor or collector of taxes of the right to the exemptions in this section authorized shall be as follows; in the case of active and exempt firemen, the certificate of the proper public official in charge of the records showing that the claimant is such fireman, which shall be furnished without charge, and in the case of honorably discharged soldiers or sailors, or their widows, an honorable discharge, which shall be the last discharge, or the certificate of the adjutant-general of this state, and in the case of commissioned officers of the national guard the certificate of the adjutant-general of this state, and in the case of other members of the national guard, the certificate under oath of the commander of their company, battery or band; such certificates, where two or more claimants are entitled in the same taxing district may be in the form of a list, certified and verified by oath and filed with the assessor or collector at or before the time when taxes are payable.

Right to  
exemption;  
evidence of.

5. All property taxable under this act shall be valued by the assessors of the respective taxing districts; property omitted by the assessors may be assessed as hereinafter provided; all property shall be assessed to the

Assessors  
to make  
valuations.

owners thereof with reference to the amount owned on the twentieth day of May in each year, and the persons so assessed for personal property shall be personally liable for the taxes thereon; it shall be the duty of the state board of taxation before the first day of April in each year to prepare suitable schedules for the use of assessors and collectors in making the lists, duplicates, statements and reports required by law.

## ARTICLE II.

### ASSESSMENT OF REAL PROPERTY.

Ascertain  
owners and  
valuation.

6. All real property shall be valued before the third Monday of August annually, and the assessor shall ascertain the names of the owners of all real property situated in his taxing district, and shall, after examination and inquiry, determine the full and fair value of each parcel of real property situated in his taxing district at such price as, in his judgment, such parcel would sell for at a fair and bona fide sale by private contract on the twentieth day of May in said year, and shall make a list in tabular form of the names of the owners, and set down in proper columns opposite each name the description and area of each parcel sufficient to ascertain its location and extent and the value of each parcel as determined by the assessor; property held in trust shall be assessed in the name of one or more of the trustees as such separately from his individual assessment; if the name of the owner of any parcel shall be unknown it shall be so entered in the list of names, and where an owner is not known to reside in the taxing district, the list shall describe him as non-resident; when the line between taxing districts divides a farm or other tract of land each part shall be assessed in the taxing district where located.

Separation  
of values.

7. The state board of taxation may by rule direct the assessor in any taxing district to determine the true value of each parcel of real estate assessed by him without the buildings and improvements and to note the same on his list, and to determine and note separately the true value of every building and other structure on each parcel, and add and carry out the same as the assessed value of the

parcel, and in such case the receipt given for the payment of the tax shall contain such separate valuations; the state board of taxation may also by rule direct the assessor in any taxing district to enter on his list separately the number of acres of arable land, of meadow and pasture land, of woodland and of uncultivated upland and swamp land in each parcel as near as may be; the assessor shall enter in a separate list a description of all cemeteries, churches, public buildings and other real property exempt from taxation, with the name of the owner, and shall value such land and buildings at their true value in the same manner as other real property, and in each case he shall state the ground of exemption, and he shall receive the same compensation per name for such list and be paid in the same manner as for assessing taxes.

Separation  
of lands.

List of  
exempt  
property.

8. Every inhabitant of the taxing district shall, on application of the assessor, render a full and true account of his name and ratable real property and produce his title papers and may be examined on oath by the assessor, and if he shall refuse so to do or to testify on oath when required, or shall render a false or fraudulent account, the assessor shall estimate his property at the highest value he has reason to suppose it may be placed.

Account  
rendered by  
inhabitants.

9. In taxing districts having adopted block assessment maps, it shall be the duty of the assessor in making assessments for taxes to describe the real property by block and lot numbers as shown upon the assessment maps; when any change of ownership occurs, the new owner may present his deed or other evidence of title to the assessor or other proper custodian of the assessment maps, which officer shall properly note and record on the books and maps the proper change of ownership, and shall certify that he has done so upon the deed or other instrument of transfer, and in case no such certificate shall appear on such deed or instrument, it shall be the duty of the county clerk or register of deeds with whom said deed or instrument is recorded, within five days thereafter to present an abstract of such deed to such assessor or other proper custodian, who shall properly note and record the change, and the county clerk or register shall not receive such deed or instrument for

Property on  
block assess-  
ment maps.

record unless he is paid twenty cents per folio for such abstract.

Taxation of  
mortgages.

10. No mortgage or debt secured by mortgage on real property which is taxed in this state shall be listed for taxation, and no deduction from the assessed value of real property shall be made by the assessor on account of any mortgage debt, but the mortgagor or owner of the property paying the tax on mortgaged real property shall be entitled to credit on the interest payable on the mortgage for so much of the tax as is equal to the tax rate applied to the amount due on the mortgage, except where the parties have otherwise agreed, or where the mortgage is an investment of funds not subject to taxation.

### ARTICLE III.

#### ASSESSMENT OF PERSONAL PROPERTY.

Where  
personal  
property  
assessed.

11. The tax on all tangible personal property in the state and on all taxable personal property of non-residents of this state shall be assessed in and for the taxing district where such property is found; the tax on other personal property and the poll tax and dog tax shall be assessed on each inhabitant in the taxing district where he resides on the twentieth day of May in each year; personal property in the possession or under the control of any person as trustee, guardian, executor or administrator, shall be assessed in his name as such, separate from his individual assessment, or in the name of any one of several joint trustees, guardians, executors or administrators, if the one of them having actual control or possession cannot be ascertained by the assessor.

Ascertain  
name and  
value of  
personal  
property.

12. The assessor shall before the third Monday of August in each year ascertain by diligent inquiry and by the oath of persons to be assessed and others according to the best of his ability and judgment, the names of all the persons taxable in his district and the true value of all the personal property therein, and every inhabitant of the taxing district shall, on application of the assessor, forthwith render a true account of his name and ratable personal property, money, effects and credits, and the assessor shall set down in his said list in proper col-

List prepared.



umns the names, the value of the personal estate assessed to each one, including the amount of the collectible debts due to him, except debts secured by mortgage on real estate in New Jersey, the amount allowed by the assessor as a deduction from said value for debts due and owing, and for exemptions, and the net value of personal property assessed to each person; the assessor shall also ascertain and enter in the list in the appropriate column opposite each name, the poll tax and the dog tax, if any, chargeable against such person; in case any inhabitant of the taxing district shall refuse to be sworn, or to answer in regard to the particulars of his property when required by the assessor, or shall render a false statement, or in case such inhabitant cannot be found by the assessor after a diligent effort, he shall estimate his personal property at the highest value he has reason to suppose it may be placed.

Poll and dog  
tax.

13. After making the valuation of the personal property for which any person shall be assessed, the assessor may deduct from such valuation all debts bona fide due and owing from such person to creditors residing in the state, but no such deduction shall be made unless the debtor shall make claim therefor in writing under oath and therein set forth the debts owing by him, when incurred, to whom owing and where the creditor resides, and also the total amount of personal property of the claimant, including debts owing to him from solvent debtors, and also that no part of such debt was incurred for the purpose of reducing the taxes of the claimant, and that the stated value of the personal property of such claimant includes not only that to which he holds title or possession, but also that to which any other person holds title or possession for such claimant, whether in trust or not; such claim on behalf of a corporation shall be subscribed and sworn to by the president or principal officer; no allowance or deduction shall be made for personal property or securities claimed to be exempt from taxation, unless a like sworn claim therefor shall be made, setting forth a detailed list of the securities and personal property claimed to be exempt, and the dates when the same were purchased, and that they were not purchased with the intent to escape taxation; no mortgage on per-

Deductions  
for debts.

Statement.

sonal property, or on both personal and real property, or the debt secured by such mortgage, shall be assessed for taxation unless a deduction therefor shall have been claimed by the owner of such mortgaged property and allowed by the assessor; whenever the owner of personal property in two or more taxing districts is entitled to a deduction for debts in excess of the assessed value of his personal property in the taxing district where he resides, he shall have such further deduction from the assessed valuation of his personal property in the other taxing districts where he may own personal property, to be claimed and allowed in the manner above prescribed; in the cities of this state the governing body having charge of the levying of taxes may regulate and fix the time within which statements of taxable property shall be made and delivered to the assessors.

Examination  
under oath.

14. The assessor shall have power to examine under oath any person or officer of a corporation touching the taxable property of himself or others, or touching the truth of the matters contained in the claim for deduction or exemption of any person or officer, and may compel the attendance of such persons and other witnesses and the production of books and papers by his order therefor, designating time and place for such attendance and production, which order shall be served on the witness or corporation at least two days before the time named, either personally or by leaving it at the residence of the witness or office of the corporation; in case of failure to comply with such order, the assessor may apply to the circuit or county court which shall award process of subpoena for such appearance and production, and may punish for contempt any person disregarding such process; the oath which the assessor shall administer shall be of the following or like tenor: "I.....do swear (or affirm) that I will true answer make to all such questions as shall be put to me touching the taxable property of myself (or A. B.) and therein I will speak the truth, the whole truth and nothing but the truth"; the powers conferred by this section upon assessors are vested also in commissioners of appeal or other reviewing authority in the exercise of their jurisdiction.

Form of oath.

15. Every person who shall keep or harbor a dog (above the age of six months) in any of the townships of this state, shall be taxed yearly for one dog so kept or harbored the sum of fifty cents, and for every additional dog (above the age of six months) the sum of one dollar; in addition thereto there may be annually levied when legally ordered a further dog tax, to be assessed and collected in the same manner and at the same time as other annual taxes raised for the use of the state, county or township are assessed and collected; the assessors of the several townships in this state shall set down on a separate column on their several duplicates, opposite the name of each person or persons, the number of dogs which he may own or harbor on his premises at the time of making their annual assessment and make a return of the same to the township committee each and every year before said duplicate is delivered to the collectors of said townships, and the assessors of the respective townships may strike off their duplicate or rate book the tax assessed against any person for a dog or dogs on its being proved to the satisfaction of the assessor by the owner thereof that he, she or they have killed or caused to be killed such dog or dogs before the delivery of the duplicate to the collector; and the said assessor shall set up in at least five of the most public places in their respective townships, within ten days after having taken the annual list of the ratables, lists of the name of each person who shall have delivered to him an account of the dog or dogs and the number given in by each person; and each assessor shall be entitled to receive, on settlement of his accounts, one dollar and fifty cents for the list so set up, to be paid out of the fees or tax herein authorized to be collected; every inhabitant who shall refuse or wilfully neglect to deliver to the said assessor, when by him required, a true account of the number and age of the dog or dogs made taxable under this act and owned or harbored by him as aforesaid, shall, for every such refusal or neglect, forfeit and pay the sum of two dollars and fifty cents, to be recovered with costs by the collector of the township wherein the offense shall be committed.

Dog tax in townships.

List of dogs and owners posted.

Taxation of  
corporations.

16. Corporations of this state shall be regarded as residents and inhabitants of the taxing district where their chief office is located, and their personal property shall be taxed the same as that of an individual, except as herein otherwise provided; all corporations regularly doing business in this state and not being corporations of this state shall be assessed and taxed for and in respect of the business so done by them, and all such companies other than insurance companies shall be assessed for the amount of capital usually employed in this state in the doing of such business, and not otherwise taxed as real property or tangible personal property by virtue of this act, and such assessment shall be made in the taxing district where such business is most usually carried on and transacted; mortgages owned by corporations shall be exempt from taxation to the same extent as when owned by natural persons, and the value thereof shall be deducted from the value of the capital stock or personal property in ascertaining the valuation subject to taxation; *provided*, that this shall not affect or reduce any franchise tax.

Proviso.

Taxation of  
bank stock.

17. The shares of stock of every national bank doing business within this state and of every state bank belonging to residents of this state, shall be assessed against the stockholders in the taxing district where they reside; and the shares belonging to persons not residing in this state shall be assessed against the holder in the taxing district where the bank is located, and the tax assessed against such non-resident stockholder shall be a lien upon his stock from the twentieth day of May in each year, and said stock may be levied upon and sold by the collector on default of payment, and moreover it shall be the duty of said bank to pay said tax assessed against such non-resident on demand, and said bank shall have a lien upon the shares for such payment and may retain the amount so paid out of the dividends that may be declared on said shares; the real property of such corporations shall be assessed to the bank and deducted from the total valuation of the shares of stock assessed against the stockholders; it shall be the duty of the officers of every bank to give to the assessor of the taxing district, on his application, a true statement, under the oath of

When owned  
by non-  
resident.

Statement  
furnished  
by bank.

the president, cashier or treasurer, of the names and residences of its stockholders on the twentieth day of May in said year as shown by its stock books, and of the number of shares held by each, and of the amount of its assets, capital stock and surplus, and the assessor is authorized to administer such oath.

18. Associations or corporations whose business is that of assurance on lives shall be assessed and taxed for the full amount of their property (exclusive of real estate located in this state), deducting the amount of their debts and liabilities, and to ascertain the said amounts a statement of the property and debts and liabilities of such association or corporation as they existed on the thirty-first day of December next preceding such statement shall be annually made to the assessor in the township, city or taxing district where the principal office of the association or corporation is located, upon the oath of the president, secretary, treasurer or other officer of such association or corporation; *provided*, that in stating the liabilities on policies the basis of such statement shall be the value of such policies at the date above mentioned in this section, and not the gross amount insured thereby, and such value shall be according to the computation of the same by the commissioner of banking and insurance of this state, by such standard of valuation as may be adopted and used by him at the time such computation of value shall be made, according to law; such real estate shall be separately assessed and taxed where the same is located, and no tax shall be assessed against such association or corporation on personal property in any other taxing district; every fire insurance company and every trust company shall be assessed in the taxing district where its office is situated, upon the full amount of its capital stock paid in and accumulated surplus; 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, as herein provided for; no franchise tax shall be imposed upon any such fire insurance or trust company; *provided, further*, that this act shall not

Property of  
life insurance  
companies.

Proviso.

Fire insurance  
and trust  
companies,  
assessment of.

Proviso.

apply to any funds collected by any lodge, council, society or fraternal beneficiary association as defined in the act of March eleventh, anno domini one thousand eight hundred and ninety-three, from its members for the purpose of paying sick, funeral or death benefits.

#### ARTICLE IV.

##### ESTIMATION OF TAXES.

Assessor's  
duplicate.

Revision of  
taxes.

Proviso.

County board  
of assessors.

19. The assessor shall make out a full and true copy of his assessment list, which shall be called his duplicate, and on the second Tuesday in August in each year shall attend before the governing body of the taxing district charged with the duty of levying taxes, or before the board charged with the duty of the revision of taxes where such board exists, who are hereby required to hold meetings on that day at their usual places of meeting, for the purpose of examining, revising and correcting the tax list and the duplicate, both of which the assessor shall lay before them, properly made up and legibly written in ink, to be by them examined, revised and corrected, and they may adjourn from time to time to discharge their duties and shall complete their work on or before the last day of August, and the chairman of such body may issue subpoenas to bring before their meetings persons and papers to be examined in relation to said assessments; the assessor shall attend all such meetings to assist and to explain his list and duplicate; the corrections made shall be entered in both the assessor's list and duplicate; the duplicate shall be returned to the assessor, and the list shall remain on file with the clerk and be open at all times to the inspection of taxpayers and others interested; *provided, however*, that where there is a board of assessors with a fixed office such original list shall be kept in such office.

20. The assessors of the several taxing districts in each county shall constitute the county board of assessors; in counties where a county board of equalization has been lawfully created, they shall discharge the duties which by this act are imposed on the county board of assessors, and the assessors shall

present their duplicates to the county board of equalization, and attend their meetings and assist them in their duties; the county board of assessors shall meet at the hour of ten in the forenoon of the second Tuesday in September in every year at the place of holding the court of common pleas, and by adjournment from day to day as their duties may require, and each assessor shall produce his duplicate, with the amount of each column and the total of all the columns under each class correctly added, with his affidavit annexed of the following or like tenor: "I..... assessor of ..... do swear (or affirm that the foregoing list contains the valuations made by me, to the best of my ability, of all the property liable to taxation in the taxing district in which I am the assessor and the corrections by the township committee (or common council or as the case may be), and that I have valued the same, without favor or partiality, at its full and fair value, at such price as in my judgment it would sell for at a fair sale by private contract on the twentieth day of May last, and have made such deductions only for debts and exemptions as are prescribed by law"; if any assessor shall be unable to attend such meeting, it shall be his duty to send his duplicate and affidavit aforesaid, and in default thereof the majority of the assessors convened shall estimate the value of the property liable to assessment in the taxing district of the absent assessor, according to the best of their information and belief.

Annual  
meeting.

Assessor's  
affidavit of  
valuations.

21. The county board of assessors, at their said annual meeting, shall make a careful comparison of the respective duplicates, and if it shall appear to them that the total value as assessed in any duplicate is relatively less than the assessed value of other property in the county, they may, for the purpose only of apportioning the state school, state and county tax, add to the total assessed valuation shown on any duplicate such amount as will justly equalize the burden, and having ascertained the total taxable valuation of the property in each taxing district, they shall fix and adjust the amount of state school, state and county tax to be levied in each taxing district in proportion to said value; if a vacancy exists in the office of assessor of any taxing district at

Duties and  
powers of  
county board  
of assessors.

Vacancy.

the time of the meeting of the county board of assessors, they shall, after having ascertained the tax to be levied on the taxing district, appoint a committee of not less than three of their number, who shall perform all the duties thereafter devolving upon the assessor as to the levying and assessing of state, state school and county taxes in said taxing district.

Prepare table  
of aggregates.

22. The county board of assessors, at their annual meeting, shall fill out a table of aggregates copied from the duplicates of the several assessors and enumerating the following items: (1) the total number of acres or lots assessed; (2) the value of real estate assessed; (3) the value of personal estate assessed; (4) the total amount of deductions for debts claimed and allowed in each taxing district; (5) the total amount of exemptions allowed firemen, veterans and members of militia; (6) total net valuation taxable; (7) the number of polls assessed; (8) the total valuation of property exempt from taxation in each taxing district, specifying particularly and by separate items: (a) the amount of public school property; (b) the amount of other school property; (c) the amount of public property other than school property; (d) the amount of church and charitable property; (e) the amount of cemetery property and graveyards; (f) the total value of exempt property in each taxing district; (9) the amount apportioned to each taxing district for state school tax; (10) the amount apportioned to each taxing district for county expenses; (11) the tax rate per one hundred dollars of valuation in each taxing district; the blanks for filling out these tables of aggregates shall be provided by the state board of taxation and sent by the said board to the county collectors of the several counties, to be by them transmitted to the county boards of assessors or county boards of equalization at their annual meetings; such table of aggregates shall be correctly added by columns, and shall be signed by each and every assessor present, and by the members of the county board of equalization in counties where such boards exist, and shall, within three days after such meeting, be transmitted to the county collector, who shall file the same and cause it to be printed in its entirety, and shall transmit a certified copy of such

Blanks provided by state  
board of  
taxation.



printed table of aggregates to the state comptroller, the state board of taxation and the clerk of each municipality in such county.

23. The state comptroller shall on or before the first day of February in each year transmit to the state board of education and to the county collector of each county a statement of the amount of the tax appropriated by the state for that year and to be raised by taxation for the public schools; the state comptroller shall apportion said tax among the several counties in proportion to the amount of taxable real and personal property of said counties respectively as shown by the last annual abstracts of ratables made out by the boards of county assessors and filed in the office of the state comptroller; the state comptroller shall also on or before the first Tuesday of August annually transmit to each county collector a statement of the amount, if any, necessary to be raised by general taxation for state purposes in said county, which the state comptroller shall apportion in the same manner as the school tax, adding thereto the deficiency, if any, of the previous year; the county collector shall lay said statements before the board of assessors of his county at its next annual meeting, who shall apportion the amount required among the taxing districts, as in this act directed, charging the deficiency, if any, to the deficient taxing districts; the taxing districts shall be liable to make good to the state and county any deficiency arising from the default of their collecting and disbursing officers or otherwise, and the counties shall be liable to make good to the state any deficiency arising from the default of their respective county collectors, by apportioning the same in the next tax among the taxing districts.

Duty of state  
comptroller—  
apportionment  
of school tax.

Regarding  
deficiency.

24. The board of chosen freeholders shall at their annual meeting or at an adjourned or special meeting not later than the last Tuesday of August, determine and appropriate specifically the amount to be raised for current expenses, debt and interest, public works, and for all other county purposes; the county collector shall transmit to the county board of assessors at its next annual meeting a statement of the total amount so appropriated and otherwise required by law to be raised by taxation

Amount  
needed for  
county  
purposes.

in that year for county purposes, and said board shall apportion the tax among the taxing districts as in this act directed.

Amount  
needed by  
taxing  
districts.

Contingencies.

If judgment  
against  
district.

Completion of  
duplicate.

25. The clerk or other proper officer of each taxing district shall certify to the assessor on or before the third Tuesday of August a copy of the annual tax ordinance or resolution or other evidence showing the amount to be raised by taxation for the purposes of the taxing district; the governing body of such taxing district may add to the amount appropriated for state, county, school district or local purposes not exceeding ten per centum thereof to meet contingencies, and the assessor's rate shall be fixed accordingly; the limitations imposed by law upon the tax rate in any taxing district shall not apply to the tax rate required to pay interest and provide a sinking fund on the funded debt of the taxing district, or to pay judgments against the taxing district, which may be imposed in addition to the limited rate; when any execution shall be issued upon a judgment against any taxing district and there shall be found no property sufficient to satisfy the same by levy, the officer shall serve a copy of his execution upon the collector of the taxing district and also upon the assessor, and it shall be the duty of the assessor to levy in addition to other taxes the amount due upon said execution with interest to the twentieth day of December following, and this tax shall be assessed and collected at the same time and under the same regulations as taxes for other purposes and when collected shall be paid to the officer serving the execution.

26. Upon ascertaining the amount of tax to be raised from the property in his taxing district as herein provided, the assessor shall enter upon his duplicate in appropriate columns the net value assessed to each person for both real and personal property, the rates per dollar which shall be such as according to the valuations on the duplicate will be sufficient to produce the sums required, and the several sums assessed on the property of each person for state, state school and county taxes and also for local, poll, dog, school district and other taxes, and shall enter the addition of the items of each column at the foot thereof, on every page, and shall within thirty

days after the adjournment of the county board of assessors deliver said duplicate, complete and certified by the assessor to be a true record of the taxes assessed, to the collector of the taxing district; the duplicate shall be produced by the collector before the governing body of the taxing district or before the state board of taxation whenever required, and they may cause copies to be taken as they may direct.

Delivered to collector.

## ARTICLE V.

### REVIEW OF ASSESSMENTS.

27. The commissioners of appeal in cases of taxation (which name in this act shall include any other local board charged with the duty of reviewing taxes on appeal) in each taxing district shall meet on the fourth Tuesday of October annually, or on such other date as may be fixed by the laws or ordinances of any taxing district empowered to fix such date, giving at least eight days' notice of such meeting in writing set up at six or more of the most public places in the taxing district, or advertised in one or more newspapers of the taxing district, and may adjourn from day to day until they have completed their work; the assessor shall meet with them and explain his assessments, and the clerk of the taxing district shall lay before them the assessment list filed with him by the assessor; the commissioners shall examine all appeals presented to them in writing by taxpayers and after hearing and consideration shall give judgment within three days after hearing of the appeal and may reduce or set aside any assessment as may be lawful; they may also at the request of any taxpayer apportion his assessment and tax fairly among separate and distinct parcels of his property, and where parcels of property, real or personal, belonging in severalty to different owners have been improperly joined in one assessment, they may apportion the same either on application of all parties interested or on application of any party interested on such fair notice to the others as the commissioners may direct; they shall give a transcript of their judg-

Commissioners of appeal—meeting, notice of, assessor's explanation, examination, judgment.

Separation of property taxed.

Correction of duplicate.	ment to the appellant and to the collector, and the collector shall correct his duplicate accordingly by entries referring to said judgment; the record of the judgments of the commissioners of appeal shall be filed with the clerk of the taxing district, who shall correct the tax list in accordance therewith by entries referring thereto; in cities of the first class appeals shall be filed within three months and acted upon within four months after the
Time for taking appeal.	confirmation of the taxes; in cities the governing body having charge of the levying of taxes may fix the time during which the commissioners of appeal shall sit to hear and determine appeals, and may direct the filing of assessment lists and hearings thereon to be held at any time after the first day of June.
In case of omission of property.	28. It shall be the duty of the collector or board charged with the duty of the revision of taxes to enter on the duplicate a proper assessment against any property omitted by the assessor, giving the owner immediate notice of such entry and of the time and place of the next meeting of the commissioners of appeal and furnishing a copy of said entry to the clerk or collector of the taxing district, who shall enter the same on the tax list; on the written complaint of the collector, or any taxpayer of the taxing district, or of the township committee, common council or other governing body of the taxing district that property specified has been assessed at too low a rate or omitted in the assessment, the commissioners of appeal, after five days' notice in writing to the owner by the party complaining, and after due examination and hearing, may make such addition to the assessment as shall be just by their judgment rendered within ten days after the hearing, a transcript whereof shall be furnished by the board to the collector, who shall amend his duplicate accordingly; the collector shall present such complaints and serve such notices as the township committee, common council or other governing body may direct and shall attend before the commissioners of appeal and subpoena proper witnesses and pay their fees and receive reimbursement therefor and two dollars for every day he shall attend for his services from the taxing district; where the assessor has neglected or omitted to assess taxable property, or has under-
If assessed too low.	

valued the same, and the commissioners of appeal have adjourned without having received complaint therefor, it shall be lawful for the township committee, common council or other governing body by resolution to assemble the commissioners of appeal at any time within one year from the time taxes on real property became a lien, who may hear and determine such complaints presented by the said committee, council or governing body or by the collector, specifying the omitted property and the owner thereof, on due notice to the owner, and the judgment and the assessments made and taxes imposed thereby shall have the same force as if rendered at the annual meeting.

Commissioners may be recalled.

29. The commissioners of appeal and each of them shall have power to bring before them by subpoena witnesses and papers as evidence on the hearing of any appeal and may administer the necessary oath, and the witnesses and constable shall have the same fees and be liable to the same penalties as in cases of subpoenas for witnesses in actions in the courts for the trial of small causes; if the taxpayer appealing shall receive no abatement the costs shall be paid by him; in all other appeals the costs shall be paid by the taxing district on the order of the commissioners; every commissioner shall receive from the taxing district except where he receives a salary three dollars for every day he shall attend at the meeting of the commissioners on the hearing of appeals; if any commissioner shall neglect or refuse to perform his duties he shall for every such neglect or refusal forfeit and pay ten dollars with costs to be recovered by action on contract by the clerk of the taxing district for the use of the taxing district in any court having cognizance of that sum.

May subpoena witnesses.

Costs.

Commissioners' per diem.

Penalty for neglect.

30. Where by mistake property real or personal has been twice entered and assessed on the tax duplicate, it shall be lawful for the governing body of the taxing district or board charged with the revision of taxes to order and cause the tax record to be corrected, and if the tax has been twice paid the governing body of the taxing district shall refund the excessive payment without interest; where by mistake an assessment intended for one parcel has been placed upon another, the governing body

Correction if error in assessment.

Assessment  
not invali-  
dated by  
error.

may cancel the erroneous assessment, return without interest the money, if any, paid by one not the owner of the parcel intended to be assessed, and enter upon the record the said assessment and tax against the proper parcel after a hearing upon five days' notice to the owner; where one person has by mistake paid the tax on the property of another supposing it to be his own, the governing body after a hearing on five days' notice to the owner may return the money paid in error without interest and restore the record of the assessment and tax against the property in the name of the true owner, provided the lien of the tax has not expired and no transfer or encumbrance has been put on record against the property since the date of such payment in error; no assessment of real or personal property shall be considered invalid because listed or assessed in the name of one not the owner thereof, or because erroneously classed as the land of an unknown or non-resident owner; and where the name of the owner of any property assessed is not known the assessor shall so state, and the proper name may be inserted whenever discovered, and all remedies shall be and remain in force as fully as if the assessment were in the name of the owner.

Apportion-  
ment of  
assessment  
and claim for  
redemption.

31. The assessment for taxes upon any parcel of real estate and the claim of the taxing district for redemption on any sale thereof to the taxing district or any of its officers for tax arrears, may be apportioned among proper subdivisions of such parcel on the application of any person interested, in writing, accompanied by a map showing the subdivisions desired, to the township committee in townships, to the tax commissioners of the other taxing districts if any, if none, then to the city comptroller if any, if none, then to the mayor and council or other authority charged with the levying of taxes, who shall have authority to apportion the assessment and tax or claim for redemption according to the values of the respective subdivisions at the time the tax became due, and upon the making of such apportionment and filing the map and report or resolution of such officer or body showing the apportionment with the clerk of the taxing district, the tax and lien on each subdivision shall be a lien thereon in the same manner as if origin-

ally so assessed; when any of the owners of the parcel shall not join in the application, the officer or body making the apportionment shall direct notice given to such owner if resident in the taxing district, either personally or by leaving at his place of abode, and if not resident, then by advertisement for ten days in a newspaper published or circulating in said taxing district, or if none so published, then in one of the newspapers published at the nearest town in the county, of the time and place of hearing on such application, which notice on proof of due service or publication shall give jurisdiction to make such apportionment.

When owners do not join in application.

32. There shall be established a board for the equalization, revision and enforcement of taxation, to be called the state board of taxation, which shall consist of four citizens of this state, who shall be appointed by the governor, by and with the advice and consent of the senate; their term of office shall commence on the first Monday of April and shall be for a period of five years; no more than two persons of the same political party shall be appointed members; each member shall, before entering upon his duties, file with the secretary of state an oath that he will faithfully discharge the duties of his office; they shall each receive an annual salary of twenty-eight hundred dollars, which shall include their expenses; they may appoint a secretary, who shall receive an annual salary of two thousand five hundred dollars, which shall include his expenses; three members shall constitute a quorum of said board and any official act shall be valid which has the sanction of three members; they shall have power to employ clerical and other assistants, who shall be paid reasonable compensation, to be determined by the board upon the approval of the governor; the board shall keep a full record of their proceedings and shall have power to make rules, orders and directions, as they may deem necessary to a faithful discharge of their own duties, the duties of their assistants, and also to secure the equalization, revision and enforcement of taxation in this state; they shall have the power to compel the attendance of witnesses, and the production of books and papers, and may examine witnesses under oath, which either of them

State board of taxation—apportionment, term, salary, etc.

Assistants.

Powers, rules, etc.

may administer, and they may delegate such powers to any member of their board authorized by them to investigate and report; and they may ex parte apply for and obtain from any justice of the supreme court an order compelling any person to submit to examination in reference to such matters, and said justice may punish any person as for contempt who shall disobey any order made by such justice in the premises.

Investigate  
methods  
of local  
assessors.

33. It shall be the duty of the state board of taxation to investigate the methods adopted by local assessors in the assessment of real and personal property in this state, to furnish the local assessors information to aid them in making assessments, to examine all cases where evasion of proper taxation is alleged, and to ascertain wherein existing tax laws are defective or are improperly or negligently administered; they shall annually report to the legislature, particularly specifying any means or practices or devices used for the evasion of proper taxation; they shall annually submit to the legislature such recommendations as they may find necessary to prevent the evasion of just and equal taxation.

Annual  
reports.

Review action  
of local  
assessors, on  
complaint.

34. Where complaint shall be made to said board in writing, verified by the oath of the complainant, on or before the first day of April following the assessment by any person or corporation aggrieved by the assessment of property, said board shall have power to review and correct the action of the local assessors or other taxing officers, and of all boards of tax review, by reducing or increasing such assessment, if the tax has not been paid and the corrected tax shall bear interest from the time fixed by the law under which said tax was originally levied until paid.

Increasing  
assessments.

35. When the board has reason to believe, from information or otherwise, that any property has been assessed at a rate lower than is consistent with the purpose of securing uniform and true valuation of property for the purpose of taxation the said board shall have the power, after due investigation, to increase the assessment made upon such property; and for this purpose, if necessary, may direct an assessor or other taxing officer to make a re-assessment of such property ac-



according to the rules which the said board shall establish, and if such assessor or other taxing officer shall fail or refuse to comply with the order so given, the board shall have power to appoint some other person to make the new assessment under the direction of the board; and the assessment so made and affirmed by the board shall be and be deemed to be the assessment of such property for the year; the board may also assess and add to the tax list and duplicate any property omitted, and may correct misnomers and other errors in assessments on notice to parties concerned.

36. It shall be the duty of the state board of taxation to meet on the first Tuesday of January, and from time to time as they shall deem proper, and any taxpayer feeling himself aggrieved by the apportionment of taxes against the taxing district wheren he is taxed, or any taxing district aggrieved by the action of any county board of assessors or of equalization, may, within such time as said state board shall by rule prescribe, file a petition of appeal to the state board of taxation, setting forth therein the cause of complaint, and asking relief, and the state board of taxation shall make such order respecting the procedure in each case as to them shall seem just; and shall hear summarily and determine such complaints, and revise and correct the apportionment of taxes and the determination of such county board of assessors or of equalization by fixing the amount each taxing district shall raise, in just proportion according to the true value of the taxable property therein, and the assessment so corrected and determined by said state board of taxation shall be final and conclusive; such corrected rate of assessment shall be certified by said board to the collector of the taxing district where such property is taxable, and shall be collected in the same manner that other taxes in said taxing district are collected.

Appeal to  
and hearing  
complaints  
before state  
board of  
taxation.

Correct ap-  
portionment.

37. When complaint shall be made in writing to the state board of taxation by the board of chosen freeholders of any county in this state, or by the governing body of any taxing district that the taxable property of any county has been undervalued or omitted by the assessors therein, it shall be the duty of the state board

When com-  
plaint made  
by freeholders  
or taxing  
district.



by is at a rate higher than authorized by the law or resolution authorizing such assessment, or that the value of taxable property, for which any person is therein assessed, is too great, said court shall amend such assessment and reduce the same to the proper and just amount, and thereupon affirm the same according to such amendment and reduction and reverse the same as to the excess only; and the court shall have power to adopt such rules and proceedings as may enable them to make the said amendment, and carry into effect the true intent and meaning of this act; no return of taxes or list of delinquents made by any collector, nor the proceedings touching or concerning such return, nor any tax warrant, shall be set aside or reversed on certiorari, or otherwise, for any lack of form which does not impair the substantial rights of the plaintiff in certiorari.

39. No tax or assessment imposed or levied in this state shall be set aside or reversed in any court of law or equity in any action, suit or proceeding for any irregularity or defect in form, or illegality in assessing, laying or levying any such tax or assessment, or in the proceeding for collecting the same if the person against whom or the property upon which such tax or assessment is assessed or laid is, in fact, liable to taxation or assessment in respect of the purposes for which such tax or assessment is levied, assessed or laid; and the court in which any action, suit or proceeding is or shall be pending to review any such tax or assessment is required to amend all irregularities, or errors, or defects, and is empowered, if need be, to ascertain and determine for what sum such person or property was legally liable to taxation or assessment, and by order or decree to fix the amount thereof; and the sum so fixed shall be the amount of tax or assessment for which such person or property shall be liable, and the same shall be and remain a first lien or charge upon the property and persons, and collectible in the manner provided by law, the same as if such tax or assessment had been legally levied, assessed or imposed in the first instance by the city, town, township, commission, board or other authority attempting to make, impose or levy

Taxes not  
set aside for  
irregularity  
or defect in  
form.

Court to  
amend  
defects.

Assessments a  
first lien.

the same; it shall be the duty of the court to make a proper levy, imposition or assessment in all cases in which there may lawfully be an assessment, imposition or levy; and such court is hereby given full and ample authority to make a lawful levy, assessment or imposition.

## ARTICLE VI.

### COLLECTION OF TAXES.

When and  
where taxes  
payable;  
discount.

40. Taxes shall be payable as soon as the tax duplicate shall be delivered to the collector; he shall enter the date and amount of each payment on his duplicate in the proper column opposite the items of tax on account of which the payment is made, and shall also enter the same in a proper cash book credited to the taxpayer, and shall also enter therein a designation of the property on which said tax was paid, the total amount of the tax and the discount allowed or the interest and penalty charged; the cash book shall be provided by the collector at the expense of the taxing district, and shall be the property of the taxing district and be open at all reasonable times to public inspection; in the townships having a public building, an office therein shall be set apart for the collector, who shall attend there on such days in each week during the month of December as the township committee may by resolution designate; in any city the common council or other governing body may by ordinance authorize and regulate the payment of taxes levied in any year by offsetting claims held by taxpayers and duly ordered paid by the city for current expenses of the same year, but such payments shall not be accepted until the state and county taxes for the year have been paid in full by the collector; in any municipality the common council or other body having charge of the finances may, by ordinance, fix the rate of discount to be allowed for the payment of taxes prior to the twentieth day of December.

Disposition of  
taxes when  
collected.

41. It shall be the duty of the collector or other officer having the custody of the collected taxes, on

or before the twenty-second day of December in each year, out of the first money collected to pay to the county collector of the county, the state and county taxes required to be assessed in his taxing district, and the county collector shall pay the state taxes which he shall have so received from the taxing districts to the treasurer of the state on or before the twentieth of the next January; the remaining taxes shall be disposed of for the use of the taxing district; the collector after receiving the tax duplicate shall report his collections to the governing body of the taxing district on the first Monday of each month and oftener if they shall require, and pay the amount collected to the treasurer or other officer authorized to receive the same; in townships the collector shall also before the tenth day of February in each year file with the clerk a competent account verified by his oath of his receipts and disbursements as collector during the preceding year ending February first, with a statement of the amount of taxes remaining unpaid, the names of delinquents and the amount due from each, and in boroughs the collector shall file such account and statement with the clerk for the year ending on the Tuesday two weeks before the annual borough election, at least twelve days before such election.

42. The collector shall annually on or before the first day of October give notice by advertisement set up in at least four of the most public places in the taxing district, or advertised in one or more newspapers of the taxing district, of the time and place of the meeting of the commissioners of appeal in cases of taxation, of the days and places when and where he will receive payment of taxes, one of which shall be the twentieth day of December, or if that falls on Sunday then the next day, and that taxpayers who do not pay their taxes on or before the twentieth day of December then next will be proceeded against as delinquent; he shall also within sixty days after the receipt of the tax duplicate demand payment of the tax from each taxpayer in person or by notice left at his residence or mailed postage prepaid to said taxpayer if his post-office address is known to the collector; the notice shall be written or printed and may be in the form of a tax bill and shall set forth the

Township  
collector's  
report.

In boroughs.

Notice of  
meeting of  
commissioners  
of appeal.

Last day for  
paying taxes.

Tax bill.

number of acres or lots assessed to the taxpayer, the valuation of his real and of his personal property, the rate per dollar and the total tax, and, except in cities, the several taxes for state, county, municipal or township, poor, school, road, poll, dog and other taxes, as stated on the duplicate, and the time and place of the next meeting of the commissioners of appeal; no proceedings for collection shall be invalid for lack of the notice or demand required by this section; such notice or tax bill shall be receipted when paid and the receipt shall be presumptive evidence of payment.

Interest on  
unpaid taxes.

43. Where any taxes shall not be paid on or before the twentieth day of December following their assessment, interest thereon from and after that date shall be added at seven per centum per annum, or at such higher rate not exceeding in the whole twelve per centum per annum as the governing body of the taxing district may fix; and it shall be the duty of the collector in person or by deputy, forthwith after the twentieth day of December to enforce the payment of all taxes by distress and sale of any of the goods and chattels of the delinquent in the county; where the tax is upon real estate, the person assessed may be relieved from the levy by showing that he was not the owner at the time when the tax became a lien; if goods and chattels of the delinquent cannot be found, or not sufficient to make all the money required to pay taxes on personal property and poll tax and dog tax, then it shall be the duty of the collector in person or by deputy to take the body of the delinquent, and unless the tax is at once paid with costs to deliver the same to the sheriff or jailer of the county to be kept in close and safe custody until payment be made of the amount due on said taxes with costs, but there shall be no arrest or imprisonment for default in payment of taxes on real estate; a copy of the entry of the tax assessed against the delinquent, certified by the collector to be a copy truly taken from his duplicate, shall be a sufficient warrant for the distress and sale or arrest and imprisonment authorized by this act; and the authority of any person to act as deputy shall be conferred by the collector in writing upon said copy of the tax entry and signed by the collector; the col-

Enforcement  
of payment.

Arrest for  
non-payment  
of personal  
taxes.

Distress  
warrant.

lector shall not be liable for deficiencies in collection happening without any neglect, fraud or default on his part.

44. Where goods and chattels have been distrained, the collector shall give public notice of the time and place of sale and of the property to be sold, the name of the delinquent and the amount of his tax in default, at least five days previous to the day of sale, by advertisements posted in at least five public places in the taxing district where such sale is to be made; such sale shall be at public auction, and if practicable no more property shall be sold than is sufficient to pay the tax, interest and costs due, and any surplus shall be returned to the owner; if there shall be no purchaser for the goods and chattels exposed for sale, they may be purchased for the benefit of the taxing district by any officer authorized; for levying, the collector shall receive seventy-five cents; for advertising sale, fifty cents; for selling, one dollar; for making an arrest, fifty cents and in addition two per centum of the amount of taxes collected, except in cities, where the addition shall be three per centum, all of which shall be added to and collected with the tax, and not otherwise.

Sale of  
distrained  
property.

Collector's  
fees.

45. If sufficient shall not be realized by the first distress and sale, it shall be lawful for the collector to make further seizures and sales from time to time in the same manner, and the governing body may, after the collector has made his return of uncollected taxes, appoint by resolution some person other than the collector to be collector of arrears and to make such distress and sale or arrest and imprisonment, which resolution shall name the delinquents and the amounts to be made either specifically or by reference to the collector's list or other specific list thereof on file with the clerk, and said body shall fix the amount of and approve the bond for the faithful performance of his duties which such collector of arrears shall give with sureties before he shall act; he shall have the same powers and compensation and be subject to the same liabilities with respect to the delinquent taxes as the collector, and shall account to the body appointing him, and pay the money collected within sixty days after his appointment to the collector,

If sale leave  
deficiency.

Appoint  
collector of  
arrears;  
duties, fees,  
etc.

who shall give proper credit therefor on the duplicate to the delinquents, but shall have no commission on the collection, and shall have no power to collect from taxpayers the delinquent taxes referred to said collectors of arrears during said term of sixty days; it shall be the duty of the collector to deliver to the collector of arrears a copy of the tax entry against each delinquent certified by the collector to be a copy truly taken from his duplicate, which shall be a sufficient warrant to the collector of arrears for his collection, distress, sale, arrest and imprisonment.

Tenants liable  
for tax.

46. The goods and chattels of the tenants or other persons in possession or having the care of any real property shall be liable for the payment of the taxes on the land, and on payment may recover the same from the landlord or owner by action on contract or by deducting the sum so paid out of the rent then or afterwards due, unless otherwise provided by his contract with the landlord; where the delinquent tax is assessed upon unimproved or untenanted land, or on land tenanted by one not able to pay the tax, it shall be the duty of the collector in person or by deputy to levy such tax by distress and sale of so much of the timber, wood, herbage or other vendible property of the owner on the premises as will be sufficient to pay the same with costs; notices of the sale shall be put up in five of the most public places in the taxing district at least thirty days before such sale, and published at least four weeks successively, once in each week, setting forth the name of the delinquent, the amount of the tax, the day and hour of the sale, which shall be between the hours of twelve and five of the said day, and the place, which shall be on the said premises; *provided, however*, that such advertisement shall be published in the newspapers named in the charter of any municipality as the official papers thereof, and in the same number of papers in which the legal notices are required to be published by the act under which any municipality has been incorporated or is now governed; the purchaser may enter on the premises to sever and carry away the property purchased for the space of two months next after the sale and no longer.

Collection of  
taxes on  
unimproved  
lands.

Proviso.



47. On the first Tuesday of February annually, in all taxing districts except cities, the collector shall make out and file with the clerk of the taxing district a list of delinquents, verified by his affidavit, showing all the unpaid taxes on the duplicate, stating the name of each delinquent, the description of the property assessed, the assessed valuation and the amount of the tax, in proper columns, and the reason why the tax has not been collected, and if the collector believes that any of the delinquent taxes are not collectible by reason of a fictitious or double or other palpably erroneous assessment, or that any poll tax, dog tax or tax on personal property is not collectible by reason of the removal, absence, death or insolvency of the taxpayer, he shall present his statement of such uncollectible taxes in a separate list; it shall be the duty of the governing body, within ten days after the filing of the delinquent list, to carefully examine the same in the presence of the assessor and collector, and they may summon and examine witnesses and adjourn their examination from time to time, and shall complete their examination on or before the first day of April, and on being satisfied that any of the taxes listed as uncollectible are in fact such, it shall be their duty, by resolution, to release the collector from the collection thereof; any taxes not so released, if not collected, shall be again listed and reported for further investigation and action on the first Tuesday of February of the ensuing year.

Return list of unpaid taxes.

Examination of list and release of collector.

48. In first class cities the comptroller shall annually, in the month of April, publish a list of the names of all delinquents for personal taxes and the amounts due in a daily newspaper published in the city, and a second publication shall be made two weeks after the first of the same list, omitting the names of those who have paid the tax in the interval; ten cents per name for each insertion shall be paid to the publisher and added to the tax.

List of delinquents published.

## ARTICLE VII.

### SALE OF LAND.

49. All unpaid taxes on real property, with interest, penalties and costs of collection, shall be, on and after

Unpaid taxes a paramount lien.

the twentieth day of December next after the assessment, a first lien on the land on which they are assessed, and paramount to all prior or subsequent alienations and descents of said land or encumbrances thereon, except subsequent taxes; no writ of certiorari or other suit shall operate to stay the enforcement of the lien unless the court shall so order, and unless due notice of said order describing the land and naming the owner shall be filed as a notice of lis pendens in the office of the county clerk or register; where a sale is made in the enforcement of a tax lien, pending the existence of the lien, the lien shall pass, with the title, to the purchaser, and where such sale shall be set aside for defect in the proceedings to sell, the lien shall be thereby continued for one year after final action in the proceeding by which the sale was annulled.

Lien to pass  
with title.

List of unpaid  
taxes filed  
with county  
clerk.

50. On or before the first Tuesday of February in each year the collector of each taxing district, except cities having charter provisions for a public record of tax aliens on land, shall file with the clerk of his county a list of all unpaid taxes assessed the preceding year on real estate in his taxing district, setting forth against whom assessed, the description of the property and the amount of tax assessed thereon, arranged alphabetically in the names of the owners, except where the assessment is made on the block system, in which case the arrangement may be by blocks in the order of their numbers, to which he shall affix his oath that the same is a true and complete list of all the unpaid taxes on real property, as shown by his tax duplicate, for which service he shall be paid by his taxing district two cents for each name returned; the collector may file afterwards a supplemental list of any taxes omitted by mistake; the collector may amplify the description of any parcel if necessary so as to identify the same in said list; the county clerk shall record the list and affidavit in a separate book for each taxing district and properly index the same, and shall receive for his services from the taxing district five cents for each name in the list, and may charge five cents per year per name for searches made on request for unpaid taxes; said books shall be at all times open for public inspection free of charge;

Fees for  
filing,  
searches.

the said list when filed and the record thereof shall be constructive notice of the existence of the tax lien for two years from said first Tuesday of February but not thereafter against any parcel unless within said term of two years the sale of said parcel shall be noted in the record as hereinafter provided; a purchaser or mortgagee in good faith after the said first Tuesday of February, whose deed or mortgage is recorded before the collector has filed his list, showing an assessment and tax on the land conveyed or mortgaged shall hold his title free from the tax lien; the lien shall include seven cents for each name for the cost of listing and recording, and shall be marked satisfied by the county clerk on the tax record on payment to the collector of the total amount due, together with a fee of twenty cents for a certificate to the county clerk that the tax has been satisfied, and on the filing with the county clerk of the collector's certificate, and on payment to the clerk of twenty cents for his services.

51. When taxes on real property remain in arrear on the first day of September in the year following the levying thereof, the collector or other officer charged by law in the taxing district with that duty, shall enforce the tax lien by selling the land, or any part thereof sufficient for the purpose; he shall give public notice of the time and place of such sale, stating the names of delinquents and the land to be sold, amplifying the description in the duplicate if necessary to better identify the parcel, and the amount of the delinquent taxes thereon, by advertisement signed by him in a newspaper published in the taxing district or county where said land lies, once in each week for at least four weeks successively next preceding the day appointed for the sale, in all taxing districts except cities, and shall cause copies of such notice to be set up in five of the most public places of the taxing district for the same period, one of which must be on or near the premises to be sold, and where the post-office address is known to him shall mail a copy of such notice to the owner at such address, postage prepaid; *provided, however*, that such advertisement shall be published in the newspapers named in the charter of any municipality as the official papers thereof, and

Sale of real  
estate for  
unpaid taxes.

Notice of

Proviso.

in the same number of papers in which the legal notices are required to be published by the act under which any municipality has been incorporated or is now governed; at the time and place fixed for the sale, and from time to time thereafter, the collector may adjourn the sale in his discretion or at the request of persons interested or for want of bidders, but for not more than eight weeks in the whole, and a short notice of each adjournment shall be published in said newspaper; he shall receive payment at any time before sale of any tax with the costs incurred up to the time of payment.

Terms of  
selling.

52. At the time and place specified in the notice of sale or adjournment, the collector shall sell at public auction each parcel of real property on which the tax is in arrear, or any part thereof sufficient for the purpose, to such person as will purchase the same for the shortest term and pay the tax lien, including interest and costs of sale, or in fee where no one will bid for a shorter term; such payment to be made before the conclusion of the sale, or the property shall be resold; within ten days after the sale, the collector shall deliver to the purchaser a certificate of sale under his hand and seal and duly acknowledged by him as a conveyance of land which shall set forth that the property therein to be described has been sold by the collector to the purchaser, the name of the delinquent owner, term for which sold, the amount of the tax with the items of interest and costs in detail, the year for which assessed, and the time when the right to redeem will expire; the collector shall strike off and sell to the taxing district any parcel of real property for which there shall be no other purchaser, and the taxing district shall have the same remedies and rights as other purchasers and may sell the land purchased or any part thereof for not less than the price paid therefor, together with subsequent taxes and interest, or may let the land and collect the rental; all parcels so sold to the taxing district at any sale shall be included in one certificate.

Certificate of  
sale as  
conveyance.

Taxes on  
land not  
redeemed.

53. Where a parcel of land has been purchased and is held by the taxing district under a tax sale not redeemed, all subsequent taxes shall be assessed in the name of the owner, as if no sale had been made, and shall

be and remain a paramount lien on the land and be added to the purchase money and shall be paid before the land can be redeemed from the sale, and no further sale for taxes of said parcel while held by the taxing district shall be made by the collector unless directed by resolution of the governing body of the taxing district, in which case the clerk shall certify to the collector the amount required to be paid to redeem the land from the previous sale or sales and the collector shall advertise and sell the land for the said amount added to the tax and costs of the current year; the taxing district may sell any land purchased by it for taxes, and direct the transfer of the certificate of sale subject to the right, if any, to redeem, to any person paying not less than the amount for which sold and interest and subsequent taxes.

54. On the first Tuesday of February following the sale, the collector shall present to the governing body of the taxing district and file with the clerk or other custodian of the record of delinquent taxes an account in detail of all taxes collected by him without sale since the filing of his list of delinquents on the first Tuesday of February preceding, and at the same time the officer making the sale shall file with the clerk of the taxing district his report of sales under oath containing a schedule of all of the unpaid taxes on real property shown on his duplicate from the collection of which he has not been released, and his proceedings in making sales therefor, and stating all the particulars above required to be set forth in the certificates of sale to purchasers to which he shall annex copies of the notices required to be published, posted and mailed, with proofs of such publication, posting and mailing; said report shall also set forth a list of the unpaid taxes on land which has not been sold because held by the taxing district under a previous unredeemed sale, or because sale has been prevented by order of court or otherwise; the clerk shall record said report of sales in a book provided for the purpose known as the record of tax sales, which record shall be in all courts presumptive evidence of the proceedings therein recorded.

Delinquent  
taxes collected  
without sale.

Record of tax  
sales.

Fees in connection with sales.

55. The collector or other officer shall receive for his services for preparing and publishing notices of sale, twenty-five cents for each parcel of land advertised, and for selling twenty-five cents for each parcel sold, and for each certificate of sale fifty cents, besides necessary disbursements for printing, postage, affidavits and acknowledgments, except that he shall receive only half of those fees for his services when the taxing district is the purchaser; the clerk of the taxing district shall receive for recording the report, ten cents for each parcel of land sold; all fees and expenses shall form part of the tax lien and be paid by the purchaser at the tax sale; in all taxing districts where the officer making the sale is compensated by salary for the services mentioned in this section, the said fees shall be paid into the treasury of the taxing district.

Certificate of sale recorded.

56. The purchaser may present his certificate of sale for taxes to the clerk of the county at any time before the expiration of one year after the first day of February following the sale, and it shall be the duty of the county clerk to enter the name of the purchaser and the date of presentation in the record of unpaid taxes for said taxing district in the appropriate column opposite the entry of the delinquent tax for which said sale was made, and properly index alphabetically the name of purchasers, for which he shall be paid fifteen cents by the purchaser, which entry shall constitute constructive notice of the sale as recorded in the record of tax sales of the clerk of the taxing district; the county clerk may charge five cents per year per name for searches made on request for sales for unpaid taxes in said records; the purchaser at his option may record the certificate of sale for taxes in the office of the clerk or register of the county where the land lies as a mortgage of land and thereupon shall be entitled to the immediate possession of the property sold and described in the certificate and to all the rents and profits thereof from and after the date of the certificate, for the term of the sale or until redemption; unless the certificate is either so entered in the record of unpaid taxes or so recorded as a mortgage before the expiration of the term for which the record of unpaid taxes is constructive notice of the lien it shall

When purchaser to enter possession.

be void as against any bona fide purchaser, lessee or mortgagee whose deed, lease or mortgage is recorded before the recording of the certificate; affidavits and proofs of notice to cut off the right of redemption served as hereinafter provided may be annexed to said certificate and shall form part thereof, and be recorded therewith after the time to redeem has expired as a conveyance of land in the record of deeds; the certificate of sale shall be presumptive evidence in all courts in all proceedings by and against the purchaser, his representatives, heirs or assigns, of the title of the purchaser to the land therein described and of the regularity and validity of all proceedings had in reference to said sale.

Certificate of  
sale as  
evidence.

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 representative 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 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 mortgage or other persons having a lien on the land or 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 acknowledged as a conveyance of land to the person redeeming, or execute a 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 cancelled by the county clerk or register in like manner and for the same fees, as in the case of mortgages.

Redemption  
by owner or  
mortgagee.

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 certifi-

Redemption  
when pur-  
chaser does  
not cancel  
certificate.

cate, the redemption may be made by payment of 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; 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 cancelled by certificate of redemption, whereupon the land shall be discharged from the lien and sale; the treasurer shall pay the redemption money to the person entitled thereto on his surrender of the certificate of sale, and shall at once on receipt of the money mail notice to such person if his address can be ascertained.

Notice of  
right to  
redeem.

59. The purchaser of land at tax sale may at any time within twenty years after the purchase give written notice to all persons interested in the land of their right to redeem and that unless they do so within the term of two years after the sale, if the notice is served more than sixty days before the end of the term, or within sixty days after the service of said notice if served later, their right of redemption will be barred; this notice shall be served personally on persons interested who reside in the taxing district, and on those who reside out of the district it may be served personally or by mailing to their post-office address if it can be ascertained, and by posting on the premises sold, if it cannot be ascertained; if there shall be no redemption within the said term of two years after the sale, or thereafter within the time limited by said notice, or in case no notice is given, if there shall be no redemption within twenty years after the purchaser has entered into open possession since continued under the sale, then the right of redemption shall be barred; the purchaser may after the time to redeem has expired without redemption annex the notice and affidavit of service to the certificate of sale, together with an affidavit that the sale has not been redeemed, and record and file the same therewith in the office of the county clerk or register where the same shall be recorded as a deed or conveyance, and the said notice and affidavits and the record thereof shall be presump-

If no redemp-  
tion within  
period named.

Right barred.



tive evidence of the service and facts therein stated: after the time to redeem has expired without redemption, cutting of timber by the purchaser shall not constitute waste.

The purchaser or his assigns may in addition to the foregoing remedy at any time after the expiration of the term of two years, whether notice to redeem has been given or not, file a bill in equity to foreclose the right of redemption, but on filing such bill the right to redeem shall exist and continue until barred by the decree of sale of the court of chancery; the title of a purchaser at a tax sale shall cease and determine and the certificate of sale shall be void at the expiration of twenty years from the date of the tax sale unless the purchaser shall before the expiration of that term enter into actual possession of the land purchased or foreclose the right to redeem the same by notice or by proceedings in equity and record the evidence thereof as above prescribed.

Bill in equity  
to foreclose  
right of  
redemption.

Certificate of  
sale void in  
twenty years.

60. No sale of land for delinquent taxes heretofore or hereafter made shall be set aside by reason of the blending together of taxes on real and personal property, but the sale shall be sustained as to the real property subject to the right to redeem on payment of the amount of the lien thereon; no sale shall be set aside because of insufficient description in the duplicate or failure of the clerk of the taxing district to record all the proceedings relative to the sale, if it shall appear by other legal evidence that the land sold was in fact that assessed, and that the sale was made pursuant to law; no sale shall be set aside because of variance between the date of any published notice and the actual publication thereof, if notice has actually been given for the time required; where the assessment itself is valid and the tax is justly due, no sale shall be set aside except on condition that the amount due shall be paid to the holder of the tax lien; where the tax sale shall be set aside because of defective proceedings on the part of its officers, the taxing district shall refund to the purchaser the price paid by him on the sale, with simple interest, upon his assigning to the tax district the certificate of sale and all his interest in the tax and tax lien, and the taxing district may re-advertise and sell if the tax lien remains in force.

When sales  
not set aside.

Refunding  
when sale set  
aside.

## ARTICLE VIII.

## OFFICERS.

Delivery of  
records upon  
termination  
of office.

61. Every assessor shall immediately, on the termination of his office, deliver to his successor in office all property, books and papers belonging to the taxing district or appertaining to the office or its duties, including his field-books used during his term and all memoranda concerning taxable property or the valuations thereof used by him during his term; every collector shall, on the termination of his office, deliver and surrender to his successor in office all tax duplicates and other papers and books of his office pertaining to the collection of taxes; any assessor or collector failing to deliver and surrender property, books and papers as required by this section shall be guilty of a misdemeanor.

Perjury.

Improper  
performance  
of duty.

62. Any person who shall refuse when lawfully required under the provisions of this act to be sworn or affirmed and examined shall be guilty of a misdemeanor, and be punished accordingly; any person guilty of wilful and corrupt false swearing or affirming in taking any oath or affirmation or in giving any testimony required by this act shall be guilty of perjury, and be punishable accordingly; any assessor who shall wilfully or through gross negligence omit to make a full and fair valuation of all property taxable in his taxing district within the time prescribed by law, or to prepare and produce his list and his duplicate at the times required by law, shall be guilty of a misdemeanor; any assessor who shall allow any deduction from the valuation of property for debt without first having obtained the sworn statement required by law, shall be guilty of a misdemeanor; every collector who shall wilfully neglect or refuse to perform any service or duty required of him by this act shall be guilty of a misdemeanor; for each neglect or refusal to perform any service or duty required of him by this act the collector shall forfeit and pay thirty-two dollars, to be recovered by the taxing district in an action on contract in any court of competent jurisdiction, which penalty shall be additional to that for misdemeanor.

63. When the county collector shall fail to pay into the state treasury any state or school tax within fifteen days after the time fixed by law for the payment, the state treasurer shall require payment of interest at ten per centum per annum from the time when due, and may bring suit on contract against the delinquent collector therefor, as well as for the principal, in any court of competent jurisdiction; an action may be maintained by the county collector against any taxing district to recover taxes due from the taxing district.

Payment by county collector to state treasurer.

64. The governing body of the taxing district shall, by ordinance or resolution, fix the annual salary of its assessor, collector and members of board of assessment at rates not in excess of the salary, if any, prescribed by law, and such salary so fixed shall not be increased or diminished during the term of any officer; such officers receiving a salary shall receive no other compensation from the taxing district for services in the office except the fees allowed to the collector by this act on proceedings for the collection of taxes by arrest, levy, lien and sale.

Salaries of assessors, collectors, etc.

65. When in any taxing district there shall be no assessor in office and qualified to act on the twentieth day of May, or when the assessor shall neglect or fail to assess the taxes at the times required by law, it shall be the duty of the governor of the state to cause notice to be given to the mayor of the taxing district, if any; or if none, to the presiding officer of the governing body, that unless proceedings be duly taken to make the assessment within ten days after the giving of the notice, the governor will appoint an assessor, and if the governor, at the expiration of said ten days, shall be satisfied that the vacancy still exists, or that the assessor has not made the assessment, it shall be the duty of the governor to appoint and commission an assessor, whose duty it shall be to perform all the duties required by law of the assessor of the taxing district, and who shall receive compensation provided by law of the assessor.

When governor may appoint assessor of taxing district.

66. This act shall take effect on the twentieth day of December, nineteen hundred and three, and its provisions shall extend to proceedings on and after that date, relating to taxes assessed in the year nineteen hundred and

When act effective.

Repealer.

three, but not to proceedings relating to taxes assessed in prior years; all acts, general and special, inconsistent with the provisions of this act are hereby repealed, but this repealer shall not extend to proceedings or remedies relating to taxes assessed prior to the year nineteen hundred and three.

Approved April 8, 1903.

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CHAPTER 209.

An Act to repeal sundry acts concerning taxes.

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

Sundry acts  
and parts of  
acts repealed.

1. The following acts and parts of acts are repealed:

(1) An act concerning taxes, approved April fourteenth, one thousand eight hundred and forty-six; also the supplement to said act, approved March ninth, one thousand eight hundred and forty-eight; also the supplement to said act, approved March twenty-fourth, one thousand eight hundred and sixty-four; also the supplement to said act, approved April fifth, one thousand eight hundred and sixty-six; also the supplement to said act, approved April eleventh, one thousand eight hundred and sixty-six; also the supplement to said act, approved April eleventh, one thousand eight hundred and sixty-seven; also the supplement to said act, approved April first, one thousand eight hundred and sixty-eight; also the supplement to said act, approved March twenty-fourth, one thousand eight hundred and sixty-nine; also the supplement to said act approved April first, one thousand eight hundred and sixty-nine; also the supplement to said act, approved March twenty-first, one thousand eight hundred and seventy-one; also the supplement to said act approved April fourth, one thousand eight hundred and seventy-two; also the supplement to said act, approved March twenty-first, one thousand eight hundred and seventy-three; also the supplement to said act, approved April third, one thousand eight hun-

dred and seventy-three; also the supplement to said act, approved March fifth, one thousand eight hundred and seventy-four; also the supplement to said act, approved April ninth, one thousand eight hundred and seventy-five; also the supplement to said act, approved April seventeenth, one thousand eight hundred and seventy-six; also the supplement to said act, approved March twenty-seventh, one thousand eight hundred and seventy-eight; also the supplement to said act, approved March twenty-ninth, one thousand eight hundred and seventy-eight; also the supplement to said act, approved March fourteenth, one thousand eight hundred and seventy-nine; also the supplement to said act, approved March tenth, one thousand eight hundred and eighty; also the supplement to said act, approved February twenty-eighth, one thousand eight hundred and eighty-one; also the supplement to said act, approved March third, one thousand eight hundred and eighty-one; also the supplement to said act, approved March fifteenth, one thousand eight hundred and eighty-one; also the supplement to said act, approved March twenty-fifth, one thousand eight hundred and eighty-one; also the three supplements to said act, all approved March seventeenth, one thousand eight hundred and eighty-two; also the supplement to said act, approved February twelfth, one thousand eight hundred and eighty-three; also the supplement to said act, approved March fifth, one thousand eight hundred and eighty-three; also the supplement to said act, approved March twenty-third, one thousand eight hundred and eighty-three; also the supplement to said act, approved March tenth, one thousand eight hundred and eighty-four; also the supplement to said act, approved February twenty-third, one thousand eight hundred and eighty-five; also the supplement to said act, passed March twenty-fifth, one thousand eight hundred and eighty-five; also the two supplements to said act, both approved April sixteenth, one thousand eight hundred and eighty-six; also the supplement to said act, approved April twenty-eighth, one thousand eight hundred and eighty-six; also the supplement to said act, approved March seventeenth, one thousand eight hundred and eighty-seven; also the sup-

plement to said act, approved April thirteenth, one thousand eight hundred and eighty-seven; also the supplement to said act, approved February eleventh, one thousand eight hundred and eighty-eight; also the supplement to said act, approved April twenty-third, one thousand eight hundred and eighty-eight; also the supplement to said act, approved May sixth, one thousand eight hundred eighty-nine; also the supplement to said act, approved March third, one thousand eight hundred and ninety; also the supplement to said act, approved March thirty-first, one thousand eight hundred and ninety; also the supplement to said act, passed April twenty-eighth, one thousand eight hundred and ninety; also the supplement to said act, approved May fifth, one thousand eight hundred and ninety; also the supplement to said act, approved March ninth, one thousand eight hundred and ninety-one; also the supplement to said act, approved April seventeenth, one thousand eight hundred and ninety-one; also the supplement to said act, approved March eleventh, one thousand eight hundred and ninety-three; also the supplement to said act, approved March fourteenth, one thousand eight hundred and ninety-three; also the two supplements to said act, both approved March sixteenth, one thousand eight hundred and ninety-three; also the supplement to said act, approved March twenty-seventh, one thousand eight hundred and ninety-three; also the supplement to said act, approved March twenty-eighth, one thousand eight hundred and ninety-three; also the supplement to said act, approved April twelfth, one thousand eight hundred and ninety-four; also the supplement to said act, passed May sixteenth, one thousand eight hundred and ninety-four; also the two supplements to said act, both approved March twenty-second, one thousand eight hundred and ninety-five; also the supplement to said act, approved March twenty-eighth, one thousand eight hundred and ninety-five; also the supplement to said act, approved February twenty-fourth, one thousand eight hundred and ninety-six; also the supplement to said act, approved February sixteenth, one thousand eight hundred and ninety-seven; also the supplement to said act, approved April first, one thousand eight hundred and

ninety-eight; also the supplement to said act, approved March twenty-third, one thousand nine hundred; also the supplement to said act, approved March twenty-second, one thousand nine hundred and one;

(2) A general act concerning taxes, approved March nineteenth, one thousand eight hundred and ninety-one; also the supplement to said act, approved May seventeenth, one thousand eight hundred and ninety-four; also the three supplements to said act, all approved March eleventh, one thousand eight hundred and ninety-five; also the supplement to said act, approved March twenty-eighth, one thousand eight hundred and ninety-five; also the supplement to said act, approved March twenty-ninth, one thousand eight hundred and ninety-seven; also the supplement to said act, approved March sixteenth, one thousand eight hundred and ninety-eight; also the supplement to said act, approved March sixth, one thousand nine hundred and one;

(3) An act to make taxes a lien on real estate and to authorize sales for the payment of the same, approved March seventeenth, one thousand eight hundred and fifty-four; also the supplement to said act, approved March twenty-fifth, one thousand eight hundred and sixty-three; also the supplement to said act, approved March twenty-sixth, one thousand eight hundred and seventy-three; also the supplement to said act, approved April fifth, one thousand eight hundred and seventy-eight; also the supplement to said act, approved March twenty-seventh, one thousand eight hundred and eighty-nine;

(4) A further act concerning taxes, making the same a first lien on real estate, and to authorize sales for the payment of the same, approved March fourteenth, one thousand eight hundred and seventy-nine; also the supplement to said act, approved March twelfth, one thousand eight hundred and eighty; also the supplement to said act, approved March twenty-fourth, one thousand eight hundred and eighty-one; also the supplement to said act, approved February twenty-fourth, one thousand eight hundred and eighty-two; also the supplement to said act, approved March twenty-second, one thousand eight hundred and eighty-three; also the sup-

plement to said act, passed April first, one thousand eight hundred and eighty-four; also the supplement to said act, approved April second, one thousand eight hundred and eighty-eight; also the supplement to said act, approved April twenty-fourth, one thousand eight hundred and eighty-eight; also the supplement to said act, approved May sixth, one thousand eight hundred and eighty-nine; also the two supplements to said act, both approved May eighteenth, one thousand eight hundred and ninety-eight;

(5) An act relating to the blending of real and personal taxes for the non-payment of which lands and real estate have been, or shall be sold, and declaring that certificates or declarations heretofore or hereafter issued thereon shall be valid for the full amount for which said lands and real estate might legally have been sold, approved March tenth, one thousand eight hundred and eighty;

(6) An act validating sales for taxes and certificates or declarations issued in pursuance of such sales, etc., approved February eighteenth, one thousand eight hundred and eighty-one;

(7) An act concerning the recovery of possession of lands sold for taxes, passed March twenty-fifth, one thousand eight hundred and eighty-five;

(8) An act validating and confirming sales for taxes and certificates, etc., approved March twenty-third, one thousand eight hundred and eighty-seven;

(9) An act concerning cities, approved March twelfth, one thousand eight hundred and eighty-eight;

(10) An act to validate certain sales of lands, tenements and hereditaments for unpaid taxes, passed April sixteenth, eight hundred and eighty-nine;

(11) An act regulating the proceedings of courts in cases of erroneous taxation, approved March twenty-sixth, one thousand eight hundred and fifty-two;

(12) An act relating to taxes due from incorporated companies in this state, approved March thirteenth, one thousand eight hundred and sixty-two;

(13) An act to exempt soldiers and sailors who served in the war of one thousand eight hundred and



twelve, from poll tax, approved April eighth, one thousand eight hundred and seventy-five;

(14) An act to establish the method of assessing and rating farm lands within the limits of incorporated cities, approved April twenty-first, one thousand eight hundred and seventy-six;

(15) An act relative to assessors, approved March ninth, one thousand eight hundred and seventy-seven;

(16) An act to facilitate the collection of taxes in boroughs and towns, approved March twenty-seventh, one thousand eight hundred and seventy-eight;

(17) An act to provide for the election of assessors and collectors in towns and villages, approved April second, one thousand eight hundred and seventy-eight;

(18) An act to define and regulate the fees, costs and expenses of receivers of arrears of taxes of townships where the same are fixed by special acts and where the said receivers are elected by township committees, approved April second, one thousand eight hundred and seventy-eight;

(19) An act in relation to school taxes in townships of this state, approved April third, one thousand eight hundred and seventy-eight;

(20) An act for the government of cities, approved February fourth, one thousand eight hundred and seventy-nine;

(21) An act respecting taxes, approved February twenty-sixth, one thousand eight hundred and seventy-nine; also the supplement to said act, approved March second, one thousand eight hundred and eighty-three;

(22) An act to authorize the purchase of goods and chattels at sale for delinquent taxes, approved March twelfth, one thousand eight hundred and seventy-nine;

(23) An act to prohibit imprisonment for default in payment of taxes on real estate, approved March fourteenth, one thousand eight hundred and seventy-nine;

(24) An act relative to the time of appointing tax assessors in cities, approved March fourteenth, one thousand eight hundred and seventy-nine;

(25) An act concerning commissioners of appeal, approved March twenty-second, one thousand eight hundred and eighty-one;

(26) An act in relation to the arrears of taxes in cities, approved March twenty-second, one thousand eight hundred and eighty-one;

(27) An act exempting firemen from taxation, approved March twenty-fourth, one thousand eight hundred and eighty-one; also the supplement to said act, approved March ninth, one thousand eight hundred and eighty-two; also the supplement of said act, approved March twenty-second, one thousand eight hundred and eighty-three;

(28) An act relative to sales of lands for delinquent taxes made in townships of this state, approved March twenty-fifth, one thousand eight hundred and eighty-one;

(29) A further act concerning cities, approved March seventeenth, one thousand eight hundred and eighty-two;

(30) An act exempting from taxation persons who served in the military or naval forces of the United States during the late war, approved February twenty-first, one thousand eight hundred and eighty-four; also the supplement to said act, approved April twenty-first, one thousand eight hundred and eighty-seven;

(31) An act concerning payment of taxes in cities of this state, passed March fourth, one thousand eight hundred and eighty-four;

(32) An act to provide for and secure the raising of revenue for the execution of the public duties of maintaining public schools, preventing the destruction of property by fire, etc., approved March twentieth, one thousand eight hundred and eighty-four; also the supplement to said act, approved April eighteenth, one thousand eight hundred and ninety-four;

(33) An act to authorize the common council or other legislative body of the cities of this state by ordinance to change the time for commencing the assessment of taxes in such cities, and also the time for furnishing statements or schedules of indebtedness, passed February twenty-fifth, one thousand eight hundred and eighty-five;

(34) An act to declare and establish the intent and meaning, force and effect of the several acts and parts

of acts granting to certain active and exempt firemen, etc., passed March sixteenth, one thousand eight hundred and eighty-five;

(35) An act providing for the taxation of property in townships in this state in cases where the officers of the township have omitted or neglected to assess the same for taxes, passed April second, one thousand eight hundred and eighty-five;

(36) An act relative to the payment of arrears of taxes and assessments and the interest thereon in incorporated cities, approved March twenty-second, one thousand eight hundred and eighty-six;

(37) An act to authorize cities in this state to remit and cancel taxes which appear as liens, etc., passed May fourth, one thousand eight hundred and eighty-six;

(38) An act in relation to past-due taxes, approved April first, one thousand eight hundred and eighty-seven;

(39) An act respecting the taxation of personal tangible property used in connection with any business or employment, approved March first, one thousand eight hundred and eighty-eight;

(40) An act in relation to assessments and taxes in cities, approved March twenty-sixth, one thousand eight hundred and eighty-eight.

(41) An act to authorize cities of this state to change the time fixed for the payment of taxes, approved April second, one thousand eight hundred and eighty-eight;

(42) An act to establish the rate of interest on arrears of taxes and assessments in cities of this state, approved May seventh, one thousand eight hundred and eighty-nine;

(43) An act providing for the taxation of property in cities, villages, etc., approved March twenty-fourth, one thousand eight hundred and ninety; also the supplement to said act, approved March twenty-third, one thousand nine hundred;

(44) An act respecting arrears of taxes and assessments in towns, townships and boroughs, approved March twenty-fourth, one thousand eight hundred and ninety;

(45) An act in relation to the assessment and revision of taxes by boards of assessment and revision of taxes, in the cities of this state, passed March twenty-fifth, one thousand eight hundred and ninety;

(46) An act to provide for collecting taxes in cities, approved June twenty-first, one thousand eight hundred and ninety;

(47) An act concerning cities of the first class in this state, and to facilitate the collection thereby of arrears of taxes assessed on personal property, approved March seventeenth, one thousand eight hundred and ninety-two;

(48) An act in relation to assessments of taxes in cities, approved March first, one thousand eight hundred and ninety-three;

(49) An act to establish the rate of interest on arrears of taxes in cities of this state, approved March seventeenth, one thousand eight hundred and ninety-three;

(50) An act to exempt from taxation real and personal property of exempt firemen's association and of firemen's relief association, approved March seventeenth, one thousand eight hundred and ninety-three;

(51) An act relative to the assessment of taxes in counties of the first class, approved May ninth, one thousand eight hundred and ninety-four;

(52) An act concerning taxes and the equalization of values with reference thereto, approved May twenty-second, one thousand eight hundred and ninety-four;

(53) An act in relation to assessment of taxes in cities, towns and townships, approved May twenty-second, one thousand eight hundred and ninety-four;

(54) An act respecting cities of the first class and providing for the collection of personal taxes therein, approved February twenty-sixth, one thousand eight hundred and ninety-five;

(55) An act respecting the assessment of taxes in cities of the first class in this state, approved March sixth, one thousand eight hundred and ninety-five;

(56) An act to authorize the correction of mistakes in the assessment and collection of taxes and in the sale of lands for alleged non-payment of taxes, approved

March fourteenth, one thousand eight hundred and ninety-five;

(57) An act to establish the rate of interest on arrears of taxes and assessments in cities of this state, approved March nineteenth, one thousand eight hundred and ninety-five;

(58) An act in relation to exemption from taxation of soldiers and sailors, approved March twenty-second, one thousand eight hundred and ninety-five;

(59) An act to exempt volunteer fire companies from taxation, approved March twenty-second, one thousand eight hundred and ninety-five;

(60) An act concerning taxes, approved March twenty-eighth, one thousand eight hundred and ninety-five; also the supplement to said act, approved June thirteenth, one thousand eight hundred and ninety-eight; also the supplement to said act, approved March twenty-first, one thousand nine hundred and one;

(61) An act directing the collectors of taxes of townships and boroughs to surrender all official books and papers to the proper authorities, approved March twenty-eighth, one thousand eight hundred and ninety-five;

(62) A general act concerning taxes, approved March twenty-eighth, one thousand eight hundred and ninety-five;

(63) An act to provide for the abolition of poll taxes assessed for county purposes in counties of the first class in this state, passed June fourth, one thousand eight hundred and ninety-five;

(64) An act to exempt from taxation the property of armory associations, passed March twenty-first, one thousand nine hundred;

(65) An act to authorize the correction of errors and mistakes in the tax and assessment records of cities, etc., approved March thirteenth, one thousand nine hundred and one;

(66) A general act concerning taxes, approved March twenty-first, one thousand nine hundred and one;

(67) Sections one and two of an act for the preservation of sheep, lambs, domestic animals and poultry in

the several townships of this state, approved March twenty-second, one thousand nine hundred and one;

(68) A general act concerning taxation, approved March twenty-second, one thousand nine hundred and one;

(69) Section two of the act entitled "An act concerning the lien of unpaid taxes on lands, tenements, hereditaments or real estate assessed since the first day of January, in the year one thousand eight hundred and ninety-eight, or to be hereafter assessed," approved April third, nineteen hundred and two.

When effective—former proceedings or rights unimpaired.

2. This act shall take effect on the twentieth day of December, nineteen hundred and three, but the repeal of the above-named acts shall not affect proceedings or remedies relating to taxes assessed prior to the year nineteen hundred and three, and nothing in this act shall impair or annul any rights, interests or privileges heretofore acquired, validated or confirmed, under authority of said acts or any of them.

Approved April 8, 1903.

## CHAPTER 210.

A Supplement to "An act concerning trust companies (Revision of 1899)."

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

Payment of deposits made in trust.

1. Whenever any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given to the trust company, in the event of the death of the trustee, the same or any part thereof, together with the dividends or interest thereon, may be paid to the person for whom the said deposit was made, or to his or her legal representatives; *provided*, that the person for whom the deposit was made, if a minor, shall

Proviso.

not draw the same during his or her minority without the consent of the legal representatives of said trustee.

2. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 211.

An Act to amend "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 the act of which this act is amendatory be and the same is hereby amended so as to read as follows:

Section  
amended.

1. Ten or more persons may become a corporation for the purpose of making any of the following kinds of insurance, to wit:

Association  
for purposes  
of insurance.

First. Against loss or damage to property by fire, lightning, or tempest on land;

Second. Upon vessels, freights, goods, moneys, effects, bottomry and respondentia interest, and every insurance appertaining to or connected with marine and inland risks of transportation and navigation;

Third. Upon the lives or health of persons, and every insurance appertaining thereto, and to grant, purchase or dispose of annuities;

Fourth. Against bodily injury or death by accident, and upon the health of persons;

Fifth. Against loss or damage resulting from accident to, or injury suffered by, any person, for which loss or damage the insured is liable;

Sixth. Against damage to property of the insured, or loss of life, or damage to the person or property of another for which the insured is liable, caused by explosion of steam boilers;

Seventh. 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;

Eighth. Against loss or damage on account of encumbrances upon, or defects in titles to, real property;

Ninth. Against loss from bad debts, commonly known as credit insurance;

Tenth. Against loss by burglary or theft;

Eleventh. Against the breakage of glass;

Twelfth. 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.

2. This act shall take effect immediately.

Approved April 8, 1903.

#### CHAPTER 212.

An Act to amend an act entitled "An act providing for the pensioning of firemen in certain cities of this state," approved April twenty-third, one thousand eight hundred and ninety-seven.

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

Section  
amended.

1. Section one of said act be amended so as to read as follows:

Firemen  
incapacitated  
by service  
may be  
pensioned.

1. In all cities of this state having a paid fire department it shall be lawful for the municipal board having charge of said fire department to retire from service any officer or man permanently employed in such department whose duty requires active service in the extinguishment of fires who shall have become or shall hereafter become incapacitated, either mentally or physically, for



the performance of such duty, whenever such incapacity is or shall be the result of injury received or sickness contracted while on duty, either in the performance or attempted performance of any duty connected with employment in such fire department, or in the performance or attempted performance of any extra or special duty upon which such officer or man may be detailed; the person retired shall receive an annual pension of an amount equal to one-half of the salary received by him at the time of such retirement.

2. Section two of said act be amended so as to read as follows: Section amended.

2. If any officer or man permanently employed in any fire department in any such city shall be fatally injured while on duty, either in the performance or attempted performance of any duty connected with employment in such fire department, or in the performance or attempted performance of any extra or special duty, upon which such officer or man may be detailed, such municipal board shall allow to the widow, if any there be, or, if there be no widow, then to the dependent parent or parents of such officer or man permanently employed in such fire department, an annual pension equal to one-half of the salary received by such officer or man at the time of his death, to be paid to such widow during her widowhood, or, if there be no widow, to be paid to such dependent parent or parents as long as such parent or parents remain dependent, and where the officer or man is the only support of his parent; if such officer or man shall not leave a widow or parent, but shall leave a child or children, such pension shall be applied, under the direction of the mayor of such city, to the support of such child or children until they have attained the age of sixteen years. In case of death.  
If a widow.

3. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed. Repealer.

4. This act shall take effect immediately.  
Approved April 8, 1903.

## CHAPTER 213.

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:*

Taking land  
for purposes  
of construct-  
ing sewers,  
etc.

1. Whenever the council of any borough incorporated under the act to which this is a supplement shall determine by ordinance to make and construct any sewer or sewers, drain or drains, or any sewage receptacle or works or place for treating or disposing of sewage, or any system for the supply of water for public or domestic use, and to lay pipes and mains therefor, and shall deem it necessary to take and appropriate for such purpose any rights of way, lands and real estate or interest therein, within the said borough or beyond its limits, they are hereby authorized and empowered, whenever necessary for the purpose, to take and appropriate such rights of way, lands and real estate or interest therein, within or without the lines of any public street or highway, that may be required for the purpose in the manner provided in the act to which this is a supplement in the case of the construction of a system of water-works and water-supply, upon making compensation to the owner or owners thereof.

Finding value  
of lands taken.

2. In case the council cannot agree with the owner of owners or other persons interested in the said rights of way, lands and real estate or interest therein, three disinterested commissioners shall be appointed under the provisions of the act to which this is a supplement, and they shall assess and ascertain the value of the rights of way, real estate or interest therein proposed to be taken, used and occupied for the purpose aforesaid, and the damages to be done to any land by the laying down of the pipes of the said sewer or sewers, drain or drains,

and the erection and maintenance of such sewage receptacle or works or place for treating or disposing of sewage so deemed to be necessary by the said council, and such further proceedings shall be taken as are required by and in the manner provided in the act to which this is a supplement in the case of the construction of a system of water-works and water-supply.

3. This act shall take effect immediately.

Approved April 8, 1903.

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#### CHAPTER 214.

An act to amend an act entitled "An act concerning trust companies" (Revision of 1899).

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

1. Section nine of an act entitled "An act concerning trust companies" (Revision of 1899), be and the same is hereby amended to read as follows:

Section  
amended.

9. No such corporation shall be appointed to act as assignee, receiver, administrator, guardian or trustee by any surrogate or court of this state until it shall have created and set apart a fund or funds specially devoted to securing its liabilities in such capacities of trust and confidence, and shall have deposited with the register of the prerogative court securities of the character in which trust funds may by law be invested, which securities shall represent the said fund or funds; in case any securities deposited as aforesaid are bonds secured by mortgages upon real estate, said mortgages, together with the said bonds, shall be duly assigned by such corporation to the register of the prerogative court in his official capacity, in a manner to be approved by the ordinary; but until default by such corporation depositing the same occurs, by reason of which recourse may be had to said fund or funds, or until otherwise ordered by the ordinary, said corporation shall be entitled to the

Before  
appointment  
as trustee,  
etc., must  
set apart  
funds and  
securities.

beneficial interest in and income from the bonds and mortgages so as aforesaid assigned, and the register of the prerogative court may execute a power of attorney in favor of said corporation, in a form to be approved by the ordinary, authorizing said corporation to receive and retain for its own use, until default or otherwise ordered by the ordinary as aforesaid, the interest or income arising from said bonds or the mortgages securing the same; at the time of depositing the securities as aforesaid, the president, cashier, or other head officer of the corporation making such deposit, shall make oath in writing as to the intrinsic value of any property upon which said securities shall then be a lien, which said oath shall be filed with the register of the prerogative court; every such corporation shall, before its appointment to any office, present to the court or officer making such appointment a statement, under oath of its president, secretary or trust officer, that the fund aforesaid has been set apart according to law, and that the above mentioned deposit has been duly made, and that the liabilities of such corporation for which the fund aforesaid is specially responsible, as hereinafter provided (including all funds and securities of such trust about to come to it under the appointment then in contemplation), do not exceed five times the value of such specially created and deposited fund, unless said fund shall amount to or exceed one hundred thousand dollars, in which case the affidavit shall be that the liabilities aforesaid do not exceed ten times the value of such specifically created and deposited fund, and, except as provided in the next succeeding section of this act, such fund then so created, set apart and deposited shall not be subject or applicable to any other debts or liabilities of the corporation or association until those to the discharge whereof it is devoted shall have been satisfied or cease to exist; *provided*, that nothing herein contained shall require the deposit of any such fund when the trust company appointed gives security in the manner prescribed by law in such behalf for natural persons, or in cases where the trust company shall have been appointed as executor or trustee by any will or deed.

Exception.

Proviso.

Approved April 8, 1903.

## CHAPTER 215.

A Further Supplement to 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.

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

1. To the end that local boards of health may be enabled to secure the services of capable health officers and trained sanitary inspectors, the board of health of the state of New Jersey is hereby authorized to cause examinations to be made, by such persons and at such times and places as it may appoint, and under such rules and regulations as it may adopt, for the purpose of determining the qualifications of applicants for license as health officers and sanitary inspectors; every such examination shall be in such subjects and conducted in such manner as the board of health of the state of New Jersey shall direct, and every applicant whose examination shall be approved by said state board shall receive a license as health officer or sanitary inspector as hereinafter provided.

Examination  
of applicants  
as health  
officers and  
sanitary  
inspectors.

2. Said state board shall issue four classes of licenses, to wit: health officers' licenses, sanitary inspectors' licenses of the first class, sanitary inspectors' licenses of the second class, and sanitary inspectors' licenses of the third class; every person whose examination as an applicant for a health officer's license is approved shall be entitled to receive such license, and every person whose examination as an applicant for a sanitary inspector's license of the first class, the second class or the third class, is approved shall be entitled to receive a sanitary inspector's license of the first class, the second class or the third class, according to the approval of his examination.

Classes of  
licenses.

Eligibility to  
appointment.

3. Any person licensed as a health officer shall be eligible to appointment as such officer by any local board of health in this state, and when so appointed shall, during the term of his appointment, and subject to the superior authority of such local board, be its general agent for the enforcement of its ordinances and the sanitary laws of this state within the territorial jurisdiction of such local board.

Sanitary  
inspectors.

4. Any person licensed as a sanitary inspector of the first class shall be eligible to appointment as such inspector by any local board of health in this state; any person licensed as a sanitary inspector of the second class shall be eligible to appointment as such inspector by any local board of health in any municipality of this state, not being a city; any person licensed as a sanitary inspector of the third class shall be eligible to appointment as such inspector by any local board of health in any township of this state; the title "sanitary inspector," as used in this act, shall be understood to apply to every officer appointed by a local board of health to aid in the enforcement of the sanitary laws of this state, or the rules, regulations and ordinances of such local board, excepting health officers and persons performing merely clerical duties in the office of such local board; any sanitary inspector so appointed shall be the agent of the local board appointing him for the performance of such services as such local board, or any health officer under the authority of such local board, shall assign to him.

After 1904  
license  
necessary.

5. No local board of health shall, on or after the first day of January, nineteen hundred and five, appoint any person as health officer who is not the holder of a health officer's license granted as in this act above prescribed, or as sanitary inspector who is not the holder of a sanitary inspector's license of the class hereinabove prescribed for the municipality or township within which the appointing local board shall have jurisdiction; *provided, however*, that nothing in this act shall prevent any local board of health from continuing in office any person now filling the office of health officer or sanitary inspector for such local board.

Proviso.

6. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 216.

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

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

1. Any husband or father who deserts, or willfully refuses or neglects to provide for and maintain his wife or minor child or children, and shall depart the state or leave the jurisdiction of the courts of this state, shall be guilty of a misdemeanor and be punished by a fine not exceeding one hundred dollars or imprisonment with or without hard labor, as the court may direct, for any term not exceeding one year.

Deserting  
husband  
leaving state  
guilty of  
misdemeanor.

2. The wife of the defendant or accused shall be a competent witness against the defendant or accused.

Wife a  
witness.

3. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 217.

An Amendment to an act entitled "An act respecting conveyances" (Revision of 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:*

1. Section twenty-three of said act be amended so as to read as follows:

Section  
amended.

Acknowledgments when grantor or witnesses reside outside state.

Before whom.

23. If the party who shall have executed or who shall execute any such deed or instrument of the description or nature above set forth in the twenty-first section of this act, or the witnesses thereto shall have happened or shall happen to be in some other state in the Union or territory thereof, or in the District of Columbia, whether such party or witnesses resided or reside in this state or in such state, territory, or district, or elsewhere, then such acknowledgment or proof as is above prescribed, made before and certified by the chief justice of the United States, or any associate justice of the supreme court of the United States or any master in chancery of this state, or any of the attorneys at law admitted by the supreme court of this state, to practice in the various courts of this state, or any circuit or district judge of the United States, or any judge or justice of the supreme or the superior courts, or the chancellor, of any state in the Union, or territory thereof, or District of Columbia, or any foreign commissioner of deeds for New Jersey, duly certified, under the official seal of such commissioner, or before and by any mayor or other chief magistrate of any city, borough, or corporation in such state, territory, or district, duly certified under the seal of such city, borough, or corporation, of which he was or is mayor or chief magistrate, such circuit or district judge, judge or justice of such supreme or superior court, or chancellor of such state, foreign commissioner of deeds, mayor or other chief magistrate then having been or being anywhere within the circuit, district, state, territory, district, city, borough, or corporation, for which he was or is appointed, or before and by any judge of any court of common pleas of such state, territory, or district, such judge then having been or being within the county or district in and for which he was or is such judge, duly certified that he was or is such judge under the great seal of such state or under the seal of the county court of the county or district in which it is made and in and for which he was or is such judge, or before and by any officer in any such state of the Union, territory thereof, or District of Columbia, then residing, and being anywhere in such state, territory, or district, authorized at the time of such proof or acknowledgment by the laws of such state, terri-



tory, or district, to take the proofs and acknowledgments of deeds or conveyances of lands, tenements or hereditaments, lying and being in such state, territory, or district; *provided*, in such case, the certificate of acknowledgment or proof shall be accompanied by a certificate under the great seal of such state, territory, or district, or under the seal of some court of record of the county, in which it was or shall be made, that the officer before whom such acknowledgment or proof was or shall be made was, at the time of the taking of said proof or acknowledgment, authorized by the laws of such state, territory, or district, to take the acknowledgments and proofs of deeds or conveyances for lands, tenements, or hereditaments in such state, territory, or district, shall be as good and effectual as if such acknowledgment or proof had been made within this state before the chancellor thereof, and had been certified by him.

Proviso.

2. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 218.

An Act concerning building and loan associations.

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

### I. AS TO BUILDING AND LOAN ASSOCIATIONS OF THIS STATE.

#### I. FORMATION.

1. Upon executing, recording and filing a certificate pursuant to this act, nine or more persons, citizens of this state, may become an incorporated association for the purpose of assisting each other and all who may become associated with them in acquiring real estate, making improvements thereon and removing incumbrances there-

Formation  
of building  
and loan  
associations.

from by the payment of periodical installments, and for the further purpose of accumulating a fund, to be repaid to its members (subject to the right of earlier redemption) who do not obtain advances for purposes above mentioned when the funds of such association shall amount to a certain sum per share, to be specified in the certificate of incorporation.

Certificate of incorporation to state certain facts.

2. The certificate of incorporation shall be signed in person by all the subscribers to the stock named therein, and shall set forth:

I. The name of the association;

II. The city or other municipality where it is to be located and its business transacted, which shall be within this state;

III. The object for which it is formed;

IV. The number of shares subscribed for by the incorporators and by each of them, and the amount fixed as the value of each share when matured or full paid, and the number of shares to be subscribed before the association shall begin business, which shall aggregate not less than ten thousand dollars in value when full paid.

Corporate name.

3. The name assumed by any such association shall not be so nearly alike the name of any other association as to deceive the public, and the words "building and loan association" shall form a part thereof; and such name shall be approved by the commissioner of banking and insurance.

Certificate recorded in county clerk's office and filed in department of banking and insurance.

4. The certificate of incorporation shall be proved or acknowledged as required for deeds of lands and recorded in the office of the clerk of the county where the association is located, and after being so recorded shall be filed in the department of banking and insurance, and said certificate or a copy thereof, duly certified by the commissioner of banking and insurance, shall be evidence in all courts and places; upon making and recording and filing such certificate, the persons so associated and their successors and assigns shall, from the date of such filing, constitute a body corporate by the name set forth in such certificate, with all the powers mentioned in the first section of the act entitled "An act concerning corporations" (Revision of 1896), except

Powers.

such powers as may be inconsistent with the provisions of this act.

## II. MEMBERSHIP AND CONSTITUTION.

5. The members of the association shall be those to whom its shares shall be issued, and their personal representatives, and those to whom said shares may be transferred under the regulations prescribed by the association subject to making the periodical payments required and compliance with the other terms of membership according to the constitution, and subject to such fines or penalties as shall be determined by the constitution; minors and parents or guardians, in behalf of their minor children or wards, may hold shares in any such association and have all the rights and privileges of other members, except the right to hold office; when shares are pledged, the pledgors may vote thereon unless the same have been transferred on the books of the association; at all meetings of the association each member shall be entitled to one vote, and any member, except minors, may be represented and vote by proxy if the constitution shall so provide; when a series of stock matures and is paid, the subscribers thereto or owners thereof shall cease to be members, unless they have subscribed for or purchased shares of another series; *provided*, a minor under the age of sixteen years shall not have the right to vote.

Membership.

Who may vote.

Proviso.

6. Every such association shall by the vote of its shareholders adopt a constitution, not inconsistent with this act or any law of this state, for the regulation of their business as they shall deem proper, and may alter and amend the same from time to time in the manner therein provided, and whenever the constitution of any such association makes no provision for the manner in which the same may be amended, such association may at any regular meeting, by a two-thirds vote of its members present, adopt an amendment to its constitution providing a manner in which the same may be amended; *provided*, a written or printed notice of the time and place of such meeting and of the proposed amendment be sent to each shareholder at least ten days before

Constitution.

Proviso.

Copy filed  
in department  
of banking  
and insurance.

said meeting; a copy of such constitution and of all amendments thereto, certified by the secretary, shall be filed in the department of banking and insurance within thirty days after their adoption, and every association formed prior to the passage of this act, which has not already filed the same, shall file in the department of banking and insurance, within sixty days after the passage of this act, an authenticated copy of its charter, certificate of incorporation, and constitution, and annually thereafter copies of all amendments thereto.

### III. MANAGEMENT AND ELECTIONS.

Management.

7. The business and affairs of every such association shall be managed and directed by a board of directors, of such number as the constitution may prescribe, not less than five, who shall be shareholders and shall be elected by the members by ballot at such time and for such term as the constitution may provide; the polls at every such election shall be opened for at least one hour between the hours of nine o'clock in the forenoon and nine o'clock in the afternoon at such time as the constitution may designate; at least one-third of the members of said board shall be elected each year.

Time of  
election.

Officers.

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; the board of directors may employ a counsel and such clerks, agents or 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.

Election of  
officers.

9. The president, vice-president, secretary and treasurer shall be elected by the shareholders or by the board of directors, as the constitution may provide; the auditors shall be elected by the shareholders at the same time directors are elected; all vacancies in said board or

Vacancies.

in any office shall be filled by the board for the unexpired term.

10. The treasurer shall be the custodian of all funds and securities belonging to his association, except such as are given by him, which shall be held by the secretary; he shall promptly deposit in the name of the association in some bank or trust company in this state, to be designated by the board of directors, all money received by his association, and all checks or drafts against the same shall be signed by him and countersigned by the president, or, in his absence, the vice-president.

Duties of treasurer.

11. The board of directors of every such association shall require the secretary and the treasurer, and may require any other officer, agent or employe handling or having the custody or charge of money or securities belonging to the association, before entering upon their duties, to give bonds, in suitable amounts and with good and sufficient surety, to be approved by the board of directors; and said board shall annually examine all such bonds and pass on the sufficiency of the same, and if insufficient immediately require new or additional bonds; and the failure of any officer, agent or employe to comply at once shall be ground for his summary removal by the board.

Secretary and treasurer to give bonds.

12. The auditors shall annually make a thorough audit and inspection of the books, papers, securities, accounts and affairs of the association, which shall include a personal examination and verification of every security and evidence of indebtedness held by the association, and a verification of liabilities to members by an inspection of their pass-books as far as possible.

Auditors' duties.

#### IV. POWERS AND LIMITATIONS.

13. Any such association shall have power to sell and convey any lands and tenements owned by it to members of the said association or to persons not members, on terms according to or not inconsistent with the constitution of such association; and the purchasers of said lands and tenements, when not members, shall not thereby be constituted members of such association.

Conveyance of lands.

Shares of non-borrowing members.

14. The shares of non-borrowing members of any such association may be retired and paid off at their actual value at such time and under such conditions as the constitution may prescribe.

Premium or discount allowable.

15. Any such association may take from its members a premium for priority of loan or acquisition of real estate, or discount on the redemption of shares; and no premium or discount so taken for such purposes shall be deemed to be usurious.

Branch offices.

16. No building and loan association heretofore incorporated under any law of this state, which is not now maintaining branch offices or conducting its business by means of branches or agencies, and no association formed under this act, shall hereafter establish or maintain branch offices or conduct its business by means of branches or agencies, or employ agents to solicit members or sell its shares for a compensation.

Dividends from surplus.

17. No dividends or profits shall be declared, credited or paid by any such association except out of surplus or net profits.

Stock may be issued in different series.

18. Any such association may issue shares of stock in new series from time to time, the same to issue, mature and terminate in the manner provided by the constitution, notwithstanding the issue of such new series may increase the number of shares of said association beyond the limit fixed in its certificate of incorporation, or constitution, and all shares of stock heretofore issued by any association in the manner aforesaid shall be valid and effectual to all intents and purposes as if this act had been in force prior to the issuing of such shares.

Right to borrow money.

19. Any such association may in its constitution authorize the board of directors from time to time, by resolution adopted by a vote of at least two-thirds of all the members of the board and duly recorded on the minutes, to borrow money on the note of the association upon such terms and conditions as the constitution shall prescribe; *provided*, such loan shall not be made for a longer period than one year, and the money so borrowed shall be used for no other purpose than to pay, in whole or in part, a loan already made to a member of said association or a maturing series of stock; *provided further*, the total amount of money so borrowed shall at no

Proviso.

Proviso.

time exceed thirty per centum of the amount then actually paid into said association as subscriptions or dues on installment shares.

#### V. CHANGE OF NAME.

20. Any such association may, with the approval of the commissioner of banking and insurance, change the name set forth in its original certificate of incorporation, by a two-thirds vote of the board of directors of such association; *provided*, a certificate under the hands of the president and the secretary of such association, setting forth such proposed new name, and that the same was adopted by a two-thirds vote of the board of directors of such association, at a meeting regularly held on a date specified in said certificate, shall be recorded by the clerk of the county where such association is located, and filed in the department of banking and insurance.

May change name.

Proviso.

21. The name so certified to have been adopted shall, from the time of filing such certificate of change, be the true and proper corporate title of such association instead of the name set forth in the original certificate of incorporation; and all deeds, mortgages, contracts, actions, judgments, transactions and proceedings whatsoever heretofore or hereafter made, received, entered into, carried on or done by said association before the adoption or certification of such change of name, but wherein the said association shall have been called by the name so subsequently adopted, are hereby declared to be as good, valid and effectual in law as though said association were called therein by the name set forth in its original certificate of incorporation.

Legality of changed name.

#### VI. REINCORPORATION.

22. Any building and loan association heretofore organized under any law of this state shall have power to meet and reorganize and provide for the transaction of its future business under the provisions of this act by giving notice thereof by advertisement for four weeks successively, at least once a week, in a newspaper pub-

Existing associations may reorganize under this act.

Public notice.

Meeting.	lished and circulated in the municipality where such association is located, and if there be none, then in a newspaper published and circulated in the county, which advertisement shall be signed by the secretary, and state the time, place and purpose for which such meeting is called, and also by sending a written or printed notice to each shareholder containing the same information at least ten days before said meeting; when so assembled the shareholders shall vote on the question of reincorporating under the provisions of this act, and if they so decide they shall have power, by a two-thirds vote of the members present, to change, alter or repeal their existing constitution and by-laws as they may deem needful for their future government.
Action taken if decided to reincorporate.	23. If at any such meeting it shall be decided to reincorporate and come under the provisions of this act, a certificate to that effect, stating the date of the meeting, with proof of the publication of the notice required by the preceding section thereto attached, shall be executed by the president and secretary and a majority of the board of directors, which certificate shall be proved or acknowledged as required for deeds of real estate and be recorded by the clerk of the county wherein the association is located and filed in the office of the commissioner of banking and insurance, and thereupon such association shall be held and considered to be incorporated under this act, and shall possess all the rights and privileges and be subject to all the restrictions herein contained; and all deeds, mortgages, contracts, judgments, transactions and proceedings whatsoever theretofore made, received, entered into, carried on or done by said association before such reincorporation shall be as good, valid and effectual in law as though said association had continued to operate under its original certificate of incorporation.
Certificate recorded and filed.	
Validity of former transactions.	

#### VII. FUNDS. HOW INVESTED.

Investments.	24. The funds of every such association shall be invested in the following and no other way:
Real estate.	I. In the purchase of lands or building lots and erecting buildings and improvements thereon, or in the purchase of lands already improved; which lands, build-



ings and improvements shall be within this state and shall be already contracted to be sold to the members of such association, payable in the shares of the association, or in periodical installments for a period such as shall be agreed upon and designated in their constitution; at the expiration of which term, all payments having been made, the lands, dwellings and improvements so sold and conveyed to the members of such association shall become the property of the grantees, discharged from all further payment;

II. In loans to members on bonds secured by mortgage which shall be a first lien on real estate in this state, not to exceed eighty per centum of the cash value thereof, payable in shares of the association, or by periodical installments; except where any association holds a mortgage on real estate which is a first lien, such association may increase its loan thereon and secure the same by a second or subsequent mortgage; *provided*, the total indebtedness to the association, less the amount of dues paid on the shares pledged for such loan, shall not exceed eighty per centum of the cash value of the real estate loaned on, and all the mortgages held by said association shall prior to any other encumbrance on said real estate;

Bond and mortgage.

Proviso.

III. In the redemption of shares of the association;

Redeem shares.

IV. In loans upon the pledge or collateral security of the shares of such association, not to exceed ninety per centum of the withdrawal value of such shares;

Loans on stock of association.

V. In loans to persons not members, or to members without pledge of their stock as collateral security, on bonds secured by mortgage, which shall be a first lien on improved real estate in this state, not to exceed fifty per centum of the cash value thereof; a purchase money mortgage given to said association upon real estate sold by it shall not be considered a loan within the meaning of this subdivision;

Loan to non-members.

VI. In the purchase of any or all of the securities in which savings banks of this state are authorized by law to invest, or as a loan upon any of such securities as collateral, not to exceed eighty per centum of their market value; *provided*, investments or loans authorized under paragraphs V. and VI. of this section shall only

Certain securities.

Proviso.

be made from moneys on hand not required for any of the purposes specified in paragraphs I., II., III. and IV. hereof, or for the payment of withdrawals or matured shares, or for the purpose of creating a fund for the payment of maturing shares.

How pur-  
chases or  
loans made.

Proviso.

25. No real estate shall be purchased by any such association, or any loan made on bond and mortgage, except upon a report in writing of a committee of at least two members of the board of directors, signed by them, certifying to the value of the real estate in question to the best of their judgment; such report shall be filed and preserved among the records of the association, and any member shall have access to such reports; *provided*, members of said association not directors may be associated on said committee with the members of the board of directors.

#### VIII. REPORTS.

Annual  
report.

Further  
reports.

26. Every such association heretofore or hereafter formed shall, within sixty days after the close of each fiscal year of said association, file in the department of banking and insurance, on blanks to be provided by the commissioner of banking and insurance, a report of its transactions, affairs and financial condition at the close of business of such fiscal year, such report to be verified by the oaths of such officers and other persons as the commissioner of banking and insurance may designate; and the said commissioner may call for additional reports whenever he shall deem it expedient; in case of the failure of any such association to file its annual report within the time herein specified, or any additional report within such reasonable period as the commissioner shall fix, not oftener than once in every three months, the officers whose duty it shall be to file such report shall each be liable individually to a penalty of fifty dollars, to be recovered by said commissioner, in the name of the state, in any court of competent jurisdiction, and when collected to be paid into the state treasury and applied to the expenses of the department of banking and insurance; but the commissioner may, for sufficient cause shown, extend the time for filing any annual report, not to exceed ten days.

27. Every such association shall pay one dollar on filing its annual report or any certificate required to be filed in the office of the commissioner of banking and insurance, and shall defray the necessary expenses of any examination of its affairs made pursuant to the provisions of this act; *provided*, no association shall be compelled to pay more than twenty dollars in any one year towards the expenses of such examinations; whenever any such examination shall be made by the commissioner or his deputy, in person, no charge shall be made except for necessary traveling and incidental expenses.

Filing fee.

Proviso.

## II. AS TO BUILDING AND LOAN ASSOCIATIONS OF OTHER STATES.

### I. HOW ADMITTED.

28. A building and loan association of another state may be admitted to transact business in this state in the manner hereinafter provided and no such association not so admitted shall transact business in this state.

Associations of other states admitted.

29. Application for authority to transact business in this state shall be made to the commissioner of banking and insurance, and on making such application every such association shall file in the department of banking and insurance a duly authenticated copy of its charter or certificate of incorporation, its constitution and by-laws, and thereafter certified copies of all amendments thereto; the names and addresses of its officers and directors, the compensation paid each officer, and a report of its condition, in such form as may be prescribed by the commissioner of banking and insurance, which shall be verified by the oath of such officers and other persons as said commissioner shall designate, and said commissioner shall furnish blank forms for the report required, and may call for additional reports at such other times as may seem to him expedient.

Application for admission.

30. If it shall appear to the commissioner of banking and insurance by the report aforesaid, and by an examination of said association, that it has good assets of sufficient value to cover all its liabilities, and that its methods of doing business are safe and not contrary to the

Admission if approved by commissioner.

laws governing building and loan associations of this state, it may be admitted to transact business in this state upon a certificate of authority to be issued by the commissioner of banking and insurance, which shall only be issued when said association shall have complied with the further requirements of this act.

Deposit before  
certificate of  
authority  
issued.

31. The commissioner of banking and insurance, before issuing the certificate of authority as aforesaid, shall require every such association to deposit with him such securities as he may approve, amounting to at least thirty thousand dollars, which securities shall be held by him in trust for the exclusive benefit and security of the creditors and shareholders of such association resident in this state, and he shall have authority to require it to deposit additional securities, and to order a change in any of the securities so deposited at any time, and no change or transfer of the same shall be made or be effectual without his assent; such deposit shall be maintained intact in the full sum required at all times, but the association making such deposit, so long as it shall continue solvent and comply with all the provisions of this act applicable to it, may receive the dividends or interest on the securities deposited, and may, from time to time, with the assent of said commissioner, withdraw any of such securities on depositing with said commissioner other like securities the par value of which shall be equal to such as may be withdrawn.

Interest on  
deposit.

Filing fees.

32. Every such association shall pay for filing a certified copy of its charter or certificate of incorporation, twenty dollars; for filing original and annual reports, twenty dollars; for certificate of authority, annually, two hundred and fifty dollars; for certificate for each agency, five dollars, and shall defray all expenses incurred in making any examination of its affairs as herein provided for; and the commissioner of banking and insurance may maintain an action, in the name of the state, against such association, for the recovery of such expenses, in any court of competent jurisdiction.

Certificate  
good for cur-  
rent year.

33. Such certificate of authority shall be for the current year only and shall not be issued until such association shall by a duly executed instrument, filed in the department of banking and insurance, constitute the

commissioner of banking and insurance and his successor in office its true and lawful attorney, upon whom all original process in any action or legal proceeding against it may be served, and therein shall agree that any original process against it which may be served upon said commissioner shall be of the same force and validity as if served on the association, and that the authority thereof shall continue in force irrevocable so long as any liability of the association remains outstanding in this state; the service of such process shall be made by leaving a copy of the same in the office of the commissioner of banking and insurance with a service fee of two dollars to be taxed in the plaintiff's costs; when any original process is served upon the commissioner he shall forthwith notify the association of such service by letter directed to its secretary, and shall, within two days after such service, forward to the secretary, in the same manner, a copy of the process served on him, and such service shall be deemed sufficient service upon the association; said commissioner shall keep a record of all such process showing the day and hour of service.

Commissioner  
as attorney  
of foreign  
association.

## II. TRANSACTING BUSINESS WITHOUT AUTHORITY.

34. If any such association itself, or by its agents, attorneys, solicitors, surveyors, canvassers, collectors or other representatives of whatever designation, or if any agent, attorney, solicitor, surveyor, canvasser, collector or other representative, or any individual or firm, whether on behalf of such association or not, shall solicit, negotiate or in anywise transact any business in this state, except in the enforcement of contracts by legal process, without having complied with the requirements of this act, such association and such persons shall respectively be liable in a penalty of two hundred and fifty dollars and all costs of suit, to be sued for and collected in the name and for the benefit of the state, by the commissioner of banking and insurance; the first process against any person may be by *capias ad respondendum*, and any person against whom judgment may be obtained shall be

Penalty for  
transacting  
business  
without  
authority.

committed to any county jail until such penalty and costs are paid, and the necessary expenses incurred by the said commissioner in carrying out the provisions of this act, when not otherwise provided for, shall be paid out of the fees collected as herein provided for.

### III. REPORTS.

Annual  
reports.

35. Every such association doing business in this state shall annually in the month of January file in the department of banking and insurance a report of its condition at the close of business on the thirty-first day of December last preceding, and of its transactions for the year ending on that day, in such form and verified by such officers and other persons as the commissioner of banking and insurance shall designate, and the said commissioner shall furnish blank forms for the report required, and may call for additional reports at such other times as may seem to him expedient; if any such association shall fail to file such annual report prior to the first day of February, or to furnish such additional reports as may be called for by the commissioner of banking and insurance within such reasonable time as shall be fixed by said commissioner, it shall be liable in a penalty of two hundred and fifty dollars and costs of action, to be sued for and collected by said commissioner in the name and for the benefit of the state.

Failure to  
report.

### IV. FUNDS. HOW INVESTED.

Investments.

36. The funds received by any such association from shareholders in this state shall be invested in the same manner and no other as provided in this act for associations of this state.

### V. RENEWAL OF AUTHORITY.

Certificate of  
authority may  
be renewed.

37. The commissioner of banking and insurance is hereby authorized to refuse to renew the annual certificate of authority to do business in this state to any such association, if in his judgment the affairs of such

association are in an unsound condition, or its investment are illegal or unsafe, or its liabilities exceed its assets, or is not complying with all the provisions of this act.

### III. RELATING TO ALL BUILDING AND LOAN ASSOCIATIONS.

#### I. WITHDRAWAL OF SHARES.

38. The shares of every such association of this state, or doing business therein, may be withdrawn by the holder at any time, by giving such written notice as may be provided for in the constitution or by-laws, not to exceed thirty days, unless withdrawal be otherwise sooner permitted by such constitution or by-laws; if the withdrawal be made within the first year, the withdrawal value of the shares withdrawn shall be not less than the sum of the subscriptions or dues paid on such shares, less all unpaid fines and a proportionate share of any loss sustained by the association; after the first year, a reasonable share of the profits shall be included in the withdrawal value and shall be paid to the withdrawing shareholder; in case such shares are pledged as collateral security for the repayment of a loan made thereon by such association, the amount of such loan shall be deducted from such withdrawal value and the difference only paid to such member; *provided*, amounts paid for salaries, commissions and other current expenses shall not be considered losses within the meaning of this section.

Holder may withdraw shares; first year.

After first year.

Proviso.

39. Withdrawals shall be paid in the order in which the notices thereof shall have been received, but not more than one-half the receipts of any one month shall be required to be used for the payment of withdrawal claims, without the consent of the board of directors, until the oldest of such claims then unpaid shall have been on file for a period of six months; but in no case shall payment be postponed for a period longer than six months from the date of such notice, and any shareholder who has given the said notice may sue for and recover the withdrawal value of his shares in any such

Order of payment; amount paid monthly.

association in any court of competent jurisdiction, if the same is not paid in six months from the date of the giving of said notice of withdrawal.

## II. COMPENSATION OF OFFICERS.

Amount that  
may be ex-  
pended for  
annual  
expenses.

40. No building and loan association of this state, or doing business therein, shall in the course of any fiscal year of such association pay as salaries, commissions, fees or other compensation to its officers, directors, auditors, attorney, agents, clerks and all other employes, and for all expenses, sums of money the aggregate of which shall exceed the total receipts from admission or membership fees and one per centum of the average amount of loans outstanding during said year on mortgages, shares and other securities and investments in securities of the character authorized by this act and the equity in real estate owned or sold under contract; the term "expenses" as used in this section shall not be construed to include taxes on mortgages, or taxes, assessments, repairs and insurance on real estate owned, or interest on borrowed money and unpaid matured shares, paid or accrued, or dividends or interest on full-paid or prepaid shares, paid or accrued, or other interest moneys which the association may have paid or is obligated to pay for such fiscal year, or expenses of foreclosures or other litigation; the provisions of this section shall not apply to any association whose assets are less than twenty-five thousand dollars.

Action by  
commissioner  
if section 40  
violated.

41. In case of the failure of any such association of this state to comply with the provisions of the preceding section, the commissioner of banking and insurance shall apply to the court of chancery for an injunction, as provided in section forty-five of this act, or if such offending association be a foreign corporation, said commissioner shall revoke the certificate of authority issued to said association to do business in this state.

Names,  
addresses,  
compensation  
of officers,  
etc.

42. Every building and loan association of this state, or doing business therein, shall, in its annual report to the commissioner of banking and insurance, state the names and addresses of its directors, officers, agents and other employes, and the compensation, if any, paid to each.



## III. TERMINATION OF MEMBERSHIP.

43. If a member of any such association of the state, or doing business therein, shall fail for six successive months to pay his periodical installments, his membership in such association shall, at the option of the board of directors, thereupon cease and determine, but in no case shall further fines or penalties be charged against his account; if he be a borrower on bond and mortgage, the principal sum of such mortgage shall, at the option of the board of directors, become at once due and payable, unless by the terms of the mortgage, the same shall sooner become due and payable; if he be not such a borrower, he shall be paid the withdrawal value of his shares, less the amount of any loan thereon as collateral security, that may have been made by the association; if the address of such member, or of his legal representative in case of his death, be not known and the same is not ascertained within one year from the termination of his membership, the association may apply to the orphans' court of the county wherein the same is located for an order designating some bank, trust company or savings bank in said county, in which such moneys may be deposited to the credit of such member or his legal representatives, and said court is hereby empowered to make such order, and a compliance with the terms of such order shall be a full discharge of all liability on the part of such association to such member for the amount so deposited; the moneys so deposited shall be paid by such bank, trust company or savings bank to such member or his legal representatives in the same manner and under the same conditions as if such deposit had been made personally by such member; *provided*, there shall be deducted from the amount due such member such reasonable sum for the costs of the application as the court may direct.

Failure to pay  
installments.

If a borrower.

Not a bor-  
rower.

Address  
unknown.

Proviso.

## IV. EXAMINATION.

44. Every such association of this state or doing business therein shall be subject to the inspection and supervision of the department of banking and insurance, and

Right of  
inspection and  
examination.

the commissioner of banking and insurance shall, either personally or by some person to be appointed by him, visit and examine every such association at least once in every two years, or oftener if deemed expedient; the officers, managers and employes of every such association shall exhibit its books, papers and securities to said commissioner, or to the person appointed by him to conduct the examination, and otherwise facilitate the same so far as it may be in their power to do; and the said commissioner and every such examiner shall have power to examine, under oath or affirmation, any officer, director, trustee, manager, agent or employe of the association relative to its business or affairs, and for that purpose shall have authority to administer oaths or affirmation, and any wilful false swearing in regard to any matter connected with such examination, or in regard to any report made to the said commissioner, pursuant to the provisions of this act, shall be deemed perjury, and be subject to the prosecutions and punishments prescribed by law for that offense.

Revocation of  
authority.

45. Whenever it shall appear to the commissioner of banking and insurance, from any report filed or examination made as provided in this act, that any such association is insolvent, or exceeding its powers, or violating the law, or that its condition or methods of business are such as to render the continuance of its operations hazardous to the public or to those having funds in its custody, he shall have authority in case of an association of another state to revoke and cancel its authority to do business in this state, and in case of an association of this state to apply to the chancellor for an injunction restraining such association from the transaction of any further business, or the transfer or disposal of its property in any manner whatsoever, and the chancellor, being satisfied of the sufficiency of the application, may order an injunction and appoint a receiver, with power to sue for, collect, receive and take into his 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 the said association, and sell, convey and assign the same, and hold and dispose of the proceeds

Application  
for injunction.

Receiver.

thereof under the direction of the court of chancery; or the application of the commissioner may be for an injunction against excessive expenses of management, or for the removal of one or more of the officers, or directors, of the association, or for such other relief or correction as the particular facts may seem to demand, and the chancellor shall have the power to grant such orders, and in his discretion, from time to time, to modify or revoke the same, as the evidence in the case, the situation of the parties and the interest involved shall seem to require.

Improper  
management.

#### V. GENERAL PROVISION.

46. Every building and loan association in this state, or doing business therein, shall furnish each shareholder with a passbook, in which shall be entered every payment made by such shareholder, and also mail or deliver to each shareholder a printed copy of its constitution and by-laws and of all additions to and amendments thereof; every such association shall also annually mail or deliver to each shareholder a full printed report of its affairs and financial condition, which report shall include a detailed statement of income from subscriptions or dues on stock, admission or membership fees, interest, fines, premiums and all other receipts, and a detailed statement of all disbursements, including expenses of management, stating the amount of compensation paid each officer.

Passbook,  
rules, reports  
furnished  
members.

47. The commissioner of banking and insurance shall make annual report to the legislature, which shall embrace a statement of all proceedings taken under this act, a summary of the annual report filed by every association of this state or doing business therein and such information touching the same as in his judgment may be useful.

Commis-  
sioner's report  
to legislature.

48. The secretary of every such association of this state, or doing business therein, shall keep a record of the names and addresses of all its members in this state, and shall, when so notified by a member, change the record of his address; and when in this act it is provided that any notice shall be given the members of such an

Record of  
names and  
addresses.

association, or a report or statement shall be sent them, such notice, report or statement shall be sent by the secretary by mail prepaid to each member at his last known address.

Purchase of  
real estate.

49. Any such association of this state, or doing business therein, may purchase at any sale, public or private, any real estate upon which it may have a mortgage, judgment or other lien, or in which it may have an interest.

Fines.

50. No such association of this state, or doing business therein, shall charge fines after a notice of withdrawal shall have been filed, nor fines upon fines; and after a default in any periodical payment for three successive months, cumulative fines shall not be charged in excess of two per centum per month on the amount in arrears.

Apportioning  
gross  
earnings.

51. No gross profit upon a contract sale of real estate, or gross premium on a loan or advancement, charged or received by any such association of this state, or doing business therein, shall be used or regarded by such association as a profit wholly earned, but shall be apportioned over a period fairly estimated to mature the shares pledged thereon, and for that period, in a decreasing proportion, shall be carried as an unearned profit.

False state-  
ments or  
entries.

52. Every director, officer, agent or employe of any such association of this state, or doing business therein, who shall wilfully and knowingly subscribe or make any false statement of facts, or false entries in the books of such association, or knowingly subscribe or exhibit any false paper, with intent to deceive any person authorized to examine as to the condition of affairs of such association, or wilfully or knowingly subscribe to or make any false report, shall be guilty of a high misdemeanor, and punished accordingly.

Punishment.

Status of  
shares of  
stock.

53. All shares of stock issued by any such association of this state, or doing business therein, shall be of the same par or maturity value; no such association shall issue preferred or other than common stock, and all shareholders shall occupy the same relative status as to debts and losses of the association; but nothing herein shall forbid agreements with shareholders who pay the full par or maturity value of their shares in advance.

whereby they may waive participation in the general profits of the association in consideration of a fixed annual profit.

54. No such association of this state, or doing business therein, shall directly or indirectly advertise for or solicit or receive deposits as a savings bank or banking institution.

Not act as bank.

55. The term "building and loan association" as used in this act shall apply to and include all corporations, companies, societies or associations organized for the purpose of enabling its members to acquire real estate, make improvements thereon, and remove incumbrances therefrom, by the payment of money in periodical installments or principal sums, and for the accumulation of a fund to be returned to members who do not obtain advances for such purposes, when the funds of the corporation, company, society or association amount to a certain sum per share, or otherwise doing business in the manner of what are commonly known as building and loan associations.

Building and loan association defined.

56. The provisions of this act relating to building and loan associations of this state shall apply to all such associations organized under any laws of this state and no such association shall hereafter be incorporated except under this act; and the provisions of this act relating to building and loan associations of other states shall apply to all such associations doing business in this state and no such association shall hereafter do business in this state except according to the provisions of this act.

Application of this act.

Approved April 8, 1903.

## CHAPTER 219.

An Act establishing a court for the trial of juvenile offenders and defining its duties and powers.

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

1. When a boy or girl under the age of sixteen years shall be arrested upon complaint of any crime (except-

Children under sixteen years arrested, either committed or paroled.

murder or manslaughter), or of being a disorderly person, or being habitually vagrant or being incorrigible, it shall be lawful for the magistrate before whom he or she shall be taken to forthwith commit said boy or girl to the county jail to await trial as such trial is hereinafter provided, or to parole him to await trial, upon such conditions as the said magistrate shall determine, and forthwith send the complaint to the clerk of the court for the trial of juvenile offenders established; *provided, however*, this act shall not apply to any case where two or more are jointly charged with the commission of some crime, and one of them is over the age of sixteen years.

Proviso.

Court for  
trial of  
juvenile  
offenders;  
officers of.

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 clerk 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 said court, and the sheriffs of the respective counties shall be the officers of 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.

Prosecutor's  
duty.

3. The said judge of the court of common pleas, upon receipt of said complaint shall with all due and reasonable speed proceed to hold a session of said court for the trial of juvenile offenders; it shall be the duty of the prosecutor to prefer to the said court an accusation in writing alleging that the said offender is a juvenile delinquent and has committed one or more of the offences named in the first section of this act upon which said charge of juvenile delinquency is based, and the time and place when and where the same was committed; to which accusation the boy or girl so charged shall forthwith be brought before the said court to plead; but shall before pleading thereto be instructed as to his right to be charged upon the indictment or presentment of the grand jury and to have a trial by jury.

4. The court shall fix an early day for his or her trial before said court, and shall cause notice to be given to the parent or guardian of said boy or girl, if any there be, of the time and place fixed for such trial, and shall assign counsel to said boy or girl, if he or she be not able to procure the same, which counsel shall have free access to such boy or girl at all reasonable hours; pending such hearing the said court may make such disposition of said boy or girl as to it may seem best; *provided, however,* that if said court shall think proper, it may refuse to hear said charge, and may send the complaint to the grand jury of the county, to be disposed of according to law.

Time for  
trial; counsel

5. The said notice, unless it is waived by said parent or guardian, shall be served by the sheriff, a constable or police officer by delivering a copy thereof personally to the party whom it is addressed or leaving it with some person of full age at the place of residence or business of said party and immediate return shall be made to said court under oath of the time and manner of such service.

Proviso

Service of  
notice.

6. At the time and place mentioned in said order, or the time and place to which the hearing may be adjourned, the said judge shall proceed to hold a session of the court for the trial of juvenile offenders, for the trial of the boy or girl so charged, and the said court shall determine and adjudge his or her guilt or innocence, and full power so to do is hereby conferred upon said court; the proceedings for bringing such boy or girl before said court for trial, subpoenaing of witnesses, his or her plea and trial shall be in conformity with the law, and like proceedings in the court of quarter sessions.

Trial

7. If said boy or girl shall plead guilty to or be convicted on said charge, he or she shall be deemed and adjudged to be a juvenile delinquent, and the said court for the trial of juvenile offenders may commit him or her to the state home for boys or the state home for girls as the case may be; or may commit such boy or girl to any public institution established for the care, custody, instruction and reform of juvenile offenders which is maintained by the county in which said court is located; or may commit said boy or girl to any

If guilty  
commitment

- like institution maintained by any city, town, township, borough or other municipality in such county; *provided*, that said boy or girl shall reside in such city, town, township, borough or other municipality; or may suspend sentence; or may suspend sentence and order said offender to be placed upon probation under the care of the probation officer of the county, for such time and upon such conditions as the court may determine; or may render and record against such boy or girl such judgment of imprisonment or fine, or both, as is provided by law for the offence upon which such conviction of juvenile delinquency is based; *provided*, that where the offence charged in the complaint constitutes a crime nothing in this act shall prevent a boy or girl under the age of sixteen years from being charged upon the indictment or presentment of a grand jury, or from being accorded a trial by jury, if he or she so demands, at any time before trial, and if in such case said boy or girl demands the indictment or presentment of a grand jury and a trial by jury, the complaint shall be sent to the clerk of the grand jury and the said boy or girl shall be dealt with according to the usual course of law.
8. "An act to provide for the appointment of probation officers and to define their duties and powers," approved March twenty-third, nineteen hundred, with the amendments and supplements thereto, shall be in full force and shall apply to persons tried and convicted by the said court for the trial of juvenile offenders, so far as it may be applicable thereto, and except as it is inconsistent with the provisions of this act.
9. All acts and parts of acts inconsistent with this act are hereby repealed.
10. This act shall take effect immediately.
- Approved April 8, 1903.



## CHAPTER 220.

An Act to provide for the assessment of the cost and expense of the construction of sewers, drains and receiving basins, or any or either of them, heretofore laid or built, or hereafter to be laid or built, within the territorial limits of the cities of this state where the proceedings taken for the construction or assessment thereof have been, or may hereafter be, informal or defective, or both.

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

1. It shall be lawful for the board of aldermen, common council, city council, board of street and water commissioners or other legislative body of any city of this state within the territorial limits of which sewers, drains and receiving basins, or any or either of them, have been laid, built or constructed either before or after incorporation as a city, or in which they, or any or either of them, may hereafter be built, laid or constructed, where the proceedings taken for the building, laying or construction thereof, or for the assessment of the cost and expense thereof, have been or may hereafter be informal and defective, or informal or defective, and by reason thereof such cities are, or may hereafter be, embarrassed in the making and collection of the cost and expense thereof, or in the making and collection of any part thereof, to appoint three disinterested freeholders, each residing in a different ward of said city, or any board of assessments or other board authorized to make assessments for street improvements or other improvements therein, commissioners to make an assessment thereof, or of such part of the cost and expense of the construction, building and laying of any such sewer, drain or receiving basin, or any or either of them, with the necessary appurtenances thereto, as may not have

Commissioners  
to make  
assessments  
where  
proceedings  
defective.

been properly assessed upon the lands and real estate especially benefited by the construction, building and laying thereof to the extent of the especial and peculiar benefits received by said lands and real estate.

Oath.

2. Before entering upon the discharge of their duties the said commissioners, board of assessments or other similar board shall take and subscribe before the mayor or city clerk, or some other person authorized to administer oaths, an oath or affirmation faithfully, fairly and impartially to execute the duties imposed upon them by this act to the best of their knowledge, skill and ability, which oaths so taken and subscribed shall be attached to their report of the said assessment when the same shall be made by them.

Notice of  
hearing.

3. The said commissioners, board of assessments or other similar board, before making any assessment against any of the lands especially benefited by the construction of the said sewer, drain or receiving basin, or any of them, shall appoint a time and place for a hearing, and give at least two weeks' notice thereof by publication in two newspapers circulating in such city, at least one of which shall be published in said city, at least once a week for two weeks before the time so appointed, and shall then give the owners of all such lands a fair opportunity to be heard before them.

Determine  
benefits---  
report.

4. The said commissioners, board of assessments or other similar board shall determine the amount of special benefits which each parcel of land has received by reason of the laying, building and construction thereof, and shall report, in writing, to the municipal body or board appointing them the amount each lot or parcel of land is especially benefited by the laying, building and construction thereof, or of any or either of them, and shall accompany such report with a map showing each lot or parcel assessed, and the name of the owner or owners thereof as far as such names are shown or made known by the records of the assessors in the municipality wherein the same lies or is or may be built, and the amount assessed against each lot or parcel; the said municipal body or board, upon the presentation to it of the said report, shall cause the said map and report to be filed in the office of the city clerk, or in the office of the clerk

Map.

Notice of  
hearing on  
report.

of the board having jurisdiction over such improvements, and shall fix a time and place to hear and consider any objections to the said report, and shall direct the said clerk, or some other proper officer, to cause to be published in two newspapers circulating in said city, at least one of which shall be published in said city, a notice of the filing of said report and map and of the time and place appointed by said board of aldermen, common council, city council, board of street and water commissioners or other legislative body of said city to receive and consider all objections thereto which may be presented in writing; and it shall have power, from time to time, to return said map and report to said commissioners, board of assessments or other similar board for correction in matters of form and substance; if no objections are presented in writing, or if, in the judgment of said board of aldermen, common council, city council, board of street and water commissioners or other legislative body such objections as may be presented are insufficient to warrant the return of said report and assessment to said commissioners, board of assessments or other similar board, it shall confirm the said report and assessment, and said assessment when so confirmed shall constitute a lien on the lands assessed for the amount of such assessment; but if it shall determine, upon the consideration of such objections, that the report of said commissioners, board of assessments or other similar board should be referred back to them, the objections presented against its confirmation shall be transmitted, under its direction, with said report and map, to said commissioners, board of assessments or other similar board to the end that they may make such corrections of their assessment as in their judgment should be made.

5. If the said map and report of said assessment shall be returned to the said commissioners, board of assessments or other similar board for correction, they shall, within twenty days after the same is returned to them, consider the objections theretofore presented, and make such corrections in matters of form and substance as, in their judgment, should be made, and shall return said map and report as corrected, together with said ob-

Objections.

Report confirmed—  
assessment a  
lien.

Returned for  
correction.

Corrections,  
how made.

Supplemental  
report.

Hearing  
thereon.

Effect of  
confirmed  
report.

Interest on  
assessments.

jections, and with a supplementary report, if deemed necessary, to the city clerk within twenty days after the same shall have been referred back to them; and the said clerk shall report the return thereof to the said board of aldermen, common council, city council, board of street and water commissioners or other legislative body at its next meeting thereafter, whereupon it shall fix a time and place to hear and consider any objections to such corrected report as may be made in writing thereto, and shall direct the said clerk to cause notice of the return of said corrected report and of the time and place fixed to hear and consider all objections thereto to be mailed, with postage prepaid, to each of the objectors or to their respective attorneys or other representatives, if named in said objections, at least ten days before the time fixed for the said hearing; and if, in its judgment, the said assessment should be confirmed, it shall be then lawful for said board of aldermen, common council, city council, board of street and water commissioners or other legislative body to confirm the same, and when confirmed it shall constitute a lien upon the property assessed for the amount of such assessment, and be collected in the manner prescribed by law for the collection of assessments for public improvements within the several cities of this state according to the laws governing the same.

6. All assessments made under this act shall bear interest from the date of their confirmation at the rate of six per centum per annum for three months from their date, and thereafter at seven per centum per annum, and said interest shall be collectible in the same manner as assessments for other public improvements, and the interest thereon, are now collectible.

7. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 221.

A Supplement to an act entitled "An act to provide for the appointment of probation officers and to define their duties and powers," approved March twenty-third, nineteen hundred.

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

1. When any person is convicted before any magistrate in any municipality in this state of any crime or of being a disorderly person, and the record of the person shall so justify, it shall be lawful for the said magistrate, instead of imposing the penalty provided by law for the offense, to suspend the imposition thereof and order the person so convicted to be placed upon probation under the care of the probation officer of the county, if any such there be, for such time and upon such conditions as the said magistrate in his order shall determine.

Suspension of  
penalty.

In care of  
probation  
officer.

2. The magistrate shall forthwith send a copy of the complaint upon which said conviction has been had and of the order placing the offender upon probation, to the county probation officer, together with such statement of the antecedents and history of said probationer as may be required under the rules established by the court of general quarter sessions of the peace of said county for the government of the probation officer, and of convicted persons committed to his care.

Records and  
statement  
furnished  
officer.

3. The probation officer shall have, in his supervision of the person so committed to his care, all the powers and be subject to the same duties as are conferred and imposed upon him by the act to which this is a supplement, with reference to offenders committed to his care by the court of general quarter sessions of the peace, and the person so committed to the probation officer shall be subject to the before mentioned rules and regulations,

Powers and  
duties of  
officer.

If violation  
of probation.

and if he or she shall violate said rules and regulations, or the conditions of his or her probation, or shall re-engage in criminal practices or become abandoned to improper associations or a vicious life, the probation officer shall report such conduct to the court before whom the offender was convicted, which said court may then order him to be taken into custody by any process of law proper to be issued for the taking into custody or otherwise of any person after conviction of crime, and upon his being brought before said court it may impose the penalty provided by law for the offence for which he was convicted, and direct that said person shall enter upon the sentence so imposed, and in computing the period of his confinement, if imprisonment shall be imposed, the time between his or her release upon probation and his re-arrest shall not be reckoned as part of the term.

Court to  
impose  
sentence.

In case of  
fines.

4. If a part of the condition upon which such offender is committed to the care of the probation officer be the payment of fine, said fine shall enure to the benefit of the county, and the magistrate before whom said offender is convicted, if he shall collect said fine or any portion thereof, shall remit the same to the county probation officer with the copy of the complaint and order in said case, and the probation officer shall account for and turn over the same or any money collected by him on account thereof to the proper county officer with the moneys collected by him from offenders committed to his care by the court of general quarter sessions of the peace.

Repealer.

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

Approved April 8, 1903.

## CHAPTER 222.

A Supplement to an act entitled "An act to provide for the census or renumeration of the inhabitants of this state," approved April seventh, one thousand eight hundred and eighty-five.

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

1. In lieu of the classification of all males five to twenty years of age, all males twenty to sixty years of age, and all males over sixty years of age, provided for and in by section five of the act to which this is a supplement, all male inhabitants of five years of age and over shall be classified as follows:

Classification  
of males  
for census  
purposes.

All males six to seventeen years of age, inclusive;

All males eighteen to forty-four years of age inclusive;

All males forty-five years of age and over.

2. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved April 8, 1903.

## CHAPTER 223.

Supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

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

1. Whenever any city, town, borough or other taxing district in this state has become incapable of either

Assessment  
and collection  
of taxes in  
taxing  
districts  
adjudged  
illegal.

assessing or levying or collecting its taxes by reason of said city, town, borough or other taxing district having been deprived of its franchises or adjudged to have been illegally incorporated, and the said city, town, borough or other taxing district, either in part or as a whole, shall thereafter have been incorporated, it shall be the duty of the assessor or collector of said new city, town, borough or other taxing district to assess, levy and collect, or if the same have been assessed or levied and not collected, then to collect all such arrearages or taxes due said city, town, borough or other taxing district so deprived of its franchises or adjudged to have been illegally incorporated, and made a part of said newly incorporated city, town, borough or other taxing district, in the manner provided by law for the assessment, levy or collection of taxes.

Interest on  
uncollected  
taxes.

2. If said taxes shall have been assessed and levied, but not collected, then there shall be paid thereon interest at the rate of six per cent. from the time the same would have become due and payable to said city, town, borough or other taxing district so deprived of its franchises.

3. This act shall take effect immediately.

Approved April 8, 1903.

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#### CHAPTER 224.

A Supplement to an act entitled "An act in relation to conveyance of land by married women," approved March fifth, eighteen hundred and ninety, and extending the said act to include the mortgaging of land by married women.

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

Right of  
married  
women to  
mortgage.

1. The word "convey" in the act to which this is a supplement shall be so construed as to include the right to mortgage, and any decree or order of the court of



chancery hereafter made, pursuant to the provisions of said act, and directing that a married woman may convey her land without the concurrence of her husband because of his lunacy or other mental incapacity, shall be so construed as to include the right to mortgage said premises.

2. This act shall take effect immediately.  
Approved April 8, 1903.

#### CHAPTER 225.

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. All instruments of every kind in anywise affecting the title to any lands, tenements or hereditaments lying and being within this state or any interest therein, or containing any agreement in relation thereto, or granting any right or interest therein, may be acknowledged or proved and then recorded in the office of the clerk of the court of common pleas of the county where the lands, tenements or hereditaments are situated; *provided*, that in all counties where there shall be a register of deeds such instruments shall be recorded in the office of such register of deeds.

Acknowledgments and their recording.

Proviso.

2. The acknowledgment of any such instruments as are mentioned in the first section of this act may be taken in the manner provided by law for the acknowledgment or proof of deeds of conveyance of lands, and before any officer now authorized by law to take such acknowledgment or proof of deeds, and the same may be recorded in the manner provided by the act to which this is a supplement for the recording of instruments mentioned therein; and all the provisions of said act relating to the instruments mentioned in the twenty-first

Acknowledgments, how taken and recorded.

Laws  
applicable.

section thereof and to the record thereof shall also apply to the instruments mentioned in the first section hereof and to the record thereof.

Validity of  
instruments  
so recorded.

3. The provisions of this supplement and of the act to which it is a supplement shall apply to all instruments of the kind mentioned in the first section hereof, and which shall have been heretofore recorded in the manner above provided, and the record of such instruments heretofore recorded shall, from and after the approval of this act, have the same force and effect as the record of instruments recorded under the terms hereof, and such record and the transcript of such record certified to be a true transcript by the said clerk in whose office the record is kept, shall be received in evidence in any court of this state, and be as good, effectual and available in law as if the original instrument were then and there produced and proved.

4. This act shall take effect immediately.  
Approved April 8, 1903.

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#### CHAPTER 226.

Supplement to "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:*

Existence of  
corporation  
assumed.

1. In every suit or judicial proceeding in this state, to which a corporation is a party, the existence of such corporation shall be taken to be admitted, unless it is put in issue by the pleadings; and in courts in which the practice is that the defendant need not file a plea, the existence of such corporation shall be taken to be admitted unless the party to the suit denying the existence of such corporation shall file with the court an affidavit stating that to the best of his or its knowledge and belief such corporation does not exist.

2. This act shall take effect immediately.  
Approved April 8, 1903.

## CHAPTER 227.

An Act to amend an act entitled "An act providing for the repavement of paved streets in cities of this state, and for the issuance of bonds in payment therefor," approved March second, 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 of the act to which this is an amendment is hereby amended so as to read as follows:

Section  
amended.

1. The board having charge and control of the finances of any city in this state is hereby authorized, from time to time, to issue the bonds of said city, to an amount not exceeding five dollars for each inhabitant of such city, under the corporate seal of the city, signed by the mayor, attested by the city clerk and countersigned by the comptroller or other chief financial officer of such city; said bonds shall run for a period not exceeding thirty years, and be in such denomination and form as said board shall provide, and shall bear interest at a rate not exceeding four per centum per annum, payable half-yearly; said bonds shall be sold at public sale at not less than par and accrued interest.

Amount of  
bonds, time,  
rate, sale.

Approved April 8, 1903.

## CHAPTER 228.

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  
amended.

1. Section three of the above entitled act shall be and the same is hereby amended so as to read as follows:

Examinations  
held.

3. The said board shall hold meetings for examinations 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 medicine and surgery 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 academic education, as hereinafter provided, and in medical study, in or out of medical school, and the names and location of all medical schools or examining and licensing boards which have granted said applicant any degree or certificate of attendance upon lectures upon medicine and surgery 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.

Section  
amended.

2. Section four of the said act shall be and the same is hereby amended so as to read as follows:

Application  
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 either in a normal, manual training or high school of the first grade 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 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 of 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

Proviso.

Proviso.

Proviso.

Proviso.

License to applicants from other states.

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 of that time, as determined in the case of 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; applicants 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 of 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.

Section amended.

To whom law not applicable.

3. Section nine of said act shall be and the same is hereby amended so as to read as follows:

9. This act shall not apply to the commissioned surgeons of the United States army, navy or marine hospital service while so commissioned, or to lawfully qualified physicians or surgeons residing in other states meeting registered physicians and surgeons of this state in consultation, or to any legally qualified physician or surgeon of another state taking charge of the practice of a legally qualified physician or surgeon of this state

temporarily during the latter's absence therefrom and upon the written requests to said board therefor, or to any physician or surgeon of another state, and duly authorized under the laws thereof, to practice medicine and surgery therein; *provided*, that such practitioner shall not open an office or a place for the practice of his profession within the borders of this state; or to anyone while actually serving as a member of the resident medical staff of any legally incorporated charitable or municipal hospital or asylum, or to any legally qualified and registered dentist exclusively engaged in practicing the art of dentistry, or to any person claiming the right to practice medicine and surgery in this state who has been practicing therein since before the fourth day of July, one thousand eight hundred and ninety; *provided*, said right or title was obtained upon a duly registered diploma, of which the holder and applicant was the lawful possessor, issued by a legally chartered medical institution which, in the opinion of said board, was in good standing at the time said diploma was issued; or to any person resident of this state who has been continuously engaged in giving treatment by electricity herein during the past fourteen years; *provided*, that said person has graduated from a legally incorporated electro-therapeutic school in good standing, or to any legally licensed and registered pharmacist of this state actually engaged in the practice of his profession, but this exception shall not be extended so as to give said licensed pharmacist the right and authority to carry on the business of a dispensary, unless said dispensary shall be in charge of a legally licensed and registered physician and surgeon of this state; or to any legally licensed and registered veterinary physician, surgeon or dentist of this state engaged in the practice of veterinary medicine, surgery or dentistry in any of its branches; or to any professional nurse, masseur or electrician, operating in each particular case under the specific direction of a regularly licensed physician or surgeon; or to any person or persons giving aid, assistance or relief in emergency or accident cases pending the arrival of a regularly licensed physician and surgeon.

Proviso.

Proviso.

Proviso.

Approved April 8, 1903.

## CHAPTER 229.

An Act to allow any incorporated association not for pecuniary profit to change its name.

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

Change of  
name—by  
resolution  
and filing  
certificate.

1. Any association not for pecuniary profit heretofore or hereafter incorporated under any law of this state the members or stockholders of which have determined or may hereinafter determine upon a change of name of such association, by a resolution passed by a majority vote of the members or stockholders present at any regular or special meeting of such association, may accomplish such change of name by recording with the clerk of the county in which its original certificate was recorded and filing in the office of the secretary of state a certificate signed by its president and secretary, under the corporate seal, and acknowledged or proved as in the case of deeds of real estate, setting forth the passage of such resolution; and upon the recording and filing of such certificate as herein provided, the name of such association shall be deemed to be changed accordingly.

2. This act shall take effect immediately.

Approved April 8, 1903.



## CHAPTER 230.

An Act to amend an act entitled "A supplement to an act entitled 'An act to authorize two or more municipalities in this state to jointly construct and maintain outlet or trunk sewers,' approved March fifteenth, one thousand eight hundred and ninety-nine," which supplement was approved March twelfth, one thousand nine hundred and two.

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

1. Section three of the act to which this is an amendment shall be amended so as to read as follows:

Section  
amended.

3. In case it shall be necessary for any municipality which has entered into a joint contract for the construction and maintenance of an outlet or trunk sewer under the provisions of this act or the act to which this is a supplement to issue its bonds to raise the money necessary to defray its proportion of the cost of such outlet or trunk sewers, or any part of such cost, or of any sewer or sewers, system of sewerage, trunk, lateral or connecting sewer connecting with and discharging into such joint outlet or trunk sewer, it shall be lawful for the body or board of such municipality having charge of its finances, from time to time, by resolution, to determine the amount of money necessary to be raised by the issue of such bonds, and thereupon, from time to time, bonds to the amounts so determined upon shall be executed on behalf of said municipality in the manner in which other bonds thereof are executed, which bonds so authorized and issued shall not exceed in amount ten per centum of the taxable property in said municipality as shown on its official books at the date of said issue, and shall not be taken to be included within or governed by any limitation fixed by law to the amount of bonds authorized to be issued by any municipality executing such joint con-

Bond issue  
to defray cost.

Amount.

Property not  
assessed for  
benefits.

tract; such bonds may be registered or coupon bonds, and shall bear interest at a rate not exceeding six per centum per annum, and shall not be sold for less than par or face value; the body or board of such municipality having charge of its finances may also determine, by ordinance or resolution, that the special benefits conferred upon property within such municipality by the construction of such outlet or trunk sewer, or of any sewer or sewers, system of sewerage, trunk, lateral or connecting sewer connecting with and discharging into such joint outlet or trunk sewer, shall not be assessed upon the property specially benefited thereby, and in case any assessment shall be levied upon property in such municipality under the provisions of the act to which the act hereby amended is a supplement, such municipality may pay the gross amount of such assessments when made to the treasurer of the joint meeting, and thereupon the assessments so made upon property within the limits of such municipality shall be cancelled and discharged.

2. This act shall take effect immediately.

Approved April 8, 1903.

#### CHAPTER 231.

Supplement to an act entitled "An act to provide for the permanent improvement of public roads in this state," approved April first, one thousand nine hundred and three.

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

Cause portions  
of road to  
conform to  
altered grade.

1. Whenever any public road has been or shall hereafter be improved under the provisions of the act to which this is a supplement, and in the course of improving such road the grade of the roadbed shall have been or shall be changed so that it shall not conform to the grade of the remaining portion of the road, including the sidewalks, it shall be lawful for the municipal authorities of

each municipality through which such road passes to cause the remaining portion of such road within the limits of their several municipalities to be graded and formed so as to conform in grade to that established for the roadway constructed under the provisions of the act to which this is a supplement, and to cause such work to be done under the same proceedings and in the same manner as may be provided by law in their several municipalities for the grading of the streets of such municipalities.

Proceedings.

2. The proper municipal authorities of any municipality through which any such road may run shall have full power and authority to make any municipal improvement upon or within any such road within the limits of their several municipalities which may be authorized by law to be made in any of the other public streets or roads of such municipalities; *provided, however*, no such improvement shall be made by such municipal authorities which may in any way interfere with or impair the roadway improved under the provisions of the act to which this is a supplement without the approval and consent of the board of chosen freeholders of the county within which such road may be located.

Municipalities  
may improve  
road.

Proviso.

3. The cost and expense of any of the public improvements authorized by this act shall, so far as the same can be, be assessed upon the lands and real estate specially benefited by the improvement in proportion to the benefit received; and no lot or parcel of land shall be assessed more than it is so specially benefited, and such assessment shall be made in the same manner and under the same procedure as is directed by law for the making of other assessments for street improvements within every such municipality.

Assessment  
for benefits.

4. Nothing in this act contained shall be construed to in any way impose upon any such municipality therein referred to any part of the cost of the maintenance and repair of the roadway of any road improved under the provisions of the act to which this is a supplement.

Maintenance  
of road.

5. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 232.

A Supplement to the act entitled "An act to provide for the appointment of a commission to revise and codify the general statutes of this state not heretofore revised and codified by a special commission," approved March twenty-second, one thousand nine hundred and one.

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

Continuance  
of commission.

1. The commission appointed by the governor under the provisions of the act to which this act is a supplement, to revise and codify the general statutes of this state, is hereby continued for another year, and said commission shall present such further bills as shall be prepared by them in the meantime to the legislature early in its next session.

2. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 233.

An Act to repeal sundry statutes relating to insurance and insurance companies.

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

Sundry acts  
repealed.

1. The following statutes, together with the supplements thereto and acts amendatory thereof as hereinafter stated, are hereby repealed:

"An act in respect to insurance for lives for the benefit of married women," approved February nineteenth, eighteen hundred and fifty-one; and the acts supple-

mental thereto, approved April eighth, eighteen hundred and seventy-five;

"A further supplement to an act entitled 'An act to regulate the business of fire, life, accident, marine and live stock insurance, by companies or associations not incorporated by this state,' approved April ninth, eighteen hundred and sixty-seven," approved April ninth, eighteen hundred and seventy-five;

"An act to provide for the regulation and incorporation of insurance companies" (Revision), approved April ninth, eighteen hundred and seventy-five, and the acts supplemental thereto and amendatory thereof, approved April twenty-first, eighteen hundred and seventy-six; March eighth, eighteen hundred and seventy-seven; April fifth, eighteen hundred and seventy-eight; February twenty-sixth, eighteen hundred and seventy-nine; March fourteenth, eighteen hundred and seventy-nine, being chapter one hundred and eighty-eight; March fourteenth, eighteen hundred and seventy-nine, being chapter one hundred and ninety-six; February nineteenth, eighteen hundred and eighty; March third, eighteen hundred and eighty; March twenty-first, eighteen hundred and eighty-one; March eighth, eighteen hundred and eighty-three, April seventeenth, eighteen hundred and eighty-five; April twentieth, eighteen hundred and eighty-five; March thirtieth, eighteen hundred and eighty-six; April thirteenth, eighteen hundred and eighty-six; April twenty-seventh, eighteen hundred and eighty-six (passed); April eighth, eighteen hundred and eighty-seven; February thirteenth, eighteen hundred and eighty-eight; March first, eighteen hundred and eighty-eight; March twenty-sixth, eighteen hundred and eighty-eight; April ninth, eighteen hundred and eighty-eight; April fourth, eighteen hundred and eighty-nine; May ninth, eighteen hundred and eighty-nine; May twelfth, eighteen hundred and ninety; March seventeenth, eighteen hundred and ninety-two; March twenty-fifth, eighteen hundred and ninety-two, being chapter one hundred and fifty-five; March twenty-fifth, eighteen hundred and ninety-two, being chapter one hundred and fifty-six; March twenty-fifth, eighteen hundred and ninety-two, being chapter one hundred and fifty-

Proviso.

seven; March thirtieth, eighteen hundred and ninety-two; April twenty-sixth, eighteen hundred and ninety-four; April thirtieth, eighteen hundred and ninety-four; May third, eighteen hundred and ninety-four (passed); May fifteenth, eighteen hundred and ninety-four; March twenty-first, eighteen hundred and ninety-five; March twenty-fourth, eighteen hundred and ninety-six; May eighteenth, eighteen hundred and ninety-eight; March sixth, eighteen hundred and ninety-nine; March eighth, eighteen hundred and ninety-nine; March twenty-third, nineteen hundred; March twenty-second, nineteen hundred and one; *provided*, the act entitled "A supplement to the act entitled 'An act to provide for the regulation and incorporation of insurance companies,' approved April ninth, one thousand eight hundred and seventy-five," which supplement was approved March twenty-fifth, eighteen hundred and ninety-two, being chapter one hundred and fifty-four, is not hereby repealed, but the same shall remain in full force and effect;

"An act relative to the name of insurance companies," approved March eleventh, eighteen hundred and seventy-nine;

"An act to regulate the election of insurance companies in this state," approved March fourteenth, eighteen hundred and seventy-nine;

"An act to prevent the making and publication of false or deceptive statements in relation to the business of insurance," approved March fourteenth, eighteen hundred and seventy-nine;

"An act to authorize the merging of insurance companies," approved March fourteenth, eighteen hundred and seventy-nine;

"An act entitled an act in relation to statements by foreign fire insurance companies," approved April thirtieth, eighteen hundred and eighty-four;

"An act to permit mutual live stock insurance companies to extend their business territory," approved February fifteenth, eighteen hundred and eighty-eight;

"An act defining the powers of mutual fire insurance companies of this state," approved April ninth, eighteen hundred and eighty-eight;

"An act to provide for the further regulation of mutual fire assurance associations," approved February

twenty-fifth, eighteen hundred and eighty-nine, and the supplement thereto, approved February twenty-seventh, eighteen hundred and ninety-five;

"An act relating to fire insurance," approved May seventeenth, eighteen hundred and ninety-four;

"An act in relation to mutual fire insurance companies," approved March nineteenth, eighteen hundred and ninety-five;

"An act to provide for the paid-up or cash surrender values of life insurance policies," approved March twenty-eighth eighteen hundred and ninety-five;

"An act respecting policies of life insurance," approved April fourteenth, eighteen hundred and ninety-six;

"An act for the incorporation of bond and indemnity companies," approved March fourteenth, eighteen hundred and ninety-three;

"An act relative to bonds, undertakings, recognizances, guarantees and other obligations required or permitted to be made, given, tendered or filed with surety or sureties and to the acceptance as surety or guarantor thereupon of companies qualified to act as such," approved May fourteenth, eighteen hundred and ninety-four;

"An act relative to the formation of surety companies and regulating surety companies doing business in this state," approved March twentieth, eighteen hundred and ninety-five;

"A 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 eighteenth, one thousand eight hundred and eighty-four," which supplement was approved June second, eighteen hundred and ninety-six.

2. The repeal of the above stated acts shall not revive any act or part of an act repealed by the acts hereby repealed, and the repeal of said acts shall not affect or impair any act done or right vested or accrued or any proceeding, suit or prosecution had or commenced before such repeal shall take effect; no offence committed and no liability, penalty or forfeiture, either civil or criminal, incurred previous to the repeal of any of said acts, shall

Effect of  
repeal—vested  
rights, liabilities,  
penalties  
not affected.

be discharged or affected by the repeal of any act under which such offence, liability, penalty or forfeiture was incurred; and no existing corporation shall be deemed dissolved by reason of the repeal of any of such acts, nor shall the powers specified in its charter or certificate of incorporation be thereby impaired or limited, and vested rights acquired under any act hereby repealed and actually exercised and enjoyed shall not be divested or disturbed.

3. This act shall take effect immediately.

Approved April 8, 1903.

#### CHAPTER 234.

An Act to amend an act entitled "An act to establish public parks in certain counties in this state and to regulate the same," approved March fifth, eighteen hundred and ninety-five.

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

Section  
amended.

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

Control of  
streets or  
parks may be  
transferred to  
park commis-  
sioners.

18. Any county board having control of any street, avenue or road within such county, and any city or municipality within such county, or any local board in such city or municipality having control of the streets or parks therein, is hereby authorized and empowered to transfer the care, custody and control of any park, public place or street under its care or control to the said board of park commissioners for the purposes of this act, with its consent, which consent such board of park commissioners is hereby authorized to give.

Approved April 8, 1903.



## CHAPTER 235.

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

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

1. Section one hundred and forty-nine of the said act is hereby amended so as to read as follows:

Section  
amended.

149. Either party may demand a trial by jury, and if a jury is demanded a venire shall be issued to summon a jury of six men, and no more, if the debt, demand or matter in dispute does not exceed the sum of fifty dollars, or a jury of twelve men if the debt, demand or matter in dispute exceed the sum of fifty dollars, being citizens of this state above the age of twenty-one years and under the age of sixty-five years, and in nowise akin to the plaintiff or defendant, nor interested in the suit, to be and appear before the said court at such time and place as shall be expressed in the venire, to make a jury for the trial of the action between the parties mentioned therein; and the constable, or sergeant-at-arms, shall, at the return of the said venire, return, annexed thereto, a panel containing the names of the jurors whom he shall have summoned by virtue thereof; and if, on the return of the venire, it shall appear that one or more of the jurors are disqualified to serve, or do not appear, then it shall be lawful for the constable, or sergeant-at-arms, who served the same, by order of the court, immediately to summon others who shall serve in their stead; unless a demand for trial by jury shall be made, and notice thereof given the clerk of the court at least two days, exclusive of Sundays and legal holidays, before the time fixed for the trial, and unless the party demanding the same shall at the time of making such demand pay the cost of the venire, the demand for trial by jury shall

Trial by  
jury may be  
demanded.

Qualifications  
of jurors.

Return of  
venire.

When no jury.

be deemed to be waived; but the judge of any such court may, in his discretion, grant a venire at the expense of the plaintiff, to be taxed in the costs of suit, notwithstanding the failure of a demand as hereinbefore specified.

Repealer.

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

Approved April 8, 1903.

## CHAPTER 236.

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:*

Section amended.

1. The sixty-fifth section of the act to which this is a supplement be amended so as to read as follows:

Annual report of foreign companies.

65. Every insurance company, other than life, of another state or foreign country, transacting business in this state, shall, on or before the fifteenth day of February of each year, make to the commissioner of banking and insurance a report, signed and sworn to by an officer of the company, or by its United States manager if a company of a foreign country, stating the gross amount of premiums received by such company and by each agent thereof on business of the said company in this state for the preceding calendar year, and the amount of premiums returned to the insured during said year on policies canceled, and shall pay to said commissioner, on or before the fifteenth day of February, a tax of two per centum upon such gross amount of premiums, less such returned premiums, which tax shall be in lieu of all other franchise taxes imposed upon said corporation;

Tax on premiums.

*provided*, any taxes hereafter paid to the treasurer of any firemen's relief association of this state, by fire insurance companies of other states and foreign countries and their agents, in accordance with the provisions of the act entitled "An act to facilitate the collection from fire insurance companies not organized under the laws of this state, but doing business herein, and from agents and brokers, of certain premiums for the benevolent funds of the several duly incorporated firemen's relief associations in this state," approved May second, one thousand eight hundred and eighty-five, shall be considered a part of the tax payable by such companies under this section, and nothing herein contained shall be construed to repeal, alter or change the provisions of the said recited act. 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 8, 1903.

#### CHAPTER 237.

An Act to amend an act entitled "An act to authorize incorporated towns to construct, operate and maintain a system of sewers, or a system of sewers and drains, and to provide for the payment of the costs of the construction, operation and maintenance thereof," 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. Section nine of the act to which this act is an amendment be and the same is hereby amended to read as follows: Section amended.

9. If the terms of this act shall be accepted, the said board of sewerage shall, as soon as possible, cause to be built and constructed the sewers, or sewers and drains, If accepted, sewer to be built.

Continuance of board.	and all other works, contemplated in their report as accepted by the mayor and board of aldermen, or other governing body of such incorporated town, and in substantial compliance with the same; the said board of sewerage shall continue to exist until the completion of such contemplated work, and are authorized to adopt and make rules governing their meetings and for the government of their officers, servants, agents and employes; they shall cause to be prepared by a competent engineer or engineers specifications of the work and materials required, and shall advertise that bids for the construction of the same as a whole, or in such portions as the said board of sewerage may deem advisable, will be received by such board of sewerage at a certain time and place; said advertisement shall be published for three weeks successively, at least once a week, in two newspapers circulated in said incorporated town; all work and materials amounting to over two hundred dollars shall be done or furnished by contract; all contracts shall be awarded to the lowest bidder or bidders who will give satisfactory security in such amounts as the board of sewerage shall determine for the faithful performance of the same; the said board of sewerage may, however, in their discretion, reject all bids and advertise for new bids; the total cost of completing the work mentioned in the report so accepted by the mayor and board of aldermen or other governing body of such incorporated town, including the amount to be paid for lands and rights of way, and any sum required to be paid to join any outlet or trunk sewer (not including, however, any sum to be paid in the nature of an annual charge or rent) shall not exceed seven per centum of the assessed value of the property of such incorporated town as shown by the books of the assessor for the last assessment made previous to the adoption of this act; the said board of sewerage shall, without unnecessary delay, report the contract or contracts so awarded, together with the security offered for the faithful performance of the same, to the mayor and board of aldermen or other governing body of such incorporated town, who, upon being satisfied that such contract or contracts has been awarded to the lowest bidder, after due advertise-
Specifications and proposals.	
Awarding contracts.	
Limit of cost.	
Security offered by contractors.	

ment, that the security offered is ample, and that the total amount required to complete the contemplated work will not exceed the aforesaid authorized cost thereof, shall execute such contract or contracts, but not otherwise; all work shall be done and materials furnished under the supervision and management of the said board of sewerage and their duly appointed employes and agents; and the said board of sewerage shall have full power to reject any and all work and materials that shall not fully comply with the terms of the contract so entered into as aforesaid.

Right of  
rejection.

2. This act shall take effect immediately.

Approved April 8, 1903.

#### CHAPTER 238.

An Act validating certain sales of lands, tenements, hereditaments or real estate, made under the order of and confirmed by any court of this state.

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

1. No sale of any lands, tenements, hereditaments or real estate, heretofore made under the order of and confirmed by any court of this state, shall be invalidated by reason of any omission to advertise such sale, or any adjournment thereof, in the manner and for the length of time then required by law, or by reason of any other irregularity or default in such advertisement; but the purchaser of such lands, tenements, hereditaments or real estate having paid the price thereof, and having received his or her deed therefor, and his or her heirs and assigns, shall be deemed to have as good and complete title thereto as if such sale or adjournment had been in all particulars duly advertised.

Failure to  
advertise not  
to invalidate  
sale.

2. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 239.

A Supplement to an act entitled "An act to provide for the permanent improvement of public roads in this state," approved April first, one thousand nine hundred and three.

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

Joint improve-  
ment of roads.

1. Wherever any road in this state runs in or through two or more counties, and said counties engage in the maintenance and operation thereof in its entirety, at joint expense, it shall and may be lawful for the boards of chosen freeholders of such counties, by resolution to be passed separately by each board, to declare their intention to cause such road, in its entirety, or any portion thereof, to be improved under the provisions of the above entitled act and the supplements thereto and amendments thereof as well as this supplement; and to cause all necessary surveys to be made and specifications to be prepared; and after said specifications shall be approved by such boards of freeholders, by resolutions passed separately by each board, the said specifications shall be certified to the state commissioner of public roads, for his approval or rejection, and if approved by him, such boards are authorized to appoint members from the board, to comprise a joint committee, to advertise for bids for said improvement; which bids shall be furnished in sealed envelopes and presented to the committee in open meeting, at the time called for in the advertisement, and the amount of each of said bids shall, in open meeting, be publicly announced, and thereafter the members of the committee from each county shall report the amount of the bids to their respective boards, with their recommendations, and the contract shall be awarded, on resolution of each board voting separately, to the lowest responsible bidder, who shall

Specifications  
and proposals.

Awarding  
contract.

furnish satisfactory security, to be approved of by said boards; that the contract for such improvement shall specify the proportion of the cost that each county will bear of said improvement, as between themselves, and neither county shall be liable for a greater amount than the proportion so specified; and the joint committee shall advertise for bids in at least two daily newspapers, printed and circulating in each county, for the period of two weeks, or in at least two weekly newspapers, printed and circulating in each of said counties, for at least four weeks; and all proceedings touching and concerning the improvement of such road shall conform as nearly as possible to the proceedings mentioned in the act to which this is a supplement, or any supplement thereto, or amendment thereof, except as modified by this act; and such counties taken together shall be entitled to receive one-third of the cost of the improvement set out in the specifications presented to the state road commissioner, as aforesaid, or as modified with his consent, in the manner specified in said act for the payment to any county for improving a road wholly within its limits; provided, however, that of said one-third so paid by the state each county shall receive the same proportion as it bears or is charged with on account of the cost of said improvement.

2. If in the opinion of either of such boards, to place in the tax levy for any one fiscal year the moneys necessary to pay for the work aforesaid, would be too burdensome on the taxpayers of such county, then, in order that each county may raise the funds wherewith to pay its share of the cost of such improvement, either board being of the opinion aforesaid may, by a resolution adopted by a vote of at least two-thirds of all its members, borrow such sum or sums of money as may be necessary for the payment of its share or proportion of such cost, by the sale of the bonds of such county, issued in the name of the board of chosen freeholders thereof, and in such sum as the board may deem proper, said bonds to bear interest at a rate not exceeding five per cent. per annum, and to be sold for not less than par, and said bonds shall not exceed in the aggregate the cost of the improvement to said board, and shall be so divided that

Apportion  
cost.

Advertising.

Proceedings.

State aid.

Proviso.

Meeting cost.

May issue  
bonds.

one-tenth of the account of the bonds issued shall fall due in one year from their date and one-tenth each succeeding year thereafter, for the period of ten years from their date, and shall be either coupon or registered bonds, as the board of freeholders may determine; the principal and interest thereof shall be made payable at the office of the county collector of such county; said bonds shall be signed by the director of such board and the county collector, and shall be sealed with the seal of the county, and the county collector shall keep a record thereof; it shall be the duty of the board of chosen freeholders each year to place in the tax levy for such county, in each year, so long as said bonds shall run, a sufficient sum to pay the interest accruing thereon for said year and the principal of the bonds that shall mature in said year.

3. Whenever the character of the soil or foundation of any road, or any part thereof, sought to be improved, and the traffic over the same, are such that in the opinion of any board seeking the same, if the road lies wholly within one county, or in the opinion of the boards jointly engaged in the maintenance and operation of a road in its entirety, running through two or more counties, ascertained by resolution passed by such boards separately, for such purpose, it is necessary to build a foundation for such road and pave the same with a block or other substantial pavement other than that specifically mentioned in the first section of the act to which this is a supplement, it shall be lawful for such boards to include such work in the specifications for said work to be presented to the state commissioner of public roads as aforesaid.

4. This act shall take effect immediately.

Approved April 8, 1903.



## CHAPTER 240.

An Act to authorize and empower the common council or other governing body of cities to regulate, by ordinance, the size, height, location, position and material of all fences, bill-boards, signs and advertisements, the manner of securing, fastening and shoring the same, the removal, change and alteration of same now or hereafter in existence and providing a penalty for violation of such ordinance.

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

1. It shall be lawful for the common council or other governing body of any city in this state, by ordinance, to regulate the size, height, location, position and material of all fences, signs, bill-boards and advertisements erected, built, displayed or published within the limits of such city, and to provide for the manner of securing, fastening and shoring the same, and the removal, change and alteration of all fences, signs, bill-boards and advertisements now or hereafter existing and the imposition of a penalty of twenty-five dollars for any violation thereof. Regulate bill-boards, signs, fences.

2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed. Penalty. Repealer.

3. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 241.

An Act providing for the payment of improvement certificates issued by or on behalf of any municipality, or by any commissioners of, for, or on behalf of such municipality, where assessments have not been collected, or where there is not sufficient of said assessment available to pay said certificates.

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

Unpaid  
improvement  
certificates a  
lawful debt.

1. Where any improvement certificates may have been issued by or on behalf of any municipality of this state, or by any commissioners of, for, or on behalf of such municipality, under the laws of this state, and said certificates have not been paid, and the assessments from which said certificates were to have been paid have not been collected, or have not been made and collected, or there is not sufficient of said assessments available to pay the same, and more than ten years have elapsed since the issuance of said certificates, the same shall be considered to be and be a lawful indebtedness of said municipality whose payment is unprovided for, and said municipality shall be liable therefor and shall pay the same with the interest due thereupon, notwithstanding the date of issue of said certificates, and notwithstanding the time when the same may have become due by the terms thereof or otherwise.

Draw interest.

2. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 242.

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. Every judge of the court of common pleas who has heretofore been or who hereafter shall be designated and requested by any justice of the supreme court, under and by virtue of the tenth section of the act to which this is a supplement, to perform the duties of a judge of the court of common pleas of any county, other than that for which he is appointed and commissioned, shall be paid for every day he shall preside in the said courts in which he is designated to preside under and by virtue of said appointment the sum of twenty dollars; which sum shall be paid by the county to which the courts in which he is so designated to preside appertain, upon the certificate of the justice of the supreme court who made such designation and request.

Compensation of judge of court of common pleas assigned to another county.

2. This act shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 243.

An Act to ratify and confirm a compact or agreement between the states of New Jersey and Delaware respecting the Delaware river, and to authorize the execution thereof.

WHEREAS, By joint resolution of the legislature of the state of New Jersey, approved March fifth, nineteen

Preamble.

hundred and three, Franklin Murphy, Thomas N. McCarter and Edward C. Stokes were appointed to represent the said state as commissioners to confer with like commissioners to be appointed on the part of the state of Delaware for the purpose of framing an agreement or compact between the said states respecting certain controversies between them concerning the Delaware river, lying between the said states, and their respective rights therein; and

WHEREAS, By joint resolution of the general assembly of the state of Delaware, approved March nineteen hundred and three, John Hunn, Herbert H. Ward and George H. Bates were appointed to represent the said state as commissioners to confer with the commissioners of the state of New Jersey for the purpose before recited; and

WHEREAS, The commissioners of the said two states, having duly conferred as directed by said resolution, have framed and submitted to this legislature a proposed compact or agreement between the said states; and

WHEREAS, The compact or agreement so framed and submitted is in the words following, that is to say:

COMPACT BETWEEN THE STATE OF NEW JERSEY AND THE  
STATE OF DELAWARE RELATING TO THE BOUNDARY  
CONTROVERSY BETWEEN SAID STATES.

Preamble of  
compact.

WHEREAS, A controversy hath heretofore existed between the states of New Jersey and Delaware relative to the jurisdiction of such portion of the Delaware river as is included within the circle of twelve-mile radius, an arc of which constitutes the northern boundary of the state of Delaware, and it is the mutual desire of said states to so settle and determine such controversy as to prevent future complications arising therefrom; and

WHEREAS, There is now pending in the supreme court of the United States a cause wherein the said state of New Jersey is the complainant and the said state of Delaware is the defendant, in which cause an injunction has been issued against the state of Delaware re-

straining the execution of certain statutes of the state of Delaware relating to fisheries in said river, which said litigation hath been pending for twenty-five years and upwards; and

WHEREAS, For the purpose of adjusting the differences between the said two states arising out of said conflict of jurisdiction, Franklin Murphy, Thomas N. McCarter and Edward C. Stokes have been appointed commissioners on the part of the state of New Jersey by joint resolution of the legislature of said state, and John Hunn, Herbert H. Ward and George H. Bates have been appointed commissioners on the part of the state of Delaware by joint resolution of the general assembly of said state, to frame a compact or agreement between the said states, and the legislation consequent thereon, to be submitted to the legislatures of said two states for action thereon looking to the amicable termination of said suit between said states now pending in the supreme court of the United States, and the final adjustment of all controversies relating to the boundary line between said states and to their respective rights in the Delaware river;

NOW, THEREFORE, The said state of New Jersey, by its commissioners above named, and the said state of Delaware, by its commissioners above named, do hereby make and enter into a compact or agreement between said states as follows:

ARTICLE I. Criminal process issued under the authority of the state of New Jersey against any person accused of an offense committed upon the soil of said state, or upon the eastern half of said Delaware river, or committed on board of any vessel being under the exclusive jurisdiction of that state, and also civil process issued under the authority of the state of New Jersey against any person domiciled in that state, or against property taken out of that state to evade the laws thereof, may be served upon any portion of the Delaware river between said states from low-water mark on the New Jersey shore to low-water mark on the Delaware shore, except upon Reedy and Pea Patch islands, unless said person or property shall be on board a vessel aground upon or fastened to the shore of the state of Delaware,

Serving  
processes  
issued by  
New Jersey.

or the shores of said islands, or fastened to a wharf adjoining thereto, or unless such person shall be under arrest or such property shall be under seizure by virtue of process or authority of the state of Delaware.

Serving processes issued by Delaware.

ARTICLE II. Criminal process issued under the authority of the state of Delaware against any person accused of an offense committed upon the soil of said state, or upon the western half of said Delaware river, or committed on board of any vessel being under the exclusive jurisdiction of that state, and also civil process issued under the authority of the state of Delaware against any person domiciled in that state, or against property taken out of that state to evade the laws thereof, may be served upon any portion of the Delaware river between said states from low-water mark on the Delaware shore to low-water mark on the New Jersey shore, unless said person or property shall be on board a vessel aground upon or fastened to the shore of the state of New Jersey, or fastened to a wharf adjoining thereto, or unless such persons shall be under arrest or such property shall be under seizure by virtue of process or authority of the State of New Jersey.

Fishery rights.

ARTICLE III. The inhabitants of the said states of Delaware and New Jersey shall have any enjoy a common right of fishery throughout, in and over the waters of said river between the low-water marks on each side of said river between the said states, except so far as either state may have heretofore granted valid and subsisting private rights of fishery.

Commission to draft laws regulating fishing.

ARTICLE IV. Immediately upon the execution hereof the legislature of the state of New Jersey shall appoint three commissioners to confer with three commissioners to be immediately appointed by the general assembly of the state of Delaware for the purpose of drafting uniform laws to regulate the catching and taking of fish in the Delaware river between said two states, which said commissioners for each state respectively shall, within two years from the date of their appointment, report to the legislature of each of said states the proposed laws so framed and recommended by said joint commission. Upon the adoption and passage of said laws so recommended, or of other concurrent legis-

Report to legislatures.

lation for the regulation of said common right of fishery, by the respective legislatures of said two states, said laws shall constitute the sole laws for the regulation of the taking and catching of fish in the said river between said states. Said laws shall remain in force until altered, amended or repealed by concurrent legislation of the said two states.

Effect of  
such laws.

The faith of the said contracting states is hereby pledged to the enactment of said laws so recommended by said commissioners, or of such concurrent legislation as may seem judicious and proper in the premises to the respective legislatures thereof.

Pledge.

Each state shall have and exercise exclusive jurisdiction to arrest, try and punish its own inhabitants for violations of the concurrent legislation relating to the regulation of the right of common fishery herein provided for.

Each state's  
sole authority.

ARTICLE V. All laws of said states relating to the regulation of fisheries in the Delaware river not inconsistent with the right of common fishery hereinabove mentioned shall continue in force in said respective states until the enactment of said concurrent legislation as herein provided.

Which laws  
continue in  
force.

ARTICLE VI. Nothing herein contained shall affect the planting, catching or taking of oysters, clams or other shell fish, or interfere with the oyster industry as now or hereafter carried on under the laws of either state.

Oyster in-  
dustry not  
affected.

ARTICLE VII. Each state may, on its own side of the river, continue to exercise riparian jurisdiction of every kind and nature, and to make grants, leases and conveyances of riparian lands and rights under the laws of the respective states.

Riparian  
rights.

ARTICLE VIII. Nothing herein contained shall affect the territorial limits, rights or jurisdiction of either state of, in or over the Delaware river, or the ownership of the subaqueous soil thereof, except as herein expressly set forth.

Boundaries  
or jurisdic-  
tion not  
affected.

ARTICLE IX. This agreement shall be executed by the said commissioners when authorized to do so by the legislatures of the said states. It shall thereupon be submitted to congress for its consent and approval. Upon the ratification thereof by congress it shall be and be-

When  
agreement  
executed.

Consent of  
congress.

Pending suit. come binding in perpetuity upon both of said states; and thereupon the suit now pending in the supreme court of the United States, in which the state of New Jersey is complainant and the state of Delaware is defendant, shall be discontinued without costs to either party and without prejudice. Pending the ratification hereof by congress said suit shall remain in statu quo.

Duplicate agreement. Done in two parts (one of which is retained by the commissioners of Delaware, to be delivered to the governor of that state, and the other one of which is retained by the commissioners of New Jersey, to be delivered to the governor of that state), this            day of            , in the year of our Lord one thousand nine hundred and three.

THEREFORE,

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

Compact adopted. 1. The foregoing compact or agreement, and every clause, matter and thing therein contained, be and the same is hereby adopted, ratified and confirmed as and for the act and deed of the state of New Jersey, and the commissioners of the said state are hereby authorized and empowered on its behalf to execute the same in duplicate, and to deliver one copy thereof to the commissioners of the state of Delaware.

Execution authorized. Copy transmitted to the president. 2. It shall be the duty of the governor, at or before the next session of congress of the United States, to transmit a duly certified copy of this act to the president of the United States, with the request that it be communicated to congress for its action thereon.

3. This act shall take effect immediately.

Approved April 8, 1903.



## CHAPTER 244.

An Act concerning the part of the territory of any municipality annexed to any incorporated town, and providing for the election of officers for such annexed territory as a part of the incorporated town to which it may be annexed.

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

1. Whenever a part or portion of the territory of any municipality shall be annexed or consolidated with any incorporated town, pursuant to any special law, it shall be the duty of the common council or other governing body of such incorporated town, forthwith, after such annexation or consolidation shall take effect, to provide, by resolution, for the creation therefrom of a new ward of such incorporated town, and in like manner to establish in such annexed territory one or more election districts, and it shall be the duty of the proper municipal and election officers of such incorporated town, or of the county wherein such incorporated town is situate, to designate therein one or more polling places and appoint therefor proper election officers, so that the legal voters residing in the annexed territory may participate in all subsequent elections to be held in the said incorporated town for the election of municipal officers.

Territory  
annexed to  
town made  
a ward.

Polling places.

2. Immediately after the annexation or consolidation of such territory with such incorporated town and the creation of such new ward, the common council or other governing body of such incorporated town shall, by resolution, fix a time for the holding of a special election in the ward newly created, and thereupon the clerk of such incorporated town shall give ten days' notice of such special election in the ward newly created, in the manner required by law for the advertisement and notice of elections in such incorporated town; and he shall publish

Notice of  
election in  
new ward.

with such notice a description of the boundary lines of the ward of such incorporated town newly created.

Elections;  
how con-  
ducted.

3. The said election shall be conducted under the pains and penalties and according to the provisions (so far as the same are applicable thereto) of an act entitled "An act to regulate elections (Revision of 1898)," approved April fourth, one thousand eight hundred and ninety-eight, and the supplements thereto and acts amendatory thereof; *provided*, that no registration of voters shall be required for such election.

Proviso.

Officers to  
be elected.

4. On the day appointed for such election there shall be elected in said ward newly created and so annexed or consolidated with such incorporated town, as many members of the common council or other governing body of such incorporated town and as many members of the board of education of such incorporated town, and also one chosen freeholder and such other officers as the law provides to represent the wards of such incorporated town; the members of the common council or other governing body and of the board of education shall be elected to serve, one of each until his successor shall be chosen at the next annual charter election of such incorporated town, another of each until his successor shall be chosen at the second annual charter election of such incorporated town to be held thereafter, and the third of each (if there be a third member of each), until his successor shall be chosen at the third annual charter election of such incorporated town to be held thereafter; and the time for which each of the members of the common council or other governing body and of the board of education of such incorporated town is to be elected to serve, shall be written or printed under his name upon the ballot to be cast; and any ballot which shall not designate such terms of service shall be rejected as to such officer or officers.

Township  
offices  
vacated.

5. Upon the election of such officers, the offices held by the members of the heretofore existing board of township committee or other governing body of the municipality, from which the territory so annexed or consolidated with such incorporated town was taken, and of the board of education and former election board of such

- municipality, residing within the territory so annexed or consolidated, shall and the same are hereby declared to be forthwith vacated.

6. This act shall take effect immediately.

Approved April 8, 1903.

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JOINT RESOLUTION No. 2.

Joint Resolution authorizing the appointment of a commission to report on the necessity or advisability of establishing a state reformatory for women.

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, consisting of five persons, two of whom shall be women, to examine carefully into the present facilities and accommodations of the state for the imprisonment and care of women offenders, and the provisions made and methods employed in other states for their care, and to report as to the necessity or advisability of establishing a state reformatory for women, to the legislature at its next session; and if said commission shall find that the best interests of the state require the establishment of such an institution, said commission shall embody in its said report an estimate of the approximate cost of the necessary building or buildings for such institution, and any recommendations it may care to make as to the location, arrangement, general plan and conduct of such institution; said commissioners shall serve without compensation, but shall be allowed their reasonable expenses.

2. This resolution shall take effect immediately.

Approved April 7, 1903.

## JOINT RESOLUTION No. 3.

Joint Resolution to provide an appropriation for painting the portrait of ex-governor Rodman M. Price.

Preamble.

WHEREAS, The legislature of New Jersey in the year one thousand nine hundred and two (1902), by joint resolution number three provided for the portraits of deceased governors of the state, which have become the property of the state and now hang on the walls of the executive chamber, and provisions have not been made for all those who have held that high office, and being desirable that the list should be completed; and,

WHEREAS, To comply with the provisions of section one (1) of said resolution, to wit, "That the cost of said portrait shall not exceed the sum of six hundred dollars, which sum must be first appropriated in the annual appropriation bill," to enable a committee, consisting of the president of the senate, speaker of the house and adjutant-general, to act, therefore,

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

Appropriation for portrait.

1. The sum of six hundred dollars be and is hereby appropriated for the purpose of painting the portrait of ex-governor Rodman M. Price, and that the committee on appropriations is requested to place that sum in the annual appropriation bill at this session.

2. This resolution shall take effect immediately.

Approved April 8, 1903.

## CHAPTER 245.

A Further Supplement to an act entitled "An act to amend an act entitled 'A further supplement to an act entitled "A supplement to an act entitled 'An act to regulate fishing with seines in Barnegat bay,' " passed February seventeenth, one thousand eight hundred and forty-two,' which supplement was approved April twenty-first, one thousand eight hundred and seventy-six, and said amendatory act approved May fourteenth, one thousand eight hundred and ninety-four,' and which further supplement was approved April nineteenth, one thousand eight hundred and ninety-eight," and which further amendatory act was approved March twenty-second, one thousand nine hundred.

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

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

Section  
amended.

2. It shall not be lawful for any person or persons to haul or use any seine or other moving net, fyke or gill net, for the pupose of taking fish from the waters of said Barnegat bay during the months of July, August, September and October of any year; nor shall it be lawful to use any seine or other net for fishing in the waters of said bay composed in any of its parts of meshes of less size than three inches; *provided*, that it shall and may be lawful to haul seines in the several tributary rivers, creeks, streams and coves of said bay, and in that portion of the bay proper which is within the present limits of the township of Brick, for the purpose of taking herring therefrom during the months of March, April, May and June, yearly and every year,

Use of seine.

Proviso.

Proviso.

the smallest meshes of which said nets shall not be less than two inches in size; *and provided further*, that all pike or pickerel, white perch and other fish found in such nets shall at once be returned to the water without injury.

Repealer.

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.

Approved April 14, 1903.

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## CHAPTER 246.

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).

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

Unlawful to  
hunt certain  
game except  
with gun.

1. It shall be unlawful to pursue, with intent to kill or injure, or in any manner to attempt to take or injure, and it shall also be unlawful to kill or destroy or injure, any anatidæ, commonly known as swans, geese, brant, and river and sea ducks; rallidæ, commonly known as rails, gallinules, coots and mud-hens; limicolæ, commonly known as shore birds, surf snipe or bay snipe, among them being yellow legs, plovers, willets, sand pipers, dowitchers or robin snipe, brown backs, curlews, turn-stones or calico backs, god-wits or marlin, tattlers and woodcock; gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, and quails; and the specie of icteridæ, commonly known as reed birds; or any hare, commonly known as rabbit; gray, black or fox squirrel; or any other game bird or game animal whatsoever, excepting in the manner usually known as hunting with a gun, the gun being such as may be held at arm's length and fired from the shoulder without rests, and at such times as may be permitted in this act, under a penalty of twenty dollars for each offense.

Penalty.

2. Nothing in this act shall be so construed as to prevent farmers and fruit growers from trapping rabbits in box traps during the entire year; *provided, however*, that such trapping shall be done on property owned or leased for the raising of fruit, vegetables or other products by the person so trapping; *and provided*, that the person so trapping shall first have made an affidavit before a justice of the peace that rabbits have injured fruit, vegetables or other products on his or her premises, and shall have immediately sent the same to the president of the fish and game commission, who, upon the receipt of the said affidavit, shall issue to said person a permit to so trap; *and provided further*, that no person or persons shall be permitted to barter or sell any rabbits so trapped.

Trapping rabbits.

Proviso.

Proviso.

Proviso.

3. No person shall, within the limits of this state, kill or catch, or have in his or her possession, living or dead, any wild bird, other than a game bird, or purchase, offer or expose for sale any such wild bird after it has been killed or caught; and no part of the plumage, skin or body of any bird protected by this section shall be sold or had in possession for sale; for the purpose of this section, the following shall be considered game birds: the anatidæ, commonly known as swans, geese, brant and river and sea ducks; the rallidæ, commonly known as rails, gallinules, coots and mud-hens; the limicolæ, commonly known as shore birds, surf snipe or bay snipe, among them being yellow legs, plovers, willets, sand pipers, dowitchers or robin snipe, brown backs, curlews, turn-stones or calico backs, godwits or marlin, tattlers and woodcock; the gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, and quails; and the species of icteridæ, commonly known as reed birds; the English or European house sparrow (*passer domesticus*), blackbirds, crows, Cooper's hawk, Goshawk, sharp-skinned hawk, duck hawk and great-horned owl are, however, not included among the birds protected by this section; any person violating this section is subject to a fine of twenty dollars for each bird or part of bird killed, caught or had in possession contrary to the provisions hereof.

Unlawful to have or sell certain game.

Game birds enumerated.

Exceptions.

Penalty.

4. It shall be unlawful to rob the nests or take or destroy the eggs of any wild bird whatsoever, except the

Nests.

nests or eggs of the English sparrow, under a penalty of twenty dollars for each nest so robbed and each egg so removed or destroyed.

Unlawful to injure or destroy, except at specified times.

5. It shall be unlawful for any person to capture, kill, injure or destroy or pursue, with such intent, any of the game birds or other animals enumerated in this act on his or her own property or on the property of any other person or persons, except during the seasons and at the times and in the manner as in this act provided, and any person violating any of the provisions of this section shall be liable to the penalties provided by this act for the violations thereof.

Hunting web-footed wild fowl.

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 marsh or meadow, bar or bank, not covered with water; and every such boat, vessel or other structure so used shall be attached securely to such marsh, meadow, bar or bank by a line, 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 only between one hour before sunrise and one hour after sunset, under a penalty of twenty dollars for each offense.

Pursuing web-footed wild fowl.

7. It shall be unlawful for any person to pursue any goose, duck, swan, brant or any kind of water wild fowl whatsoever, or to shoot, or to shoot at, or kill or wound the same from any boat or vessel propelled by any means other than by oars or paddles, or from any boat, vessel or other structure anchored or staked upon the waters of any of the bays, sounds, coves, ponds, rivers, creeks or streams of this state at a greater distance than one hundred feet from marsh or meadow, bar or bank, not covered with water, under a penalty of twenty dollars for each offense.

Open season for web-footed wild fowl.

8. It shall be unlawful to capture, kill or injure, or have unlawfully in possession after the same has been captured, killed or injured, any goose, duck, swan, brant or other water wild fowl, excepting only from the first



day of October to the thirtieth day of April, both dates inclusive, in each year, under a penalty of twenty dollars for each goose, duck, swan, brant or other water wild fowl so captured, killed or injured or had unlawfully in possession; and the having in possession of any such goose, duck, swan, brant or other water wild fowl 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.

9. It shall be unlawful to capture, kill, injure or have in possession any yellow legs, plovers, willets, sandpipers, dowichers or robin snipe, grown backs, curlews, turn-stones or calico backs, godwits or marlin, and tattlers, or any other birds commonly known as shore birds, surf snipe or bay snipe, excepting only from the fifteenth day of July to the thirty-first day of December, both dates inclusive, of each year, under a penalty of twenty dollars for each bird so captured, killed, injured or had in possession; and it shall be unlawful to capture, kill, injure or have in possession any Wilson or English snipe (sometimes called bog snipe or jack snipe), excepting only during the months of September, October, November and December of each year, under a penalty of twenty dollars for each Wilson or English snipe so captured, killed, injured, or had in possession.

Open season—  
for snipe.

10. It shall be unlawful to capture, kill, injure or have in possession any reed bird, excepting only from the first day of September to the thirty-first day of December, both dates inclusive, of each year, under a penalty of twenty dollars for each reed bird so captured, killed, injured or had in possession.

Reed birds.

11. It shall be unlawful to capture, kill, injure or have in possession any upland plover excepting during the months of August and September of each year, under a penalty of twenty dollars for each upland plover so captured, killed, injured or had in possession.

Plover.

12. It shall be unlawful to capture, kill, injure or have in possession any marsh hen (commonly known as mud-hen) or rail bird excepting only from the first day of September to the thirty-first day of December, both dates inclusive, of each year, under a penalty of twenty dollars for each marsh hen or rail bird so captured,

Marsh hens.

killed, injured or had in possession; and it shall be unlawful for any person to capture, kill or have in possession in any one day, from the first day of September to the thirty-first day of December, both dates inclusive, more than thirty marsh hens, under a penalty of twenty dollars for each and every marsh hen so captured, killed or had in possession in excess of thirty.

Partridge,  
quail, wild  
turkey, etc.

13. It shall be unlawful to capture, kill, injure or destroy, or to have in possession, any ruffed grouse (commonly known as partridge), quail, English or ring-necked pheasant, prairie chicken or any wild turkey, excepting only between the tenth day of November and the thirty-first day of December, both dates inclusive, of each year, under a penalty of twenty dollars for each ruffed grouse, quail, English or ring-necked pheasant, prairie chicken or wild turkey so captured, killed, injured or had in possession.

Woodcock.

14. It shall be unlawful to capture, kill, injure or destroy or to have in possession, any woodcock, excepting during the months of July, October, November and December of each year, under a penalty of twenty dollars for each woodcock so captured, killed, injured or had in possession.

Rabbits and  
squirrels.

15. It shall be unlawful to capture, kill, injure or destroy or to have in possession any hare (commonly known as rabbit), or any gray, black or fox squirrel, excepting only from the tenth day of November to the thirty-first day of December, both dates inclusive, of each year (except as provided in section two hereof as to rabbits), under a penalty of twenty dollars for each hare or gray, black or fox squirrel so captured, killed, injured or had in possession.

Deer.

16. It shall be unlawful for two years after the passage of this act for any person to gun for or to take, or attempt to take, kill, injure or destroy, or to have in possession, any wild deer, be the same buck, doe or fawn, under a penalty of one hundred dollars for each offense; and thereafter it shall be unlawful to take, kill injure or destroy, any wild deer, be the same buck, doe or fawn, excepting only on every Wednesday in the month of November, under a penalty of one hundred dollars for each and every wild deer so taken, killed, injured or

had in possession, and of one hundred dollars for each attempt to take, kill, injure or destroy deer, be the same buck, doe or fawn; and the having in possession of any such deer during the times and periods prohibited in this act shall be prima facie evidence in all courts and places of the fact that they are in possession unlawfully; *provided, however*, that this section shall not be construed to interfere with owners of deer preserves at present established hunting or killing their deer whenever they see fit, or disposing of them as they may see fit.

Proviso.

17. It shall be unlawful for any person or persons to trap, take, capture or kill, or have in possession after the same has been trapped, taken, captured or killed, any beaver, under a penalty of one hundred dollars for each and every beaver so trapped, taken, captured or killed or had in possession.

Beaver.

18. It shall be unlawful to have in possession, sell or offer for sale any of the game birds or game animals enumerated in this act, after the same has been caught or trapped by means of any snare, snood, net, trap or device of any description whatsoever, or to set any snare, snood, net, trap or device for catching or trapping any such game bird or animal, under a penalty of twenty dollars for each such bird or other animal so had in possession, sold or exposed for sale, or for any trap or snare so set.

Trapping.

Penalty.

19. Whenever by this act the possession of any kind of game is prohibited after a certain specified date or within certain specified periods of time, all sales of dealers in game for a period of fifteen days after the expiration of such fixed period or specified date shall prima facie be deemed lawful, and the penalties herein imposed for the possession of such game shall not apply to any dealer in or the purchaser of any such game within the extended period, unless it shall be shown that such dealer or purchaser had knowledge that such game had been unlawfully killed, captured or taken; nothing in this section, however, shall be construed to permit the possession, sale or purchase of game killed or taken in this state in violation of any of the provisions of this act.

Possession of game by dealers.

20. It shall be unlawful to hunt with a hound or hounds, or with firearms or weapons of any kind, or to

Hunting on Sunday.

carry a gun in the woods or fields or on the waters on the Sabbath day, commonly called Sunday, under a penalty of twenty dollars for each offense.

Propagation  
of game.

21. Nothing in this act shall be so construed as to prevent associations or individuals from bringing into this state any birds or other animals for the purpose of propagation, or from keeping such animals until a seasonable time for their release.

Taking game  
from state.

22. It shall be unlawful to remove or to attempt to remove from this state any quail, ruffed grouse, pinnated grouse, woodcock, hare (commonly known as rabbit), squirrel, English pheasant or ring-necked pheasant; *provided, however*, that this section shall not apply to common carriers carrying from beyond the confines of this state in unbroken packages to some point beyond the confines of the state, such quail, ruffed grouse, pinnated grouse, woodcock, hare, squirrel or pheasant; any person guilty of any violation of this section shall be liable to a penalty of twenty dollars for every quail, ruffed grouse, pinnated grouse, woodcock, hare, squirrel or pheasant removed or sought to be removed; *provided, however*, that this section shall not apply to English or ring-necked pheasant killed on preserves at present established.

Proviso.

Proviso.

Tracking  
game.

23. It shall be unlawful to hunt, kill or destroy, or attempt to hunt, kill or destroy, any partridge, grouse, pheasant, quail, woodcock, or hare (commonly known as rabbit), while there is snow upon the ground in such condition that any such bird or animal may be tracked therein, or by tracking any such bird or animal in the snow, or to have in possession any such bird or animal above mentioned that has been hunted, killed, destroyed or taken as aforesaid, under a penalty of twenty dollars for each bird or animal above mentioned so hunted, killed, destroyed or had in possession, to be recovered as are other fines and penalties for the violation of this act.

Dogs running  
at large.

24. It shall be unlawful for any owner, lessee or custodian of any dog to permit such dog to run at large in woods or fields inhabited by rabbits or game birds except when said dog is in the custody or charge of its owner, lessee or custodian, during the close season

herein provided for hare (commonly known as rabbit), under a penalty of twenty dollars for each offense.

25. It shall be unlawful to take or to 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 suckers, eels, 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; *provided, also*, that it shall be lawful to take minnows and other bait-fish with a seine not over fifty feet in length in all ponds and lakes which have an area of over one hundred acres, and in all other waters with a seine not over thirty feet in length; in every such 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.

26. It shall be unlawful at all times to use the young of any species of carp or tench for bait in any of the waters of this state, or to take to any of such waters the young of any species of carp or tench for the purpose of using the same for bait or for any other purpose, under a penalty of twenty dollars for every such fish so used for bait or taken to such waters.

27. It shall be unlawful to take, kill, catch or have in possession any black bass, Oswego bass, white bass, calico bass, or pike-perch, excepting only from the fifteenth day of June to the last day of November, both dates inclusive, of each year, under a penalty of twenty dollars for each fish so caught, killed, taken or had in possession.

Angling.

Proviso.

Proviso.

Proviso.

Carp or tench  
as bait.

Bass.

Pickerel.

28. It shall be unlawful to take, kill, catch or have in possession any pike or pickerel excepting only from the first day of May to the last day of November, both dates inclusive, of each year, under a penalty of twenty dollars for each fish so caught, killed, taken or had in possession.

Trout.

29. It shall be unlawful to catch, kill, take or have in possession any brook trout except only from the first day of April to the fifteenth day of July, both dates inclusive, in each year, under a penalty of twenty dollars for each fish so caught, killed, taken or had in possession.

Fishing at night.

30. It shall be unlawful in any manner to take any trout, bass, pike-perch, pike or pickerel between nine o'clock in the evening and daylight of the morning following, under a penalty of twenty dollars for each fish so taken.

Certain size  
bass, trout,  
pickerel pro-  
tected.

31. It shall be unlawful to kill, sell, expose for sale or have in possession any black bass, Oswego bass, white bass or calico bass measuring less than nine inches in length, or any pike-perch measuring less than twelve inches in length, or any trout measuring less than six inches in length, or any pike or pickerel measuring less than twelve inches in length, except for the purpose of stocking the waters of this state therewith, and then only at the direction of the board of fish and game commissioners or upon license first obtained from such board, under a penalty of twenty dollars for each fish so killed, sold, exposed for sale or had in possession.

Use of drugs  
or explosives  
unlawful.

32. It shall be unlawful to place in any of the waters of this state any dynamite, giant or electric powder, or any explosive substances whatever, or any drug or poisoned bait, for the purpose of taking, killing or injuring fish, under a penalty of one hundred dollars for each offense.

Deleterious  
substances  
in water.

33. It shall be unlawful to allow any dye-stuff, coal-tar, saw-dust, tank-bark, lime, refuse from gas houses, or other deleterious or poisonous substance or substances to be turned into or allowed to run into any of the waters of this state in quantities destructive of life or disturbing the habits of the fish inhabiting the same, under penalty of two hundred dollars for each offense.

Drawing  
of water.

34. It shall be unlawful to shut off or draw off the waters of any pond, stream or lake in this state for the

purpose of taking, capturing or killing the fish therein, under a penalty of one hundred dollars for each offense.

35. It shall be unlawful to put, place, use or maintain in any of the waters of this state inhabited by pickerel, pike, pike-perch, black bass, Oswego bass, white bass, calico bass, perch or trout, any set-line or set-lines, or to use upon a line for the taking of fish in such waters any contrivance having more than three hooks, or more than one burr of three hooks attached thereto, under a penalty of twenty dollars for each offense.

Set-lines  
prohibited.

36. It shall be unlawful at all times to use, have in possession, or offer or expose for sale, any artificial bait with more than three hooks or more than one burr of three hooks attached thereto, under a penalty of twenty dollars for each offense.

Artificial  
bait.

37. It shall be unlawful for any owner, lessee or tenant of any property to permit the erection, construction or maintenance on his, her or their property of any of the contrivances for the unlawful taking of fish and game prohibited by this act, or to permit the setting of any fyke or other net or the drawing of any net whatsoever upon his, her or their property, under a penalty of twenty dollars for each offense; and it is hereby made the duty of such owner, lessee or tenant to immediately destroy any and all such unlawful contrivances found or placed upon his, her or their premises; and no suit for damages shall lie or be maintained against any property owner, lessee or tenant for any such destruction.

Certain  
contrivances  
unlawful.

38. Whenever in this act the possession of fish or game, or the flesh of any animal, bird or fish, or any part thereof, is prohibited, reference is had equally to such fish, game or flesh, or any part thereof, coming from without the state as to that taken within the state.

Law applies  
to game from  
without state.

39. The term "waters of this state," for the purposes of this act, shall be construed to mean all the fresh waters of this state; *provided*, that all ponds, lakes and waters created by or under the exclusive control of individuals or associations, stocked and maintained at the sole expense of such individuals or associations, and not runways for migratory fish, shall be considered private waters, and shall be exempt from the provisions of this act as far as such individuals and the members of such

Waters of  
state defined.

Proviso.

associations or persons receiving permits from them are concerned.

Permission  
to take carp  
and suckers.

40. The board of fish and game commissioners is hereby authorized to issue, in its discretion, to all properly accredited persons, permits to take carp and suckers from the waters of this state by means of a net, the mesh of which shall be not less than four inches; *provided, however*, that in every case all game and food fish captured therein shall be immediately returned therefrom, uninjured as far as practicable; such permits to be issued by the board of fish and game commissioners under such restrictions as to the method and time of using such nets as may be deemed proper by said board of fish and game commissioners.

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Enforcement  
of act.

41. The provisions of this act shall be enforced in accordance with 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-nine, one thousand eight hundred and ninety-seven, and the supplements thereto and acts amendatory thereof.

Acts repealed.

42. 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 March twenty-second, one thousand nine hundred and one, and the amendments and supplements thereto severally approved April first, one thousand nine hundred and two, and April third, one thousand nine hundred and two, and April tenth, one thousand nine hundred and two; "An act for the protection of deer," approved April tenth, one thousand nine hundred and two; "An act for the protection of beavers," approved April tenth, one thousand nine hundred and two; "An act for the protection of marsh hens, to regulate their capture or killing and provide open and close seasons for such killing," approved April ninth, one thousand nine hundred and two, and all other acts and parts of acts inconsistent with this act, be and the same are hereby repealed; *provided, however*, that this act shall not apply to any public museum or natural history society of this

Proviso.



state to prevent the collection of specimens for said museum or society.

43. The repeal of the above stated acts shall not be construed to revive any act which may have been repealed by any of the acts hereby repealed, and no proceeding now pending under any of the acts hereby repealed shall abate by reason of the repeal of said acts, but every such proceeding shall proceed as if this act had not been passed. Effect of  
repealer.

44. This act shall take effect immediately.

Approved April 14, 1903.

## CHAPTER 247.

An Act to regulate the practice of courts of law (Revision of 1903).

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

### I. ATTORNEYS.

1. Attorneys who are partners may, in their partnership name, appear and prosecute or defend any action in any court of this state.

Partners may  
appear.

2. Attorneys-at-law may be sued as other persons.

Attorneys  
suable.  
When war-  
rant filed.

3. No warrant of attorney or copy thereof need be filed in any action, except in cases of judgment by confession in actions not commenced by process.

4. Any attorney whose name is indorsed on a summons or capias ad respondendum shall, on demand in writing made by or on behalf of any defendant, declare forthwith in writing whether such writ was issued by him or by his authority and also the place of abode of the plaintiff; and if such attorney shall declare that the writ was not issued by him or by his authority, or shall refuse to declare the place of abode of the plaintiff, then

Attorney  
to declare  
residence  
of plaintiff.

no further proceedings shall be taken in the action without leave of the court.

Penalty for malpractice.

5. If any counselor, solicitor or attorney shall be guilty of malpractice in any court he shall be put out of the roll and never after permitted to practice as such, unless he shall obtain a new license and be again enrolled; and if a solicitor or attorney shall neglect or mismanage any cause in which he is employed, he shall be liable for all damages sustained by his client.

When attorney ceases to act.

6. If a solicitor or attorney shall die or remove out of this state or be put out of the roll, his client shall be notified to appoint another in his stead, and if he fail to do so the adverse party may proceed in the action.

Taxed costs filed.

7. Every attorney before he issues execution shall file the taxed bill of costs or a copy thereof in the office of the clerk of the court out of which the same is to issue; and if he fail so to do he shall forfeit ten dollars to the party aggrieved.

Particulars of costs given.

8. If a solicitor or attorney shall receive the costs accruing on any action he shall, when required by the party at the time of payment or at any time within six months afterwards, draw up and deliver the bill of particulars thereof with a receipt to the party paying the same; and if he fail so to do he shall forfeit ten dollars to the party aggrieved; if a solicitor or attorney shall charge in his bill of costs for services not actually done or for services not allowed by law or shall take any greater fee or reward for any service than is allowed by law, he shall forfeit to the party aggrieved thirty dollars.

Illegal charges.

Taxed costs furnished before suit.

9. No solicitor or attorney shall commence or maintain any action for the recovery of any fees, charges or disbursements, in equity or at law, against his client or his legal representative, until he shall have delivered to such client or his representative or left for him at his usual place of abode a copy of the taxed bill of such fees, charges and disbursements.

When attorney cannot become surety.

10. No practicing attorney shall be surety on a bond as security for costs or a replevin bond or a bond given to obtain a certiorari; and any such bond signed by a practicing attorney as surety shall be insufficient.

11. No admissions, consents or agreements made out of court by the parties or their attorneys or counselors, with respect to the conducting of any action, shall be taken notice of by the court, unless the same be in writing.

Agreements  
out of court  
in writing.

12. No person shall be denied admission to examination or be refused recommendation to the governor for license to practice law as an attorney or counselor on account of sex.

Who may  
practice.

## II. TITLE OF ACTIONS.

13. Upon the removal of any action to a court of appellate jurisdiction, the title of the action as originally instituted shall be retained, the character in which the parties appear in the writ or other proceeding for removal being described after their names respectively.

Title retained  
on appeal.

14. The name of the state shall not be made a part of the title of any action merely because of the nature of the writ or other proceeding by which it is taken into court.

Name of state.

15. The clerks of the various courts of appellate jurisdiction shall enter, docket and index all actions and keep a record thereof in conformity with the above provisions, and if the parties fail to comply therewith, said clerks shall re-entitle such actions and notify the parties.

Docket and  
index.

## III. HOW TO PROSECUTE AND DEFEND.

16. Every person of full age and sound mind may prosecute or defend any action in any court, in person or by his solicitor or attorney.

Who may sue  
or defend.

17. No person except in his own case or in the case of an infant shall be permitted to appear and prosecute or defend any action in any court, unless he is a licensed attorney-at-law of the supreme court of this state, who shall be under the direction of the court in which he acts.

For other  
persons, only  
attorneys.

18. If an infant is entitled to an action or if an action is brought against him, his guardian duly appointed or specially admitted for that purpose shall be

Infants, how  
to sue or  
defend.

permitted to prosecute or defend; but in no case shall the action be stayed until the infant arrives at full age.

#### IV. PARTIES.

##### I. IN GENERAL.

Assignee of bills may sue in his own name, allowing set-offs, etc.

19. All contracts for the sale and conveyance of lands and all judgments and decrees recovered in any court of this or any other state or of the United States, or of any territory of the United States, or of the District of Columbia, and all choses in action arising on contract shall be assignable at law and the assignee may sue thereon in his own name, but in such action there shall be allowed all set-offs, discounts and defenses not only against the plaintiff but against the assignor before notice of such assignment shall be given to the defendant; the assignment of a sealed instrument by writing not under seal shall be as valid as if under seal.

Assignment in writing.

If assignor dead.

20. The assignee for a valuable consideration of any chose in action if the assignor be dead may sue for and recover the same in his own name; and the defendant in any such action may set up any defense thereto arising before he shall have received notice of such assignment in the same manner and with the like effect as if the assignor had been living and the action had been brought in his name.

Actions by husband and wife.

21. In an action by a husband and wife for an injury done to the wife in respect of which she is necessarily joined as co-plaintiff, the husband may add thereto claims in his own right arising ex delicto, and separate actions brought in respect to such claims may by order of the court or a judge be consolidated; *provided*, in case of the death of either plaintiff, such action shall abate only so far as relates to the cause or causes of action, if any, which do not survive.

Proviso.

Action not abated by marriage.

22. No action wherein a female is a party shall abate by reason of her marriage after suit brought; but the action shall proceed to final judgment in the name of such female as plaintiff or defendant, as the case may be notwithstanding such marriage.

23. Any married woman living separate from her husband may bring an action in her own name for the recovery of damages for any injury done to her person or reputation; and the husband shall not in any way interfere with such action, but the same shall proceed and be under the control and direction of such married woman as if she were a feme sole.

Woman living separate from husband may sue.

24. In actions against several executors or administrators all executors or administrators representing the testator or intestate shall be considered as one person and such of the executors or administrators as the sheriff shall return served shall answer to the plaintiff; and in case judgment shall pass for the plaintiff he shall have his judgment and execution against all the executors or administrators named in the writ to be made of the goods and chattels of the deceased.

Executors or administrators considered as one.

25. The executor or executors who qualify may maintain an action without joining any executor who has renounced or failed to qualify.

Qualified executors to act.

26. If a plaintiff shall become bankrupt or make an assignment for the equal benefit of his creditors, the trustee in bankruptcy or the assignee may by order of the court or a judge be substituted as plaintiff and the action shall be continued in his name; *provided*, the defendant shall be entitled to the same defenses and set-off as if the action had been continued in the name of the original plaintiff.

Substitution of assignee in bankruptcy.

Proviso.

27. In actions upon bills of exchange, promissory notes or other written instruments any of the parties to which are designated therein by the initial letter or letters or some contraction of the Christian or first name, it shall be sufficient in every affidavit to hold to bail and in the process, declaration and other proceedings to designate such party by the same initial letter or letters or contraction.

Parties, how designated.

28. Any person for whose benefit a contract is made, whether such contract be under seal or not, may maintain an action thereon in any court and may use the same as matter of defense in any action brought against him notwithstanding the consideration of such contract did not move from him.

Action on contract.

## 2. ACTIONS ON BILLS AND NOTES.

All liable on  
notes may be  
included.

29. The holder of a bill of exchange or promissory note, instead of bringing separate actions against the parties separately liable thereon, may include all or any of them in one action and proceed to judgment and execution in the same manner as though all the defendants were joint contractors, subject however to the qualifications hereinafter provided.

Declaration  
on bills of  
exchange, etc.

30. In every such action the plaintiff may declare on the money counts alone, annexing to his declaration a notice containing a copy of the bill or note with the indorsements stating that the action is brought to recover the amount due thereon, but he shall not declare or enter judgment against any several drawer, maker, indorser or acceptor not served with process or a copy of the declaration; and any joint drawer, maker, indorser or acceptor may plead in abatement the non-joinder of any other joint drawer, maker, indorser or acceptor; the copy of the declaration shall be served before the filing of the same and an affidavit of such service shall be annexed to and filed with the declaration; but judgment may pass against joint contractors, some only of whom have been served with process, and such judgment shall have the same effect against the joint contractors as heretofore.

Judgment  
may be for  
or against  
one or more  
defendants.

31. In any such action judgment may pass for the plaintiff against some one or more of the defendants, and also for some one or more of the defendants against the plaintiff, according as the rights and liabilities of the respective parties shall appear either upon confession, default in pleading or at the trial; any defendant may set off his demands against the plaintiff and if judgment shall pass for any defendant, he shall recover his costs against the plaintiff in the same manner as though he had been sued alone.

In case of  
set-off.

32. If on the trial of any such action the whole amount of the set-off allowed shall equal or exceed the amount allowed to the plaintiff, then in the first case, the verdict shall be in favor of the defendants generally, and in the last case, a verdict for the excess shall be rendered in favor of any defendant who may be entitled

to the same, and in all cases the verdict shall certify the amount allowed to each defendant as a set-off.

33. It shall not be necessary for the plaintiff to include in the same record a judgment against all the parties to a bill or note, but judgment may pass against any of them whenever the plaintiff would have been entitled to the same had the action been commenced against such party only; and if the trial of the action be put off by any of the parties to the bill or note or if a judgment by default shall pass against some only of the defendants, the plaintiff may proceed to trial against the other parties in the same manner as if the action had been commenced against the other parties only.

Judgment  
may be en-  
tered against  
any parties to  
bill or note.

34. Any party to a bill or note who shall be sued with any other party thereto may apply to the court or a judge for any order or relief to which he would be entitled if he had been separately sued, and the court or a judge may grant him such order or relief as would be granted to such party if separately sued; and the rights and responsibilities of the several parties to a bill or note as between themselves shall remain as heretofore, saving only the rights of the plaintiff so far as they may have been determined by the judgment.

Party sued  
may apply for  
relief.

35. If an execution against goods or against goods and lands shall issue in any such action, the sheriff or other officer after making a levy upon the property liable to the execution shall make the money out of the property of the defendant or defendants primarily liable as between themselves for its payment according to the terms of the bill or note, if it can be done, before selling the property of any person secondarily liable; and for the information of such officer, the plaintiff shall indorse on the execution the order in which the defendants according to the terms of the bill or note are liable as between themselves for its payment; and if such indorsement be omitted or be untruly made, the court or a judge shall set aside the execution as irregular; if the judgment be paid by a defendant secondarily liable, it shall not be considered satisfied as against any defendant liable over on the bill or note to the defendant making such payment, but he shall have on application to the court or a judge on notice to the other parties to

Proceedings  
in case of  
execution  
issued.

Order of  
liability.

Court may  
set aside.

Payment by  
defendant  
secondarily  
liable not a  
satisfaction.

the judgment and upon terms, the full benefit and control of such judgment for the purpose of compelling repayment from any defendant liable to him for such repayment, and on such application the court or judge may order an issue to try the question in controversy.

### 3. OBJECTIONS FOR NON-JOINDER OR MISJOINDER.

Notice of  
objection for  
non-joinder.

36. The non-joinder or misjoinder of a plaintiff shall not be objected to by the defendant, unless he give notice of such objection to the plaintiff within five days after filing his plea or demurrer and state in such notice the name of the person alleged to have been omitted or improperly joined; and the court or a judge may at any time before the trial of the issue, whether of law or fact, order upon terms that any person not joined as plaintiff shall be so joined, or that any person so originally joined as plaintiff shall be struck out, if it shall appear that injustice will not be done by such amendment, and on filing such order the previous proceedings in the action shall be amended in conformity thereto, and when such amendment shall be made the liability of any person who shall be added as co-plaintiff shall subject to any terms imposed be the same as if such person had been originally joined as plaintiff; the defendant may if he deem it necessary plead anew to such amended declaration in twenty days after service of a copy thereof.

Amendment  
ordered.

Objection  
to joinder of  
too many  
defendants.

37. The joinder of too many defendants in an action on contract shall not be objected to, unless a defendant within five days after filing his plea or demurrer give notice to the plaintiff of such objection; and upon such notice being given the court or a judge may at any time before trial order upon terms that the name of any defendant be struck out, if it shall appear that injustice will not be done by such amendment; and on filing such order the previous proceedings in the action shall be amended in conformity thereto; the defendant may if he deem it necessary plead anew to such amended declaration in twenty days after service of a copy thereof.



38. In any action on contract if the non-joinder of any person as a co-defendant is pleaded in abatement, the plaintiff may without any order amend the writ and declaration by adding the name of the person named in such plea as a joint contractor and serve the amended writ upon the person so added and proceed against him and the original defendant; and they shall plead to the amended declaration in twenty days after service of a copy thereof, but the date of such amendment shall as between the person so added and the plaintiff be considered for all purposes as the commencement of the action; *provided*, if the person so added do not reside within the jurisdiction of the court, the amended writ and declaration need not be served upon him; *provided further*, all pleas in abatement for the non-joinder of any defendant shall state the place of residence of the person whose non-joinder is pleaded.

Writ and declaration may be amended on plea in abatement.

Proviso.

Proviso.

39. After such plea in abatement and amendment if it shall appear on the trial of the action that the person named in such plea is jointly liable with the original defendant, the original defendant shall be entitled as against the plaintiff to the costs of such plea; but if at the trial it shall appear that the original defendant is liable but that any person named in such plea is not liable, the plaintiff shall nevertheless be entitled to judgment against any defendant who is liable; and every defendant who is not liable shall have judgment for his costs against the plaintiff, who shall be allowed such costs together with his own costs on the plea in abatement and amendment as costs in the action against the original defendant who shall have so pleaded in abatement the non-joinder of such person; *provided*, any defendant so pleading in abatement may on the trial prove the liability of any defendant named by him in such plea.

Proceedings and costs on plea for abatement.

Proviso.

#### 4. SUITS AGAINST UNINCORPORATED ORGANIZATIONS.

40. Any unincorporated organization, consisting of seven or more persons and having a recognized name, may be sued by such name in any action affecting the

Suits against unincorporated companies.

common property, rights and liabilities of such organization; all process, pleadings and other papers in such action may be served on the president or any other officer for the time being or the agent or manager or person in charge of the business of such organization; such action shall have the same force and effect as regards the common property, rights and liabilities of such organization as if it were prosecuted against all the members thereof; and such action shall not abate by reason of the death, resignation, removal or legal incapacity of any officer of such organization or by reason of any change in the membership thereof.

How executions issued, etc.

41. If judgment shall pass against the defendant in such action, execution may issue thereon in the same manner that executions now issue upon judgments against corporations; and the sheriff or other officer may by virtue of such execution levy upon and expose to sale all the common property whether the same be held in the name of such organization or by the directors, stockholders or trustees thereof.

Liability of members of company.

42. Nothing in this act contained shall prevent any person having a cause of action against any such organization, for which the members thereof or any of them are personally liable, from proceeding against such members as heretofore; nor shall a judgment obtained against any such organization after execution issued thereon and returned in whole or in part unsatisfied, be a bar to an action to recover the residue thereof against such members as may be personally liable therefor; nor shall anything in this act give such organizations any of the powers or liabilities of corporations except as herein set out.

##### 5. WHEN DEFENDANT'S NAME IS UNKNOWN.

In case name of defendant unknown.

43. If the plaintiff is ignorant of the name or part of the name of a defendant, he may designate such defendant in any process, pleading or other proceeding in an action by a fictitious name or by as much of his name as is known, adding a description identifying or tending to identify him, and the person intended shall

thereupon be considered as a defendant in the action and as sufficiently described for all purposes, including service of process; when the name or the remainder of the name of the person becomes known, an order shall be made by the court or a judge upon such notice and terms as the court or a judge shall prescribe, that the proceedings already taken shall be amended by the insertion of the true name in place of the fictitious name or part of the name, and all subsequent proceedings shall be taken under the true name.

#### 6. WHEN TAXPAYERS MAY INTERVENE.

44. If the board of chosen freeholders of any county or the governing body of any township or municipality shall fail to prosecute any claim or demand of such county, township or municipality, any court in which an action on such claim or demand is cognizable or a judge may upon terms allow any taxpayer of such county, township or municipality (being also resident therein) to institute and prosecute an action upon such claim or demand in the name of and on behalf of such county, township or municipality, if in the opinion of the court or judge the interests of said county, township or municipality would be promoted thereby.

Right of taxpayer to institute claim.

45. In any action by or against any county, township or municipality the court or a judge may upon terms allow any taxpayer of such county, township or municipality (being also resident therein) to intervene in such action on behalf of said county, township or municipality and prosecute or defend the same in the name of such county, township or municipality, if in the opinion of the court or judge the interests of such county, township or municipality would be promoted thereby.

Taxpayer may intervene in behalf of county, etc.

### V. PROCESS.

#### I. FORM AND RETURN.

46. Courts of law shall always (except on Sunday) be open for the return of all process in civil actions and

When courts open.

for the service of writs of error, certiorari, and mandamus.

Date of  
process.

47. Every process shall bear date on the day on which the same shall be issued, and the date shall be prima facie evidence that it was issued on that day, but such date may be disproved whenever the same shall come in question; if any person shall antedate any process, he shall forfeit one hundred dollars to the party aggrieved and also be liable to him for all damages which he may sustain thereby; every process shall before the service or execution thereof be endorsed with the name and office address of the attorney or the name and residence of the party suing out the same; and if an action is prosecuted by the plaintiff in person, there shall be endorsed on the original process a statement that such process is sued out by the plaintiff in person.

Antedating  
forbidden.

Indorsements  
necessary.

Certain omis-  
sions not  
void; writ  
may be  
amended.

48. If the plaintiff shall omit to insert in or endorse on any process any of the matters required to be inserted or endorsed, such process shall not on that account be held void but may be set aside as irregular or amended; and such amendment may be ordered by the court or a judge upon terms on application to set aside the process.

Process in  
different  
counties.

49. If the defendants in an action in the supreme court reside in different counties, original process may issue at the same time to each county in which any of the defendants reside; the names of all the defendants shall be inserted in each process and the proper officer shall serve the same upon such defendants as he can find in his county.

Return made  
or sheriff  
amerced.

50. The sheriff or officer to whom any process is directed shall return the same at the time and place therein mentioned, or he may be amerced by the court in any sum not exceeding the plaintiff's debt or demand to and for the use of the plaintiff; the return of the officer serving any process may in the same action be shown to be untrue by either of the parties.

Record book  
of processes.

51. The sheriff of each county shall keep in his office a book in which he shall cause to be entered the return made by him to every process that shall come to his hands for service; such books shall be at all times available for the inspection of any of the parties to any

such process or their respective attorneys, and on the death of said sheriff or expiration of his term of office said book shall be deposited and kept in the custody of the clerk of his county, and the record of any such return so made by such sheriff or a transcript thereof certified by such sheriff or clerk, as the case may be, shall be prima facie evidence in any court of the return made to any such process.

## 2. SUMMONS. HOW SERVED.

52. The first process in personal actions in cases where the plaintiff is not entitled to bail shall be a summons, a copy whereof shall be served on the defendant in person at least two days before its return, or left at his usual place of abode at least six days before its return; if the defendant be a corporation, the summons shall be served as provided in the act entitled "An act concerning corporations (Revision of 1896)"; if the defendant be the board of chosen freeholders of any county or a municipal corporation or a township, the summons shall be served on the clerk or presiding officer of said board, or on the clerk of the municipality or township or on the mayor or presiding officer of the governing body thereof, at least fifteen days before its return; and when the sheriff or other officer to whom a summons is directed shall return the same "served," the party shall be considered as in court and may be proceeded against accordingly; *provided*, if the defendant be the board of chosen freeholders of a county or a municipal corporation or a township, the sheriff or other officer shall in his return state on whom the summons was served.

Summons,  
how served.

Proviso.

53. If error is made in the issuing or service of a summons, the court or a judge may order a new summons to be issued and served; and said summons and service thereof shall be as valid and effectual as if it had been originally issued and served.

If error in  
service, new  
summons.

## 3. CAPIAS. HOW EXECUTED.

54. The sheriff or other officer shall execute the writ of *capias ad respondendum* by taking the body of the

Service of  
writ of *capias*.

defendant and serving on him a copy of the writ, and shall return thereon that he has taken the body into custody; and thereupon the defendant shall be considered as in court and the plaintiff shall declare against him as if he had been brought into court by a summons.

#### 4. SCIRE FACIAS. HOW SERVED.

Serving  
scire facias.

Proviso.

55. A writ of scire facias shall be served by the sheriff or other officer to whom the writ is directed in the same manner as a summons may be served; *provided*, if the defendant has removed out of the jurisdiction of the court issuing such process or cannot be found by the sheriff or other officer, the plaintiff may cause the writ to be published four successive weeks in a newspaper printed in this state as near the last residence of the defendant as can be conveniently ascertained, and mail a copy thereof to the defendant, if his post-office address can be ascertained, at least six days before its return, or cause a copy of the writ to be served on the defendant at any place either in or out of this state at least six days before its return; and such publication or service shall in such case constitute due service of such writ.

### VI. ARREST.

#### I. IN ACTIONS IN TORT.

Issuing writ  
in action  
upon tort.

56. The writ of capias ad respondendum shall not be issued in any action founded upon a tort, except upon proof by affidavit or otherwise to the satisfaction of the court in which the action is about to be commenced or to a judge or supreme court commissioner, of the grounds upon which bail is required, and thereupon the court, judge or commissioner shall make an order for bail in such sum as he shall under the circumstances of the case think proper, and such sum shall be endorsed on the capias in words at length; on filing the proof and said order a capias ad respondendum shall be issued; but no such order shall be made unless:

First. Such action is founded upon a seduction or an outrageous battery or mayhem; or,

Causes for  
issuing capias.

Second. Such action is for the recovery of damages for the misconduct or neglect of a public officer; or,

Third. The proof establishes special cause as heretofore for holding the defendant to bail.

## 2. IN ACTIONS ON CONTRACT.

57. The writ of capias ad respondendum shall not be issued in any action founded upon contract, except upon proof by affidavit or otherwise to the satisfaction of the court in which the action is about to be commenced or to a judge or supreme court commissioner, that there is a debt or demand founded upon contract, express or implied, due to the plaintiff from the defendant, specifying the nature and particulars of said debt or demand, and establishing one or more of the following particulars:

Issuing writ  
in actions on  
contract.

First. That the defendant is about to remove any of his property out of the jurisdiction of the court in which an action is about to be commenced with intent to defraud his creditors; or,

Causes.

Second. That he has property or rights in action which he fraudulently conceals; or,

Third. That he has assigned, removed or disposed of, or is about to assign, remove or dispose of, any of his property with intent to defraud his creditors; or,

Fourth. That he fraudulently contracted the debt or incurred the demand.

Upon such proof being made the court, judge or commissioner shall make an order to hold the defendant to bail in such sum as shall be shown by the proof to be due to the plaintiff from the defendant, and such sum shall be endorsed on the writ in words at length; on filing the proof and said order a capias ad respondendum shall be issued; *provided*, this section shall not apply to proceedings as for contempt to enforce civil remedies; *provided, further*, in actions on promises to marry and actions for the recovery of moneys due from a public officer, the court, judge or commissioner shall order the

Bail.

Proviso.

Proviso.

defendant be held to bail in such sum as he shall under the circumstances of the case think proper.

Arrest of one  
of several  
defendants.

58. In an action against two or more defendants if the proof is sufficient for ordering a *capias ad respondendum* against one or more of the defendants but not against all the defendants, the court, judge or commissioner may make an order for the holding to bail of the defendants against whom sufficient cause for arrest is shown; and in such case process shall issue against all the defendants in the action, but in form shall command the sheriff or other officer to whom it is directed to take the bodies of the defendants against whom the order for bail may be made and to summon the other defendants; and the process shall be executed and served accordingly.

Form of  
process.

After return,  
proceedings.

59. When such a process shall be duly returned, the pleadings, practice and proceedings thereafter to the final judgment shall be the same as if all the defendants were brought into court in the same manner; and if judgment shall pass for the plaintiff the execution shall be special to the effect that the sheriff or other officer to whom the same is directed, shall make the debt or damages and costs of the goods and lands of the defendants, and for want of sufficient goods and lands shall take the bodies of the defendants against whom such order for bail has been made.

Proceedings  
on execution.

60. The sheriff or other officer by virtue of such an execution may seize and levy on the goods and lands of all the defendants in his county, and take the bodies of such of them as he is commanded by said writ, in satisfaction of such judgment; or the sheriff or other officer after such levy may, by the direction of the plaintiff, return the execution *non est inventus* in order to fix the bail, and thereupon the plaintiff may proceed against the bail as in other cases; but the bail shall only be liable for what may remain unpaid on the judgment after applying thereon the amount made of the goods and lands levied on, and shall be entitled on satisfying such deficiency to an assignment of the judgment, whereby to obtain indemnity for such payment by execution thereon, out of the property of any of the defendants which may not have been levied on or of

Liability  
of bail.



which any of the defendants may become seized or possessed; and the bail may render the defendants as in other cases, and the proceedings for and effect of such render shall in all respects be the same as if such action had been prosecuted against such defendants only.

### 3. SETTING ASIDE WRIT AND ORDERS FOR BAIL.

61. Any justice of the supreme court or judge of the court out of which a *capias ad respondendum* shall issue may on notice to the plaintiff determine upon the legality of orders for bail and discharge persons illegally arrested in civil actions whether bail has been given or not; and upon such application the justice or judge shall consider and determine the sufficiency, in fact as well as in law, of the proof upon which the order for bail was founded; if an order for bail is set aside, the action shall not abate but the defendant shall be discharged from arrest and his bail discharged and the action shall proceed as if commenced by summons, unless otherwise ordered by the court or a judge.

Writ and bail set aside, if determined illegal.

62. In actions commenced by writ of *capias ad respondendum* at any time within thirty days after a defendant shall have been arrested, a judge of the court out of which said writ issued may on the application of such defendant and on notice to the plaintiff make an order for the taking of testimony concerning the truth of the proofs upon which the order for bail was made, which testimony may be taken orally before said judge or in writing before any supreme court commissioner or examiner or master in chancery that the judge shall designate, and such testimony when taken in writing shall be filed; if from the testimony so taken the judge shall be of opinion that the order for bail should not have been made against any defendant, he shall upon terms make such order for his discharge from arrest and the discharge of his bail as the nature of the case may require; and the giving of bail shall be no waiver of the right to apply for an order to take such testimony.

Testimony concerning affidavits.

If writ wrongly issued, defendant discharged.

## 4. REDUCTION OF BAIL.

Bail may be reduced.

63. The court or a judge may at any time on application made on notice to the plaintiff and upon terms reduce the amount of bail required in any action to any sum that under the circumstances of the case shall seem just, and on such application affidavits may be read and filed by either party; if bail shall be so reduced, the sum fixed shall for all purposes in all subsequent proceedings in the action be considered the amount of bail required in the action the same as if such sum had been originally fixed and endorsed on the writ.

## 5. FEMALES NOT TO BE ARRESTED.

Females not liable to arrest.

64. No female shall be arrested or imprisoned by virtue of any mesne process or process of execution in any civil action.

## VII. BAIL.

## I. COMMISSIONERS.

Supreme court commissioners.

65. The justices of the supreme court or any two of them, of whom the chief justice shall be one, may commission under the seal of the court from time to time, as many persons as they shall think necessary in the several counties as supreme court commissioners, who shall have the same power and authority to administer an oath or to take any deposition, to make an order to hold a defendant to bail in a civil action and to take recognizances of bail in such actions as justices of the supreme court.

## 2. BAIL. HOW GIVEN.

Bail to sheriff abolished.

66. Bail to the sheriff and the practice relating thereto are abolished.

Declaration by the bye not allowed; process against defendant in custody.

67. Neither the plaintiff nor any other person shall be permitted to declare by the bye against the defendant in any action; but if a defendant on a *capias ad re-*

spondendum be in custody, the plaintiff if he have other cause of action or any other person having cause of action against such defendant may issue process against him as if he were not in custody; and on such process when served the like proceedings shall be had as in other cases.

68. If the plaintiff shall declare for or recover a greater sum than is expressed in the *capias ad respondendum*, the bail shall not thereby be discharged but shall remain liable for the amount of bail required in the action.

Amount for  
which bail  
liable.

69. A defendant arrested on a *capias ad respondendum* shall be released from custody upon his entering into a recognizance of bail to the plaintiff in double the sum endorsed on the writ with surety to be approved by the court or a judge or a supreme court commissioner, which approval shall be endorsed on the recognizance, and the recognizance shall be to the effect following:

When bail  
given.

A. B. against C. D.—On contract (or as the action may be).

Form of  
recognizance.

New Jersey,———county, to wit:

Be it remembered, that on the———day of———  
nineteen hundred and———, C. D., E. F. and G. H.,  
of the county of———, personally appeared before me,  
J. K., one of the justices of the supreme court of the  
state of New Jersey (or one of the judges of the circuit  
court or court of common pleas in and for the said  
county of———, or one of the supreme court commis-  
sioners, as the case may be), and severally acknowl-  
edged themselves to owe unto A. B. the sum of———  
(double the sum indorsed on the writ) each, to be levied  
upon their several goods and lands, upon condition that  
if the defendant C. D. shall be condemned in this action  
at the suit of A. B. the plaintiff, he shall pay the  
costs and condemnation of the court, or render himself  
into the custody of the sheriff of said county for the  
same, or if he fail so to do, that the said E. F. and  
G. H. will pay the cost and condemnation for him or  
render him into the custody of the sheriff of the said  
county.

Taken and acknowledged the day and year  
above written, before me, J. K.

Who may  
be bail.

70. No person shall be permitted to be bail in any action unless he is a freeholder and resident in this state and of sufficient property; and no attorney-at-law, sheriff, sheriff's deputy or other person concerned in the execution of process shall be permitted to be bail in any action.

Defendant  
produced to  
give bail.

71. The sheriff or other officer who executes a writ of capias ad respondendum shall at the time of the arrest or at any time thereafter before judgment in the action, if requested so to do, produce the defendant before an officer authorized to take recognizances of bail in order that he may give bail and for so doing the sheriff or other officer shall be entitled to two dollars and no more; the court or officer upon approving the recognizance of bail, shall execute and deliver to the sheriff or other officer having the defendant in custody a certificate of discharge to the following effect:

Form of  
discharge.

"A. B. against C. D. On contract (or as the action may be).

To the sheriff (or other officer) of the county of — :  
C. D., the defendant, having been arrested on a capias

ad respondendum at the suit of A. B., plaintiff, and the said C. D. having, on this — day of —, nineteen hundred and —, duly entered into a recognizance of bail to said A. B., which has been approved by me, you are hereby authorized and directed forthwith to discharge the said C. D. from custody and for so doing this shall be your sufficient warrant. J. K."

Recognizance  
filed.

72. Every recognizance of bail shall be filed in the office of the clerk of the court in which the action is pending by the officer before whom the same is taken within two days after the approval of the bail, and thereupon the clerk shall under his hand and the seal of the said court execute and deliver to the bail a bail piece, which shall be to the effect following, to wit:

Bail piece.

New Jersey supreme court (or — circuit court or court of common pleas); of the term of — nineteen hundred and —, C. D., of the county of —, is delivered on bail unto E. F., of the — of —, in the county of —, and G. H., of the — of —, in the county —, at the suit

of A. B. in an action on contract (or as the action may be).

L. M., attorney for the defendant.

73. The clerk of the court in which the action is pending shall keep in his office a book for recording abstracts of recognizances of bail, which books shall be properly indexed, and to which any person shall have free access at all proper times; such abstracts shall contain a statement of the name of the court and the style of the action, the names of the plaintiff and the defendant and of the bail, the residence of the bail and the amount of such bail; the clerk shall be entitled to ten cents for making such entry.

Record book  
of recogni-  
zances kept  
by clerk of  
court.

### 3. EXCEPTIONS AND JUSTIFICATION.

74. The bail shall at the time of executing the recognizance justify by affidavit made before the court or officer taking the recognizance, which affidavit shall be endorsed on the recognizance and be filed therewith, and shall set forth that the bail are freeholders and residents in this state, stating particularly the place of residence, and that they are respectively worth so much (mentioning the sum for which they are bail) after all their debts are paid.

Affidavit of  
bail.

75. After bail has been approved exceptions thereto may be taken and entered in the clerk's book within twenty days after bail filed, and notice of such exceptions shall be given the bail personally or by leaving the same at the stated residence of the bail; and in such case the bail shall within ten days after such notice on notice to the plaintiff appear before the court or a judge or a supreme court commissioner, who shall examine the bail touching the value of their respective estates, and approve the bail or order new or additional bail to be put in and approved on notice within such time as the court or officer may prescribe.

Exceptions  
to bail.

76. If on exceptions to bail, the bail shall not appear and be approved as aforesaid, or if new or additional bail shall be ordered and shall not be put in and approved within the time prescribed, the court or a judge

If bail not  
appear,  
amercement.

shall rule the bail to bring in the body of the defendant at a certain time in said rule specified, and if the bail fail to do so they shall be amerced by the court in any sum not exceeding the plaintiff's debt or demand with costs; such amercement shall have the force and effect of a judgment whereupon an execution in the name and for the use of the plaintiff may on motion be awarded and issued against the goods and lands of the bail so amerced, or in lieu of such amercement the court or a judge may issue a warrant for the arrest and commitment of the defendant as if upon the *capias*; *provided*, the bail may to protect themselves cause such new or additional bail to be put in and approved at any time before such amercement, and in such case the bail shall be excused from bringing in the body and no amercement shall be entered against them on said rule.

Proviso.

#### 4. RENDER IN DISCHARGE.

When render  
in discharge.

Proviso.

Minute of  
render and  
commitment.

Exoneretur  
entered.

77. Subsequent to the return of the *capias ad respondendum* the defendant may on notice to the plaintiff render himself or be rendered in discharge of his bail, either before or after judgment, to the court in which the action was brought or to a judge; *provided*, such render be made within twenty days after the return day of the *scire facias* against the bail or of the process in an action on the recognizance of bail and not after, unless for good cause further time be granted by the court or a judge; but in either case the bail shall pay the costs of the *scire facias* or action and judgment for the same may be entered against them.

78. The court or a judge before whom the render is made shall make an entry or minute of such render and commitment; and thereupon the defendant shall be committed to the custody of the sheriff or jailer of the county in which the *capias* was served; and on such render and commitment if done in open court, or on the same being certified to the clerk by the judge if not done in open court, the clerk shall enter an *exoneretur* on the recognizance of bail, and thereupon the bail shall be discharged; at any time before judgment in the action a defendant

who has been rendered in discharge of bail or arrested on warrant as aforesaid may be released on giving bail duly approved on notice to the plaintiff in the manner above prescribed.

#### 5. PROCEEDINGS AGAINST.

79. After a *capias ad satisfaciendum* shall have been returned non est inventus, the plaintiff may proceed against the bail upon their recognizance.

Plaintiff  
may proceed  
against bail

80. If a writ of error is brought by the defendant and the bail apply within the time limited for rendering the defendant, the court in which the proceedings against the bail are pending or a judge may stay the proceedings against such bail if they enter into recognizance to the plaintiff in double the sum recovered, to pay the condemnation money or render the defendant into the custody of the sheriff within twenty days after the termination of the writ of error, if it be in favor of the defendant in error.

Stay when  
writ of error  
brought.

81. If the bail are compelled to pay the judgment-recovered against the defendant, the court wherein the judgment was recovered on proof of payment thereof by the bail and on notice to the plaintiff and the defendant may rule that such judgment remain in force for the benefit of the bail so far as to enable them to recover the money paid by them as bail out of the property of the defendant, and thereafter execution may issue on such judgment against the property of the defendant notwithstanding such payment in the name of the plaintiff, but for the benefit of the bail; and after the entry of such rule satisfaction of such judgment shall not be entered of record without the consent in writing of the bail or rule therefor.

Judgment  
paid by bail  
not satisfac-  
tion.

Execution for  
benefit of bail.

#### 6. DEPOSIT IN LIEU OF BAIL.

82. Any defendant may, in lieu of giving or renewing bail if rendered by his bail, make deposit in court of the sum for which bail was ordered together with thirty dollars to answer for costs, and thereupon he shall be

Defendant  
may make  
deposit in lieu  
of bail.

Repayment  
of deposit.

discharged from custody; the making of such deposit shall not prevent the defendant making application to set aside the order for bail; if the order for bail shall be set aside, the money so deposited shall by rule be repaid to the defendant, but otherwise shall remain subject to the order of the court, and if the plaintiff recover in the action, shall be applied in satisfaction in whole or in part as the case may be of the judgment recovered; if the plaintiff shall recover a sum exceeding the amount of such deposit, he shall be entitled to a writ of *capias ad satisfaciendum* and may collect thereon the balance remaining due on the judgment; but if the defendant recover judgment in the action the sum so deposited shall be repaid to him.

#### 7. BAIL BY SURETY COMPANIES.

Bail by surety  
companies in  
civil action.

83. The foregoing provisions of this act relating to the qualifications, justification and exceptions to bail shall apply only to bail given by individuals, and nothing in this act shall be construed to prevent any surety company having a certificate of authority to do business in this state from the commissioner of banking and insurance of this state from acting as bail in any civil action in the manner and with the effect provided by law.

#### VIII. ATTACHMENT.

Action com-  
menced by  
attachment.

84. An action may be commenced by attachment against the property, real and personal, of any person, corporation or organization against whom a writ of summons might issue, upon proof by affidavit or otherwise to the satisfaction of the court in which an action is about to be commenced or to a judge or supreme court commissioner, establishing:

Establish  
facts.

First. The facts on which the plaintiff would be entitled to an order to hold a defendant to bail under the provisions of this act; if the defendant be a female, a corporation or an organization, an attachment may issue as if such defendant were liable to arrest in a civil action;



but in actions in tort no attachment shall issue hereunder against a corporation upon which a summons can be served; or,

Second. That the plaintiff has a cause of action which arose in this state, the nature and particulars of which he shall specify, and that the defendant absconds from his creditors or is not a resident of this state, and that summons cannot be served; but no attachment shall issue hereunder against the rolling stock of a common carrier of another state or against the goods of a non-resident in transit in the custody of a common carrier of this or another state; or

Plaintiff has cause.

Third. That a cause of action existed against a decedent which survives against his heirs or devisees, and that such heirs or devisees or some of them are unknown or non-resident, and that there is property in this state which is by law liable to answer such cause of action.

Cause existed against decedent.

85. Upon such proof being made, the court, judge or commissioner shall make an order awarding the plaintiff a writ of attachment against the goods and lands, rights and credits, moneys and effects, belonging to the defendant in this state, or if action is brought against the defendant in a representative capacity under his custody or control, which order shall prescribe the amount of the bond to be given on behalf of the plaintiff to the defendant with sufficient sureties to indemnify the defendant for all damages resulting from the attachment and taxed costs of suit, if the suit shall be discontinued or dismissed or if judgment therein shall be given for defendant; such order shall direct that the writ shall issue in actions on contract for such sum as shall be established by the proofs to be due to the plaintiff, and in actions in tort for such sum as the officer shall under all the circumstances think proper; in case an attachment shall issue an order for bail shall not be made.

Writ ordered upon proof.

Bond and sureties.

86. Upon filing with the clerk of a court out of which a writ of attachment may issue the order awarding such writ and the proof upon which the same is founded, and the bond approved by the court, judge or commissioner, such clerk shall issue to the sheriff or other officer a writ of attachment for the sum directed, and

Proceedings in case of writ.

the practice and procedure in relation to the said writ, its effect, levy and return, and in relation to the custody and sale of personal property attached, shall be the same as in cases of attachment against non-resident debtors, and in relation to the vacation thereof when improperly issued, the same as for setting aside an order for bail.

When heirs  
unknown.

87. If the writ is awarded under the third subdivision of section eighty-four the plaintiff shall in the writ and in his declaration and rule to plead and in all subsequent proceedings in the action, designate such of the heirs or devisees as are known by name, and such of them as are unknown by the designation of "unknown heirs or devisees" of such decedent; and such designation shall have the same force and effect as if all the heirs or devisees who are proper parties defendant had been named in the writ and other proceedings.

Attachments  
against  
separate and  
joint estate.

88. Attachments may issue against the separate and joint estate of joint debtors or any of them, either by their name or the name of the partnership or by whatsoever name they may be generally distinguished, or against the heirs, executors or administrators of them or any of them; and the estate so attached, whether separate or joint, may be sold or assigned for the payment of the joint debt; and in case of fraud by one of several joint debtors which accrues to the benefit of all the joint debtors, an attachment may issue against the separate estate of such joint debtor or against the joint property of all.

Issuance of  
writ beginning  
of action.

89. The issuing of such writ of attachment shall be the beginning of an action at law and no summons shall be necessary to bring the defendant into court and the plaintiff shall file his declaration within thirty days after the return day of the writ, and shall rule the defendant to plead thereto, which rule shall be served personally on the defendant either in or out of this state, or shall be served or published as the court or a judge may direct, and in default of a plea as required by such rule, judgment interlocutory may be entered against the defendant, and the practice and procedure thereon and generally in the action shall be the same as if the action had been begun by summons, except as herein otherwise provided.

90. The property attached, unless released as otherwise provided, shall remain during the pendency of the action as security for any judgment which the plaintiff may recover, and upon the recovery of final judgment special execution shall issue against such of the attached property as may be liable to be levied upon and sold under the execution laws of this state, and the proceedings thereon shall be in conformity therewith; but in case the property attached or any part thereof shall be such as it is not liable to be levied upon and sold under the execution laws of this state, then the sheriff or other officer to whom the execution shall have been issued shall in his own name as such sheriff or other officer realize upon the said property and choses in action by sale, collection or otherwise, and to that end he may bring an action in his own name as sheriff or other officer for the recovery of any moneys due thereon, and he shall account therefor to the court out of which the said execution issued; for his services in realizing upon the property and choses in action attached which are not liable to be levied upon and sold under the execution laws of this state, the sheriff or other officer shall by order of the court or a judge be allowed his expenses and such reasonable compensation as the court or judge may fix.

Property as  
security.

Sale of.

91. If the defendant be a resident, then in case he does not appear the judgment and execution shall be special against the property attached only, but in case he does appear the judgment and execution shall be against him generally; if the defendant be a non-resident, he may appear specially or generally; in case he does not appear or shall enter a special appearance, the judgment and execution shall be special against the property attached only, but in case he enters a general appearance the judgment and execution shall be against him generally.

If defendant  
resident.

If non-  
resident.

92. The property so attached may by order of the court or a judge be released from the lien of the said writ upon the defendant giving bond to the plaintiff with sufficient surety to be approved by the court or a judge in double the amount of the plaintiff's claim or cause of action, or in double the value of the property so

Release of  
property by  
giving bond.

attached, or if action is founded upon a tort in such sum as the court or a judge shall under the circumstances deem reasonable, conditioned for the payment of any judgment which may be recovered in the action.

## IX. PLEADING.

### I. WHEN FILED OR SERVED.

When declaration filed.

93. The plaintiff shall file his declaration within thirty days after the return day of the summons or *capias ad respondendum*, or on failure thereof, shall become nonprossed, unless the court or a judge under special circumstances shall grant further time; and in such case the plaintiff shall declare within the time so granted or become nonprossed.

When nonprossed.

When plea filed.

94. The defendant, when not served with a copy of the declaration, shall file his plea or demurrer within twenty days after the expiration of the time limited or granted for filing the declaration, or on failure thereof judgment may be entered against him, unless the court or a judge under special circumstances shall grant further time; and in such case the defendant shall plead within the time so granted, or judgment may be entered against him.

Serving copy.

95. The plaintiff may annex his declaration to the summons or *capias ad respondendum* and deliver the same to the sheriff or other officer to whom the process is directed and delivered, with as many copies of the process and declaration as there are defendants to be served; in such case the sheriff or other officer when he serves the process shall at the same time serve a copy of the declaration on each defendant, and shall return the declaration "served," adding the date of service, which return shall be proof of the service of the declaration and of any bill of particulars, statement or notice thereon endorsed or thereto annexed; or when the defendant is in court the plaintiff may at any time within thirty days after the return day of the process, file his declaration and serve a copy thereof on the defendant; in either case the defendant shall file his plea or demurrer within

twenty days after such service of the declaration, or on failure thereof judgment may be entered against him; *provided*, there shall be indorsed on such declaration and on the copy served a notice that unless the defendant shall file a plea or demurrer within twenty days after the service of the declaration, judgment will be entered against him; *provided further*, if the declaration contains common counts only or common counts on which a recovery is sought in addition to any matter or thing mentioned in any special count, there shall be annexed to the declaration a bill of particulars of the demand showing the amount for which judgment will be claimed; in case the declaration is served separately from the process, the plaintiff before entering judgment shall file an affidavit of such service; the sheriff or other officer who serves the process with the declaration annexed shall receive the same fees for such service as for the service of the process alone and no more, but he shall be entitled in addition to the fee allowed by law for serving the process to a fee of twelve cents for returning the declaration, such fee to be taxed in the costs.

Proviso.

Proviso.

If declaration served separately.

Fees.

96. The copy of the declaration mentioned in the preceding section, when served separately from the process, may be served on a defendant whether a natural person or corporation in the same manner as a summons may be served; the plaintiff if he shall be entitled to costs in an action shall be allowed for such service the sum of two dollars for each defendant so served not exceeding three, to be taxed in the costs.

Declaration served as a summons.

97. If in an action on contract a copy of the declaration is served on the defendant personally, either with the process or separately therefrom, the plaintiff shall be entitled to judgment against the defendant, unless within ten days from the date of such service or within such further time as the court or a judge may grant, the defendant or his agent or attorney shall file with the clerk of the the court in which such action is pending an affidavit to be called an affidavit of merits, that the affiant believes that the defendant has a just and legal defense to the action on the merits of the case; *provided*, there shall be endorsed on the declaration and on the copy served, a notice that if the defendant intends to

Affidavit of merits.

Proviso.

make a defense to the action, he shall file an affidavit of merits within ten days from the date of such service and a plea or demurrer within twenty days therefrom, and that in default of filing such affidavit, plea or demurrer judgment will be entered against him; in case such affidavit is filed, the defendant shall have twenty days from the date of the service of the declaration in which to plead or demur; in case the declaration is served separately from the process and no such affidavit is filed, the plaintiff before entering judgment shall file an affidavit of service of the declaration.

Time to plead  
or demur.

Further  
pleadings.

98. If further pleadings shall be necessary, they shall be filed within twenty days, each after the other, unless the court or a judge under special circumstances shall grant further time.

## 2. WHEN FILED OUT OF TIME.

If filed out  
of time, order  
to plead  
required.

99. If a party shall file his pleading after the expiration of the time limited or granted, the adverse party shall not be required to plead or reply thereto until ruled so to do, and no subsequent pleading shall be required in a shorter time than twenty days from the time of the service of a rule to plead or reply thereto.

Taking ad-  
vantage of  
failure to file  
pleadings.

100. If a party would take advantage of the failure of the adverse party to file any pleading within the time limited or granted, he shall do so before or at the term next after such failure; and if he fail to do so, it shall be considered as a waiver of his right and he shall not afterwards have such judgment, unless he shall rule the party to plead.

## 3. AFFIDAVIT WITH PLEA OR DEMURRER.

Affidavit to  
be filed with  
plea.

101. The defendant in every action shall file with his plea or demurrer an affidavit that the same is not intended for the purpose of delay, and that the affiant believes that the defendant has a just and legal defense to the action on the merits of the case, which affidavit shall be made by the defendant or in his absence by his

attorney or agent, and for want of such affidavit the plea or demurer shall be treated as a nullity; *provided*, the court or a judge may give the defendant leave to plead or demur without filing such affidavit, and it shall not be necessary for a public corporation or a defendant who has filed an "affidavit of merits," to file such affidavit.

Proviso.

#### 4. PARTICULARS OF DEMAND.

102. In every action on contract, the plaintiff may annex to his declaration a bill of particulars of the demand or a copy of any record or writing on which the declaration is founded; and if in any such action the defendant has a set-off, he may annex to his plea or notice of set-off a bill of particulars of the demand or a copy of any record or writing on which such plea or notice of set-off is founded; if such bill of particulars or copy is not so annexed, the defendant before plea filed or the plaintiff before replication filed may by demand served on the adverse party require such bill of particulars and copy to be given, and the same shall be served within ten days after service of the demand, and in default thereof, the plaintiff shall be debarred in such action from all claim under such declaration, or the defendant shall be debarred in such action from all claim under such plea or notice; the party annexing or serving a bill of particulars or copy shall be bound thereby; *provided*, the court or a judge may upon terms for good cause grant relief to either party.

Bill of particulars annexed to declaration.

Set-off.

Demand for particulars.

Proviso.

103. The attorney for each copy of the bill of particulars or of a record or writing shall be allowed eight cents per folio, and the clerk for copying the same in the record, six cents per folio.

Fees for copies.

#### 5. GENERAL ISSUE AND NOTICE OF SPECIAL MATTER.

104. When a defendant in any action upon contract shall plead the general issue alone or in connection with other pleas, the plaintiff may make written demand for a specification of the defences intended to be made under

Specification of defences.

Failure to  
specify.

such plea and the defendant shall within ten days after such demand comply therewith in writing, and shall, at the trial, be confined as to said plea to the defences so specified; in case of the failure of the defendant to comply with such demand, such plea of general issue shall be taken to import only a denial of the making of the contract sued on; but the defendant may annex to such plea of general issue a notice of any special matter which, if pleaded, would be a bar to such action and may give such matter in evidence; the court may at or before the trial of the action upon terms permit the notices herein mentioned to be filed or amended.

#### 6. FAILURE OF CONSIDERATION AND RECOUPMENT.

Failure of  
consideration  
as defence.

Recoupment.

Proviso.

105. In an action upon a contract, whether under seal or not, the defendant may set up in abatement of the debt or damages claimed, a defect in or partial failure of the consideration of the contract sued on; the defendant may also recoup all damages which he may have sustained by reason of any cause of action arising out of the contract or transaction which is the subject of the action; *provided*, a notice of the particulars of such counterclaim be annexed to the plea and filed therewith; if the defendant shall recoup damages and the amount of such damages shall be found to exceed the demand of the plaintiff, the defendant shall have judgment for such excess with costs.

#### 7. IN SPECIAL CASES.

Pleading in  
libel or  
slander suits.

106. In an action founded on a libel or slander, the plaintiff may aver that the words or matter complained of were used in a defamatory sense, specifying such defamatory sense, without any prefatory averment to show how such words or matter were used in that sense, and such averment shall be put in issue by the denial of the alleged libel or slander; and if the words or matter set forth with or without the alleged meaning show cause of action, the declaration shall be sufficient.



107. In an action upon a bond with a condition the plaintiff shall state the condition and assign breaches thereof in his declaration; and no evidence shall be given of any breach not so assigned.

Breaches assigned.

108. In an action by the inhabitants of a township in their corporate capacity upon the bond of a township collector, there may be included all claims of such township in its own right or in the right of another person or corporation for public moneys which have come to the hands of such collector for any purpose whatever and with which he is legally chargeable.

Action by township upon collector's bond.

109. A right by virtue of a private way may be pleaded generally in the same manner as in pleading a public way.

Pleadings.

#### 8. STRIKING OUT PLEA OR DEMURRER.

110. The court or a judge may on four days' notice strike out any pleading which is irregular or defective, or is so framed as to prejudice, embarrass or delay a fair trial of the action, and the order striking out shall be entered on the record, if required by the party against whom the same is made, and error may be assigned thereon.

Defective pleading stricken out.

111. Any frivolous plea or demurrer or sham plea may be struck out by the court or a judge on four days' notice, unless the court or judge shall for special reason direct shorter notice; if an affidavit shall be presented to the court or judge, setting forth that the party or his attorney by whom such plea or demurrer is filed cannot be found, said notice shall not be necessary; and on such application the court or judge may by order direct the taking of testimony to be used on the hearing.

Frivolous pleas stricken out.

#### 9. NEGLECT OF ATTORNEY.

112. If in any action judgment shall pass against either party by reason of the failure of the attorney of such party to file any proper pleading, the court or a judge shall on application within one year after the

Judgment may be opened if attorney neglectful.

entry of such judgment open said judgment and permit a proper pleading to be filed upon terms, if in the opinion of the court or judge injury or wrong has resulted or may result from such failure.

#### 10. GENERAL PROVISIONS.

- Records kept together. § 113. The pleadings and papers filed in each action shall be kept together in the office of the clerk of the court; parties shall take notice of the filing of all pleadings within the time limited without service of a copy or notice of the filing.
- Express color; issue joined. 114. Express color and special traverse shall not be necessary in any pleading; when a pleading concludes to the country issue shall be considered as joined thereon, unless a demurrer is filed thereto.
- Superfluous counts. 115. The defendant at any time before issue joined may move to strike out superfluous counts in the declaration and may at any time move to consolidate several actions which are capable of being consolidated.
- Successive pleadings. 116. Either party in any action may plead in answer to any pleading of the adverse party as many several matters as he shall think necessary; *provided*, the costs of any issue either in fact or law shall follow the finding or judgment upon such issue, whatever may be the result of other issues.
- Proviso. 117. No dilatory plea or plea of another judgment shall be received, unless the party offering such plea do offer therewith an affidavit proving the truth thereof; or do show some probable cause that the matter therein set forth is true.
- Dilatory pleas. 118. Either party to an action may aver performance of conditions precedent generally; and the opposite party shall not deny such averment generally, but shall specify in his pleading the condition precedent, the performance of which he intends to contest.
- Aver performance. 119. If any writing whereof a copy is annexed to any pleading or notice is referred to in the body of the pleading or notice as so annexed, the said copy shall cure any defect by reason of not setting forth the same or the insufficient setting forth of the same in the body of the
- Copy of writing cures defect.

pleading or notice; and where a copy of any writing signed by a party to the same shall be so annexed and referred to, the same shall be a part of the record and recorded with the pleadings.

120. In an action on contract made in another state the defendant shall not set up as a defense usury or illegality in the consideration under the provisions of any statute of such state, unless he plead such statute specially and annex to such plea a note of the time when the same was passed.

Usury or  
illegality to  
be pleaded.

121. Pleas puis darrein continuance shall be pleadable only by permission of the court or a judge; and the court or a judge in allowing any such plea may direct that the pleading thereof shall not be a waiver of former pleas.

Pleas puis  
darrein con-  
tinuance.

122. A plea or notice of set-off shall, with respect to the rights and liabilities of the parties to the action, be considered as a cross-action brought by the defendant; the plaintiff may at the trial make any defense to the subject-matter of the set-off which he would be entitled to make under the general issue if the defendant had brought an action for the same; but no other defense shall be available in answer to such set-off unless the plaintiff shall file a notice of such defense as a pleading in the action.

Set-off con-  
sidered cross-  
action.

## II. AMENDMENT AND VARIANCE.

123. Any pleading may be amended as of course without costs and without prejudice to the proceedings already had, at any time before a pleading in answer thereto has been filed; and in such case a copy of the amended pleading shall be served on the adverse party within five days after filing the same, who shall plead thereto in twenty days after such service.

Pleadings may  
be amended  
of course.

124. If either party amend his pleading after the pleading in answer thereto has been filed, the adverse party shall have twenty days to plead to the amended pleading; but all such amendments shall be made by leave of the court or a judge and upon terms.

Further  
amendments.

125. If at the trial of an action there appears a variance between any pleading and the proof there-

When  
variance  
immaterial.

under which would not mislead the adverse party to his prejudice, the court may order an immediate amendment of the pleading to avoid such variance; if the variance be one that might mislead the adverse party, the court may order the pleading to be amended upon terms.

Court may  
amend defects  
in pleadings.

126. In order to prevent the failure of justice by reason of mistakes and objections of form, the court or a judge at all times may amend all defects and errors in any proceeding in civil actions, whether there is anything in writing to amend by or not, and whether the defect or error be that of the party applying to amend or not, and all such amendments may be made with or without costs and upon terms; and all such amendments as may be necessary for the purpose of determining in the existing action the real question in controversy between the parties shall be so made.

## 12. DEMURRER.

Special  
demurrers  
abolished.

127. No pleading shall be deemed insufficient for any defect which could heretofore be objected to only by special demurrer; where issue is joined on a demurrer the court shall give judgment according as the very right of the cause and matter in law shall appear without regarding any imperfection, omission, defect in or lack of form; and no judgment shall be arrested, stayed or reversed for any such imperfection, omission, defect in or lack of form.

Formal  
joinder un-  
necessary.

128. Formal joinder in demurrer shall be unnecessary.

Issue of law  
first deter-  
mined.

129. If there are several issues in law and in fact, the issue in law shall be first determined before the issue in fact shall be tried.

Notice of  
argument.

130. Either party may give notice of the argument of a demurrer, which notice shall be served at least ten days before the hearing, and in actions in the circuit court or court of common pleas such argument may be brought on either in term time or vacation.

Form of  
demurrer.

131. A demurrer shall be in substantially the following form: "The defendant (or plaintiff, as the case

may be) demurs to the ——— (stating the pleading demurred to) of the plaintiff (or defendant, as the case may be) upon the following grounds (stating the grounds of demurrer)"; and at the hearing the demurrant shall be confined to the grounds of demurrer stated in his demurrer; *provided*, the court or a judge may at any time upon terms permit the grounds of demurrer to be amended.

Proviso.

132. Any pleading to which a demurrer is filed may be amended by the party as of course upon payment of the costs of the demurrer and service of a copy of the amended pleading on the adverse party within twenty days after the filing of the demurrer, and if the pleading is not amended, joinder in demurrer shall be presumed; the demurrant shall file his pleading in answer to such amended pleading within twenty days after such service, unless the court or a judge under special circumstances shall grant further time.

Pleadings to demurrer amended.

#### X. JUDGMENT BY DEFAULT AND ASSESSMENT OF DAMAGES.

133. If either party shall fail to file any necessary pleading within the time limited or granted, the adverse party may enter as of course either in term time or vacation in the minutes such rule for judgment by default, either interlocutory or final, as he would have been entitled to if such rule were applied for in open court, expressing in such rule the true date of the actual entry thereof; and such rule when lawfully entered shall have the same force and effect as if entered by order of the court, and if unlawfully entered shall be utterly void.

Judgment entered in term or vacation.

134. Any judge of the court in which an action is pending on application made before the entry of a rule for judgment by default, upon affidavit made by the defendant or his attorney or agent, that the affiant believes that the defendant has a just and legal defense to the action on the merits of the case and that he has in good faith endeavored to prepare his plea and setting forth a sufficient excuse why he has not been able so to do, or upon affidavit made by any person on behalf of the de-

Judge may grant further time to plead.

Affidavit necessary.

fendant that he believes that the defendant has a just and legal defense to the action on the merits of the case and has been absent from the state ever since the service of process, or upon affidavit showing that the ends of justice require that further time be given, may grant by order further time to plead, not exceeding thirty days: such order, if filed with the clerk before the entry of judgment by default, shall during the time therein granted stay the entry of such judgment, except upon application in open court.

Judgment  
set aside or  
opened.

135. If a judgment by default is entered for want of a plea, the court or a judge on four days' notice, upon proof that such judgment was improvidently or fraudulently entered, or that the defendant has a just and legal defense to the action, may order that such judgment be set aside or opened to let the defendant in to plead; *provided*, if such judgment shall have been regularly obtained and without fraud, the order shall be that the defendant be permitted to plead on such terms as may be equitable, and the lien acquired by such judgment and by the execution thereon shall remain as security for the satisfaction of any judgment the plaintiff may recover in the action.

Proviso.

Damages  
assessed on  
judgment  
by default.

136. If interlocutory judgment in an action on contract is entered by default, where the damages or sum recoverable are a mere matter of calculation or can readily be ascertained, the plaintiff may have his damages assessed by the court, or if the court is not actually in session, by a judge or the clerk, unless a rule shall be entered for a writ of inquiry or an order be made for assessment of damages in open court.

Plaintiff may  
enter rule  
for writ of  
inquiry.

137. The plaintiff may enter a rule for a writ of inquiry in term time or vacation as of course; but the defendant shall not enter such a rule in cases where the plaintiff is entitled to have his damages assessed by the court or a judge or the clerk, unless he shall enter such rule before the expiration of the time for pleading and shall at the time of entering such rule file with the clerk an affidavit that the amount claimed to be due to the plaintiff in the bill of particulars or some part thereof is not due from the defendant to the plaintiff, specifying what amount, if anything, is due, and that the rule is

Defendant  
must file  
affidavit.

not intended for the purpose of delay, but only to have the amount due to the plaintiff correctly ascertained; which affidavit shall be made by the defendant or in his absence by his attorney or agent; and in case such affidavit shall specify any sum to be due to the plaintiff, the plaintiff may forthwith enter final judgment therefor, which shall operate as a waiver of the residue of his claim as set forth in his bill of particulars; *provided*, the court or a judge may on application by the defendant before final judgment is entered, order that the damages be assessed in open court. Proviso.

138. The same notice shall be given of executing writs of inquiry and of countermand as is required for the trial of issues of fact; if the plaintiff shall not execute the writ of inquiry according to notice or countermand such notice in due time, the defendant shall be entitled to costs. Notice of writs of inquiry.

139. If the damages are assessed by a writ of inquiry, no rule for final judgment shall be entered, except by order of the court or a judge on notice to the defendant; but if the damages are assessed by the court or a judge or the clerk, a rule for final judgment may be entered upon filing such assessment as of course, which judgment shall be signed and take effect as of the day when such rule is actually entered. Final judgment, entry.

## XI. DISCOVERY BEFORE TRIAL.

### 1. UPON INTERROGATORIES.

140. After an action is at issue either party may serve on the adverse party, whether such party be a natural person or body corporate, written interrogatories upon any matter material to the issue, and written answers to the same under oath shall be served in ten days after service; the answers shall be strictly responsive, and in the case of a body corporate shall be under the oath of such of the officers, agents or employes of the corporation as have personal knowledge of the facts or custody of the books, records or papers a discovery of which is sought; the court or a judge may for the purpose of compelling Written interrogatories served on adverse party.

Proviso.

an answer attach for contempt, suppress the defense or stay or dismiss the proceedings; the answer shall be evidence in the action if offered by the party proposing the interrogatories, but not otherwise; *provided*, the court or a judge may for good cause and on notice to the adverse party order any of the interrogatories to be stricken out or amended or new ones to be added or grant further time for answering or order or permit the answers to be amended.

## 2. ADMISSION OR EXECUTION OF PAPERS.

Execution  
of writings.

141. Either party may, by a demand served at least ten days before the trial, call on the adverse party to admit in writing the execution of any document, saving all just exceptions; in case of refusal or neglect to admit for five days after such service, the costs of proving the document shall be paid by the party so refusing or neglecting, whatever the result of the action may be, unless at the trial the judge shall certify that the refusal or neglect to admit was reasonable; an affidavit of the attorney in the action of the due signature of any admissions made in pursuance of such demand and annexed to the affidavit shall be in all cases sufficient evidence of such admission.

## 3. INSPECTION OF BOOKS, ETC.

Court may  
order copies  
of books, etc.

142. The court in which an action is pending or a judge may on four days' notice and upon terms order either party to give to the other within a specified time an inspection and copy or permission to take a copy of any books, papers or documents in his possession or under his control, containing evidence relating to the merits of the action or the defense thereto, and if compliance with the order be refused, such books, papers or documents shall not be given in evidence in such action, and the court may punish the party so refusing as for contempt.

Application  
in writing.

143. Every such application shall be in writing and shall state the grounds upon which it is made, verified



by the oath of the party or his attorney or agent; the affidavit of the adverse party or his attorney or agent may be read in opposition to such application without notice of the taking of such affidavit or either party or any other witness may on such application be examined in relation thereto.

#### 4. EXAMINATION OF ADVERSE PARTY BEFORE TRIAL.

144. Any party to an action may by order of the court or a judge be examined as a witness at the instance of the adverse party or of any one of several adverse parties after issue joined and before trial; such examination may be before the court or a judge or a supreme court commissioner or examiner on four days' notice to the party to be examined, unless a shorter time is for good cause prescribed; the granting of said order shall be discretionary; the service of the order shall be sufficient summons and notice to the party named therein to attend before the court, judge or officer therein named, and such attendance and examination may be enforced in the same manner as answers to interrogatories.

Party to action examined as witness by adverse party.

145. No party who shall reside in this state shall be compelled to attend and testify in any other county than that where he resides, but any party residing out of this state may be compelled to attend and testify in any county named in the order or in the state or country where he resides; a non-resident party may be served out of this state with personal notice to attend such examination.

Attendance of resident and non-resident witnesses.

146. The examination and cross-examination shall be reduced to writing and shall be signed by the party so examined and certified by the court, judge or officer, and filed with the clerk of the county where the cause is to be tried, and said examination may be used by either party at the trial; where the examination is made before the court or a judge, such court or judge may authorize the same to be reduced to writing by the clerk of any circuit court or by any attorney or counselor; any question may be objected

Testimony taken at examination.

Refusal to attend.	to and the answer taken subject to the objection; if the party refuse to answer, the court or a judge shall compel the party to answer, if the party examining is legally entitled to have an answer; the examination thus taken shall not be conclusive, but may be rebutted at the trial.
Fees.	147. The party examined shall receive the same fee as if subpoenaed and attending as a witness on the trial of an action, and the commissioner or examiner taking the testimony shall receive the same fees for his services as are allowed by law to a master in chancery for taking testimony in a cause.
How paid.	148. The party examining shall in the first instance pay the witness fees and all the costs and expenses of the examination, unless the court or a judge otherwise order, and shall tax therefor in his bill of costs only such sum as the court or a judge shall certify to be reasonable and proper.

## XII. TRIAL.

### I. WHEN ACTION TO BE TRIED. NOTICE OF TRIAL.

When tried. Proviso.	149. The plaintiff shall notice his action for trial at the first day of every term after issue joined; <i>provided</i> , if issue be joined less than twenty days before the next succeeding term, the notice shall be given for one of the first twenty days of that term; either party may notice an action for trial at a day in the term wherein issue is joined; if the plaintiff fail to give the required notice of trial or to move the action according to notice of trial given by either party, the court or a judge may order that he be nonprossed.
Notice of trial.	150. The defendant may give to the plaintiff the same notice of trial as the plaintiff is required to give to the defendant; if the defendant has filed a set-off or notice of recoupment, he may move the action and proceed to trial according to notice given by either party.
Notice to attorney and sheriff.	151. Notice of trial shall be given to the attorney of the defendant or to the defendant if he appear in person, or to the sheriff or keeper of the jail if the defendant is in custody, at least fifteen days before such intended

trial; the sheriff or jailer shall deliver without delay the said notice to the defendant therein named, and in default thereof, he shall be liable to the defendant for all damages occasioned thereby; short notice of trial, when directed by the court, shall be given five days before the trial.

152. Every countermand of notice of trial shall be given at least seven days before such intended trial, and on failure thereof, costs shall be awarded in like manner as if notice of trial had not been countermanded.

Countermand.

153. All notices of trial given for the first day of the term shall be filed with the clerk at least six days before the term, who shall furnish the court on the first day of every term with a list of the actions to be tried and argued in their course and order.

Notices to be filed.

## 2. PROCEEDINGS AT THE TRIAL.

154. All issues of fact may by consent of the parties be tried by the court, or if the action be pending in the supreme court, then by a justice at the circuit court in the proper county; and the report or determination of the court or justice upon such issues shall be entered in the minutes or annexed to the circuit record as a postea, and judgment given thereon in like manner as in case of a verdict; either party may allege an exception and have the same sealed, or move for a new trial as in case of trial by jury.

Issues of fact may be tried by court.

155. All actions in which matters of account are in controversy may by rule be referred to some competent person or persons, to state and report an account between the parties and the amount that may be due from either party to the other, which report signed by the referee or a majority of the referees, when confirmed by the court, shall be final and conclusive between the parties and judgment may be entered thereon and execution issued in the manner provided by law; but either party may at the time of ordering such reference enter in the minutes his reservation of a right to trial by jury, and at the same term in which the report is filed may demand a trial by jury, in which case the action shall be

When by jury.

Reference when accounts in controversy.

Referee's report.

Reservation.

- Exceptions  
to report. tried by jury, the costs of the reference to abide the result; on such trial the report of the referee or referees shall be prima facie evidence of all the facts therein found and reported; the party demanding a trial by jury shall file his exceptions to the report in twenty days after notice that the same is filed, and no other exceptions shall be considered on the trial; if no such reservation has been entered or if the party fails so to demand a trial by jury or to file exceptions, the report may be confirmed on motion of either party on ten days' notice.
- Judge may  
refer action. 156. Any justice of the supreme court holding the circuit may refer any action in which matters of account are in controversy pending in the supreme court, and coming on for trial at the circuit, and may confirm the report of the referee or referees, and order judgment to be entered thereon, subject however to all the provisions of the preceding section; and the postea shall be framed accordingly; but no such confirmation and order shall be made where either party shall have entered in the circuit minutes a reservation pursuant to the preceding section.
- Postea; con-  
firmation. 157. The court or justice referring an action shall by rule make just allowance to the referee for his services, to be paid in the manner and by the party in said rule directed.
- Allowance  
to referee. 158. Papers read in evidence, though not under seal, may be carried from the bar by the jury; jurors who know anything relative to the point in issue shall during trial disclose the same in open court, if called as witnesses.
- Papers in  
evidence;  
jurors. 159. No jury shall in any case be compelled to give a general verdict, so that they find a special verdict and show the truth of the fact and require the aid of the court; but if of their own will they give a general verdict, the same shall be received.
- Verdict. 160. It shall not be necessary to call the plaintiff when the jury returns to the bar to deliver their verdict; the plaintiff shall have no right to submit to a nonsuit after the jury have gone from the bar to consider of their verdict; and the court may direct that the verdict be taken by the clerk in open court in the absence of the
- Delivery of  
verdict.

judge and may order that the court remain open for that purpose.

161. If there are in a declaration several counts, some of which are faulty or bad and others not, and entire damages are given, the verdict shall be good; but the defendant may apply to the court to instruct the jury to disregard such faulty or bad counts.

Bad counts.

162. If in an action for the recovery of goods unlawfully detained, formerly styled detinue, the verdict shall omit price or value, the court may at any time award a writ of inquiry to ascertain the same; and if in any such action on an issue concerning several things in one count, no verdict be found for part of them, it shall not be error; but the plaintiff shall be barred of his title to the things omitted.

Writ of inquiry in detinue.

163. The party against whom a verdict has passed may first move for a new trial; and if it be denied, may then move in arrest of judgment; but he shall not be permitted to move for a new trial after he has moved in arrest of judgment and failed; a new trial may be granted after the expiration of the term in which the verdict is rendered, or the postea filed.

New trial.

164. If several actions between the same parties in which the same or similar matters of controversy are involved, or if cross-actions between the same parties with respect to the same transaction, which are triable in the same manner and may be conveniently tried together, are pending in the same court, the court or a judge may, on the application of either party or on its or his own motion, order that such actions be consolidated for the purpose of trial; and in case of the consolidation of cross-actions, the court or a judge shall make such order for the trial and for the apportionment of the costs as shall be just and equitable.

Consolidation of actions.

165. Every special verdict and demurrer to evidence shall be entered on the minutes or embodied in the postea, after which either party may move the court to assign a day for argument.

Special verdicts.

166. If a defendant in an action on contract has been held to bail upon the ground of fraud in the inception of the contract, it shall be lawful on the trial of the action to inquire into the fact of said fraud; and if the

Fraud in contract.

judge on the trial shall determine from the evidence and certify upon the record that there was no such fraud, then the defendant's bail shall be discharged or he shall be released from custody and no *capias ad satisfaciendum* shall issue against him.

### XIII. JUDGMENT.

No inspection.

167. The inspection of judgment and process shall not be necessary, and no judgment roll shall be made up in any action.

Book of abstract of judgment; contents.

168. When in any civil action a rule for final judgment for a sum of money only shall be entered in the minutes, the clerk shall, unless otherwise directed by one of the parties, enter in a well-bound book an abstract of such judgment, containing:

I. The title of the court, the names at length of all the parties to such judgment, designating particularly against whom it is rendered, and the firm name of all copartnerships, if such appear in the pleadings;

II. The style of the action and the amount of debt, damages and costs recovered, which shall be entered in figures and words at length;

III. The date of the actual entry of such judgment.

Book of record; in evidence.

169. Said entry shall constitute the record of the judgment, and a transcript thereof, duly certified by the clerk of the court, shall be plenary evidence of such judgment; upon payment or satisfaction of a judgment so entered, the record thereof may be cancelled in the manner provided by law.

Records made in full.

170. In all actions where the judgment is not for a sum of money only, and whenever in any other action any party thereto shall direct the judgment to be recorded in full, or whenever any writ or other proceeding shall require the removal of the record of any judgment to any other court, the clerk shall record the judgment and the proceedings in the action in full by entering the warrants of attorney, process and return, pleadings, proceedings and judgment, so as to make a complete record thereof, in separate books to be kept for that purpose, which

entry shall constitute the record, and in each case, if the short entry above provided for has been made, the clerk shall enter on the margin thereof the date and place where the same judgment is recorded in full; and in case of a satisfaction and cancellation of said judgment on one of said records, the clerk shall also enter at the foot of the other of said records a statement of the fact of the cancellation and satisfaction of the other record with the date thereof; the cancellation and satisfaction of said judgment on one of such records shall be a cancellation and satisfaction of the other.

Cancellation.

171. The record of judgments shall be signed by a judge of the court as of the day on which such judgments were entered, and judgments signed by a judge in office, though not in office at the time of rendering such judgments, shall be as good and effectual in law as if such judgments had been signed by a judge who was in office at the time of rendering and recording the same.

Judgments  
signed by  
judge.

172. The clerk shall make a complete alphabetical index to the books in which the record of judgments is made, and for entering a judgment in full he shall be allowed one dollar, and for making the short record fifty cents.

Index to judgments;  
fees.

173. In any action which has been finally determined, until the clerk shall enter the record of the judgment, the verdict or rule for judgment entered in the minutes shall be held and taken in the court in which the same is obtained to be the record of the judgment in such action and shall be received in evidence in said court as such judgment, as fully as if the record had been made up and signed.

Minutes as  
evidence.

#### XIV. EXECUTION.

##### I. IN GENERAL.

174. Upon judgment for debt, damages and costs, the party recovering the same may have such execution as he is entitled to against the body or against the goods, or against the goods and lands, of the party

Against whom  
to issue  
execution.

Executors,  
etc.

against whom such judgment is recovered; but no execution shall be issued against the proper goods and lands of any executor, administrator, heir or devisee unless he shall have made his estate liable by false pleading or otherwise.

Indorse-  
ments.

175. The party at whose instance a writ of execution shall be issued shall endorse thereon before it is delivered to the sheriff or other officer the debt, damages and costs really due and to be made; and if the writ be a *capias ad satisfaciendum*, such endorsement shall be in words at length.

Executions,  
when return-  
able.

176. Executions may be made returnable and returned either in term or in vacation, and upon such return being made in vacation the like proceedings may follow and be had thereon as if the same were made at a regular term of the court.

Executions  
on judgments  
in supreme  
court.

177. Upon all judgments recovered or docketed in the supreme court, executions may issue at the same time to any county without any suggestion of the issuing of a prior execution to the county in which the venue may be laid; if more than one execution be levied at the same time, there shall not be any sale made of the property of the person against whom such executions are issued under more than one of them, except to satisfy a deficiency remaining after a sale under that one; if any sale be made contrary to this provision, the party at whose instance such executions are issued and his attorney shall be liable to the adverse party as trespassers for all damages he may sustain thereby; the court or a judge may for good cause stay the proceedings on any one or more of such executions, or direct under which a sale shall first be made, or order the proceeds of any sale to be paid into court.

Stay.

Division of  
moneys in  
controversy.

178. If a controversy shall arise between execution creditors as to the application of the money realized from the sale of the property of a defendant under executions issued out of different courts, a justice of the supreme court may by order direct into which of the said courts the moneys so made shall be paid; and the court into which such payment shall be directed to be made shall thereby obtain jurisdiction to hear and decide the whole controversy; the justice may at the time of



making such order or at any time thereafter grant a rule to show cause before the said court in such form as will present for decision the matter in controversy, and may make an order for taking testimony to be used on the argument of such rule.

179. In actions against a principal and surety, if an execution has been issued, the court or a judge may on application of any surety and notice to the principal and to the plaintiff direct the sheriff or other officer, after making a levy upon the property liable to the execution, to make the money out of the property of the principal, if it can be done, before selling the property of the surety; if the judgment be paid by a surety, it shall not be considered satisfied, except as to such surety; and he on like application and like notice and upon terms, shall have the full benefit and control of the judgment for the purpose of compelling repayment from the principal or contribution from his co-surety, and on this last application the court or judge may order an issue to try the questions in controversy.

Action against principal and surety.

180. If the defendant bring a writ of error and the plaintiff bring an action on the judgment and recover, execution shall not issue on the second judgment till the writ of error is determined.

Stay on second judgment.

181. Execution may issue without a revival of the judgment by scire facias, at any time within twenty years from its recovery.

Executions, continuance of.

182. If one or more of several parties in whose favor a judgment has passed shall die after judgment and before execution issued, execution may be issued in the name of the survivor or survivors, such death being suggested on the record.

In case of death of plaintiff.

183. If a sole party in whose favor a judgment has passed shall die after judgment, the court in which such judgment was recovered or a judge, on the application of the executor or administrator of the deceased, may make an order that such death and the fact of the grant of letters testamentary or of administration, be entered upon the record, and thereupon execution may issue on such judgment in the name of the executor or administrator, without the judgment being revived by scire facias.

When execution in name of executor.

Substituted  
administrator.

184. If a judgment shall be had in the name of any executor or administrator and substitutionary administration shall afterwards be granted, such substituted administrator may by order of the court or a judge suggest such grant of administration on the record and have execution on such judgment in his own name or issue a scire facias to revive the same.

If bankrupt  
or make as-  
signment.

185. If a party in whose favor a judgment has passed shall become bankrupt or make an assignment for the equal benefit of his creditors, the trustee in bankruptcy or the assignee may suggest such bankruptcy or assignment upon the record, and prosecute or issue execution upon such judgment in his own name.

If defendant  
die.

186. If a defendant against whom a judgment has passed shall die after judgment and the judgment remains in whole or in part unsatisfied, and no will of such deceased defendant shall have been proved, and no letters of administration shall have been granted upon his estate within six months after his death, execution may be issued in the original title of the action against the goods and lands of such deceased defendant with the like effect as if such death had not occurred; *provided*, the court or a judge shall so order on ten days' notice given in such manner as the court or judge may direct.

Proviso.

Execution in  
case of death.

187. If one or more of several parties against whom a judgment has passed shall die after judgment, execution may be issued against such parties as if such death had not occurred, but such execution shall be operative against the persons and property of the survivors only.

Statement  
of amount  
collected by  
sheriff.

188. The sheriff or other officer to whom an execution shall be delivered shall without fee or reward, when he returns said execution, return and file therewith in the office of clerk of the court out of which the execution issued, a statement specifying the amount of money, if any, and the time when collected by him and the balance due thereon, and also the items of his bill of costs or execution fees, verified by his oath annexed to or indorsed on said statement; such statement shall not be conclusive against any person other than the officer making the same; and the sheriff or other officer shall not be entitled to receive or collect of the plaintiff

No fee until  
statement  
filed.

any fees or costs on such execution, until he shall have returned such verified statement.

## 2. CAPIAS AD SATISFACIENDUM.

189. The writ of capias ad satisfaciendum shall not be issued upon any judgment founded upon contract, express or implied, except—

When capias may issue.

First. Where an order to hold the defendant to bail has been made and remains in force; or,

Second. Upon proof being made to judge of the court or a supreme court commissioner, to be certified by such judge or commissioner and filed in the office of the clerk of the court wherein such judgment was recovered, establishing:

A. The facts on which the plaintiff would be entitled to an order to hold the defendant to bail under the provisions of this act; or,

B. That the defendant has rights or credits, moneys or effects, either in his own possession or in the possession of any other person to his use, of the value of fifty dollar or over which he unlawfully refuses to apply in payment of such judgment.

Nothing in this section shall apply to proceedings as for contempt to enforce civil remedies.

Does not apply to civil actions.

## XV. MISCELLANEOUS PROVISIONS.

### I. NOTICE.

190. Whenever notice is required in any matter of practice, two days' notice shall be sufficient, unless otherwise specially directed; *provided*, if the exigency of the case be such as not to admit of such notice, the court or a judge may dispense with such notice and make such order as the ends of justice require.

Notice of motion.

Proviso.

191. The notice of a motion to strike out any pleading or any part thereof shall contain a particular statement of the defects in or objections to such pleading on which the party giving the notice intends to rely and

Motion to strike out pleadings.

matters not specified in the notice shall not be considered upon the hearing.

Fees.

192. A fee of one dollar shall be paid to the clerk of the county by the party noticing a cause for trial at every term the same shall be noticed, which fee shall be included in the taxed bill of costs, and the clerk shall pay such fees at the end of every term to the county collector of said county.

Notices, how served.

193. All notices required to be given by this act shall be in writing and shall be served upon the attorney when the party appears by attorney, unless otherwise specially provided.

Advertisements.

194. Where advertisement or notice of any matter is required to be published in any newspaper, the court or a judge may, whenever the circumstances of the case shall in the opinion of the court or judge require a more extensive publication either in or out of this state, order such publication.

When court determines mode, time, etc., of notice.

195. When it shall be necessary to give notice of any application to any court or judge and no provision is made by law for the mode, time or duration of such notice, the court or judge may upon ex parte application fix and determine the mode, time and duration of such notice, either in or out of this state; and such notice thus given shall be due and legal notice of such application.

## 2. AFFIDAVITS.

Notice of taking.

196. Affidavits taken in pursuance of any rule of court shall be taken on four days' notice of the time and place of taking the same; when leave is granted by rule to either party to take affidavits, both parties may take affidavits within the purview of such rule without further leave or rule; and on notice of the taking of affidavits given by either party both parties may take affidavits, but the officer shall if required first take the affidavits of the party giving the notice.

Both parties may take affidavits.

Testimony, how taken.

197. The party producing the witness shall first examine him without interruption, and then the adverse party may cross-examine; the testimony shall be reduced to writing by the officer himself or by the de-

ponent and shall be signed by the deponent, or the testimony may be taken by a stenographer who shall be sworn to take the same truly, and the officer shall certify that the same has been correctly taken and transcribed, in which case signatures shall not be necessary.

### 3. HABEAS CORPUS CUM CAUSA.

198. Any action commenced in any circuit court or court of common pleas, where the debt, damages or matter in controversy shall exceed two hundred dollars, may be removed into the supreme court at any time before issue joined upon matter of fact or law by writ of habeas corpus duly allowed by one of the justices of the supreme court; *provided*, the defendant shall at or before the allowance of said writ, enter into a bond to the plaintiff with sufficient sureties approved by the justice in double the sum demanded conditioned for the payment of the condemnation money and costs, in case judgment shall pass against him; which bond shall be filed with said writ and returned with the same to the supreme court, and in default thereof said action shall not be removed nor said writ returned.

When suits  
taken to  
supreme  
court.

Proviso.

199. Upon the return of the habeas corpus, the plaintiff shall be deemed to be in court and the pleadings of the parties shall be filed as in other actions; or else the plaintiff shall be nonprosessed or judgment be entered against the defendant.

On return of  
habeas corpus.

200. If an action be removed by writ of habeas corpus and afterwards be remanded by writ of procedendo or other writ, the same action shall not again be so removed; if a writ of habeas corpus for the removal of an action shall be issued out of the supreme court contrary to the true intent and meaning of this act, the court to which such writ shall be directed or offered shall proceed in the action as though no such writ had been issued or offered.

If action  
removed by  
habeas corpus.

### 4. VENUE.

201. Every local action shall be tried in the county where the lands in question are situate or the cause of

Action, where  
tried.

action arose, unless the supreme court in actions pending therein shall order the trial to be at the bar of the supreme court, which shall only be done if the matter or property in dispute shall be of the value of three thousand dollars; if the party who shall obtain a rule for a trial at bar shall not recover to the amount of the said sum, he shall be entitled to no more costs than if the cause had been tried at the circuit.

Transitory  
actions.

202. An action merely transitory shall at the discretion of the court be tried in the county in which the cause of action arose, or the plaintiff or defendant reside at the time of instituting such action, or if the defendant be a non-resident, in the county in which process was served upon him.

May grant  
rule to show  
cause for  
change of  
venue.

203. In actions pending in the supreme court, a justice in vacation on application of any party on notice and for good cause may grant a rule to show cause at the next term why the venue should not be changed to some other county than that in which it is laid in the declaration, and for the taking of depositions to be used on the argument of such rule, which rule shall be granted with or without a stay of proceedings, as such justice may direct.

#### 5. SECURITY FOR COSTS.

Non-resident  
to give  
security  
for costs.

204. If the plaintiff reside out of this state he shall, if required at any time before notice of trial, give bond to the defendant in one hundred dollars, with sufficient sureties resident in this state, with condition to prosecute his action with effect and to pay costs if he discontinue, be nonsuited or a judgment pass against him; which bond shall be filed in the clerk's office of the court in which such action is pending; or in lieu of such bond the plaintiff may deposit the sum named with the clerk as security to the defendant for costs.

Or deposit.

Defendant's  
demand for  
security.

205. When a defendant is entitled to security for costs, he shall give notice to the plaintiff that he requires such security and thereupon all proceedings shall be stayed until such security is filed or deposit made, and the plaintiff upon filing such security or making

such deposit shall give notice thereof to the defendant, with the names and residences of the sureties; after such notice the defendant shall have the same time to plead that he had at the service of the notice requiring security.

206. The plaintiff may at the time of filing his bond for costs file therewith an affidavit of each surety, that he is a resident of this state and is worth two hundred dollars after all his debts are paid, or an approval of the sureties indorsed on said bond by a judge of the court or a supreme court commissioner; in case no such affidavit or approval is filed, the defendant may within ten days after notice of filing security give notice that he excepts to the sureties; in which case the plaintiff shall file such affidavit or a new bond with such affidavit of the sureties thereto annexed; the defendant shall have the same time to plead after notice of filing such affidavit or new bond as he had at the service of the notice of exceptions; the plaintiff may file such bond and affidavit or approval and give notice thereof before security is required.

Sureties'  
affidavits.

Exception to  
sureties.

#### 6. CIRCUIT RECORD. POSTEA AND JUDGMENT.

207. When an issue in the supreme court is to be tried at a circuit, a transcript of the pleadings in the action with a proper placita shall be sent to the circuit which shall be a sufficient warrant for the latter to proceed upon, hear and determine the action; either party may have such transcript if required.

Circuit  
record.

208. By consent of parties a supreme court issue may be sent by the justice of the circuit to be tried in the circuit court or court of common pleas of the county wherein the venue is laid, and in relation to such trial the judge holding said circuit court or court of common pleas shall have the same power as a justice of the supreme court, including the power to amend, to sign the postea, to settle and seal exceptions, and to grant a rule to show cause for a new trial.

Trial by con-  
sent in circuit  
court or com-  
mon pleas.

209. The court before whom a supreme court issue shall be tried shall return the transcript with the verdict

Transcript  
returned.

and other proceedings had thereon to the supreme court at the next term, and the supreme court shall receive and file the same, and give judgment thereon according to law; if the justice or judge shall die before signing the postea the supreme court may order judgment to be entered in accordance with the proceedings of the trial court on the production of the circuit record with the postea annexed, signed by the clerk and under the seal of the said court, which certification the clerk of said court shall make; and in such case all questions as to the form of the postea shall be determined by the supreme court and the postea may be amended as to matter of form by said court.

Postea.  
  
Judgment on postea, relicta, etc.

210. In actions in the supreme court whenever a cognovit or relicta is given or a verdict is obtained at the circuit, the party obtaining the same may by order of a justice, on notice and upon terms, file the circuit record and postea and enter judgment and issue execution thereon forthwith; but in case a rule for a new trial shall be granted, the proceedings on such judgment and execution shall be stayed until the determination of the same and the court or a justice may stay execution.

#### 7. BILLS OF EXCEPTIONS AND RULES TO SHOW CAUSE.

Exceptions sealed.

211. In any action where a writ of error lies, if exceptions shall be taken, the justice or judge shall settle and seal the same, unless the time limited for bringing a writ of error shall have expired; the exceptions shall be returned with the writ of error.

Death of judge without sealing exceptions.

212. If exceptions are taken and the justice or judge shall die or shall cease to hold office without having sealed the exceptions, a bill of exceptions stated and agreed to in writing by the parties, or if the parties cannot agree a bill settled and sealed on four days' notice by any justice of the supreme court as the exceptions shall be found by him to have been in fact taken, shall have the same force and effect as if settled and sealed by the justice or judge before whom the same were taken.

What bill of exception to contain.

213. A bill of exceptions shall contain so much only of the evidence as may be necessary to present the ques-



tions of law upon which exceptions were taken at the trial; and the justice or judge, upon the settlement of the bill, may strike out of the same all the evidence and other matters which shall have been unnecessarily inserted.

214. If the party holding a bill of exceptions applies for a rule to show cause why a new trial should not be granted, the granting thereof shall be a waiver of his bill of exceptions except on points expressly reserved in said rule; a rule to show cause why a new trial should not be granted may in the discretion of the court be special, and then the question shall be heard and decided on the grounds upon which the rule was allowed.

Rule to show cause.

#### 8. CASE CERTIFIED.

215. The circuit court may upon terms state and certify any question of doubt or difficulty to be argued at the bar of the supreme court; which court shall hear the same, and after opinion given therein shall certify the same to the said circuit court, which court shall render judgment therein in conformity to such opinion.

Case certified to supreme court.

216. When a question is so certified the clerk shall file the certificate, enter a rule as of course setting the cause down for argument and place the same on the paper giving it priority according to the date of filing the certificate.

Certificate filed.

217. Where judgment shall be rendered by any circuit court in conformity to the certified opinion of the supreme court upon a question so certified and a writ of error shall be brought to reverse such judgment, such certified opinion shall be returned with the writ of error as part of the record and error may be assigned thereon; if error be found therein the judgment may be reversed.

Error assigned on certified opinion.

#### 9. PENALTIES AND DAMAGES. HOW RECOVERED.

218. Whenever in this act it is provided that any person shall be liable for any damages or penalty for the

Recovery of damages or penalty.

doing or not doing of any act, such damages or penalty may be recovered with costs by the party aggrieved by an action on contract in any court of competent jurisdiction, and every action for the recovery of a penalty imposed by this act shall be instituted within one year after the liability was incurred.

#### 10. SUITS BY COMMON INFORMERS.

Time of  
institution  
noted.

219. In every action instituted by an informer on a penal statute, a special note shall be endorsed on the information of the very day, month, and year of its institution, and such action shall be of record from that time and not before; and upon every process in such action to compel the appearance of the defendant shall be endorsed the name of the party who prosecutes and the title of the statute upon which the action is founded; any clerk issuing process contrary to this provision shall forfeit to the party against whom such process is issued ten dollars for every offense.

Defendant's  
plea.

220. The defendant in every such action may plead the general issue and give in evidence any special matter which, if pleaded, would be a bar to the action, giving notice with the plea of the matter so intended to be given in evidence.

Recovery by  
covin no bar.

221. No recovery by verdict or otherwise obtained by covin or collusion in any such action shall be a bar to any other action prosecuted in good faith; and if the prosecutor of an action for the recovery of any penalty not wholly appropriated to the use of such prosecutor shall compound with the defendant to direct such action to be discontinued, unless it be by leave of the court, then such prosecutor shall be liable for so much of the penalty to the state or any other person than the prosecutor, as the state or such other person would have been entitled to if the defendant had been convicted.

When prose-  
cutor liable  
for proportion  
of penalty.

When in-  
former pay  
costs.

222. Every informer on a penal statute shall pay costs to the defendant if he discontinue, be nonsuited or judgment pass against him, for which costs the defendant shall have execution against the goods and body of such informer.

223. Nothing in the four preceding sections shall apply to any certain person, body politic or corporate, to whom or to whose use any forfeiture, penalty or action is or shall be specially limited or granted by any statute, but every such certain person, body politic or corporate, may in such case sue, prosecute or inform as he or they might have done if this act had not been passed.

Exceptions  
in application  
of act.

#### II. EXCEPTIONS TO JUDGES.

224. No judge of any court who shall be related in the third degree to any of the parties to an action pending in such court, or be interested in the event of such action, or shall have been attorney of record or counsel for any party to the action, or shall have given his opinion upon the matter in question in such action, shall nominate or strike the jury or sit on the trial or argument of any point in controversy in such action; the degrees of kindred in such case shall be calculated according to the common-law manner of computation; *provided*, nothing herein shall be construed to prevent any judge from sitting on the trial or argument of any point in controversy in an action because he may have given his opinion in another action wherein the same matter in controversy shall have come in question, or because he may have given his opinion on any question in controversy in the same action in the course of the previous proceedings therein, or because the board of chosen freeholders of any county, or any township or municipality, in which he is an inhabitant or liable to be taxed, are or may be parties to the record or otherwise interested.

When judge  
shall not sit.

Proviso.

225. All challenges to a judge for the causes aforesaid shall be made previous to the trial or argument, and the court may try such challenges or appoint three indifferent persons triors for that purpose at the discretion of the court, and the finding of a majority of such triors shall be received as the determination of such triors.

Challenges,  
making and  
trial.

226. No judge of any court shall act as clerk of the court of which he is judge.

Judge not act  
as clerk.

## 12. AID TO POOR SUITORS.

Counsel for  
impecunious  
persons.

277. Every poor person who shall have a cause of action shall have at the discretion of the court before which he would sue, any process accorded to the nature of his case without paying for the same, and the court shall at its discretion assign to such poor person counsel, attorneys and other officers requisite to prosecute the said action, who shall perform their respective duties therein without fee or reward; every such poor person, being plaintiff in any such action, shall not be compelled to pay costs.

## 13. SUPREME COURT EXAMINERS.

Supreme court  
examiners;  
powers, etc.

228. The justices of the supreme court or any two of them, of whom the chief justice shall be one, may commission under the seal of said court from time to time as many persons as they shall think necessary in the several counties as supreme court examiners, who shall have the same power to administer an oath or to take any deposition in any action for use in any court of law as a justice of the supreme court, and any oath or affidavit that may be taken before a supreme court commissioner may be taken before a supreme court examiner, and for all services rendered said examiners shall be entitled to receive the same compensation as supreme court commissioners.

## XVI. Costs.

When plain-  
tiff recovers.

229. If the plaintiff in any action shall recover debt or damages, he shall have judgment to recover his costs against the defendant to be taxed in the manner prescribed by law, which shall be levied and collected by execution together with the debt or damages; in any action wherein the plaintiff on a judgment in his favor would be entitled to recover costs, the defendant if the plaintiff shall be nonprossed or nonsuited or a judgment shall pass for the defendant shall have judgment

to recover his costs against the plaintiff (except against executors or administrators prosecuting in the right of their testators or intestates) to be taxed as aforesaid and have such execution as the plaintiff might have had against him if judgment had been given in such action for the plaintiff; if judgment shall be arrested, each party shall pay his own costs.

When  
defendant.

In arrest of  
judgment.

230. If in an action commenced in the supreme court the plaintiff shall not recover above two hundred dollars exclusive of costs he shall not be entitled to costs; but this section shall not extend to any action in which the title to lands may in any wise come in question nor to any action in which the amount recovered exclusive of costs exceeds one hundred dollars, if any defendant does not reside in the same county as the plaintiff.

When costs  
not recover-  
able.

231. In all actions in the supreme court founded upon a trespass upon lands wherein the justice at the trial shall find and certify upon the record that the title to lands came in question on the trial of said action, if the plaintiff shall recover any damages he shall recover full costs.

Costs when  
title in  
question.

232. If an action be removed by writ of habeas corpus into the supreme court by the defendant and the plaintiff shall recover in the supreme court, he shall recover full costs in case he would have been entitled to recover costs had the action remained and been tried in the circuit court or court of common pleas.

Costs when  
removed by  
habeas corpus.

233. The same costs and fees shall be allowed in all personal actions brought in the circuit courts, as are by law allowed in the courts of common pleas for like services and shall be recoverable in like manner.

Costs in cir-  
cuit court.

234. If any person shall institute an action in the circuit court or court of common pleas for any cause of action made cognizable before the small cause court or the district court and obtain judgment therein for any sum which without costs shall not exceed one hundred dollars, then such person shall not recover any costs, except as hereinafter provided.

In cases  
cognizable  
before small  
cause court.

235. If in an action on contract the plaintiff shall recover, but the amount of the debt or damages recovered shall be reduced below the sum which would entitle the plaintiff to costs in the court in which the

If recovery  
reduced by  
failure of  
consideration.

Plaintiff to  
recover if  
judge certify.

action is brought by allowance made to the defendant for a partial failure of the consideration of the contract sued on, or abatement by way or recoupment of damages, the plaintiff shall be entitled to his costs, if the judge before whom such action is tried shall immediately after verdict found certify that in his judgment the plaintiff had reasonable grounds for bringing his action in such court.

Actions of  
tort cognizable  
in justice's  
court.

236. If an action to recover damages for a tort which is cognizable before the small cause court or the district court shall be brought in the circuit court or court of common pleas, the plaintiff shall be entitled to recover his costs notwithstanding that he shall not recover a sum exceeding one hundred dollars, if the judge before whom such action is tried shall immediately after verdict found certify that in his judgment the action should have been brought in the circuit court.

Suits on same  
paper, only  
one bill of  
costs.

237. In case of several actions on the same instrument, bond or note where several are bound, or against the drawer, maker, indorser or acceptor of any bill or note, there shall be a recovery of the attorney and counsel fees taxable in one of the said actions only at the election of the plaintiff; and no fees for attorney or counsel shall be taxed in any bill of costs in any action brought on the same instrument, bond, bill or note against any party thereto, other than the one in which the election is made.

Costs on  
scire facias.

238. In a proceeding by scire facias if the plaintiff shall obtain judgment or award of execution after plea filed or demurrer joined therein, he shall recover his costs; if the plaintiff shall become nonsuited or be non-prossed or a judgment shall pass against him, the defendant shall recover his costs.

In assaults,  
libel, etc.

239. In actions for assault, battery or imprisonment or for slander or libel, if the plaintiff shall not recover damages to the amount of fifty dollars, he shall recover no more costs than damages.

One of several  
defendants  
may have  
costs.

240. If several persons are made defendants to an action in tort, replevin or ejectment and one or more of them shall be upon the trial acquitted by verdict, every defendant so acquitted shall recover his costs in like manner as if all the defendants had been acquitted,

unless the judge before whom such action shall be tried shall immediately after the trial in open court certify upon the record or in the minutes that there was a reasonable cause for making such person a defendant in such action.

241. If upon a demurrer by either party judgment shall pass against the plaintiff, the defendant shall recover costs against the plaintiff; if a demurrer shall be overruled and the court shall grant the demurrant leave to plead anew, it shall be upon terms of payment to the adverse party of the costs upon the demurrer.

In case of  
demurrer.

242. In actions brought by the state or the governor or any person for the use of the state, the state or other plaintiff shall recover costs as any other plaintiff; but if the plaintiff in such action shall be nonsuited or a judgment shall pass against the plaintiff, the defendant shall not recover any costs against such plaintiff; *provided*, nothing in this section shall extend to any popular action nor to any action prosecuted by any person in behalf of himself and the state on a penal statute.

State may  
recover costs,  
but not pay.

Proviso.

243. The clerk shall tax and subscribe his name to all bills of costs in any civil action in his court agreeably to the fees allowed by law, and shall in no case allow any item or charge unless the service in his opinion shall have been necessary in regularly conducting the action and shall have actually been performed and shall so appear on the minutes or files of the court, and he shall in such bills class and set together distributively the fees which belong to the court or justices or judge, clerk, attorney and counselor, sheriff and all other persons.

Taxing costs.

244. Any party aggrieved by a bill of costs may apply to the court in which the action is pending or to a judge to have the same retaxed according to law, whose decision shall be final; if any charge is contained in such bill as taxed for services not actually rendered or any item therein is charged higher than is allowed by law, the court or judge shall order that the expense of retaxation shall be paid by the attorney who drew said bill or by the clerk who taxed the same, as the court or judge may direct; but if the court or judge

Retaxation.

Expense of.

shall find said bill to be taxed according to law, the applicant shall pay the expense of retaxation.

Order for  
printing, etc.

245. The supreme court and the court of errors and appeals may by general rule, or by a special rule in any action pending in said courts, make such order for the payment of the cost of printing and other disbursements by either party and the taxation and allowance thereof in the bill of costs, as said courts may deem just.

#### XVII. POWERS OF THE COURT OR A JUDGE.

Protection of  
property  
pending suit.

246. In any action in which the right to lands or to goods and chattels is in controversy, the court or a judge may make an order for the protection of the property in controversy from waste, destruction or removal beyond the jurisdiction of the court, upon satisfactory proof being made of the necessity for such order and enforce such order by an attachment for contempt.

Application  
for rule.

247. Whenever it is provided by this act that application for any rule or order may be made to or anything may be done by a justice or a judge as distinguished from the court, such application shall be made before or such thing may be done by any justice or judge of the court in which the action is pending in vacation or term time.

Orders in  
causes in  
vacation.

248. Any justice of the supreme court or judge of the circuit court or court of common pleas may in vacation grant any rule or make any order that may be necessary or proper in any action pending in said courts, and may direct the taking of testimony to be used on the application for such rule or order; *provided*, this power shall not extend to the final hearing of motions to set aside judgments or to the appropriation of moneys between judgment creditors, except by consent; nor to any matter which by the rules or practice of the supreme court is required to be placed on the argument list of said court.

Proviso.

Grant rule to  
show cause  
why fraudu-  
lent judgment  
should not be  
set aside.

249. Any justice of the supreme court may in vacation upon affidavit showing that any judgment entered in the supreme court by confession or otherwise was confessed or obtained for the purpose of defrauding the creditors



of the defendant, grant a rule to show cause before the supreme court at the next term why such judgment should not be set aside so far as it affects other judgment creditors of the defendant and stay the execution issued thereon; and may also order that testimony be taken to be used at the hearing.

250. Any justice of the supreme court in vacation may grant rules to show cause why writs of mandamus should not issue and may direct the issue of alternative writs of mandamus and may also grant leave to file informations in the nature of quo warranto.

Rule to show cause why mandamus or quo warranto should not issue.

251. The argument of any matter in the supreme court which by the rules and practice of the court is cognizable before the branch of the supreme court, sitting for the hearing and deciding of common business, may by consent be heard before one or more of the justices of the supreme court at chambers either in term or vacation, whose decisions and judgments shall be as good and effectual as if they had been rendered at the bar of said court.

Argument in term or vacation.

252. Any justice of the supreme court or judge of the circuit court to whom application may be made for any rule or order by virtue of this act may refer the same to the supreme court and make such order for the taking of testimony and for stay of proceedings as may be equitable.

Judge may refer motion to supreme court.

253. The justices of the supreme court and the judges of the circuit courts and courts of common pleas shall make such rules and regulations for expediting and conducting actions and the management of business in their respective courts as they shall from time to time judge proper.

Rules for expediting business.

254. The justices of the supreme court may provide by general rules for the hearing and argument of any litigated or unlitigated motions before any one of the justices of said court whenever in their judgment it may be expedient so to do under such regulations as they may prescribe, and for fixing the costs to be allowed for and in respect of the matters herein contained and the performance thereof where said costs are not fixed by law, and for apportioning the costs of issues; and they shall make all such rules and regulations as may be necessary

Powers of court to make rules regulating pleadings, etc.

Circuit court  
rules.

to obviate any difficulties that may arise in the practice of the courts of law by reason of any omissions or defects in the same, and to regulate the pleadings and practice in the said courts so as to render the practice and proceedings therein more efficient, expeditious and simple and for that purpose they shall have power to change and regulate such pleadings and practice; and they shall adopt uniform rules of practice in all matters not regulated by law for the government of the circuit courts and the same from time to time, alter, repeal and modify as occasion may require.

### XVIII. CONSTRUCTION.

Application  
of singular  
number and  
masculine  
gender.

255. Whenever in describing or referring to any person, party, matter or thing any word importing the singular number or masculine gender is used in this act, the same shall include and shall apply to several persons and parties, as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, unless it be otherwise provided or there be something in the subject or context repugnant to such construction, and the word lands shall include lands, tenements and hereditaments or any interest therein, and freehold security shall include corporate security.

"Lands"  
include.

Does not  
affect proceed-  
ings before  
small cause  
court.

256. Nothing in this act contained except as herein specially provided shall in any way affect any proceedings by virtue of the act entitled, "An act constituting courts for the trial of small causes," except that the provisions of this act relating to variances and amendments of pleadings (as modified by the act above referred to) and also the provisions of section seventeen of this act, shall apply to actions in the small cause courts, and in the several courts of common pleas on appeals from said courts.

Formal  
notices may  
be given by  
attorney.

257. Whenever it is in this act provided that a party to an action shall give any notice, or receive any notice which does not require action by the party himself, or may make any endorsement on or insert any matter or thing in any process or pleading, such notice may be given or received and such endorsement may be made or

such matter or thing may be inserted by the attorney of the party.

Approved April 14, 1903.

# CHAPTER 248.

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.

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

1. In addition to the elections for filling public offices that now are or hereafter may be held under the laws of this state, there shall also be held primary elections for the selection of delegates to conventions of political parties, and for the nomination of candidates for certain public offices, as hereinafter provided; all candidates of political parties for the following offices, to wit: presidential electors, governor, members of congress, members of the general assembly, members of the state senate, county clerk, surrogate, register of deeds, sheriff, county supervisor, coroner, mayor, and for all elective offices in the state and in the cities, towns or other municipalities in this state to be voted for at the general election for members of assembly by the voters of more than one ward or township, shall be nominated at conventions composed of delegates chosen at primary elections held pursuant to this act; all candidates of political parties for office to be voted for at the general election for members of assembly by the voters of a single ward or township shall be nominated directly, without the intervention of delegates or conventions, at primary elections held pursuant to this act.
 

Selection of delegates at primaries.

For what offices.

If in one ward or township.
2. The general scheme and purpose of this act shall be as follows: the said primary elections shall hereafter be conducted at public expense; such primary elections for all political parties shall be held at the same time and place; the time shall be the first registry day, as hereinafter fixed, and the places shall be the places of holding the said registry, in the fall of each year; and said pri-
 

General plan, expense.

Time and place.

How conducted.	mary elections shall be conducted by the boards of registry and election in the manner hereinafter provided from one o'clock until nine o'clock P. M., and substantially as general elections for members of assembly are now conducted, with official ballots, ballot-boxes, registry
Registration.	lists and polling booths; the first registry day in cities having a population exceeding thirty thousand shall be held on the second Tuesday of September in each year, and in all election districts outside of cities having a population exceeding thirty thousand, the said boards of registry and election shall sit for the purposes of this act as primary election boards on the second Tuesday
Primary ballots.	in September; the clerk of the city, town, township, borough or other municipality, as the case may be, shall prepare the primary ballots of all political parties from petitions filed in their respective offices as herein provided; not less than ten (except as hereinafter provided) voters of any political party may file with the municipal clerk of their municipality, a petition endorsing any member of their political party as a candidate for the nomination of said party to public office, where such nomination is to be made at the primary election, or as a candidate for the position of delegate to a political convention of said party, where the party nomination is to be made by convention, and requesting that the name of the person so endorsed be printed upon the official primary ballot of such political party; the said municipal clerks shall prepare official ballots for each political party for the said primary elections from the names of the persons so endorsed, arranging them alphabetically or in groups as hereinafter provided; the municipal clerk shall also print upon the official ballot, opposite the name of any person endorsed as a candidate for the position of delegate, the name of the person who is the choice of such candidate for nomination at the ensuing convention of his political party, whenever said clerk is requested so to do by said candidate except as hereinafter provided; the ballots so prepared for each political party shall be the only ballots permitted to be voted at the primary elections; at such primary election the voters registered or who thereupon register for the ensuing general election shall be qualified to vote at such primary; each voter shall request the party ticket he desires to vote,
Petition for candidates.	
Official ballots prepared by clerks.	
Who may vote.	

and thereupon he shall receive from the board of registry and election an official ballot of said political party prepared as aforesaid, and no other; the voter shall then retire to the voting booth, and there prepare his ballot so as to indicate his choice for the candidates of his party to be there nominated, or his choice for delegates to the political convention of his political party, as the case may be, by erasing all names thereon other than those voted for and shall then deposit said ballot in the ballot box of his party unless challenged, and if challenged make oath that he is a member of the said political party, that at the last election for members of assembly at which he voted, he voted for a majority of the candidates whose names were printed upon the party ticket of the said party, and intends to support the candidates of the said party at the ensuing election; in the case of any voter voting for the first time in this state, the portion of the said oath or affirmation in reference to previous voting shall be dispensed with; any voter who shall vote in the ballot box of one political party at any primary election held under this act shall not be allowed to vote in the ballot box of any other political party at the next thereafter succeeding primary election; the said board of registry and election shall indicate in the registry book the name of the political party whose primary ticket each voter voting at such primary election voted by writing opposite the name of each of such voters, in a column prepared for that purpose in such registry book, the first letter of the name of such political party, as, for example, writing the letter "D" for democratic party, the letter "R" for republican party, the letter "P" for prohibition party, and in like manner for other political parties; the said board of registry and election, at the close of the primary election, shall canvass and count the said ballots of each political party, and shall prepare, sign and deliver to the clerk of the municipality in which said primary election is held, a statement of the results thereof, as in this act provided; a copy of said statement shall be delivered by said board of registry and election to the successful candidates at said election, as determined by this act, which statement shall entitle the person holding the same to be the candidate of his party at

Voter to  
prepare his  
ballot.

Challenges.

Party  
indicated in  
registry book.

Canvassing  
ballots.

Statement  
given success-  
ful candidates.

the ensuing general election, or to attend the ensuing political convention of his party as a delegate, as the case may be.

Political party  
and conven-  
tion defined.

3. A political party within the meaning of this act shall be a political party which at the election for members of the general assembly next preceding the holding of any primary election held pursuant to this act polled for members of the general assembly at least five per centum of the total vote cast in the territorial district or division in and for which the nominations are made or delegates are chosen; the word "convention" within the meaning of this act shall be a "convention of delegates" or "nominating body of a political party" as defined in section thirty-eight of the act to which this act is a further supplement.

Preparation  
of official  
primary  
ballots.

4. The official primary ballots to be used at all primary elections held pursuant to this act shall be prepared in the following manner, to wit: not less than ten legal voters of this state, who are members of the same political party, and resident in the same election district, may prepare and sign, with their names, residences and post-office addresses, a petition addressed to the clerk of such municipality as may be proper pursuant to the requirements of this act, setting forth that the signers are qualified voters of the election district in which they reside; that they are members of a political party (naming the same), and that at the last election for members of the general assembly preceding the execution of said petition they voted for a majority of the candidates whose names were printed in the first place upon the ticket of such party, and that they intend to affiliate with said party at the ensuing election; that they endorse the person or persons named in their petition as candidate or candidates for nomination for the office or offices therein named, or for the position of delegate or delegates to the ensuing state, congressional, county, assembly, city or town, ward or other convention (as the case may be) of said political party, and that they request the said clerk to print upon the official primary ballot of such political party the name of the person or persons therein mentioned as the candidate or candidates for such nomination, or for the position of delegate or

Petition.

delegates to the said convention, as the case may be; said petition shall further state the residence and post-office address of each person so endorsed, and shall certify that the person or persons so endorsed is or are legally qualified under the laws of this state to be nominated, or to act as delegate or delegates, as the case may be; each of the said petitions shall be verified by the oath or affirmation of one or more of the signers thereof, taken and subscribed before a person qualified under the laws of New Jersey to administer an oath, to the effect that such petition is signed in their own proper handwriting by each of the signers thereof; that such signers are, to the best of the knowledge and belief of the affiant, legal voters of the said election district as stated in said petition, and belong to the political party named in said petition, and that such petition is prepared and filed in absolute good faith for the sole purpose of endorsing the person or persons therein named, in order to secure his or their nomination or selection as stated in said petition; *provided*, that in any election district where the total number of votes cast for the candidate of any political party for governor at the then next last preceding gubernatorial election did not exceed twenty-five, the number of signers to any petition of endorsement belonging to any said political party need not exceed one; *provided further*, that the signers to any single petition shall not therein endorse and recommend more persons as candidates for the position of delegate or delegates than are to be chosen at the ensuing primary election in the election district in which the signers to said petition reside, nor shall said signers endorse more persons as candidates for nomination to office than are to be elected in the ward or township in which such signers reside; said petitions shall be filed with the municipal clerk not less than ten days prior to said primary election.

Proviso.

Proviso.

5. Accompanying said petition each person endorsed therein shall file a certificate, stating that he is qualified for the office or position of delegate mentioned in said petition; that he consents to stand as a candidate for nomination or for the position of delegate, as the case may be, at the ensuing primary election, and that if nominated, he agrees to accept the nomination, and if

Certificate of acceptance accompanying petition.

Choice of delegate may be expressed.	<p>chosen a delegate, he agrees to act as such delegate; each of said persons so endorsed for the position of delegate may further, if he so elects, name the person or persons who is or who are his choice for nomination for office at the ensuing political convention, and may request the said clerk to print the name of such person or persons opposite his own name upon the official primary ballot in the column prepared for that purpose, as in this act provided; the name of any person endorsed as aforesaid who shall fail to certify his consent and agreement as aforesaid shall not be printed upon the ballots to be used at such primary election.</p>
Failure to accept.	<p>6. In any county in this state, the county or city committee of any political party may adopt a resolution declaring its desire to have the members of such county or city committee thereafter elected at the primary elections herein provided for; and upon filing a copy of such resolution, signed by the chairman and secretary of such county or city committee, with the clerks of the several municipalities within such county, it shall be lawful thereafter to elect the members of such county or city committee at said primary elections in the manner provided in this act for the selection of party candidates to be voted for by the voters of a single ward or township.</p>
Election of city or county committees.	<p>7. The said municipal clerk shall prepare and cause to be printed separate official ballots, one ballot for each political party, members of which have filed petitions as aforesaid, for use at such primary elections, placing thereon the names of the persons endorsed in said petitions; the names of all persons endorsed as aforesaid by members of a political party, and no others, shall be placed upon the official ballot of that party; the said names shall be arranged upon said ballots in alphabetical order, except that where several candidates for the position of delegate have named the same person or persons as their choice for nomination for office at the ensuing convention, the names of such candidates may be grouped together, being arranged in alphabetical order in such group; upon the right-hand side of the ballot shall be a column in which shall be printed the words "Choice for . . . . . " (governor, congress,</p>
Ballots prepared by municipal clerks.	
Arrangement of names.	



sheriff, mayor, or as the case may be) in which column, and underneath the words aforesaid, shall be printed the name or names of the person or persons whom any candidate for the position of delegate endorsed in any of said petitions may in his certificate request the municipal clerk to print upon the official primary ballot as his choice for nomination for office at the ensuing political convention; if the names of candidates for the position of delegate are grouped as herein provided, the said names may be bracketed and the name or names of the persons mentioned as the choice of said candidates at the convention may be placed opposite the bracket; *provided*, that the name of any person shall not be printed in the column headed "Choice for . . . . . ." opposite the name of any candidate for the position of delegate requesting the same to be so printed, if such person shall file a written protest with the said municipal clerk, requesting said clerk not to print his name opposite the name of the said candidate for the position of delegate; at the head of the ballot of each party shall be printed a distinctive party name or title, as for example "Democratic Primary Ticket" or "Republican Primary Ticket"; below, in appropriate places upon said ballots, shall be printed brief instructions to the voter, stating for how many candidates for each office, or for the position of delegate, the voter may vote, and stating that the voter must indicate his choice in each instance by erasing all names printed on said ticket, except the names of the candidates for whom he wishes to vote; the number of delegates to be elected in each election district by the voters of the respective political parties shall be as follows: for state conventions of the respective political parties there shall be one delegate for every two hundred votes cast by the political party for its candidate for governor at the gubernatorial election next preceding the primary election in question, and one delegate for each fraction thereof over one hundred; for all other conventions of the respective political parties there shall be one delegate for each one hundred votes cast by the political party for its candidate for governor at the gubernatorial election next preceding the primary election in question, and one delegate for each fraction there-

Proviso.

Distinctive  
party title.

Instruction  
to voters.

Number of  
delegates.

Proviso.

Notification  
to chairman  
of county  
committee.

If objection  
to number of  
delegates.

Form of  
ballot.

of over forty; *provided*, that each election district shall be entitled to elect at least one delegate to each convention of each political party; but the delegate to any convention of a political party from any election district which at the then last preceding gubernatorial election cast for the candidate of such party for governor less than the number of votes required by this section for one delegate, shall have in such convention such vote or fraction thereof as may be determined by the official party call of such party for such convention; it shall be the duty of the clerk of the city, borough, township or other municipality, as the case may be, to notify the chairman of the county committee of each political party in his county on or before the first day of July of each year the number of delegates for which the members of the political party represented by the said chairman shall be entitled to vote in each election district in such municipality; in estimating the number of delegates to which any political party is entitled in the primary election, the municipal clerk shall be governed by the official election returns as filed in the office of the secretary of state; it shall be lawful for the said chairman of the said county committee of any political party who shall object to the number of delegates to any political convention from any election district, as fixed and determined by the said municipal clerk, to make written application, duly verified, to the justice of the supreme court holding the circuit court in and for the said county, stating the facts of the case and the grounds of such objection, and requesting the said justice to investigate and determine the matter according to law, and if such justice shall be of opinion upon the facts stated that the ends of justice so require, he shall thereupon proceed in a summary way to hear the said application and make such order thereon as may be proper and just, which order of said justice shall be forthwith filed with the said municipal clerk, and such order shall, from the date of the filing thereof, be conclusive upon all parties, and shall, according to its terms, modify, enlarge or set aside whatever decision, if any, may have been made on such matter by said municipal clerk.

8. Said ballot shall be made up and printed substantially in the following form, to wit:

## DEMOCRATIC PRIMARY TICKET.

(Erase all names except those for whom you wish to vote.)

*For Delegates to  
State Convention.*

*(Vote for 2)*

John Doe  
Thomas Jones  
Henry Stone  
Jacob Smith  
James Thomas

*Choice for Governor.*

Samuel Roe

} Frank Potts

*For Delegates to  
Congressional  
Convention.*

*(Vote for 3)*

John Abbott  
Frank Adams  
Charles Gordon  
Herman Keller  
Stephen Lewis  
John Williams  
Frank Young

*Choice for Congress.*

} George Dickinson

} George Livingston

*For Delegates to  
County Convention.*

*(Vote for 2)*

Charles Adams  
Thomas Bacon

{ *Choice for Surrogate.*

Charles Irving.

{ *Choice for Sheriff.*

Silas Jones.

Patrick Fay

Frank Kane

*For Delegates to  
City Convention.*

*(Vote for 3)*

William Crane

James English

{ *Choice for Mayor.*

Thomas Evans.

Charles Garrison

Henry Morgan

{ *Choice for Street and*  
*Water Commissioner.*  
 August Miller.

William Nolan.

*For Member of*  
*Common Council.*

(Vote for 1)

Edward Hall

George Jackson

Peter Randall

etc., etc.,

using so much of said form as may be applicable to the current election and extending the same to provide for cases not therein specified, and a like ballot shall be printed for all other political parties.

Size, paper,  
 endorsement.

9. All ballots shall be printed on plain white paper uniform in size and quality and type and of such thickness that the printing thereon cannot be distinguished from the back of the paper, and without any mark, device or figure thereon except as in and by this act provided; on the back of such ballots shall be printed the words "Official Ballot of the———Party for Primary Election, 190—;" after the designation of the year, which shall be in figures, shall follow the name of the election district of the municipality for which the ballot is provided, followed by a fac-simile of the signature of the municipal clerk by whom the said ballot shall be printed.

Number of  
 ballots  
 furnished.

10. Said municipal clerk shall, prior to each primary election, at the time and as herein directed, provide and furnish for each existing political party, members of which have filed petitions as aforesaid, for the use of the voters at such primary, for each election district in his respective municipality, ballots of the kind and description aforesaid, equal to double the number of votes cast by such political party at the then last preceding election for members of the general assembly held in such election district; when an election district shall be divided or the boundaries thereof changed, or a new district created, the municipal clerk shall ascertain as nearly as may be possible the number of voters in the new or rearranged or divided district, and provide therefor a sufficient number of ballots in the above propor-

tion; no envelopes shall be used at the primary elections held pursuant to this act.

11. At least twenty days before any primary election shall be held under the provisions of this act, the clerks of the several municipalities of the state as may be proper, pursuant to this act, shall provide for and secure in each election district of their respective municipalities, a suitable room in which to hold the registry and the said primary election, and immediately on procuring said room, such clerk shall notify the registry or poll clerk, or board of registry and elections of such voting district, that such room has been procured; and it shall be the duty of the clerk procuring such room to arrange the same for a polling room, in the manner required by law for general elections, and to have constructed therein and ready for use before the primary elections, booths and compartments of the kind, number and description as are or may be by law required to be provided at the annual election for members of the general assembly; black lead pencils shall be provided and placed in said booths or compartments for use by the voter in preparing his ballot to be voted, and no other kind of pencil shall be used for such purpose.

Voting place,  
booths, etc.

Black lead  
pencils.

12. The said municipal clerk shall on the morning of the day preceding any primary election wherefor they are required by this act to provide ballots, cause to be delivered to the clerks of the board of registry and election of each election district within his municipality, the ballots and the ballot boxes provided for each election district, and to take a receipt of each election clerk therefor, which last mentioned receipt the clerk of such municipality shall file and preserve for the period of one year; said election clerks shall on the morning of the primary election, before proclamation of the opening of the polls, deliver the ballots by them received to the election boards of their respective election districts, with the seals thereof unbroken, and shall take receipts therefor from said election board, which said receipts said election clerks shall file with the municipal clerk, and the same shall be preserved for one year; said municipal clerk shall provide a separate ballot box for each political party for each election district in his respective municipality; said ballot

Ballots  
delivered to  
election  
boards.

Ballot boxes.

boxes shall be each composed of four glass sides, at least one foot wide and one foot high, with a wood or metal bottom and top, and with an opening at the top through which the ballots shall be inserted into the box; any ballot box which can legally be used at any general election for members of general assembly may be used at the primary elections held pursuant to this act.

Primary  
elections  
conducted by  
boards of  
registry and  
election.

Charge of  
ballot-boxes.

Proviso.

13. The boards of registry and election appointed by the county boards of registry to conduct the registry under the act to which this act is a supplement, and the poll clerks appointed by such boards of registry and election, shall in their respective election districts hold and conduct the primary election herein provided for; such primary elections shall be held annually, on the second Tuesday in September preceding the annual election for members of assembly, and shall, as nearly as may be, except as herein provided, be in all respects held and conducted as elections for members of the general assembly are held and conducted; the two members of such board appointed from the political party which at the last preceding general election cast the largest number of votes in their county shall conduct the primary election of such party, having sole charge of the ballot-boxes of said party, and delivering, receiving and depositing the official ballots voted by members of such party, and having the sole right to challenge the voters offering to vote the ticket of such party as in this act provided; and the members of said board appointed from the political party casting the next largest number of votes in said county at said election shall, in like manner, conduct the primary election of such political party; all of the members of said board of registry and election shall conduct the primary election of any other political party holding a primary election under this act, and shall also ascertain and certify to the result of the primary election of all political parties holding primary elections under this act in the manner herein provided in section fifteen; *provided*, that before proceeding with such election each of the four members of the boards of registry and election shall take and subscribe an oath to be administered by any duly qualified person, or by one member of the board to the others, that they and each

of them will, to the best of his understanding and ability, conduct such primary election honestly and in accordance with law; that they will challenge, in the manner provided in this act, the vote of any person offering to vote at such election whom they believe not entitled to vote thereat, and that they will also challenge the vote of any person at such election offering to vote in the ballot-box of one existing political party, whom they believe or have reason to believe to belong to another existing political party, and that they will refuse to receive the vote of such person, in case such vote is challenged, until he shall have taken an oath or affirmation to be administered by a member of the board in the form prescribed in section seventy-four (74) of the act to which this act is a further supplement, and also in the following form:

Right to  
challenge.

"You do solemnly swear (or affirm), that you are a member of the political party (specifying the political party to which the affiant claims to belong); that at the last election for members of the general assembly at which you voted, you voted for a majority of the candidates of said party whose names were printed on the ticket of said party, and that you intend to support the candidates of said party at the ensuing election;" in the case of voters voting for the first time in this state the portion of said oath or affirmation in relation to voting at any previous election shall be dispensed with; and if the person so challenged shall refuse to take the oath or affirmation so tendered to him, he shall be deemed not to be qualified or entitled to vote at such primary election; any person making such oath or affirmation falsely shall be guilty of perjury; any voter who shall vote in the ballot-box of one political party at any primary election held under this act shall not be allowed to vote in the ballot-box of any other political party at the next thereafter succeeding primary election; the said board of registry and election shall indicate in the registry book the name of the political party whose primary ticket each voter voting at such primary election voted by writing opposite the name of each of such voters, in a column prepared for that purpose in such registry book, the first letter of the name of such political party, as, for example,

Form of oath  
in challenge.

Perjury.

Party  
indicated in  
registry book.

Polls open.	writing the letter "D" for democratic party, the letter "R" for republican party, the letter "P" for prohibition party, and in like manner for other political parties; at said primary election the polls shall be open at one o'clock in the afternoon and close at nine o'clock in the evening; notice of the time and place of holding such primary elections shall be given by the poll clerks by five or more advertisements posted at conspicuous places in the election district at least ten days before such primary elections.
Notice of election.	
Registration of voters.	14. The said board of registry and election shall, prior to or at and during said primary election, in the manner provided by law, register the name of every person who is legally qualified to vote at the ensuing general election for members of general assembly, and all persons so registered shall be entitled to vote at such primary election, unless if challenged they shall refuse to take the oath or affirmation as in this act provided; no person shall be allowed to vote at any primary election unless his name shall appear upon the registry list for the election district where he offers to vote, as made up at the time of opening the polls for such primary election, or unless his name shall be placed thereon before he casts his vote; each voter on entering the polling room shall register for the ensuing general election, if qualified to do so, unless his name shall be already registered, and after such registry shall ask the board of election for the party primary ticket he desires to vote, and thereupon shall receive one ticket of the kind demanded; the said voter shall retire with said ticket to one of the booths or compartments, and therein with black pencil erase the names of all persons on said ballot except those for whom he desires to vote; nothing herein shall prevent any voter from voting for any person whose name is not on his party ticket by writing the same thereon; while in the booth or compartment he shall fold the ballot so as to expose the endorsement on the back thereof, and on emerging from the booth shall proceed directly to the ballot-box of his political party, and there deliver his ballot, folded as aforesaid, to the proper member of the board of election, who shall forthwith, in the presence of the voter, deposit the same in the ballot-box provided
Manner of voting.	



for the political party of such voter, unless challenged or disqualified as provided in section thirteen (13); should any voter to whom an official ballot has been furnished spoil or render the same unfit for use, he may obtain another from the board of election on returning the one so spoiled or unfitted for use, but no more than three official ballots, one at a time, shall be furnished to any voter at any primary election; if any voter shall make oath or affirmation that he is unable to read and write, and shall request the assistance of the board of registry and election in preparing his ballot, the said board shall designate one of their number to retire with said voter to the booth and assist him in preparing his ballot.

Voter's  
assistant.

15. At the close of the primary election, the board of registry and election shall forthwith proceed to canvass and count the votes cast at such election, proceeding in the manner indicated by the statement hereinafter in this section provided for, and as nearly as may be in the manner required by law; the said boards of election shall at the conclusion of such canvass make up and sign a statement of the result of such election, which statement they shall, as soon as may be, transmit to the clerk of the municipality within which the said primary election is held; said statement shall in words at length show the entire number of votes cast at such election, the whole number of ballots rejected, the whole number of ballots cast for each party as indicated by the party names at the head of the respective party tickets, and the number of votes received by each person as a candidate for nomination for office, or for the position of delegate; such statement shall be in the following or like form:

Canvassing  
the votes.

Statement of  
election.

Form of  
statement.

Statement of the result of a primary election held in the                      election district of the  
(municipality) in the county of                      and state  
of New Jersey, on the                      day of  
190    :

At said election                      the total number  
of votes cast was:

The total number of democratic ballots cast was:

The total number of republican ballots cast was:

The total number of citizens' reform ballots cast was:

The total number of democratic ballots rejected was:

The total number of republican ballots rejected was:

The total number of citizens' reform ballots rejected was:

For candidates of the democratic party for the position of delegate to the democratic state convention:

John Doe	received	votes;
Richard Doe	received	votes;
Thomas Jones	received	votes;

For democratic candidate for delegate to the democratic congressional convention of the \_\_\_\_\_ congressional district:

A _____	B _____	received	votes;
C _____	D _____	received	votes.

For democratic candidate for delegate to the democratic county convention of the county of \_\_\_\_\_

_____	received	votes;
_____	received	votes.

For democratic candidate for member of the common council

_____	received	votes.
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And in like form for all parties having candidates voted for at such election. To such statement shall be added a certificate in following form:

Certificate  
attached.

*We certify* the foregoing to be a true and correct statement of the result of the primary elections held in such district at the time above stated; that the same truly and correctly exhibits the entire number of votes cast for each political party at such election, the whole number of ballots rejected and the number of said ballots rejected belonging to each party respectively; also the number of votes received by any person to be a candidate of any party for any office, or for the position of delegate named on any ballot or ballots cast at such election.

*In witness whereof*, we have hereunto set our hands this \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_\_.

.....	} Board of Registry and Election.
.....	
.....	

16. The persons receiving the highest number of votes for the position of delegate to any convention on any ticket of any political party at such primary election, to the extent of the number of delegates which the respective election districts are entitled to send to the said convention, shall be the duly-elected delegates to such convention, and said persons and no others shall be entitled to sit in the said convention as delegates as aforesaid, subject to the right of the said convention to be the judge of the qualifications of its own members in the case of a contest; the time and place of holding such conventions shall be determined by the state, congressional, county, or other proper committee of the respective political parties, but shall in all cases be after the holding of the primary election as herein provided; in the event that by reason of tie voting more candidates shall receive a sufficient number of votes to entitle them to be elected as delegates than the number of delegates the election district is entitled to send to the convention, the additional candidates so voted for shall be considered as chosen delegates to said convention, but in such convention they shall be entitled only to the appropriate fraction of a vote; that is to say, if an election district shall be entitled to send three delegates to a convention, and two candidates receive respectively the highest and the next highest number of votes, and the three candidates receiving the next highest number of votes shall each receive the same number of votes, the said three candidates shall also be elected delegates to the convention, but shall be entitled to only one-third of a vote each therein; the said boards of registry and election shall also deliver a copy of the aforesaid statement of the result of said election to each of the persons ascertained as aforesaid to be successful candidates, which statement shall be the credentials of the said delegates at the ensuing conventions of the respective parties; if for any reason the board of registry and election shall fail to deliver a copy of said statement to any of the successful candidates entitled to receive the same, within twenty-four hours after the close of the primary election, the municipal clerk with whom said statements are filed shall issue a certified copy of said statements to said candidate

Who elected delegates.

Time and place for conventions.

If tie vote.

Credentials.

or candidates, which certified copy shall be the credentials of said candidate or candidates at the ensuing convention of his or their political party.

Selection of  
candidates in  
single ward or  
township.

17. The person in each political party receiving the highest number of votes for any office for which the candidate is to be voted for at the general election only in a single ward or township, shall be the candidate of his political party at the ensuing election, and the municipal or county clerk shall cause his name to be printed as such candidate upon the official ballot of his party; in the event of a failure to select such candidate for any political party by reason of two or more persons receiving the highest and the same number of votes, the proper committee of the said political party shall select from the said candidates one to be the party candidate for the office in question, and file a statement of such selection with the municipal or county clerk, and the person so selected shall be the candidate of the party at the ensuing election; in the event of a failure of the said committee to make such selection, the municipal or county clerk shall make the selection from the persons receiving said highest and the same number of votes; in the event that any candidate chosen at a primary election for any office, the candidates for which are to be voted for only by the voters of a single ward or township, shall die, or decline to run as a candidate, before the ensuing election, the proper committee of the party to which the person so declining or dying belongs shall have the power to fill said vacancy by filing a new nomination with the proper municipal clerk.

Correction of  
errors in  
ballots.

18. Whenever it shall appear that any error or omission has occurred in the printing of the ballots for any primary election, by any municipal clerk, any voter resident in any election district affected by such error or omission may present to the justice of the supreme court holding the circuit court in and for the county containing said election district a verified statement setting forth such error or omission, and such justice, being satisfied thereof, shall thereupon summarily, by his order, require the municipal clerk to correct such error and omission, or show cause why such error and omission should not be corrected.

19. Should any person endorsed in any petition as a candidate to be voted for at any primary election die before such election, or in writing filed with the municipal clerk seven days before the primary election decline to stand as a candidate, the vacancy or vacancies thus caused shall be filled by a majority of the persons signing the petition in and by which the person so dying or declining was endorsed, filing with the municipal clerk a new petition setting forth the name of the person declining or dying, the office for nomination to which or the position of delegate for which he was endorsed and the name of the person to be substituted; the said petition shall be verified by three of the signers; the said new petition shall have the same force and effect as the original petition, and the name of the person so substituted shall be printed upon the ballots in the place and stead of the person dying, or declining as aforesaid.
20. In the event that any person so elected a delegate as aforesaid to any convention shall, after such election and before the meeting of such convention, die, or in writing addressed to the chairman of the said convention shall decline to act as such delegate, his place as such delegate shall be filled by a majority vote of the other delegates selected from the election district in which the said person so dying or resigning was elected.
21. No member of one political party shall sign his name to any petition purporting to endorse any person as a candidate for delegate to the convention of another political party, or as a candidate for office of another political party, nor shall any member of one political party vote in the ballot-box used for the primary election of another political party; any person who, being a member of one political party, shall sign his name to any petition endorsing any person as a candidate for delegate to the convention of another existing political party, or as a candidate for office of another political party, or any person who, being a member of one political party, shall vote in the ballot-box used for the primary election of another political party, shall in each case be guilty of a misdemeanor, and, on conviction, shall be punished by a fine not exceeding five hundred dollars, or be imprisoned not exceeding two years, or both, at the discretion of the court.

Vacancies  
among  
candidates.

New petition  
filed.

Vacancies  
among  
delegates.

Member of  
one party not  
to petition or  
vote in box of  
another.

Penalty.

If ballots not  
delivered,  
stolen, etc.,  
new ones  
printed.

Unofficial  
ballots.

Registration  
before voting.

When act  
applicable.

Challengers.

22. If at any primary election the ballots for any political party to be furnished therefor as hereinbefore provided shall not be delivered at the time above mentioned, or if after delivery they shall be destroyed or stolen, and other official ballots cannot be obtained in time for such primary election, it shall be the duty of such municipal clerk, or the clerk of the board of election, as the case may be, to cause other ballots to be printed as nearly in the form prescribed by this act as practicable, but without the endorsement on the back thereof, which ballots so substituted shall be used at such primary elections; if from any cause neither the official ballots or ballots otherwise prepared as hereinbefore described shall be ready for distribution at any polling place, or if the supply of ballots for any political party shall be exhausted before the polls are closed, unofficial ballots, made as nearly as possible in the form of official ballots, shall be used; where the use of official ballots is for any of the reasons aforesaid dispensed with, the mode and manner of voting shall nevertheless in all respects conform as nearly as possible to the directions and requirements of this act.

23. No person shall vote at any primary election unless his name shall appear on the registry of voters made in the election district where he offers his vote, or unless his name shall be placed thereon before he casts his vote; any person so voting shall be punished as now provided by law for illegal voting.

24. Nothing in this act contained shall apply to or in any wise affect any election hereafter to be held in this state upon any day other than the day of the general election for members of the general assembly.

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 all the rights and privileges of a challenger as hereinbefore provided.

Appointment  
papers filed.

26. Section fifteen (15) of the act to which this act is a further supplement is amended so as to read as follows:

Section  
amended.

#### DISTRICT BOARDS OF REGISTRY AND ELECTION.

15. The county board of elections in each county shall cause to be made a complete registry of all the legal voters in their respective counties, and for that purpose shall appoint for each election district in the county four persons, legal voters and residents of such districts, to be the board of registry and election for such district; not more than two of such appointees in each election district shall belong to the same political party; the said boards of registry and election shall be appointed on or before the first day of September in each year, upon nominations made in writing by the chairman of the county committee of each of the two political parties which at the last preceding general election cast the largest and next largest number of votes in said county for members of the general assembly; said nominations shall be made after the tenth and not later than the twentieth day of August in each year; and in event that either chairman shall neglect to file such nomination in the manner and within the time herein prescribed, the county board of elections shall immediately cause notice to be given to said chairman, and he may supply the deficiency in the list of nominatons on or before August twenty-eighth next following; and the county board of elections shall appoint said nominees; *provided, however,* that all nominees shall answer in writing, over their own signatures and to the satisfaction of the county board of elections, all reasonable questions which may be submitted to them or prepared for that purpose by the

Boards of  
registry and  
election; their  
appointment.

Nominations  
by chairman  
of county  
committee.

Proviso.

county board of elections, which refer to the efficiency, eligibility and character of the nominees, and bear upon their fitness to serve as members of the board of registry and election; and on failure so to do said board may by a majority vote reject such nominee, and thereupon shall immediately notify such chairman to nominate another member of such board; if the chairman of either of the said county committees shall fail to present in the manner and within the time herein specified, a list of nominees for appointment as members of the district boards of registry and election, the county board of elections shall supply any deficiency in the list of nominees from members of the political party of which the delinquent chairman is a member; *provided, also*, that the county board of elections may remove from office any member of any board of registry and election for neglecting or refusing to properly discharge the duties of his office at the time required by law, for intoxication, for incapacity or for deceit or falsehood exercised in securing his own appointment; and all police officers, constables, sheriff and peace officers are hereby required to remove summarily, by force if necessary, any member of the board of registry and election in said county whose removal has been ordered in writing by the county board of elections, attested by the signatures of the chairman and secretary of such board; the vacancy so made shall be filled immediately by the county board of elections, but for the unexpired term only.

Proviso.

Section amended.

Public notice in newspapers.

27. Section twenty (20) of the act to which this act is a further supplement is amended so as to read as follows:

20. The county board of elections of each county shall at least two weeks preceding the primary election cause a notice to be published in such of the newspapers of their county as they shall previously have designated for that purpose, not exceeding six in all, setting forth that the boards of registry and election in and for each election district in such county will meet for the purpose of making a registration of voters on the days and between the hours hereinafter designated for that purpose, and that a primary election for election of delegates to conventions of political parties or for making nominations, or for both, as the case may be, will be held on the



second Tuesday of September and between the hours and at the places as provided in this act; said notice shall be published, as nearly as may be, equally in newspapers of the different political parties, and so as to afford the widest possible information to all voters of every political party; and such notice shall be continued in such newspapers at least once a week for at least three weeks successively; *provided*, that such publication shall not be made in any daily newspaper more than twice in any one week; in cities of the first class said notice shall include in the newspapers designated therein, a short description of the boundary lines of each election district therein, and the place of meeting of the board of registry and election therein, provided that the part of said notice in reference to the primary elections may be omitted after the holding of the same.

Proviso.

28. Section twenty-one (21) of the act to which this act is a further supplement, is amended so as to read as follows:

Section amended.

21. The district boards of registry and election in all districts in cities having by the next last preceding census a population exceeding thirty thousand, shall meet annually on the second Tuesday in September, at one o'clock in the afternoon, and continue in session until nine o'clock in the evening, for the purpose of registering the names of all legal voters, residents of the election district for which they are appointed; after the board shall have organized they shall proceed to make two lists or registers, arranged by streets, in the alphabetical order of such streets and by street numbers, if any there be, and if not, by the order of the houses as they occur upon any avenue, street or road in such district; they shall register the names of all persons in their respective election districts entitled to the right of suffrage therein at the next election who shall personally appear before them for that purpose, and such other persons as shall be shown by the written affidavit of a voter residing in the same election district to be lawfully entitled to vote therein at the ensuing election; *provided*, that no person so applying shall be registered unless a majority of the board shall be satisfied, by affidavit or otherwise, that he will be entitled to vote in that election district at the

Method of registration.

Lists of.

Proviso.

ensuing election; on the day succeeding such meeting each of the clerks shall post a copy of the register, in hand-bill form, in some conspicuous place in such election district; said board of registry and election shall also, at said session, act as a primary election board and conduct the primary elections as provided in this act.

Section  
amended.

29. Section twenty-three (23) of the act to which this act is a further supplement is amended so as to read as follows:

Registration  
by canvassing.

23. The boards of registry and election in all election districts in the state outside of cities having a population exceeding thirty thousand shall meet annually on the first Tuesday of September in each year, at ten o'clock in the forenoon, and having first organized shall proceed to ascertain, and truly and accurately enter in canvassing books, to be provided for that purpose, the names and residences and street numbers, if any, of all legal voters residing within their respective election districts entitled to vote therein at the next election by making actual inquiry at every dwelling-house, or habitation, or of the head of every family residing therein, and shall continue such enumeration of voters from day to day thereafter,

Proviso.

on successive days, until the same be completed; *provided*, that such enumeration shall terminate on or before the Friday next succeeding; the name of every such voter, as aforesaid, whose place of abode shall be in any family or habitation, or who may be casually or temporarily absent therefrom when such enumeration is made, shall be entered in said canvassing books; in making such enumeration the said boards of registry and election may divide their election districts into subdivisions, and any two of their number, not of the same political party, designated by the chairman, together and in company may make the enumeration in such sub-divisions; no name shall be entered on such canvassing books without the concurrence of both of said members, or, if said enumeration be made by the entire board, without the concurrence of a majority thereof; on the second Tuesday of September, next preceding the general election, said boards shall meet at the places provided in this act for holding the primary election in their respective election districts, at one o'clock in the afternoon, and con-

Districts  
subdivided for  
canvassing.

tinue in session until nine o'clock in the evening, at which time and places said boards shall hold the primary elections as provided in this act, and shall also proceed to transcribe and make up from said canvassing books two lists or registers of the names, arranged in alphabetical order, together with the residences and street numbers, if any, of all persons in their respective election districts entitled to the right of suffrage therein at the next election, or who shall personally appear before them for that purpose, or who shall be shown to the satisfaction of such board of registry and election by the affidavit in writing of some voter in that election district to be a legal voter therein.

Registers  
made up from  
canvassing  
books.

30. Section sixty (60) of the act to which this act is a further supplement is amended so as to read as follows:

Section  
amended.

60. The board of chosen freeholders of each county shall provide and keep in good repair ballot-boxes for the use of each election district, which boxes shall be made at least one foot in depth, width and length, measuring the same on the exterior thereof; and when new boxes are required may provide a ballot-box known as the "safety ballot-box," of Camden, New Jersey; no sum in excess of twenty-five dollars shall be paid for each ballot-box; said ballot-box shall be so constructed as to have four glass sides, supported by four upright columns, and no bolts, screws, or other attachments by which the box is held together shall be exposed on the outside; and the said ballot-box shall be secured by three patent locks, no two keys of which shall be alike; and these locks in turn shall be covered by an outer door, connected by a rod running to a dial in front of the box, which is sealed and in full view of the voter, so that each vote cast will be recorded in figures plainly visible in the front of the box; the said board of chosen freeholders shall also provide a sufficient number of additional boxes for the use of each election district at the primary elections provided for in this act, which additional boxes shall be at least one foot in depth, width and length, measuring the same on the exterior thereof, with four glass sides, and with an opening in the top for the reception of the ballots.

Ballot boxes.

Additional  
boxes for  
primary  
elections.

Section amended.	31. Section one hundred and seventy-eight (178) of the act to which this act is a further supplement is amended so as to read as follows:
Compensation.	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 the first registry day, including services rendered at the primary election, ten dollars (\$10), and for each other registry day five dollars (\$5), and for the election day, including the counting of the votes and the delivery of the returns and ballot-box with contents to the municipal clerk, ten dollars (\$10), which compensation shall be the same for both the general election and the municipal election; and in all other cities, townships and other municipalities the compensation of each member for all such services in connection with any local or primary or charter election shall be, for the primary election day, five dollars (\$5); for each registry day, three dollars (\$3); and for the election day, including the counting of the votes and delivery of the returns and the ballot-box, seven dollars (\$7), 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 fifteen dollars (\$15) in districts where the number of registered voters is not more than one hundred and fifty (150), twenty dollars (\$20) in districts where the number of registered voters is more than one hundred and fifty (150) and not more than three hundred (300), and twenty-five dollars (\$25) in districts where the number of registered voters is more than three hundred (300), said sums to be paid by the county collector, and to be in lieu of all other fees and charges whatsoever.
Cities exceeding 30,000.	
Other municipalities.	
Paid by county collector.	
Section repealed.	32. Section two hundred and sixteen (216) of the act to which this act is a further supplement is hereby repealed.
Sections applicable to primary elections.	33. The following sections of the act to which this act is a further supplement shall apply, so far as may be, to the primary elections held pursuant to this act: 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 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).

34. All acts and parts of acts which in any wise conflict with the provisions of this act are hereby repealed, and this act shall take effect immediately. Repealer.

Approved April 14, 1903.

#### CHAPTER 249.

An Act to prevent the introduction into and the 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.

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

1. All gardeners, horticulturists, farmers, nurserymen and other growers of or dealers in plants of any kind, upon their own or upon leased lands or premises, shall free and keep freed all plants, shrubs, trees, vines, cuttings, cions, buds, stocks or other plant parts grown.

Trees, plants, etc., must be kept free from injurious insects.

cultivated or dealt in by them, from all injurious insects that might spread from the plants infested to others on the public highways, or upon lands adjoining or belonging to others; all plants, shrubs, trees or parts of such so infested, are hereby declared to be a nuisance, to be abated as herein prescribed, and their maintenance after notice given as hereinafter set out is hereby declared a misdemeanor, punishable as hereinafter provided.

State entomologist.

2. For the purposes of this act the entomologist of the state experiment station is hereby declared to be the state entomologist, to serve as such at such compensation as may be prescribed by the executive committee of the state board of agriculture, and said committee, which is hereby charged with the execution of this act, may appoint an assistant or deputy to the state entomologist, at such compensation as it may fix; said executive committee may also appoint such temporary assistants and inspectors as may be needed to carry out the provisions of this act, at such compensation as it may deem reasonable.

Assistants.

Nursery,  
nurseryman,  
nursery stock,  
defined.

3. The term nursery as used in this act shall include any and all lands, premises and buildings upon, on or in which plants, trees, shrubs or vines of any kind, whether for fruit, shade or ornament, are grown for sale within the state or for shipment to other states or countries; the term nursery stock as used in this act shall be held to include any and all plants, shrubs, trees and vines grown for sale, as well as buds, grafts, stocks, cions and other parts of plants, shrubs, trees and vines that may be sold for propagation; but it shall not apply to herbaceous annuals nor to plants, flowers, vines or cuttings grown under glass and commonly known as florists' stock; the term nurseryman as used in this act shall be held to include any person, firm, copartnership or corporation growing plants, trees, shrubs or vines for sale, or dealing in such stock, whether he or they be owners, lessees or tenants of or on the premises upon which such stock is grown or offered for sale.

Florists' stock  
excepted.

Certificate of  
inspection  
attached to all  
goods sold.

4. It shall be unlawful for any nurseryman within the state to sell or offer for sale any nursery stock or to deliver the same within the state until it has been inspected by the state entomologist or his deputy, and until a certificate has been issued to him in accordance with the

provisions of this act; it shall be the duty of every nurseryman growing stock within this state, and of every dealer in nursery stock, to attach to every car, box, bale or parcel of stock sent out or delivered by him, a written or printed copy of the certificate issued to him by the state entomologist, together with a written or printed copy of a declaration signed by such nurseryman, stating that the stock contained in such car, box, bale or parcel was part of that covered by such certificate, and that the conditions upon which such certificate was issued have been fulfilled; such statement shall be considered a warranty as to the source of said stock, for a breach of which a certificate may be withdrawn by the state entomologist.

5. All nurserymen growing or dealing in nursery stock within this state must erect and maintain upon the nursery upon which their stock is grown, or in connection therewith, a structure suitable for fumigating nursery stock with hydrocyanic acid gas, which shall be inspected by the state entomologist, whose duty it shall be, if he finds the building properly constructed for the purposes, to mark upon the same the amounts of the materials to be used for the fumigation of the stock grown upon such nursery; said entomologist shall also direct the manner in which fumigation is to be done and the length of time during which the stock is to be exposed to the action of the gas.

Fumigating  
plant.

6. It shall be unlawful for any nurseryman to send out or ship from his nursery any stock not thoroughly fumigated with hydrocyanic acid gas, to any point within or without the state, unless such nurseryman holds a certificate from the state entomologist that the stock grown upon such nursery is free from dangerously injurious insect pests or those liable to become so; *provided*, that this requirement shall not apply to evergreens, conifers, herbaceous plants or to plants grown under glass only and known as florists' stock.

Stock fumi-  
gated before  
shipment.

Proviso.

7. It shall be the duty of the state entomologist to examine and inspect, or cause to be examined and inspected, at least once in each year, at such time or times as he may determine, with or without notice to the nurseryman, all nurseries within the state, to ascertain whether the stock grown thereon is free from danger-

Inspection of  
nurseries.

ously injurious insects and from such as in his opinion are likely to become so when transplanted or set out into orchard, vineyard, field or garden; and every nurseryman within the state shall have the right to demand that such inspection be made, in case his nursery has not been inspected prior to the first day of October in any year; no fee or other charge for inspections shall be made against any nurseryman.

Certificate of  
inspection  
issued.

8. After any nursery has been inspected it shall be the right of a nurseryman to demand of the state entomologist a certificate stating the condition of the stock on the inspected premises, and it shall be the duty of the state entomologist to give a certificate in accordance with the facts found; if the inspection shows the presence of dangerously injurious insects or of such as are likely to become so, the entomologist shall require of the nurseryman that he destroy the infested stock and that he treat that exposed to infection in such manner as may be necessary to render such insects harmless and the stock safe; if the inspection shows that a nursery is apparently free from dangerously injurious insects, or from such as are liable to become so, the state entomologist shall issue his certificate to that effect, specifying in such certificate the date up to which it shall remain valid; *provided*, that he may impose as a condition that the nurseryman comply with the requirements of section six of this act, and this condition must be accepted in writing by such nurseryman; any nurseryman whose premises have been found infested may, after he has complied with the requirements made by the state entomologist, apply for a re-inspection of his stock, and the state entomologist shall, if he finds the conditions fulfilled and the stock apparently clean, issue his certificate to that effect upon such conditions as may be deemed necessary for the protection of purchasers; such conditions must be in writing and must be accepted by the nurseryman in writing.

Proviso.

Privilege  
to ship.

9. It shall be the privilege of any nurseryman or dealer to ship under the certificate issued to him, nursery stock grown for him elsewhere, or purchased by him from other states or countries; *provided*, that all such stock be received under a certificate satisfactory to the state entomologist, that it had been inspected where grown

Proviso.



and found to be apparently free from dangerously injurious insects or such as were liable to become so; and no such stock shall be sold within the state or shipped until the certificate accompanying it shall have been submitted to the state entomologist and approved by him.

10. Any nurseryman who sells or ships to points within the state, without a certificate of inspection made or without fumigation as prescribed in section six, shall be deemed guilty of a misdemeanor and subject to a fine of fifty dollars for every sale or shipment made in violation of sections four and six of this act; any nurseryman to whom a certificate has been issued, who shall use the same on stock not actually inspected, or who shall in any way fail to comply with the conditions upon which such certificate was issued or the requirements of this act, shall be deemed guilty of a misdemeanor and subject to a fine of one hundred dollars for each offense, and his certificate may be withdrawn and cancelled in the discretion of the state entomologist.

Penalties for violations.

11. All nursery stock shipped into this state from any foreign state or country must be accompanied by a certificate, dated not more than six months prior to the date of such shipment, or by a written or printed copy of such certificate, attached to each car, box, bale or parcel thereof, stating that the stock to which such certificate is attached has been inspected by an officer duly authorized by the laws of the state where such stock was grown, and that the same was found to be free from dangerously injurious insects or from such as might be liable to become so when introduced into nursery, vineyard, farm or garden; any such certificate shall be accompanied by a written or printed statement from the nurseryman shipping the same, declaring that such stock is part of that which was inspected by or under the direction of the officer signing the certificate, and he shall further state whether or not such stock has been fumigated with hydrocyanic acid gas; any car, box, bale or parcel of nursery stock shipped into this state, unaccompanied by a certificate as above required, may be seized and detained by the state entomologist or under his direction wherever found, whether in the hands of a common carrier or in the hands of the consignee or his

Receipt of stock from foreign state or country; certificate of inspection.

Right of entomologist to detain stock imported.

Infested stock destroyed.	agent, and such stock may be held and detained until the same has been inspected and found free from dangerously injurious insect pests and from such as in the judgment of said entomologist are liable to become so; in case any stock so examined is found to be infested as above described, it shall be the duty of the state entomologist, and he is hereby empowered, to destroy such infested stock, and he shall require such as may not be actually infested to be submitted to such treatment as he may deem necessary to make it safe and the insects that may be harbored in or on it, harmless; it shall be also the duty of said entomologist when, in his opinion, there is reason to doubt the truth of any certificate or a nurseryman's statement thereunder found attached to any car, box, bale or parcel of stock shipped into this state, to detain such car, box, bale or parcel of stock until the same has been inspected under his direction, and in case such stock is found to be infested it may be treated as uncertified, and all future shipments received from the same nurseryman may be thereafter regarded and treated as uncertified.
Doubtfulness of certificate.	
Examination upon complaint.	12. It shall be the duty of the state entomologist, whenever complaint is made to him that any person, firm or corporation is maintaining a nuisance as prescribed in section one of this act, to investigate or cause to be investigated, as soon as conveniently possible, the truth of such charge; if after such investigation he decides that such a nuisance exists, he shall notify, in writing, the owner or occupant of the premises containing the nuisance complained of, of the fact that such nuisance exists; he shall include in such notice a statement of the conditions constituting such nuisance, an order that the same be abated within a specified time, which shall not be less than ten days from the date of such notice nor less than eight days from the date of its service as herein prescribed, and a direction, written or printed, pointing out such methods as should be taken to abate the same; such notice and order may be served personally, or by depositing the same in the post-office, properly stamped, addressed to the owner or occupant of the land or premises upon which such nuisance exists, and the directions for treatment may consist of a printed circular, bulletin or
Notification that nuisance exists.	
Order to abate.	
Directions.	

report of the state or college experiment station or an extract from the same; in case the notice and order served as aforesaid shall direct that any growing plant, shrub or tree shall be taken out and destroyed, and the owner or grower of such plant, shrub or tree shall consider himself aggrieved thereby, he shall have the privilege of appealing, within three days after the receipt of the notice, to a committee of appeal, consisting of three members of the state board of agriculture to be appointed by the executive committee of said board for that purpose; the appeal must be in writing, directed to the secretary of the state board of agriculture at Trenton, and must contain a statement of the reasons why the order of the state entomologist is deemed unjust; written notice of such appeal served by mail upon the state entomologist shall operate to stay all proceedings until the decision of the committee of appeal, who may, after investigating the matter, reverse, modify or confirm the order of the state entomologist; such decision shall then become the order of the state entomologist, who shall serve the same as hereinbefore set out and shall fix the time within which such decision must be carried out; the compensation and expenses of such committee of appeal shall be fixed by the executive committee of the state board of agriculture.

Right to  
appeal.

Decision.

13. It shall be the privilege of any farmer, horticulturist or other grower of fruits within this state to request an examination of his trees or other fruit-bearing plants, to determine whether or not they are infested by any dangerously injurious insect pest, and it shall be the duty of the state entomologist to examine or cause to be examined such trees or other fruit-bearing plants with all convenient despatch; in case such trees or plants are found to be so infested, it shall be the duty of the state entomologist to inform the owner as to the best methods of treating such trees and plants that they may be preserved if possible and the spread of such insects checked; this section shall be held to apply only to such insects as may endanger the life of the infested trees or plants and may spread from such as are already infested to others in their vicinity.

Examination  
on request.

Penalty for  
not obeying  
entomologist.

14. Any person, firm or corporation failing to obey an order of the state entomologist made and served as prescribed in section twelve, within the period of time therein specified, shall be deemed guilty of a misdemeanor, and liable to punishment by a fine of fifty dollars besides the costs of the suit, and if the order of the state entomologist commanded the destruction of any trees, shrubs, plants or nursery stock, the judgment of the court imposing the fine shall include also an order to the officer enforcing its judgments to seize and destroy the specified trees, shrubs, plants or nursery stock, in accordance with the order, which the said officer shall thereupon be fully authorized to do; fines recovered under this act shall be collected and chargeable as are other judgments of the court imposing the same.

Fines, how  
collected.

Legal pro-  
ceedings, how  
prosecuted.

15. All proceedings to enforce the provisions of this act shall be brought in the name of and prosecuted by the state board of agriculture through the committee of appeal appointed by the executive committee of the board, as prescribed in section twelve of this act, and in any court of competent jurisdiction in the county in which the offense complained of shall have been committed; action by said committee shall be based upon a report from the state entomologist, certifying the character of the offense committed and the proof supporting the charge; all fines and costs shall, after deducting therefrom the necessary costs of prosecution, be paid into the treasury of the state, accompanied by a statement showing the amount collected and the cost of collecting the same.

Disposition  
of fines.

Right to enter  
premises for  
inspection.

16. For the purpose of making the inspections, examinations and investigations specified in this act, and to enforce the provisions of the same, the state entomologist and his duly appointed deputy may enter upon any lands, open or inclosed, upon which such inspections, examinations and investigations are necessary or where any nuisance as defined in section one of this act is maintained or charged, and into any storehouse or building containing nursery stock which he is herein directed or entitled to inspect, and any interference with or obstruction made to the entomologist or his deputy while engaged in the performance of the duties herein imposed

shall subject the offender to punishment as a disorderly person under the general laws of this state upon a charge made against him by the officer interfered with.

17. The sum of three thousand dollars annually is hereby appropriated to the state board of agriculture for the purposes of this act; *provided*, that no payment shall be made pursuant to this act until the amount thereof shall have been included in the annual appropriation bill. Appropriation.  
Prqviso.

18. Chapter one hundred and four, laws of one thousand eight hundred and ninety-eight, bearing the same title as the present act, is hereby repealed. Act repealed.

19. This act shall take effect immediately.

Approved April 14, 1903.

## CHAPTER 250.

An Act to amend an act entitled "An act for the protection of food fish in the state of New Jersey," 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. Section two of said act be and the same is hereby amended so as to read as follows, to wit: Section amended.

2. Any person or persons, corporation or corporations, violating the provisions of this act shall be guilty of a misdemeanor, and shall, upon arrest and conviction, pay a fine of fifty dollars for the first offense, and one hundred dollars for the second offense and imprisonment in the county jail in the county wherein such offense may have been committed for a period of not more than sixty days; said fines shall be paid and distributed according to the laws now in effect, and nothing in this act shall be construed as in anywise interfering with the taking of menhaden or mossbunkers for bait or for the manufacture of oil or fertilizing material. Penalties for violations.  
  
Menhaden fishing excepted.

2. This act shall take effect immediately.

Approved April 14, 1903.

## CHAPTER 251.

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 lying under the tidal waters of the county of Ocean in the state of New Jersey," approved March twenty-sixth, nineteen hundred and two.

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

Section  
amended.

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

License for  
tonging on  
seed beds.

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 in the said tidal waters of Ocean 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 in the said tide waters of Ocean 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 six 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; *provided, however,* that a period of five days shall be given after issuing said license for such person to comply with the above requirement; *provided*

Record of.

Proviso.

Proviso.

further, that no person without a license shall gather more than two bushels of oysters in any one day.

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

Section  
amended.

15. The oyster superintendent shall keep an account of all fees and moneys received by him pursuant to the provisions of this act, for the use of the state, and shall, on or before the tenth day of each month, make a full itemized statement and return, verified by oath, to the comptroller, of all money collected or received as aforesaid, upon blank containing form of the said statement and oath, to be furnished to the oyster superintendent by the comptroller, and the said statements shall be filed in the office of the comptroller, there to remain as public records; said statements shall be audited forthwith by said comptroller, and on or before the fifteenth day of each month said oyster superintendent shall pay over the amount of such money received to the state treasury; he shall also make detailed monthly reports, verified by oath, to the state oyster commission of all moneys collected or received by him; all bills incurred by the state oyster commission in carrying out the provisions of this act shall be certified by the state oyster commission to the state comptroller monthly, for payment, and he shall draw his warrant on the state treasury therefor; *provided, however*, that any excess of such receipts over the expenditure for any fiscal year shall, for the purpose of this act, be accounted as receipts of the next succeeding fiscal year; *provided further*, that the provision of this section shall not apply to any money appropriated by the legislature for survey purposes.

Oyster super-  
intendent's  
report to  
comptroller.

Report to  
oyster com-  
mission.

Proviso.

Proviso.

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

Section  
amended.

16. No oysters or clams shall be tonged for, raked, or taken from any of the unleased lands of the state under tidal waters of the county of Ocean; *provided*, that this section shall not prevent the taking of seed oysters from the lands set apart for state seed beds from and including the first day of October to and including the thirtieth day of April of each year; *provided further*, that this

Tonging in  
Ocean county.

Proviso.

Proviso.

section shall not prevent the taking of clams from the grounds set apart for clamming purposes; no oysters shall be taken from any leased lands or state seed beds except between sunrise and sunset.

4. This act shall take effect immediately.

Approved April 14, 1903.

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## CHAPTER 252.

Supplement to an act entitled "An act concerning district courts" (Revision of 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*:

Deputy clerk  
in district  
court.

1. It shall be lawful for the judge of any district court established in any city in this state having a population of over seventy thousand to appoint, under his hand and seal, an assistant to the clerk of said court, to be known and designated as "deputy clerk"; said deputy clerk when so appointed shall hold office during the pleasure of the said judge, but no longer than the term for which the clerk of said court shall have been appointed; such deputy clerk, before entering upon the duties of such office, shall take and subscribe before the judge of said court an oath of like form and character as that required to be taken by the said clerk; which said appointment, with the certificate of the oath or affirmation endorsed thereupon, and attested by the said judge, shall be filed and kept in the office of the clerk of said court; and the deputy clerk so appointed shall, during the absence or inability of the clerk, have the same powers and perform all the duties which are now or shall be imposed upon the different clerks of the said courts; such deputy clerk shall receive no compensation whatever from the city wherein such court may be, but only from the clerk whose deputy he is.

Powers and  
duties.

2. This act shall take effect immediately.

Approved April 14, 1903.



## CHAPTER 253.

An Act to amend an act entitled "A supplement to an act entitled 'An act concerning juries,'" approved April eighth, one thousand eight hundred and ninety-seven.

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

1. Section one of the act entitled "A supplement to an act entitled 'An act concerning juries,'" approved April eighth, one thousand eight hundred and ninety-seven, be and the same is hereby amended so as to read as follows:

Section  
amended.

1. In every county of this state which has or may hereafter have within its territorial limits a population exceeding one hundred and fifty thousand inhabitants it shall be the duty of the sheriff of such county, or, in case of his death or disability, of the coroners of such county, or elisors appointed by the court, on the second Monday of each regular term of any circuit court, court of oyer and terminer and general jail delivery, common pleas and quarter sessions of the peace, to be holden in such county, and on every alternate Monday thereafter during such term, to select, in the manner provided by law, a new general panel of jurors to serve as jurors in the trial of all causes before said courts from the Monday following such selection for a period of two weeks, and when the jurors so summoned shall appear for service the court shall have the power to discharge the panel before summoned and then serving.

Bi-weekly  
panels of  
jurors.

2. This act shall take effect immediately.

Approved April 14, 1903.

## CHAPTER 254.

An Act to amend an act entitled "An act to amend an act entitled 'An act for the better regulation and control of the taking, planting and cultivating of oysters on lands lying under the tidal waters of the Delaware bay and Maurice river cove, in the state of New Jersey,' " approved March twenty-fourth, eighteen hundred and ninety-nine, and for the better enforcement of the provisions of said act and to extend the provisions of said act to the lands lying under the tidal waters of the Delaware river.

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

Section  
amended.

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

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

Trespassing  
in dredging.

20. Any person or persons who shall hereafter dredge upon or throw, take or cast his oyster dredge, or any other instrument used for the purpose of catching oysters, upon any oyster bed or ground duly marked, buoyed or staked up within the waters of the Delaware river, Delaware bay and Maurice river cove, in this state, other than an oyster bed or ground for which he or they then hold a lease under the terms of the act of which this act is amendatory, shall be guilty of a misdemeanor and of a violation of the provisions of this act.

Repealer.

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

Approved April 14, 1903.

## CHAPTER 255.

A Supplement to an act entitled "An act for the punishment of crimes," 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 buy or purchase any jewelry, hardware, waste metals, plumbers' or builders' supplies or fixtures, metal pipes or conduits, and junk of a metallic nature, second-hand clothing, bric-a-brac, or house furnishing goods, from any minor under the age of sixteen years, which may have been stolen, shall be guilty of a misdemeanor.

Purchase of  
second-hand  
goods from  
minors.

2. Any proprietor or keeper of any pool or billiard hall or room, or other place where pool, billiards and games of a similar nature are played, who shall, himself, or by his agent, keeper or other employee, permit or allow in any such place, any gaming by minors, or any playing by minors under the age of sixteen years, with cards, dice, billiard or pool balls, or any other article, device, tool or instrument whatsoever, such as are used in gaming, or who shall allow or permit minors under the age of sixteen years, to congregate and gather in such hall, room or other such place, shall be guilty of a misdemeanor; *provided*, that this section shall not be construed to prohibit minors from playing or congregating in such hall, room or other such place, when accompanied by parent or guardian.

Gaming, etc.,  
by minors.

Proviso.

3. Any person found guilty of any crime by which this act is declared to be a misdemeanor, shall be punished as provided by the act to which this is a supplement, in cases of misdemeanor.

Punishment.

4. This act shall take effect immediately.  
Approved April 14, 1903.

## CHAPTER 256.

A Supplement to an act entitled "An act to establish standard packages for cranberries," approved March twenty-third, one thousand eight hundred and eighty-eight.

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

Standard  
barrel.

1. The legal and 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, and such barrels shall be branded or stenciled in a durable manner "standard."

Penalty for  
not using  
standard  
barrel.

2. 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 offence, and 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.

Recovery of  
penalties.

3. The fines and penalties imposed by this act 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.

Inspectors.

4. The governor shall appoint one or more persons as state inspectors, whose duty it shall be to receive complaints and enforce the law; they shall receive no salary or compensation except such as may come from penalties imposed and fines collected.

Repealer.

5. All acts or parts of acts inconsistent with this act be and the same are hereby repealed.

6. This act shall be deemed a public act, and shall take effect March first, one thousand nine hundred and four. When effective.

Approved April 14, 1903.

## CHAPTER 257.

An Act concerning railroads (Revision of 1903).

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

### I.

#### FORMATION AND POWERS.

I. Any number of persons, not less than seven, may form a company for the purpose of constructing, maintaining and operating a railroad for public use in the conveyance of persons and property, by executing and filing pursuant to the provisions of this act a certificate of incorporation, which shall be signed in person by all the subscribers to the capital stock named therein, who from the date of such filing as herein provided, shall be and constitute a body corporate; the said certificate shall set forth:

Proceedings for formation of railroad company.

I. The name of the company, which shall not resemble any name already in use by any corporation of this state, so as to lead to uncertainty or confusion; Name.

II. The location of the principal office in the state; Office.

III. The object of the company, the terminal points of the proposed railroad, the counties of this state in or through which it and its branches are intended to be constructed and the length of such road and of each of its branches as near as may be; Object, route, termini.

IV. The amount of the total authorized capital stock, which shall be not less than ten thousand dollars per mile; the number of shares into which the same is Capital stock.

divided and the par value of each share; the amount of capital stock subscribed by the incorporators with which it will commence business, which shall not be less than two thousand dollars for each mile or fraction thereof; and if there be more than one class of stock created by the certificate a description of the different classes with the terms on which created;

**Incorporators.** V. The names and places of residence of the incorporators and the number of shares subscribed by each; the aggregate of such subscription shall be the amount of capital with which the company shall commence business:

**Directors.** VI. The names and places of residence of the first directors of the company, not less than seven nor more than seventeen in number, who shall be stockholders and incorporators of the company and at least one of whom shall be a resident of this State and who shall manage its affairs until others are chosen in their places at the next annual election;

**Life of company.** VII. The period, if any, limited for the duration of the company;

**Powers, regulations, etc.** VIII. Any provision authorized by this act or by law which the incorporators may choose to insert for the regulation of the business and for the conduct of the affairs of the corporation; or for creating, defining, limiting and regulating the powers of its directors or stockholders;

**Certificate proved and filed.** The certificate shall be proved or acknowledged as required for deeds of real estate and shall be filed in the office of the secretary of state upon compliance with the terms of this act.

**Amount to be deposited with state treasurer.** 2. The certificate of incorporation shall not be filed in the office of the secretary of state until there shall have been annexed thereto and filed therewith an affidavit, made by at least five of the directors in the certificate named, that at least two thousand dollars of stock for each mile or fraction thereof designated in the certificate, has been in good faith subscribed and paid in cash, and that it is intended in good faith to construct, maintain and operate the road mentioned in the certificate; nor shall the certificate be filed in said office until at least two thousand dollars of stock for each mile or

fraction thereof, of railroad designated in the certificate to be constructed, has been paid in cash to the directors, and deposited by them with the treasurer of the state, who shall hold the same subject to be repaid to the company, or its treasurer, in sums of two thousand dollars for each mile of said railroad, upon the construction of which it shall be proved to his satisfaction that the company has expended at least two thousand dollars; the secretary of state shall record the certificate, when duly filed, in a book to be provided by him for the purpose, and said certificate or a copy thereof, or of the record thereof duly certified by the secretary of state, shall be evidence of the incorporation of the company and of the facts therein stated.

Certified copy  
as evidence of  
incorporation

3. Every railroad company shall have the general powers conferred by the act entitled "An act concerning corporations" (Revision of 1896), and the supplements thereto, and shall be governed by the provisions and be subject to the restrictions and liabilities in said act contained, so far as the same are appropriate to and not inconsistent with this act or with the provisions of the act under which any such company may have been created and organized, and, in addition thereto, shall have power:

General  
powers.

I. To locate and determine its route and works, and for that purpose to make such surveys for its proposed railroad as may be necessary to the selection of the most advantageous route, and to enter upon lands or waters of any person, doing no unnecessary injury to private or other property, and subject to responsibility for all damages which shall be done thereto;

Determine  
route and  
enter upon  
lands.

II. To acquire from time to time, and hold and use all such real estate and other property as may in the judgment of its directors be necessary for terminal purposes, and for the construction and maintenance of its railroad, and stations, branches, sidings, car-yards, engine-houses, repair shops and other accommodations necessary to accomplish the objects of its incorporation, and to sell land thus acquired when not necessary for such purposes and objects;

Acquire real  
estate.

III. To construct and operate its road, to construct or purchase all engines, cars, machinery and appliances

Construct  
and operate  
road.

for the transportation of persons and property, to charge and collect fares and charges for transportation of passengers and freight and to exercise all other powers by this act granted.

Directors.

Officers and  
agents.

4. The directors of every railroad company shall be stockholders and shall be not less than seven or more than seventeen in number; the first directors shall be those specified as such in the certificate of organization, and thereafter directors shall be chosen at the annual meetings of the stockholders; the directors shall appoint one of their number president, and shall also appoint a treasurer, secretary and chief engineer, and such other officers and agents as shall be necessary, and shall fix their salaries or compensation; the directors may add to their number by selecting from the body of stockholders from time to time an additional member or members to be and act as vice-president or additional vice-presidents, with such powers and duties and compensation as the corporation or directors may determine, provided that the number of directors shall not thereby be made more than twenty; one director shall be an actual resident of this state, but it shall not be necessary for the president or more than one director to be such resident thereof, notwithstanding the provisions of any special charter or other act; in case the whole capital stock has not been subscribed, the directors may receive subscriptions for shares, but no subscription shall be taken without the payment by the subscriber of at least ten per centum of the amount subscribed in cash.

Name, stock.

Bond holders  
may vote.

5. Every railroad company shall have power to change its name, to decrease or to increase its capital stock, and to create one or more classes of preferred stock, by certificate and proceedings in the manner prescribed by the twenty-seventh, twenty-eighth and twenty-ninth sections of the "Act concerning corporations" (Revision of 1896); the stockholders of any railroad company may, by agreement expressed in the certificate of incorporation, or in a supplementary certificate executed and acknowledged by every stockholder, and filed in like manner as the original certificate, authorize and empower the holders of bonds of the company secured by mortgage on its property and fran-



chises, to vote at meetings of stockholders, in person or by proxy, either for the election of directors or for other purposes, each bondholder to cast as many votes as if the holder of stock of par value equal to the principal of his bonds, and the production of his bonds shall be evidence of his right to vote, and every bondholder so voting shall be subject, to the extent of the amount of his bonds, to the same liabilities as stockholders.

6. Every railroad company shall have power to borrow such sums of money from time to time, not to exceed in the whole its paid-up capital stock, as shall be necessary to construct, improve, extend or repair its road and furnish all necessary lands, chattels, engines, cars and equipments, and for such purposes to issue and sell its bonds secured by mortgage on its railroad, lands, chattels, franchises and appurtenances, and such company shall not plead any statute against usury in any suit at law or in equity to enforce the payment of any bond or mortgage executed under the provisions of this section; in the case of any railroad company in this state the amount of whose mortgage debt shall have been limited by special law, the written consent of the holders of at least two-thirds in value of all its stock shall be obtained before any such mortgage shall be executed; any person who shall issue bonds of any railroad company to an amount greater than the amount authorized by this or any other act shall be guilty of a misdemeanor. Where a mortgage on a railroad right of way and franchises includes chattels, it shall be sufficient notice and evidence thereof to record the same as a mortgage on real estate.

Borrow on  
bond and  
mortgage.

## II.

### RIGHT OF WAY.

7. The right of way of any railroad, or of any branch thereof, shall not exceed one hundred feet in width unless more land shall be required for the slopes of cuts or embankments, or for retaining walls, in which case such land may be acquired as part of such right of way; it shall be lawful for any railroad company, its in-

Width.

corporators and agents, to enter at all times upon all lands or waters for the purpose of exploring, surveying and laying out the route or routes of its railroad, and of locating the same, and to locate all necessary works, buildings, conveniences and appurtenances, doing no unnecessary injury to property, and when the route of the railroad shall have been determined upon, a survey of such route and location, particularly describing the same, shall be filed in the office of the secretary of state; the company may also, from time to time, after the filing of the survey of the route of the main line and either before or after construction thereon, file surveys of the route and location of branches within the limits of any counties in or through which the main line may be located and of any county adjoining such counties.

Survey of  
line filed.

Branches.

Connecting  
roads.

8. Whenever the railroads of any railroad companies shall intersect or cross or shall approach each other within a distance of one mile, either company may construct and operate a branch to effect a connection of such railroads, and may take and hold the land and property necessary for that purpose, on filing a map and description of the survey of the route of such branch, in the office of the secretary of state, and making the required deposit with the state treasurer; the connection shall be made upon such terms as may be agreed by the companies operating such roads, and in case of failure to agree, either party may apply to the supreme court, whose duty it shall be to appoint three disinterested citizens of the state who shall determine and fix the terms, which, when approved by the court, shall be conclusive and such companies shall be required to carry into effect.

Purchase or  
construct  
branches.

9. Any railroad company may lay out and construct, or may acquire, lease or purchase any branch line or lines of railroad not exceeding two miles in length, and may maintain and operate the same, extending from the main line or from any branch line of said company to any mill, factory, mine, clay bed or ware-house, whenever, in the judgment of the board of directors, it shall be for the interest of the company, and may take and hold the land necessary for that purpose on filing a map and description of the survey of the route of such branch in the

office of the secretary of state, and making the required deposit, pending construction, with the state treasurer; *provided*, that no company shall construct any such branch within the limits of any city or town until it shall first obtain the consent of the municipal authorities thereto.

Proviso.

10. The survey of the route of any branch shall not be filed in the office of the secretary of state until the company shall have deposited with the state treasurer a sum equal to at least two thousand dollars for every mile, and a proportionate sum for any distance less than a mile of the length of such branch, and the state treasurer shall be the custodian of said fund and shall hold the same, subject to be repaid to the directors or the treasurer of said company in installments of two thousand dollars for each mile, and a proportionate sum for any distance less than a mile of such branch, upon the construction of which it shall be proved, to his satisfaction, that such amount has been expended; it shall be the duty of the secretary of state to record at length in a proper book to be by him provided, at the expense of the state, all descriptions of the surveys of the main lines or branches filed with him, for which he shall collect from the company filing the same the fees prescribed by law for recording deeds, and such record or a certified copy thereof shall be evidence of such survey and location; any survey of a route heretofore filed with the secretary of state may be recorded, and a copy of the record shall be evidence in like manner.

Survey of  
branches filed,  
and deposit.

11. Whenever any railroad company may deem it expedient to abandon a part of its line before the same shall have been wholly completed, and shall file and record in the office of the secretary of state a certificate of abandonment, executed by its president and secretary, under its seal, describing the portion of the route of the proposed railroad to be abandoned, it shall be the duty of the treasurer of the state to repay to the company out of the money of said company therefor deposited with the treasurer, as required by law, a sum equal to two thousand dollars for every mile, and a proportionate sum for any distance less than a mile of its route so abandoned, and said corporation shall not thereafter extend, build

Abandonment  
of part of  
line.

or construct its railroad upon the portion so abandoned, without first filing and recording a new survey thereof in the office of the secretary of state and making the deposit with the treasurer, required by law.

Re-locating  
route.

12. Any portion of the location of the route of any railroad company may be relocated by the board of directors before construction and after the filing of the original survey, by filing and recording an amended survey thereof in the same manner as the original survey; the directors of any railroad company owning or operating any railroad in this state, may change the location of a part of its route for any section not exceeding one mile in length, by filing and recording a survey of the new location and of the section abandoned with the secretary of state, where, in the judgment of the directors, such change is necessary to avoid any quicksand, quagmire or sink-hole, or other physical obstacle in the way of the safe and convenient construction, maintenance or operation of the railroad; *provided*, that such alterations shall not be made in any city after the road has been actually constructed within its limits; any railroad company may straighten, shorten or improve the route of its railroad or connect points thereon by shorter lines or branches, and may take and acquire by condemnation all such lands as shall be necessary in the judgment of the directors for that purpose, and also all such lands as shall be necessary as aforesaid for the erection of freight and passenger stations and all the legitimate purposes of such company upon such straightened, shortened or improved line by filing and recording a survey thereof in the same manner as is required in the case of an original survey of location; *provided*, that no more than one hundred feet in width for the main track of any road shall be taken from the right of way except where necessary for the slopes of cuts or embankments or for retaining walls; the company may retain and continue to use or may sell or otherwise dispose of the whole or any part of the original road, for which such line has been substituted, after it has constructed its road on its new location.

Proviso.

Proviso.

Acquire prop-  
erty by con-  
demnation.

13. Any railroad company may, either at the time of its organization or construction or thereafter, as occasion

may require, take by condemnation any of the land and property required for the right of way of its main line and branches, not exceeding one hundred feet in width unless more shall be required for slopes of cuts or embankments or retaining walls, and all such other land and property adjoining to such right of way as, in the judgment of the directors the exigencies of business may demand, for the erection of freight and passenger depots, and all other legitimate purposes of the company, upon ascertainment and payment or tender of compensation as prescribed by law; and either party may have an appeal from the award of commissioners fixing compensation, and the proceedings on such ascertainment, taking and appeal, shall be had pursuant to "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use" (Revision of 1900); no company organized under this act shall be authorized to take, use or occupy, by condemnation, any franchise, lands or located route of any railroad or other corporation chartered for the purpose of facilitating transportation except for the purpose of crossing said land or route and except the land of such corporation not necessary for the purposes of its franchise; and no railroad under this act shall cross another railroad at grade at a less angle than twenty degrees; *provided*, that a railroad may be located under this act upon the surveyed route or location of any other railroad company, with the consent of such company; no company shall be authorized to take by condemnation any land belonging to the state of New Jersey.

Proceedings  
on appeal.

Not condemn  
other roads.

Proviso.

### III.

#### CONSTRUCTION AND EQUIPMENT.

14. The company shall commence its proposed railroad within six months from the date of its organization, and shall open and complete at least one track within two years from the date of commencement, where the road shall be fifty miles or less in length, and where it exceeds fifty miles shall have an additional six months to complete the road for each twenty miles more than fifty in

Begin con-  
struction.

- length; *provided*, that such company shall open fifty miles for public use as soon as fifty miles of track are laid; any company formed under this act and failing to comply with the provisions of this section shall forfeit thereby the franchises given to it by this act; *provided*, that if such company shall be restrained or prevented by the order of any court or judge, or by any proceedings at law, or in equity, from prosecuting the work on its road, or from opening or completing its road, the time during which such company shall be so restrained or prevented shall not be computed as any part of the time limited in this section for the opening and completion of said road or any part thereof; where any company has failed to construct its railroad upon any part of the location shown by its filed survey within the time allowed by law, and since the expiration of said time any other railroad company has duly filed a survey of a location crossing or occupying the same, said company last filing its location shall have priority of right over said location.
15. When the route shall have been duly adopted and survey thereof filed, it shall be lawful for every railroad company, upon payment or tender of compensation by its officers and agents, to construct, maintain and operate a railroad with one or more tracks and with such side tracks, turnouts, offices and depots as they may deem necessary between the points named in its charter or certificate of incorporation, commencing at or within and extending to or into any town, city or village named as a terminus of such road; and from time to time, either before or after completion of the main line, to construct, maintain and operate branches upon the route or routes described in its filed survey or surveys, and for these purposes, to enter upon, take possession of, hold, have, use, occupy and excavate any lands, and to erect embankments, bridges and all other necessary works, and to do all other things which may be suitable or necessary for the completion, repairs or management of said railroad, and for the conveyance of passengers and freight thereon by steam, electric or other motive power; *provided*, that the payment or tender of all damages for the occupancy of any land, through, under or upon which said railroad and its branches, conveniences and ap-
- Proviso.
- Proviso.
- Upon tender of payment construction may be made.
- Proviso.

purtenances may be laid out or located, be made before said company or its agents shall enter upon or break ground, except for the purpose of surveying and locating said railroad and branches, unless the consent of the owner of said land be had and obtained.

16. Any railroad company may build and maintain over such streams as the road may cross, such piers and bridges as they may deem expedient, and may build viaducts over or tunnels under any navigable or other river, stream or bay of water which such railroad may cross; putting in such viaduct a pivot-draw with two openings, each of no less width than the widest opening of any viaduct or bridge now built over any such river, stream or bay of water, at right angles to the main channel, located at a point convenient for navigation; *provided*, that such company shall not take any land under water belonging to this state until the consent of the riparian commissioners shall first be had and obtained (unless the said land is at least twenty-five feet under the bed of the water), who are hereby authorized to convey the same on receiving such compensation as they may fix.

Bridges, viaducts, tunnels.

Proviso.

17. Such company shall, at all times, when such river, stream or bay is navigable, for the safety of persons navigating the same, cause to be kept a red light at each outer side of said draws and a white light at each inner side of said draws, which shall be lighted every evening at or before sunset and be kept lighted until daylight, and shall also keep a suitable person or suitable persons at each bridge to open the draws for the free passage of all vessels with standing masts or pipes; and for each and every neglect to keep such light and open the draws when necessary, the company shall forfeit and pay one hundred dollars, to be recovered with costs in any court having jurisdiction thereof, by any person who shall sue for the same within six months after the time of such neglect.

Draws; signals and attendants.

18. When any railroad is constructed across a stream where the tide ebbs and flows, and by reason of the narrowness of the stream or shallowness of the water it is unnecessary or impracticable to put in a pivot draw with two openings or any draw, the company may apply

Bridge over shallow tidal waters; modifications.

to the riparian commissioners, who shall, after personal inspection and due inquiry, determine what character of bridge is proper, and whether any draw-bridge is necessary, and if so, the character and dimensions thereof, and how the same shall be kept and maintained, considering the extent and importance both of the navigation of the stream and of the public travel over the railroad, which determination, signed by a majority of the board, shall be filed by them with the clerk of the county or counties in which said bridge lies, and shall bind the company; and a compliance with such determination by the company shall be a full performance of its duties and obligations with respect to such bridge.

Ferries.

19. Where the terminus of a railroad company may be on the shore of any river or navigable water of this state, such company may establish and operate ferries for the transportation of persons and property on or across the same, subject to the rates of fare and tolls provided in this act on railroads, and may buy or build vessels and boats and do all things necessary or convenient to carry on such ferry, or may contract with other ferry companies for the transportation of the passengers and freight of such railroad company.

Purchase and  
operate boats,  
piers, etc.

20. Any railroad company, whenever a majority of the directors thereof shall so decide, may purchase or hire any boats, vessels or barges, and any wharves, piers, docks, landings and buildings situated at or near any terminus of its road, capable of being of use in the transportation of freight or passengers, and any company is hereby empowered to make such sale or lease whenever a majority of the directors shall so decide.

Fences.

21. Every company organized under this act shall erect and maintain fences on the sides of its road of the height and strength of division fences required by law, with gates or bar-ways at farm-crossings; and shall also construct and maintain cattle-guards at road-crossings sufficient to prevent cattle and animals from getting on the railroad; until such fences and guards shall be made, the company shall be liable for damages done by their trains to cattle, horses or other animals straying thereon; and where such fences and guards have been duly made and maintained, the company shall not be liable for such

Cattle-guards.



damages unless negligently or wilfully done; any person who shall ride, lead or drive any horse or other animal upon such railroad and within such fences and guards elsewhere than at farm-crossings, without the consent of the company, shall, for every such offense, forfeit the sum of ten dollars and pay all damages sustained thereby to the company, to be recovered in an action of tort.

22. Any railroad company may erect a fence or other enclosure around its stations so as to prevent persons other than passengers from coming near its trains, and may exclude from such enclosures all persons except travelers; where any railroad company in any city shall maintain along its roadway where the same may adjoin a public highway, a fence or embankment four feet high, sufficiently close and strong to prevent children and horses from going through the same, or where its track shall be laid in a cut at least four feet deep, and shall provide on each side of the track at any highway-crossing in such city a gate of like height and sufficiency, and cause the same to be closed at least half a minute before any train may cross such highway and until such train shall have passed by, in such case it shall be lawful for such company to run its trains in said city over the portions of its railroad thus protected and over the portions not adjoining or crossing any highway, at such rate of speed as it deems proper, but in the absence of such protection and safeguard, the company shall be bound by lawful and reasonable municipal ordinances regulating the speed of its trains along streets and at crossings.

23. It shall be lawful for any corporation heretofore or hereafter organized under this act, whose route lies in part under the bed of the waters of an interstate river, or under the bed of other interstate waters, to build its railroad under the same by tunnel, and in approaching such rivers or waters, to build its railroad in part by tunnel under lands and longitudinally or otherwise under streets and public places in cities or municipalities and under railroads and rivers, and in part on or above the surface of the land, and enter upon, purchase or acquire in the manner provided by law, such lands or rights or easements in lands along

Enclosure  
about station.

Fence guards  
in cities.

Gates.

Speed through  
cities.

Tunnel under  
streets, rivers,  
etc.

Acquire  
property  
along route.

Connect with other roads.	its said route, upon, over or beneath the surface of the land as shall be necessary for its purposes, and it shall have power to construct, erect and secure the foundations and other structures which may be required for the construction, maintenance and operation of such road, and may connect such road under the bed of the waters of such interstate river with the railroad of any company now or hereafter organized under the laws of an adjoining state; whenever such corporation shall construct a tunnel, such tunnel shall be so built and at all times kept in such condition as to make the surface of the ground above the same firm and safe for building and other erections thereon; whenever it shall be necessary, in constructing such railroad, to alter the position of any public sewer or water pipe, the same shall be done at the expense of said corporation, under the direction of the public authorities having charge thereof; such tunnels shall be at such depths beneath the lands, rivers, railroads, streets and public places as not to interfere with the use thereof, and the right of way beneath the streets and public places, and the use thereof for the purpose of said railroad, shall be considered, and is hereby declared to be a public use consistent with and one of the uses for which the same are publicly held; any such corporation is hereby allowed ten years from the date of its organization to open and complete one track of its road; nothing in this section contained shall be construed as authorizing the building of any railroad either upon or above the surface or by open cut longitudinally along any street of any city or town.
Precautions.	
Alterations, at whose expense.	
Depth.	
Time for completion.	
Motive power.	<p>24. Any railroad company authorized to use steam as a motive power, may use any motive power which it may deem best adapted to the economical operation of its railroad, and may erect, construct, and maintain and use such machinery, engines, devices and appliances and such poles, wires, conduits, or other methods for conducting and distributing power as may be required, and for this purpose may take lands by condemnation.</p>
Cost of road filed with comptroller.	<p>25. As soon as any railroad is in operation, the president of said company shall file in the office of the comptroller of this state a statement, under oath, of the</p>

cost of said railroad, including the right of way, road-bed, equipment, appendages and all expenses.

#### IV.

##### ROAD CROSSINGS—CONSTRUCTION AND PROTECTION.

26. It shall be the duty of every railroad company owning, leasing or controlling any right of way for a railroad within this state, to construct and keep in repair good and sufficient bridges and passages over, under and across the railroad or right of way where any public or other road, street or avenue now or hereafter laid, shall cross the same, so that public travel on the said road shall not be impeded thereby, and said bridges and passages shall be of such width and character as shall be suitable to the locality in which the same are situated; and also where said railroad shall intersect any farm or land of any individual, to provide and keep in repair suitable and convenient wagon-ways over, under and across said railroad, and to construct and maintain suitable and proper cattle-guards at all road crossings; *provided*, that this section shall not enlarge the duty imposed by its charter upon any railroad company incorporated by special act and whose railroad was constructed before the second day of April, eighteen hundred and seventy-three.

Crossings:  
street or road.

Private ways.

Proviso.

27. Where any railroad shall cross any street or highway in any city, it shall be either above or below the grade thereof at such distance as shall not interfere with the free and uninterrupted use of such street or highway, unless the common council or other governing body of the city in charge of streets shall grant permission to the railroad company to cross such street or highway at grade; *provided*, that such permission shall not be necessary for the purpose of crossing at grade a street or highway which, at the time of the acquirement of the right of way, is not in use for pedestrians and wagons, either at the point of crossing or at some other point between the crossing and the nearest terminus of said street or highway; where a railroad is constructed

Grade through  
cities.

Proviso.

above the grade of any street or highway by a bridge, it shall be lawful for the company to erect piers for the support and safety of the bridge, which piers may be located at the outer edge of the wagon-way so as not to encroach thereon, and may extend thence into the sidewalk or the space left therefor; *provided*, that from the land on each side of said street or highway so much shall be added to the sidewalk on that side and thrown open to public use for such purpose as shall be occupied by the pier on that side.

Proviso.

Highways may  
be under or  
over railroad.

28. When the track of a railroad constructed by a railroad company shall cross a highway or turnpike, such highway or turnpike may be carried under or over the track, as may be found expedient, and in cases where an embankment or cutting shall make a change in the line or route of such highway or turnpike desirable, with a view to a more easy ascent or descent, or where more land shall be required in order to make an embankment or cutting in the highway in its approaches to the crossing to adapt it to the grade thereof, the company may acquire, by purchase or by condemnation in the same manner as lands are taken for the right of way of the railroad company, such additional land for the construction of such highway or turnpike crossing on such new line or route or elevation as may be deemed requisite by the directors, and such land, when so acquired, shall become a part of such intersecting highway or turnpike in such manner and by such terms as the adjacent parts of the same highway or turnpike are held for highway purposes.

Construction  
and maintenance  
of  
proper bridges  
and crossings.

29. When any company shall not properly construct and maintain the bridges or other crossings of highways by its railroad tracks as required by law, it shall be lawful for the governing body of the township or municipality wherein such crossings are located, within a reasonable time, after notice to the company, to construct or repair such bridges or other crossings, and the cost thereof may be collected from the company, whose duty it is to make such construction or repair, by action in any court of competent jurisdiction; or in lieu of such construction or repair the township or municipality may proceed by a suit in equity to compel the specific

performance of the duties imposed by law upon such company with respect to the construction, maintenance and repair of such bridges and crossings, and the court shall prescribe the crossing to be constructed or the repairs to be made; and in order to enforce obedience to its decree or mandate, the court may restrain the exercise of any of the franchises of the company or adopt such other remedies as may be in accordance with the practice of the court.

30. In any municipality or township it shall be lawful for the proper municipal authorities to enter into such contracts with any railroad company whose road may lie wholly or partially within the municipality or township or whose route has been located therein as will secure greater safety to persons or property therein or will facilitate the construction therein or maintenance of other than grade crossings of streets, highways or other railroads, and for that purpose the municipal or township authorities may open, vacate or alter the lines and change the grade of any street or highway, and the railroad company may locate, re-locate, change, alter grades of, depress or elevate any of its railroad tracks as in the judgment of the municipal authorities or railroad company respectively may be best adapted to effectuate the purposes aforesaid; nothing herein shall repeal or in anywise affect an act entitled "An act to authorize any town or city of this state to enter into contracts with railroad companies," etc., approved March twentieth, one thousand nine hundred and one, and the amendment thereof, approved April third, one thousand nine hundred and two.

Alteration of street grades to secure safety to travel.

31. Where any public road maintained at county expense is intersected by a steam railroad, it shall be lawful for the board of chosen freeholders of the county, by a vote of three-fourths of the board, and for the company owning or operating such railroad, to enter into a contract to provide for such grades or changes in the grades of such county road and railroad as shall be necessary to pass such county road over or under the railroad tracks, and the board may change the grade of the county road according to such contract, and may appropriate and order to be raised by taxation and pay

County road crossings; change of grade.

such sums as shall be necessary to carry out the contract; it shall be lawful for any company owning or operating a street railroad on such county road at the crossing to become a party to such contract.

Crossing  
steam roads  
by trolley  
lines.

32. When the tracks on the line of any railroad company authorized to use steam as a motive power, shall be crossed by the route of any other railroad or of any street or electric railroad hereafter to be constructed at a point not within the limits of any city, such crossing shall be made in such a way as will inflict the least injury upon the rights of the company owning or operating the railroad crossed, and as will afford proper protection to the public; and no company shall construct any railroad or any street or electric railroad across the line of any steam railroad at any point not within the limits of the city, except by agreement with the company whose line is crossed, as to the mode of crossing; where no such agreement shall be made or where the crossing is in a highway, no such crossing shall be constructed until the company seeking such crossing shall have first made application to the chancellor to define the mode in which such crossing shall be made; and it shall thereupon be the duty of the chancellor, after causing reasonable notice to be given to the township or municipal authorities and also to the corporation owning or operating the railroad to be crossed, to define, by his decree, the mode in which such crossing shall be made, and if, in his judgment, it shall be reasonably practicable to avoid a grade crossing, and public safety so requires, he shall, by his decree, define and regulate the mode and manner of crossing, otherwise than at grade, and the changes necessary in the grade of any highway to adapt it to such crossing, which shall thereupon be made as directed by such decree and in no other way.

When  
chancellor to  
determine  
manner of  
crossing.

Right to alter  
grades.

33. When the construction of a crossing in the mode directed by decree of the chancellor shall require a change of the grade of a highway so that the same may pass above or under the tracks of the steam railroad, or the taking of additional land for the highway, the company so crossing shall have power to alter such grade, and the grade of any other connecting street so

far as necessary to conform thereto, in the mode directed by the decree, and to take such land for the highway as may be necessary; and the company making such crossing shall pay the damages occasioned by the change of grade, and shall pay the value of the land taken and damages for change of grade; and the procedure for the ascertainment of such damages or value and damages, or both, shall be generally as prescribed by the "Act to regulate the ascertainment and payment of compensation for property condemned or taken for public use" (Revision of 1900), except that the chancellor shall perform the duties in said act devolved upon the justice of the supreme court, and the commissioners shall present their report to the chancellor, who may, after hearing, confirm the same or refer it back for correction and confirm it as corrected, or may, in his discretion, direct the issue to be tried by the circuit court and a jury; and the proceedings shall be conducted under the direction of the chancellor; and when such report or verdict shall be confirmed by the chancellor, and a copy of the record thereof recorded in the office of the county clerk or register, it shall be final and conclusive, and on payment or tender and payment into the court of chancery, made as prescribed in said act or as directed by the chancellor, the company may proceed in the construction of said crossing.

Procedure.

34. In any city, except a city of the first class, the municipal authorities may permit any railroad company to lay and construct its tracks along and upon any street or highway, and may contract with such railroad company, fixing terms and conditions as to maintenance of crossings, speed of trains and payment of consideration for such use, and may do all things necessary to carry out such contracts, and any such contract heretofore made is hereby ratified and confirmed; *provided*, that no such railroad shall be constructed along any such street or highway until the company shall have acquired the rights of the owners abutting thereon, by agreement or condemnation proceedings.

Road through cities except first class.

Proviso.

35. A bell of a weight not less than thirty pounds shall be placed on each engine and rung continuously in approaching a grade crossing of a highway, beginning

Engine bell.

at a distance of at least three hundred yards from the crossing and continuing until the engine has crossed such highway, or a steam whistle, shall be attached to each engine and be sounded, except in cities, at least three hundred yards from the crossing and at intervals until the engine shall have crossed the highway, under penalty of twenty dollars for every default, to be paid by the company operating such road, to be sued for by any informer within ten days after such penalty was incurred, one-half thereof to go to the informer and one-half to the county; *provided*, that nothing herein shall take away any remedy for such neglect from any person injured thereby; every railroad company shall cause a conspicuous sign, with the inscription on each side: "Look out for the locomotive," to be maintained at each highway crossing at grade of its railroad, so as to be easily seen by travelers, but such signs need not be maintained in any city, town, borough or village unless required by the municipal authorities.

36. Whenever the governing body of any township or municipality shall, by ordinance, so direct, an application shall be made on behalf of said township or municipality to the court of chancery by petition for an order that gates shall be erected across any one or more streets or highways where the same are crossed by a railroad track at grade, or that a flagman shall be stationed there to give notice of the approach of trains, or that some other reasonable provision for protecting such crossing shall be adopted; and upon filing such petition the chancellor shall, after such notice to the railroad company operating said railroad as he may deem necessary, proceed in a summary way in person or by reference to a vice-chancellor or master to investigate the circumstances of the case, and if the court shall decide that protection of the crossing is reasonable and necessary, the court shall make an order or decree that gates or bars shall be erected and maintained or a flagman stationed by such railroad company at such crossings or any of them, or that some reasonable provision for protecting the crossing to be specified in said order or decree shall be made by said railroad company; the railroad company shall protect the crossing as so di-



rected, and may be compelled so to do by mandatory injunction and other appropriate remedy, and such order or decree shall be subject to review on appeal; in the case of highways hereafter laid out, crossing at grade, railroads constructed at the time of opening of such crossing the court shall, on such application, determine what portion, if any, of the expense of establishing gates and maintaining the same, or of maintaining flagmen, should be borne by the township or municipality, and may make such order for the payment as may be necessary; nothing in this section shall repeal or limit the other powers conferred upon any township or municipality to protect or regulate grade crossings.

## V.

## CARRIAGE OF PASSENGERS.

37. Every railroad company shall start and run trains for the transportation of passengers and property at regular times to be fixed by public notice, and shall furnish sufficient accommodations for the transportation of all such passengers and property as shall within a reasonable time previous thereto be offered for transportation at the place of starting and the junctions of other railroads and at usual stopping places established for receiving way passengers and freight for that train, and shall take, transport and discharge such passengers and property at and from and to such places, on the due payment of the fare or freight legally authorized therefor, and shall be liable to the party aggrieved in an action for damages for any neglect or refusal in the premises; if any passenger shall fail or refuse to pay his fare it shall be lawful for the conductor of the train and the servants of the corporation to put him and his baggage out of the cars, using no unnecessary force, at any usual stopping place or near any dwelling house, but not on any bridge or in any dangerous place.

Train service.

Put off  
passenger for  
non-payment.

38. Any railroad company may demand and receive such sums of money for the transportation of persons on its railroad and connections, and for any other ser-

Passenger  
rates.

Excursion tickets.	vices connected with the business of transportation of persons on or over said railroad or to or from the same, as it shall from time to time think reasonable and proper, not exceeding in the case of railroad companies organized under this act, three cents per mile for carrying each passenger on such railroad, and not exceeding in the case of railroads constructed or operated under a special charter, three and a half cents per mile for carrying each passenger on such railroad, and not exceeding the rate per mile limited by the charter, but no charge shall be required to be less than ten cents; tickets for passengers, except excursion tickets or tickets sold at reduced rates shall be good until used; tickets sold at less than the rates herein limited shall be good and shall entitle the holder to passage for a limited number of days only after the date of issue thereof, which limit shall be clearly stated and set upon the ticket; any railroad company owning or operating a railroad may collect an excess of ten cents over the established rate of fare from any passenger who pays his fare on the train, giving him a receipt therefor, which shall entitle the holder to have such excess refunded upon presentation at any ticket office of the company on the line of its railroad; such extra fare as the company may deem expedient may be collected from passengers who travel in cars furnished in a superior manner and with extra accommodations for the comfort of passengers, commonly known as parlor or sleeping cars, provided said company shall also run trains of ordinary first-class passenger cars in numbers sufficient to accommodate fully all persons who prefer to travel therein.
Excess fee.	
Parlor and sleeping car charges.	
When road not liable for passenger's injury.	39. In case any passenger on any railroad shall be injured by reason of his going or remaining on the platform of a car or on any baggage, wood or freight car, in violation of the printed regulations of the company posted up in a conspicuous place inside of its passenger cars on the train, such company shall not be liable for the injury; <i>provided</i> said company at the time furnished seats inside its passenger cars sufficient for the proper accommodaton of its passengers.
Proviso.	
State officials entitled to passes.	40. The governor, chancellor, vice-chancellors, justices of the supreme court, judges of the court of errors

and appeals, secretary of state, state treasurer, state comptroller, clerk in chancery, clerk of the supreme court, adjutant-general, quartermaster-general, state librarian, state prison keeper, and state superintendent of public schools, while traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, shall pass and repass free of charge on the railroad of any company organized under this act.

41. A check shall be affixed to every parcel of baggage taken for transportation by any railroad company, if there is a handle, loop or fixture so that a check can be attached on such parcel, and a duplicate check shall be given to the passenger or to the person delivering the same on his behalf, and if such check be refused on demand, the company shall pay to such passenger the sum of ten dollars, to be recovered in a civil action, and no fare or toll shall be collected from such passenger, and if he shall have paid his fare, the same shall be refunded by the conductor in charge of the train.

Check  
baggage.

Refusal.

42. Any person who shall have purchased a ticket issued by any railroad company entitling him to transportation on its railroad or ferries as a passenger, shall have the right by virtue thereof and in lieu of other baggage to the transportation (on the same train or boat with such passenger) as baggage, of one bicycle to and from the place designated in such ticket without further or other payment to the railroad company therefor; which transportation shall be on the same train or boat with such passenger, where facilities for the transportation of baggage then exist on such train or boat; *provided* that such passenger shall remove any lantern from such bicycle; and no passenger shall be required to remove any ordinary or usual bicycle bell or cyclometer from such bicycle, nor to crate, cover or otherwise protect it; *provided* that no railroad company transporting bicycles as baggage in accordance with this act shall be liable for any damage done to any bell, cyclometer or like attachments; any railroad company refusing to accept for transportation or to transport bicycles as baggage, in violation of this section, shall forfeit and pay to such passenger ten dollars for each

Transporta  
tion of  
bicycles.

Proviso.

Proviso.

offense, to be recovered in an action on contract in any court of competent jurisdiction.

## VI. CARRIAGE OF FREIGHT.

Freight  
charges.

43. Any railroad company may demand and receive such sums of money for the transportation of property on its railroad and connections and for any other services connected with said transportation on or over its railroads or to or from the same as it may from time to time think reasonable and proper, not exceeding ten cents per mile per ton for property of any description, subject, however, as follows: no charge shall be required to be in the aggregate less than three cents per hundred pounds for stone, coal, lime, sand, shells, ashes, iron ore, pig-iron and firewood and five cents per hundred pounds for other freight; on any small package twelve cents may be charged whatever may be its weight or the distance, but not where six or more small packages are delivered to one person at one time, and can be readily weighed in the aggregate either as light or bulky goods or as ordinary freight, in which case the charge shall not exceed that allowed for five small packages unless the lawful charge by weight for all such six or more small packages shall exceed the said amount authorized by law for five small packages, in which case the charge shall be by weight; and when such bundles and small packages shall be delivered to one person at one time with other ordinary freight, the whole shall be aggregated, weighed and charged for as ordinary freight where such charge exceeds that authorized for five small packages; on light and bulky goods eighty cubic feet may be estimated as a ton.

Way freight  
charges.

Exchange of  
freight.

44. No company shall charge or receive any greater rate of compensation for transportation of property between way stations or between a terminal station and a way station than for transportation of such property between terminal stations; all companies whose railroads cross, intersect or join shall deliver to and receive from each other and forward to their destination all property intended for points on their respective roads

with the same dispatch and at a rate of freight not exceeding the local tariff rate charged to other persons on similar property received at and forwarded from the same point.

45. Any railroad company shall, when applied to by the postmaster-general, convey the mails of the United States on its railroad, and if such company shall not agree as to the rate, time, speed, manner and terms of carrying the same, it shall be lawful for the governor of this state to appoint three commissioners who, or any two of whom, after a hearing on fifteen days' notice in writing of the time and place of such hearing to the company, shall fix the price and terms, which price shall not be less for carrying said mails in the regular passenger trains than the amount which such company would receive as freight on a like weight of merchandise transported in their merchandise trains, and a fair compensation for the postoffice car; and in case the postmaster-general shall require the mail to be carried at other hours or at a higher speed than the passenger trains are run, the company shall furnish an extra train for the mail, and be allowed an extra compensation for the expenses of the service, to be fixed as aforesaid.

Carriage  
of mails;  
charges.

46. Any railroad company may charge for the transportation of express matter in packages weighing less than one hundred pounds each, or the value of which exceeds one dollar per pound, or of property forwarded in passenger or special trains or of property the handling or transportation of which is attended with extraordinary expense or risk, such as living animals in less quantities than carloads, valuable furniture not boxed, powder, glass-plates, pianos and the like, any rate not exceeding twice the rate such company is allowed to charge for the transportation of ordinary goods by their respective charters or the law of the state; any railroad company may receive from any express or transportation company, person or firm any amount that such company, person or firm shall agree to pay for carrying express goods or other property, any limit to the rate of compensation in the charters of such railroad companies or otherwise to the contrary notwithstanding; nothing in this act shall be so construed as to

Express  
matter.

exonerate any railroad company from carrying goods other than hereinbefore mentioned that shall be offered to their agents for transportation on the terms prescribed by their respective charters or by the laws of the state.

Freight  
delivered  
elsewhere  
than station.

Demurrage.

Proviso.

Limit of re-  
sponsibility.

Carrier's  
notice.

47. When any freight has been carried on the railroad and delivered by the company at any point specified by the consignor other than a station of the company, the company shall not, after such delivery, be responsible for the safety and security thereof; where the consignee of property transported by railroad to any point in this state cannot be found, or refuses to receive and pay charges and remove such property, the company may make and collect a reasonable charge per day for the detention of any railroad car containing such property or for the use of the railroad track occupied by such car or for both such detention and use, after such car has been held twenty-four hours for unloading at the place of destination; *provided*, notice is given to the consignee or owner or to the shipper in cases where the consignee or owner cannot be found on whom to serve such notice, and to add such charge to the charge for the transportation of such property; and such company shall have a lien upon such property, or so much thereof as has not been taken, for the charges for such detention and use.

48. Any railroad company may, by giving notice to any person offering goods, merchandise or baggage for transportation on the railroad or in the vessels of the company, limit their responsibility as carriers thereof to one hundred dollars for every one hundred pounds' weight, unless such person shall pay to the company by way of insurance, for any additional amount of responsibility to be assumed, such rate as may be charged by said company therefor, not to exceed the legal rates for transporting one hundred pounds for every two hundred dollars of additional responsibility assumed on each one hundred pounds, and at that rate for a greater or less quantity; and a general notice of the limitation of the company's liability, placed in a conspicuous place at or in the office of the company where goods, merchandise or baggage is usually received for transpor-

tation, and inserted in the bill of lading or receipt given for such goods or merchandise, and in the tickets delivered to passengers, shall be deemed sufficient notice under this section.

49. No person shall be entitled to carry or require any company to carry on any railroad any aqua fortis, oil of vitriol, gunpowder, nitro-glycerine, matches, or other goods of a dangerous nature, and if any person sends by the railway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the agent of the company with whom the same are left at the time of so sending, he shall forfeit to the company twenty dollars for every such offense, and be besides liable to all damage that may occur therefrom, and the company may refuse to take any parcel that they may suspect to contain goods of a dangerous nature or may require the same to be opened to ascertain the fact.

Carriage of  
explosives.

#### VII. REGULATIONS, REMEDIES AND PENALTIES.

50. Every conductor, brakeman, engineer, baggage-master, or other servant of any railroad company employed on a passenger train or at a station for passengers, shall wear upon his hat or cap a badge, which shall indicate his office and the initial letters of the style of the company by which he is employed; no conductor or collector without such badge shall be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, and no officer or servant without such badge shall have authority to meddle or interfere with any passenger, his baggage or property; if any person shall, while in charge of an engine running upon a track of any railroad company, or while acting as conductor of a car or train, be intoxicated, he shall be guilty of a misdemeanor.

Passenger  
train men to  
be properly  
designated  
by badge.

Intoxication a  
misdemeanor.

51. When any person not authorized by a license signed by the president or superintendent, shall get upon a train of any railroad company with intent and purpose to sell books, papers, fruit, provisions or other articles, it shall be lawful for any conductor or other servant or

Sale of books,  
papers, etc.,  
on train.

agent of the company to eject each person from the train and station of the company, using no unnecessary violence, and to take possession of such books, papers, fruit, provisions and other articles, and the baskets, boxes or vessels containing the same, and to give them to the overseer of the poor of the township or municipality where such person shall be ejected, for the use of the poor.

Making up  
trains.

52. In forming a passenger train, no freight car shall be placed in the rear of a passenger car, and if it shall be so placed the conductor, officer or agent who so directed or knowingly suffered such arrangement, shall be guilty of a misdemeanor; no cars engaged in the transportation of petroleum or crude oil in bulk, shall pass any passenger train in any tunnel or on any bridge more than one hundred feet in length; nor enter into such tunnel or upon such bridge during the time a passenger train shall be there, under the penalty of one thousand dollars for each violation hereof, to be recovered from the company by any inhabitant of this state who may sue for the same, one-fourth of said sum to go to the plaintiff and three-fourths to the school fund of the state.

Passage of  
oil cars by  
passenger  
trains.

Signal device  
between  
engine and  
cars.

53. Any company operating a railroad shall have a bell, gong or whistle on the locomotive, to which a rope or strong cord shall be attached, leading from thence through every baggage, express and passenger car, and through or over every other car in the train, and within easy and convenient reach of the employees on the train, and the other end attached to the rear end of the rear car of said train; or in lieu thereof on its passenger trains or mixed passenger and freight trains, such company shall adopt and use any apparatus, device or machine, approved by the general manager or general superintendent of the company, and using air, steam or electricity, whereby signals may be surely, quickly and conveniently given to the engineer upon the engine drawing the train, by employees in any car of the train; any company violating the provisions of this section shall be subject to a fine of five hundred dollars for each offense, to be recovered by any inhabitant of this state who may sue for the same in any court having cognizance of the

Penalty.



same, one-fifth of said fine to go to the plaintiff and four-fifths to the state.

54. It shall not be lawful to use in the transportation of passengers on any railroad any passenger car having fastened screens, bars or gratings across the windows, and any person or company violating this act shall forfeit two hundred dollars for each offense, to be recovered by any inhabitant of this state who may sue for the same in any court having cognizance of the same, one-quarter to go to the plaintiff and three-quarters to the state.

Unobstructed  
windows.

55. It shall not be lawful for any person other than those connected with or employed upon the railroad to walk along the tracks of any railroad except when the same shall be laid upon a public highway; if any person shall be injured by an engine or car while walking, standing or playing on any railroad, or by jumping on or off a car while in motion, such person shall be deemed to have contributed to the injury sustained, and shall not recover therefor any damages from the company owning or operating said railroad; *provided*, that this section shall not apply to the crossing of a railroad by any person at any lawful public or private crossing.

Trespassing  
on tracks.

56. Every company or person operating or using any railroad shall take and use all practicable means to prevent the communication of fire from any engine used by them in passing along or being upon such railroad to the property, of whatever description, of any owner or occupant of any land adjacent or near to said railroad, and shall provide such engine with a screen or cover in the smokestack so as to arrest and prevent, as much as practicable, the escape of fire; any company or person refusing or neglecting to make such provision shall forfeit for every such refusal or neglect one hundred dollars to any person who may sue for the same, to be recovered, with costs, in an action upon contract in any court having cognizance thereof, one-half of the sum to go to the person suing and one-half to the state for the public-school fund.

Proviso.

Spark  
arresters.

Penalty.

57. When injury is done to property by fire communicated from an engine of any company or person in violation of the foregoing section, such company or

Liability for  
damage from  
sparks.

person shall be liable in damages to the person injured; and in every action for an injury done to the property of any person by fire communicated from an engine in violation of the preceding section of this act, proof that the injury was communicated from an engine shall be prima facie evidence of such violation, subject, nevertheless, to be rebutted by evidence of the taking and using all practicable means to prevent such communication of fire as by said section required; it shall be lawful for any railroad company to insure such property exposed to loss by fire communicated from its engines, and such company shall have an insurable interest therein.

Period for  
bringing suit  
for damages.

58. All actions accruing from injuries to persons caused by the wrongful act, neglect or default of any railroad company owning or operating any railroad within this state, shall be commenced and sued within two years next after the cause of action accrued, and not after; actions by an executor or administrator for injuries causing the death of the testator or intestate shall be commenced and sued within one year next after the death, and not after; all actions for injury done to any property by fire communicated by an engine of any railroad company on any railroad within this state shall be commenced and sued within one year after the cause of action accrued, and not after.

Avoidance of  
paying fare.

59. If any person shall travel or attempt to travel on any train on any railroad without having previously paid his fare, and with intent to avoid payment thereof, or if any person having paid his fare for a certain distance shall knowingly and wilfully proceed on such train beyond such distance without previously paying the additional fare for the additional distance, and with intent to avoid the payment thereof, or if any person knowingly and wilfully refuse or neglect on arriving at the point to which he has paid his fare to quit such train, every such person shall for every such offense forfeit to the company running the train a sum not exceeding five dollars, which fine shall be imposed with costs by any justice of the peace in the county, or district court of a city, or any recorder, police justice or police court of the municipality where the offender may be arrested or sued, by whatever name such police court may be known,

Penalty.

before whom such person shall be brought, on complaint made on oath or affirmation, and after summary hearing of the facts and circumstances or on admission of the party, and such justices, district courts, recorders, police justices and police courts shall have jurisdiction of such complaints and proceedings; if any person be discovered in committing or attempting to commit such offense, all officers, servants, railway police and other persons on behalf of the company, and all constables and peace officers may lawfully apprehend and detain such person until he can conveniently be taken before such justice, district court, or such recorder, police justice or police court of the municipality, or until he shall be otherwise discharged by due course of law.

Who may  
apprehend.

60. Any company or person exercising or attempting to exercise a railroad franchise without statutory authority, shall be liable to a penalty of two hundred and fifty dollars for each and every offense, to be sued for and recovered in the name of the state of New Jersey, one-half of which fines, when recovered, shall be paid to the informer, and the other half into the treasury of the county where the action shall be tried or conviction had; this penalty is not exclusive of any other remedies.

Penalty for  
exercising  
franchise  
without  
authority.

61. Any employee of any railroad company who shall wilfully or negligently disregard and disobey any rule, regulation or published order of the company in regard to the running of trains, shall be deemed guilty of a misdemeanor; any person who shall wilfully impair, injure, destroy or obstruct the use of any railroad, or of any tracks, wharves, bridges, cars, engines, machinery, crossing signs, signals, gates or other necessary works of any railroad company, shall forfeit and pay to the company owning or operating such road the sum of fifty dollars, to be recovered in an action on contract in any court of competent jurisdiction; the penalties imposed by this section shall not exclude any other liability, penalty or remedy, civil or criminal.

Penalties for  
wrongful acts  
of employees  
and others.

62. If any railroad employee on any railroad within this state engaged in any strike or with a view to incite others to such strike, or in furtherance of any combination or preconcert with any other person to bring about a strike, shall abandon the engine in his charge when

As to strikes.

attached to a train at any place other than the schedule or otherwise appointed destination of such train, or shall refuse or neglect to continue to discharge his duty, or to proceed with such train to the place of destination aforesaid; or if any railroad employee within this state, for the purpose of furthering the object of or lending aid to any strike organized or attempted to be maintained on any other railroad, either within or without the state, shall refuse or neglect in the course of his employment to aid in the movement over and upon the tracks of the company employing him of the cars of such other railroad company received therefrom in the course of transit, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars, and may also be imprisoned for a term not exceeding six months, at the discretion of the court.

Interference  
by strikers,  
or destruction  
of property.

63. If any person in aid or furtherance of the objects of any strike upon any railroad, shall interfere with, molest or obstruct any locomotive engineer or other railroad employee engaged in the discharge or performance of his duty as such, or shall obstruct any railroad track within this state, or shall injure or destroy the rolling stock or other property of any railroad company, or shall take possession of or remove any such property, or shall prevent or attempt to prevent the use thereof by such company or its employees, or shall by offer of recompense induce any employee of any railroad company within this state to leave the service of such company while in transit, every such person offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding five hundred dollars, and may also be imprisoned not more than one year, at the discretion of the court.

#### VIII. CONSOLIDATION AND LEASE.

May lease,  
merge, etc.

64. Any railroad company of this state may lease its road or any part thereof to any other railroad company of this or any other state, or may unite and consolidate as well as merge its stock, property, franchises and

road with those of any other company or companies of this or any other state, or may do both, and any railroad company of this or any other state is hereby authorized to take such lease, and after such lease or consolidation the company or companies so acquiring said stock, property, franchises and road may use and operate said road and their own road, and collect fares and freights as provided in the case of companies organized under this act, but not in excess of the charges on the line of any of the consolidated companies, and shall not exceed the rates limited by any special act incorporating such company; such leasing or consolidation may be made where the roads of the said companies connect either directly or over the intervening line of one or more other railroad companies; no such lease, union, consolidation or merger shall take effect until the parties thereto file in the office of the secretary of state an agreement surrendering to the state all rights of exemption and contract privileges with respect to taxation, and reserving to the state any existing right to take the property of any of the parties, and the property and franchises in this state of the lessor and lessee and of such consolidated company shall be subject to taxation under the general laws of the state.

65. Nothing in this act contained shall be construed to repeal the act entitled "An act respecting the leasing of railroads," approved May second, eighteen hundred and eighty-five, as amended by act of April second, eighteen hundred and ninety-eight; but any railroad company whose road or proposed road is less than ten miles in length, at any time after its route shall have been determined upon and the survey thereof filed as required by law, may unite, consolidate and merge its capital stock, franchises, property and road with those of any other railroad company now or hereafter organized under the laws of any adjoining state, in the manner provided by law for the consolidation of railroad companies of this state, whenever the railroads of said companies so to be consolidated may together form a continuous line of railroad; any lease shall be made by a contract approved either in writing or by vote at a meeting of stockholders by the holders of two-thirds of

Rates.

Agreement  
to surrender  
right of  
exemption,  
etc.

Act not  
repealed.

Road less  
than ten miles  
in length may  
merge with  
road of an-  
other state.

all the capital stock of the railroad company of this state party to such contract, and filed with the secretary of state.

Method of  
merging.

66. The procedure for the consolidation and merger of railroad franchises and property shall be as follows:

Action of  
directors—  
joint agree-  
ment.

(I.) The directors of the several companies proposing to consolidate may enter into a joint agreement under seal for the consolidation of said companies and railroads, prescribing the terms and conditions, the mode of carrying the same into effect, the name of the new corporation, which may be that of either of the parties or a new name, the number and names of the directors and other officers thereof, and who shall be the first directors and officers, and their places of residence, the location of the principal office in this state, which shall be at some point on the line of the road, the number of shares of capital stock, of which not more than two-thirds may be preferred stock, the amount or par value of each share, and the manner of converting the capital stock of each company into that of the new company, and how and when directors and officers shall be chosen, with such other details as they shall deem necessary to perfect such consolidation and new organization;

Agreement  
submitted to  
stockholders.

(II.) Said agreement shall be submitted to the stockholders of each of said companies at a meeting called for the purpose; notice of the time and place of holding such meeting and of the object thereof shall be mailed to the residence or postoffice address of each stockholder, if known, and such notice shall be published in some newspaper in the city, town or county where such company has its principal office or its principal place of business, at least once a week for at least two weeks, and at said meeting the agreement of the directors shall be considered and a vote by ballot taken for its adoption or rejection, and if two-thirds in value of all the votes cast at such meeting by stockholders voting in person or by proxy, of each of said companies, shall be for the adoption of said agreement, then that fact shall be certified thereon by the secretary of each company under its seal.

Vote thereon.

Agreement  
filed.

67. The agreement of consolidation so adopted, with the certificates of adoption thereon, shall be filed and

recorded in the office of the secretary of state, and such record or a certified copy thereof shall be evidence of such agreement and of the existence of said new corporation; and the several parties thereto shall from the time of such recording be taken to be one railroad company of this state by the name adopted, possessing within this state all the rights and franchises and subject to all the restrictions, disabilities and duties of such companies of this state so consolidated; and all the rights, privileges and franchises of each of said companies parties to the same, and all rights of way, property, real and personal, and all debts, stock subscriptions and other things in action of each of said companies shall be taken to be transferred to such new company without further act or deed, and to be vested in such new company as effectually as they were in the former companies, and all rights of creditors and all liens upon property shall be preserved unimpaired, and all debts, liabilities and duties of either of said consolidated companies shall thenceforth attach to said new company and be enforced against it to the same extent as if incurred by it.

New company; rights, powers, liabilities, etc.

68. Any stockholder of any company who shall refuse to convert his stock into the stock of the consolidated company, or who may dissent from any lease of the property and franchise of his company to another new company, may at any time within thirty days after the adoption of said agreement by the stockholders of his company apply by petition, on reasonable notice to the company, to the chancellor or to the supreme court, or one of the justices thereof, to appoint three disinterested citizens of this state to estimate the damage, if any, done to such stockholder by said proposed consolidation, and shall also separately appraise the shares of such stockholder at the full market value thereof without regard to any depreciation or appreciation thereof in consequence of said consolidation, and their award when filed with the clerk in chancery or the clerk of the supreme court and confirmed by the said chancellor, court or justice, shall be final and conclusive; and said company may, at its election, either pay to the stockholder the amount of the damages so found, if any,

Rights of dissatisfied stockholder.

Company  
may acquire  
the stock.

or the value of the stock so appraised and determined; and upon payment of the value of his stock the same shall be transferred and shall belong to said company, to be disposed of by the directors or retained; and in case the value of the stock shall not be paid within thirty days after the confirmation of the award and notice to said company, the damages so found and confirmed shall have the force and effect of a judgment of the supreme court or a decree of the court of chancery, for said damages, against said company.

Capital stock;  
amount, ex-  
change of, etc.

69. Any railroad company formed by merger or consolidation of two or more railroad companies under this act may issue shares of capital stock at par of an amount equal to the aggregate par value of all the stock of the consolidated companies and twenty per centum in addition thereto, and may issue preferred stock to an amount not exceeding one-half of its authorized capital, and may exchange its stock, common or preferred, and its bonds for the bonds, mortgages, debts and stock of the companies consolidated on terms agreed upon with the holders thereof and approved as a part of the agreement; or such consolidated company may sell its stock and bonds and use the proceeds to carry out the agreement of consolidation and to extend, repair, improve and equip its railroads, and furnish all necessary lands, chattels, engines, cars and equipments; *provided*, that nothing in this section shall be construed to reduce or restrict the amount of capital stock authorized to be issued by any company under its charter.

Proviso.

New company  
may borrow;  
amount, use,  
bonds, etc.

70. In all cases of merger or consolidation of the stock, property or franchises of any railroad company of this state with those of any other railroad company of this or of another state, the consolidated company shall have power and authority to borrow any amount of money, notwithstanding any limitation or restriction contained in this or any other act, sufficient to cover all the indebtedness of the companies so merged and consolidated, and to complete, extend, repair, improve and equip its railroad, and furnish all necessary lands, chattels, engines, cars and equipments, and to issue bonds for the money borrowed, secured by mortgage on its corporate property and franchises, or any part



thereof; any railroad company which shall be authorized to lease its road to a railroad company of another state by special act sanctioning such lease shall, in addition to its then existing power to borrow money and issue bonds secured by mortgage, have power to borrow money and issue bonds, payable not more than one hundred years from the date thereof, to an amount sufficient to cover all its indebtedness, and for the other purposes in this section above mentioned, and may secure said bonds by mortgage on its property and franchises, and such bonds may be given in exchange for or in satisfaction of bonds or other debts of the company upon such terms as may be agreed on with the holders.

71. When railroad companies shall have merged their corporate franchises and property as hereinbefore provided, the new company so created shall file and record a survey of its line or lines, and file a map thereof in the office of the secretary of state, and therein may relocate any part of its routes not constructed, and locate new routes on making the required deposit with the state treasurer, and the line or lines described on said survey and map shall be taken to be the line or lines of said railroad company, and all other routes, lines or locations which shall not have been actually built upon shall be deemed and taken to be abandoned; such consolidated company shall have power to take land by purchase or by condemnation in the same manner and to the same extent as companies organized under this act.

Surveys,  
maps of new  
company filed.

#### IX. SALE AND REORGANIZATION.

72. Whenever the railroad and franchises of any railroad company of this state, or any part thereof, shall be sold by virtue of a decree, order or judgment of any court of competent jurisdiction, any other railroad company of this state owning, leasing or operating a railroad having physical connection therewith, may purchase the road and franchises sold, either at the official sale or thereafter from the purchaser thereof at said sale, and the railroad and franchises so purchased shall be merged with and become a component part of the

Purchase of  
road sold by  
order of court  
by another  
road.

Certificate  
filed.

railroad company so purchasing the same, upon the filing and recording in the office of the secretary of state a certificate, executed by the president and secretary of the purchasing railroad company, setting forth said purchase, and upon filing and recording a survey of the route and filing a correct and accurate map thereof in the office of the secretary of state; a certified copy of said certificate and survey shall be evidence thereof in all courts and places.

Sale by  
receiver.

73. The receiver appointed by the chancellor of an insolvent railroad company of this state, or of another state holding railroad franchises and property in this state, may, with the approval of the chancellor, lease or sell the railroad of the insolvent company with all its chartered rights, privileges and franchises; and the purchaser or lessee shall hold, use and enjoy the same during the residue of the term limited in the charter of the company or during the term in such lease specified in as full and ample manner as the company could or might have enjoyed the same and subject to all the restrictions, limitations and conditions contained in such charter; in the case of an insolvent railroad company whose railroad lies partly in another state, the chancellor may order the sale of any of its property or franchises, at the same time and place, whether in or out of this state, of any official or foreclosure sale of the property and franchises out of this state, and such sale may be made in such manner that a purchase thereof may be made on one and the same bid by the purchaser of the property and franchises out of this state or otherwise as the chancellor may direct, imposing on the purchaser such terms and conditions as shall be equitable, and the chancellor may order the company to join with the receiver in the conveyance of said property and franchises.

Sale when  
road partly  
outside state.

Title vested  
by sale.

74. When any sale shall be made of any railroad in this state under execution or by force of any decree or judgment in foreclosure or insolvency proceedings or otherwise, or when any lease of any railroad shall be made by a receiver by order of the chancellor, the sale and conveyance or lease duly made shall vest in the purchaser such title of the parties to the suit as the court may direct, and may include all property and

franchises of the corporation, subject to all conditions, limitations and restrictions, and the purchaser and his associates not less than fifteen in number, or a lessee from the receiver and his associates not less than fifteen in number may, within six months after such sale or lease, organize as a railroad company by filing and recording in the office of the secretary of state, a certificate that they accept the charter of the company whose property has been sold or leased, under some corporate name different from that of the former company, and setting forth also the further particulars required in a certificate of organization under this act so far as applicable, and such company shall have all the powers and franchises and be subject to all the restrictions, limitations and conditions of the former company; in lieu of such acceptance of the former charter the purchaser or lessees may form a railroad company under this act at any time after such sale or lease, and said company shall have power to take conveyance of and operate such railroad with the powers and franchises by this act conferred in lieu of those granted by special charter.

New organization may take charter.

75. When a new railroad company shall be organized to purchase and operate the railroad and franchises of any railroad company of this state, sold on foreclosure or insolvency proceedings, and has acquired title to such railroad and franchises, pursuant to any plan for readjustment of the interest therein of mortgage creditors, other creditors and stockholders, and for the representation of such interest in the bonds, debts or stock of the new company, in such case the new company may issue its bonds and common and preferred stock in conformity with such plan or agreement, and may at any time within six months after its organization, compromise, settle or assume the payment of any debt or liability of the former company on such terms as may be approved by a majority of the agents or trustees entrusted with the carrying out of the plan of reorganization.

New company may issue bonds and effect settlement of debts of former company.

76. Where a suit shall be brought to foreclose a mortgage of the franchises and road of any railroad company of another state, any part of whose route, whether acquired by lease or otherwise, shall lie within this state, such suit in this state shall, so far as is consistent with the protection of parties having liens in this

Sale by foreclosure when part of property lies without state.

state, be conducted as auxiliary to the foreclosure suit in the state where such corporation is domiciled, and the court of chancery shall have power to decree the sale of property and franchises in this state, to be made in such other state at the same time and place as the foreclosure sale therein, under such regulations as to advertisement and otherwise and on such terms as the chancellor may direct; and no conveyance shall be made until confirmation by the chancellor of the sale, and the chancellor may impose such terms as may be equitable upon the acquisition by the purchaser of the property and franchises of the company in the hands of a receiver, if any, in this state.

Action taken  
by purchasers  
to secure por-  
tion of road  
in this state  
sold under  
foreclosure  
elsewhere.

77. Where a new railroad company shall be formed in the state of the domicile of such former company by the purchasers, or on their behalf, to take and operate said railroad and its franchises, such company may, within six months after such sale, apply to the court of chancery in the foreclosure suit in this state by petition containing a copy of its charter, certificate of incorporation or other documentary legal evidence, and thereupon the chancellor, on due proof, may adjudge and decree that said company has been legally created, and has acquired the railroad property and franchises of the original company, and a copy duly certified of said petition, proceedings and decree shall be filed in the office of the secretary of state, and said record, or a copy thereof, shall be evidence of the incorporation and rights in this state of such new company; and the purchasers at the official sale of the property and franchises of said company may transfer said property and franchises to said company, or, if no conveyance has been made, may assign and set over their bids, in which case the chancellor may direct the receiver, master or officer to make conveyance to such new company on such terms as shall be equitable, and such company shall have and possess all powers of corporations organized under the laws of this state, and all powers conferred by said laws on the corporation whose franchises and property were sold, and may enjoy said property and exercise such franchises so conveyed to it within this state as fully as if it was organized under the laws of this state, and

subject to all liens, contracts, limitations, covenants and agreements relative to the mortgaged premises, property and franchises prior to the making of said mortgage; and the filing of said record in the office of the secretary of state shall operate as a covenant to perform said contracts, limitations, covenants and agreements.

#### X. MISCELLANEOUS.

78. Every railroad company in this state shall, on the first Tuesday of January in each year, make to the legislature a report, under oath of the president of the company, containing an account of capital stock paid in, the amount of funded and other debts of the company, the cost of the road, the cost of equipment, also of the operation of the company during the year preceding up to the first day of January aforesaid; also the expenditures for working said road, including repairs, maintenance of way, motive power and contingencies; also income from passengers, freight and other sources; also amount of dividends and how paid; also the accidents that have occurred during said year on the road, and the cause of the same, with the names of the persons injured and the nature and extent of their injuries; also the names of the engineers and conductors under whose management such accidents have occurred, and whether such engineers and conductors are still retained in the employ of said companies; said reports shall be filed with the comptroller of the treasury, to remain in his office of record, and he shall transmit copies thereof to the legislature on the first Tuesday of February of each year; on the wilful failure of any railroad company of this state to make such report by the first Tuesday of February in each year, such company shall forfeit and pay to the state for every such omission the sum of ten thousand dollars, to be recovered in an action on contract, with costs of suit, and to be added to the public school fund of the state.

Annual report  
to legislature.

Report filed  
with comp-  
troller.

79. Any laborer employed by a contractor for the construction of any part of a railroad may give notice to the company of any indebtedness due him by the con-

Proceedings  
when con-  
tractor  
indebted to  
laborer.

tractor by written notice served on an engineer, agent or superintendent of the company having charge of the section of the road on which such labor was performed, personally or by leaving at his office or usual place of business with some suitable person, which notice shall be served within twenty days after the last day of the performance of the labor for which the claim is made, and shall state the number of days' labor, the time when performed, the amount due, the name of the contractor and shall be signed by the laborer or his attorney, and said company shall be liable to pay to such laborer the amount so due to him not exceeding wages for thirty days, and an action may be maintained therefor if brought within thirty days after such service of such notice; the liability of the company shall not exceed its liability to the contractor, and any payment lawfully made to such laborer shall be a discharge to the company from the contractor for the amount so paid.

Agreement  
for sale or  
lease of cars.

80. Whenever any railroad or street railway equipment and rolling stock shall hereafter be sold, leased or loaned on condition that the title to the same shall remain in the vendor, lessor or bailor until the terms of the contract as to the payment of installments or rentals or the performance of other obligations thereunder shall have been complied with, and when possession of such property shall have been delivered under such contract, such condition shall not be valid as to any subsequent judgment creditor or any subsequent purchaser for a valuable consideration without notice, unless the same shall be evidenced by writing, duly acknowledged, in the same manner as conveyances of land and which writing shall be recorded in the office of the secretary of state when the vendee, lessee or bailee is a corporation operating its road in more than a single county, and where such line is operated in a single county, then in the office of the recorder of deeds of such county as a mortgage on goods and chattels and unless each locomotive or car shall have the name of the vendor, lessor or bailor or his assignee plainly marked upon both sides thereof, followed by the word "owner, lessor, bailor" or "assignee," as the case may be; and the provisions of the act entitled "An act requiring contracts for the

Filed with  
secretary of  
state.

Cars, how  
marked.

conditional sale of personal property to be recorded," approved on the ninth day of May, one thousand eight hundred and eighty-nine, shall not apply to the conditional sales of equipment and rolling stock provided for in this section.

81. Any number of persons, not less than seven, may organize a railroad corporation in the manner prescribed for the organization of corporations under this act for the purpose of constructing and operating a railroad, to be located in whole or in part beneath the surface of the earth and to be used for the transportation of minerals and of material to be used in the sinking and working of mines, or for the purpose of taking and operating any private railroad already constructed for such purpose, in whole or in part beneath the surface of the earth, and such company may charge for the transportation of freight upon so much of the same as shall be beneath the surface of the earth at the rate of twenty cents per ton per mile, and when the distance of such transportation shall be less than one mile, a fraction of a mile shall be considered as a mile for the purpose of fixing the rate; the right of way condemned for such railroad beneath the surface of the earth need not include the right to permanently use or occupy the surface above such railroad where the same is not broken, but shall be confined to a mere right to tunnel, but such corporation may nevertheless acquire, by condemnation, so much and such parts of the surface as may be necessary or proper to operate its railroad.

82. Any railroad company may construct its railroad so as to cross any portion of any street or highway in any municipality, the land for which portion has been taken for a street by condemnation under proceedings had under the charter of said municipality, and which portion shall have been, at the time of the construction of said railroad, laid on land which was under tide water in the year one thousand eight hundred and sixty-four, when the first riparian act was passed, the right to cross such street or highway to be either on a level with the actual or established grade thereof or at such distance above or below such grade as in the judgment of the proper municipal body may be best adapted to

Private  
railroads.

Charges.

Rights above  
tunnel.

Crossing  
streets in mu-  
nicipalities  
taken by con-  
demnation.

Power to  
vacate streets.

As to navi-  
gable waters.

Right to  
bridge the  
Delaware.

secure the safety of lives and property or promote the interests of such municipality; and such governing body shall, by ordinance, authorize the construction of such railroad and make such provision or condition concerning the same as to them shall seem desirable, and when such permission shall be given, shall have power, by like ordinance, to vacate the portion of such street or highway crossed by said railroad and such additional portion adjacent thereto as may lie between the next intersecting lines of public highways on either side of such part of said street so crossed by said railroad, or between the next intersecting line of a public highway on the one side and the end of said street nearest said railroad; any navigable basin or natural water-way, subject to the right of public navigation, shall be deemed a public highway for the purpose of defining the limit of vacation under this act; said railroad company shall pay to such municipality the amount expended by said city for all improvements of the part of the street so vacated, including the amount paid by such municipality for the land taken by it under proceedings to condemn said land for a public street or highway or such part of the amount so expended as has not been otherwise repaid to said municipality.

83. Any railroad company of this state whose railroad shall have been heretofore or shall hereafter be constructed to the Delaware river may extend such railroad with as many tracks as it shall deem necessary by means of a bridge and its approaches to the middle of said river and there connect the same with any railroad of an adjoining state, and may change the location of its railroad or make such other improvements therein as may, in the judgment of its directors, be necessary or convenient for the purpose, and may take, by condemnation, such lands as may be necessary upon filing and recording the survey of the route and making the deposit required by law, and such company may occupy so much of the land belonging to this state as shall be required for said bridge and the piers and abutments thereof and approaches thereto upon payment to the riparian commissioners of such sum as they shall fix as compensation for said lands, and said commissioners,



upon receiving such payment, shall convey to said corporation such lands in fee; such company may retain the possession and use of its railroad, the location of which may be changed, if in the opinion of its directors the abandonment of such original road would be inconvenient or injurious to the interests of the public and of the railroad company.

84. Any railroad company created by the laws of any other state, which is authorized by law of this state to hold property and exercise franchises in this state, may hold meetings of the directors in this state, who may exercise all the powers and franchises of such company in this state so far as necessary to transact the business of the company, and may have an office in this state for the transfer of stock, and its officers and agents may transact the business of the company in this state, and any such company shall be deemed a corporation of this state for the purpose of being sued or proceeded against if insolvent in the same manner and to the same extent as if organized originally in this state, and no suit of attachment at law shall be brought against any such company; any such company may be governed by such rules and regulations as shall be adopted under its organization not repugnant to the laws of this state.

Rights of  
foreign rail-  
roads in this  
state.

85. When any railroad company shall have a duty imposed upon it or a privilege which it is authorized to exercise, and there is a time limited wherein such duty is to be discharged or such privilege exercised, and the company is restrained by the authority or intervention of any court from the discharge of the duty or the exercise of the privilege aforesaid, then so much of the time during which such restraint exists, shall not be computed as any portion of the time limited for the discharge of such duty or the exercise of such privilege.

Effect of  
restraint on  
duties and  
privileges.

86. If any railroad company shall fail or neglect to run daily trains on any part of its road for the space of ten days, the chancellor, on petition of any citizen of this state, and on due proof of the facts, may speedily appoint a receiver, who shall take possession of all property of the company, real and personal, and operate said road and transact the ordinary business thereof in the transportation of freight and passengers for such time as the

Failure to  
operate trains.

Receiver.

chancellor may direct, and all expenses incurred thereby shall be a first lien on all the earnings thereof prior to any other claim, and the surplus, if any, shall be distributed as the chancellor may direct; and the receiver shall apply all unincumbered personal effects not required in the operation of the road, and all moneys transferred to him at the time of his appointment, towards the payment of wages then due to employees of the company, not exceeding two months' wages; this section shall not apply to any railroad at any seaside resort built principally for the transportation of summer travelers, nor to a temporary suspension necessary for the completion, reconstruction or change of grade of any railroad.

Exceptions.

Dissolution;  
proceedings.

Final settle-  
ment.

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 by filing in the office of the secretary of state a certificate of such determination under the corporate seal of 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 trustees, 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.

88. The provisions of this act, except as herein otherwise restricted, shall apply to all railroad companies however formed, created, or organized under any law of this state; any company organized under the act for the formation of railroad companies and to regulate the same, approved April second, one thousand eight hundred and seventy-three, shall be included within the description in this act of companies organized under this act; the provisions of this act, so far as applicable, shall extend to any receiver, trustee or person operating a railroad in this state under a franchise; the railroad and property of any company organized, leased or consolidated under this act, shall be subject to taxation under the general laws of the state; a certified copy of any certificate or survey or other document filed or recorded in the office of the secretary of state, pursuant to this act, shall be evidence in all courts and places of such certificate, survey or document and of the filing and recording thereof.

Application  
of this act.

89. No franchise heretofore granted to construct a railroad or build or establish bridges or ferries or operate any line of travel and take tolls or fares therefor shall hereafter continue to be or be considered to remain exclusive, and no like franchise hereafter granted shall be or be construed to be exclusive unless in such grant heretofore or hereafter made it be so expressly provided, and all corporations organized under this act shall be subject to all general laws now or hereafter to be passed, regulating railroads and their operation; all acts and parts of acts, general and special, inconsistent with this act, are hereby repealed; such repeal shall not, however, work a dissolution of any railroad company, but the charter, certificate of incorporation, or articles of association thereof, and the rights, powers and privileges conferred thereby, shall continue unaffected and unimpaired; this repealer shall not, however, revive any act heretofore repealed.

When  
franchise  
exclusive.

Repealer.

Effect  
intended.

Approved April 14, 1903.

## CHAPTER 258.

An Act to amend an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in towns, townships, boroughs and other municipalities except 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 subject to future taxation and assessment, approved May eighteenth, eighteen hundred and ninety-eight."

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

Section  
amended.

1. Section three of the said act to which this act is amendatory be amended so as to read as follows:

Record of  
proceedings.

3. That the said commissioners shall keep a record of their proceedings under this act, in which shall be entered their determination as to the amount to be charged and assessed upon and against each lot or tract of land as aforesaid, designating the same by block and lot numbers as shown on the assessment map of such municipality or other maps filed in the office of the clerk of such municipality, and in case such municipality shall have no assessment map or other maps on which said property is laid down, then such designation shall be made according to the maps on file in the office of the county clerk or register of the county wherein such land is situated, and in case such property is not shown on any such map or maps, the said commissioner shall designate the same by proper description, and in case it should be deemed necessary by them, cause an actual survey to be made of any such lot or parcel of land and premises which is not laid down upon such maps, such cost of survey and map to be added to the amount

Designation  
of property.

Costs added  
to arrears.

of arrears remaining unpaid on such property, and shall make reports as they proceed with the discharge of their duties, of the amount so charged and assessed, cost of survey and maps, if any, and such actual disbursements as may have been incurred in ascertaining the owners and lienors of each lot or parcel of land affected by the finding of such commissioners, such disbursements to consist of the legal fees for searches in the supreme court of the state of New Jersey, the United States district and circuit court for the district of New Jersey and disbursements as hereinafter next set out for searches in the register's office, where such office exists, and in the county clerk's and surrogate's offices, and where no register's office exists, in the county clerk's and surrogate's offices of the county in which the land is located, at the following rates: On any one lot or parcel of land containing five thousand square feet or less, ten dollars; on each lot or plot of land containing more than five thousand square feet and not exceeding three acres, twenty-five dollars; on each lot or plot of land containing more than three acres, forty dollars; and shall file the same with such maps as the commissioners deem necessary in the office of the clerk of the court by which they were appointed; said reports shall be certified by the signatures of at least two of the said commissioners, and upon the coming-in and filing of any such report, signed by the said commissioners or any two of them, the said court shall make an order directing the owner or owners and lienor or lienors of each lot or parcel of land affected by said report to show cause why said report should not be confirmed and the lands sold in fee-simple, absolute, free and clear from any estate in or lien upon the same, to raise and pay the amounts charged and assessed with the said disbursements; that certified copies of such order to show cause shall be served personally or by residence service upon some member of defendant's family above the age of fourteen years within thirty days from its date, upon each person named therein resident in this state, and if any person named in said order is, upon careful inquiry, found to be not resident in this state, that within the same time a notice of the making of the said order,

Rates for  
searches.

Certification  
of reports.

Notice, how  
given.

If non-resi-  
dent; service  
by publication.

stating its date, purpose, time and place returnable, a description of the lands affected thereby, the amount of taxes, assessments and water rates due thereon, with disbursements as aforesaid, and directed to each person named in such order not a resident, shall be published in a newspaper published or circulating in the town, township, borough or other municipality in which the lands are situated for six weeks consecutively, once a week, and within the same time mailed to the last-known post office address of such non-resident; that on the return day of said order there shall be presented to the said court proofs of the service of the said order, or of the publication of such notice and of the manner in which inquiry has been made for the post office addresses of non-residents, and of the time and manner of mailing such notice; that if the court shall not be satisfied by the proofs that due inquiry has been made for such post office addresses, the hearing may be continued to a later day and further order made for service of the notice as the court may think proper; that if it shall appear by the petition or by proofs on the return day that any of the persons named in the order to show cause is under disability through minority or otherwise, the court shall appoint a guardian ad litem for such person; *provided*, proof shall be made that at least thirty days' notice of the application for the appointment of a guardian ad litem shall have been served upon the general guardian, if any, within this state, of such person under disability, or upon his father, if living in this state, or if not, upon his mother, if living in this state; that all persons claiming any interest in or lien upon said lands under any instrument which by law could be made a public record in any public office in this state, and which shall not be so made a matter of public record at the date of the filing of the petition above provided for, shall be bound by the proceedings taken under this act in the same manner as if such persons had been made parties to the proceedings; that where any person has been party to proceedings under this act, who by the public records appears to be the owner of some estate in or lien upon said lands, and inquiry made on behalf of the town, township, borough or other municipality does not disclose whether such

In case of  
minors.

Proviso.

Persons  
affected.

person is alive or dead, such person shall be conclusively presumed to be alive, and a notice published as required by this act and mailed to the address, if given by the instrument of record, shall be conclusive against and bind not only such person if living, but any person claiming through or under him if he be dead; *provided*, that proof of the making of such inquiry on behalf of the town, township, borough or other municipality shall be presented to the circuit court on the return day of the order to show cause; that where the lands shall be held in trust by a trustee or trustees, service of the notice prescribed hereby upon such trustee or trustees shall be conclusive on and bind all persons in any manner interested in said lands either in law or in equity; and upon the day fixed by the said order or upon any day to which the matter may be adjourned, the court, after hearing any matter that may be alleged against the same, shall, by rule or order, either confirm the said report or refer it back to the said commissioners to reconsider the subject-matter thereof, and the said commissioners shall, upon some day to which the matter shall be adjourned, which adjournments from time to time the court may make, shall return the same to be 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 on being so returned shall be confirmed or again referred by the said court in the manner aforesaid, as right and justice may require, and so from time to time, until a report shall be made or returned in the premises which the said court shall confirm; any commissioner who shall refuse to sign such report shall file with the same a statement of his reasons for so refusing for the information of the court; said report upon being so confirmed shall be final and conclusive upon the said town, township, borough or other municipality, and upon all persons owning or having any interest in or lien upon the said lands and against all persons whomsoever, and the amount so fixed, determined, certified and confirmed, including the disbursements aforesaid in each case shall thereupon become and be a valid and binding tax, assessment and lien on the lands so designated, in lieu and instead of all out-

Proviso.

Action of  
court on  
report.

Confirmed  
report final

Amount de-  
termined a  
lien.

Application  
of proceeds.

Several lots  
may be  
included in  
one report.

Municipal  
assistance to  
commission.

Additional  
assistance.

standing claims of the said town, township, borough or other municipality for arrearages of taxes, assessments or water rates levied or confirmed, or attempted to be levied or confirmed, prior to the making of the said report, and shall be a valid lien on said lands, having priority over all other liens, claims or demands whatsoever, except taxes, assessments or water rates levied after the making of the said report; and the proceeds thereof, when collected, shall be applied to the payment of the expenses of carrying out the provisions of this act, and any indebtedness to which the original tax, assessment or water rate was specifically pledged, and to the payment of other debts of the said town, township or other municipality, if any; but no application to any other use shall be made while any matured bonds of the town, township, borough or other municipality remain unpaid; it shall be competent for the said commissioners to include in any one report their several determinations respecting as many lots or tracts of land as may seem to them convenient, and it shall be their duty to indicate in their report how much of the new lien imposed by them on each lot or tract of land was made on account of taxes, assessments and water rates, respectively, to the end that the money to be derived from the sale of the lands, as hereinafter provided, may be applied in due proportion to the purchase or payment of any bonds or obligations that may have been issued on account of taxes, assessments and water rates, respectively, or for the payment of which the same may have been pledged; it shall be the duty of the corporation attorney or counsel for said town, township, borough or other municipality, to assist the said commission by advice, preparation of reports and otherwise in the discharge of their duties, when requested; and the said commissioners shall have power to appoint a surveyor or engineer, a clerk and such other assistants, when in the judgment of the commissioners their services may be deemed to be necessary, fix their compensation, and remove such appointees whenever said commissioners shall deem it advisable, which appointments and compensation shall be subject to the approval of the judge of the circuit court of the county appointing the commissioners, and in all cases



bills for expenses and other necessary disbursements incurred by them in the discharge of their duties under this act, including search and surveyors' fees, shall be presented to said commissioners for approval before payment is made by the municipality.

2. This act shall take effect immediately.

Approved April 14, 1903.

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## CHAPTER 259.

An Act to further 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:*

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

42. All certificates of nomination and all petitions naming candidates for office to be filed by voters of the entire state, or of any congressional district, or of any political division greater than a single county, shall be filed with the secretary of state at least twenty-five days previous to the election at which the candidates nominated are to be voted for; all certificates and petitions naming candidates to be voted for by all the voters of a single county or more than a single political division thereof, or where said candidates are to be voted for upon the county ticket, shall be filed with the clerks of the respective counties wherein the officers nominated are to be voted for at least fifteen days prior to such election; all other certificates and petitions shall be filed with the clerks of the respective municipalities wherein the candidates nominated are to be chosen at least thirteen days before the election whereat they are to be voted for; all certificates and petitions when filed shall

Section  
amended.

Certificates  
of nomination  
filed.

Candidates  
to signify  
acceptance.

County clerks  
to notify  
secretary of  
state.

Section  
amended.

Statement  
furnished by  
secretary of  
state to  
county clerks.

Section  
amended.

be opened, under proper regulation, for public inspection, and the same shall be preserved for one year; candidates nominated for any office in any certificate or petition shall manifest their acceptance of such nomination by a written acceptance thereof, signed by their own hand, upon or annexed to and filed with such certificate or petition, or if the same person be named for the same office in more than one petition annexed to one of such petitions; the name of any candidate who shall fail in such manner to signify his acceptance of the nomination shall not be printed upon the ballots; it shall be the duty of the county clerks to certify to the secretary of state, within five days prior to the general election, the names, places of residence and post-office addresses of these several candidates nominated for senator and members of the general assembly, together with the title of the party nominating said candidates, and whether by convention or petition, with the dates of holding such convention and of the filing of such certificates of nominations and petitions.

2. Section forty-three of the act of which this act is amendatory is hereby amended to read as follows:

43. It shall be the duty of the secretary of state at least fifteen days before any election whereat any candidates nominated in any certificate or petition filed with him is to be voted for to make and certify, under his hand and seal of office, and forward to the clerks of the several counties of the state a statement of all the candidates nominated by certificate or petitions filed in his office for whom voters within any such county may be by law entitled to vote at such election; such statement, in addition to the names of the candidates for president and vice-president of the United States, if any such have been included in any such certificate or petition filed with him, shall also contain the names and residences of all other candidates, the offices for which they are respectively nominated, and the names of the parties by which or the political appellation under which they are respectively nominated; candidates nominated by petition, without distinctive political appellation, shall be certified as independent candidates.

3. Section forty-four of the act of which this act is amendatory is hereby amended to read as follows:

44. Whenever any person nominated for public office by any of the modes in this act provided shall, at least thirteen days before the day of election, in a writing signed by him and duly acknowledged, notify the officer with whom the original certificate of his nomination was filed that he declines such nomination, the same shall be void, and his name shall not be printed upon the ballots; the officer to whom such notification is given shall forthwith inform by mail or otherwise the chairman and secretary whose names are attached to the original certificate of nomination, if the nomination was by certificate, that such nomination has been declined; or if the nomination was by petition, then the officer to whom the notification or declination is given shall forthwith, by mail or otherwise, inform at least five of the persons who signed the petition nominating such candidate that such nomination has been declined.

In case of  
declination.

4. Section forty-five of the act of which this act is amendatory is hereby amended to read as follows:

Section  
amended.

45. Should any person so nominated die before election day or decline the nomination as in this act provided, or shall any certificate or petition of nomination be insufficient or inoperative, the vacancy or vacancies thus occasioned may be filled in the manner required for original nominations; if the original nomination was made by a party convention which had delegated to a committee the power to fill vacancies, such committee may, upon the occurring of such vacancies, proceed to fill the same; the chairman and secretary of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and such further information as is required to be given in any original certificate of nomination; the certificate so made shall be executed and sworn to by the chairman and secretary of such committee in the manner prescribed for the original certificate of nomination, and shall upon being filed at least thirteen days before election, have the same force and effect as an original certificate of nomination; when

Provision  
for filling  
vacancies.

such certificate shall be filed with the secretary of state, he shall, in certifying the nominations to the various county clerks, insert the name of the person who has thus been nominated to fill a vacancy, and in the event that he has already sent forward his certificate, he shall forthwith certify to the clerks of the proper counties the name and description of the person so nominated to fill a vacancy, the office he is nominated for, the party or political principle he represents, and the name of the person for whom such nominee is substituted.

Section  
amended.

5. Section forty-six of the act of which this act is amendatory is hereby amended to read as follows:

Certificates  
deemed valid,  
unless, etc.

46. All certificates of nomination which are in apparent conformity with the provisions of this act shall be deemed to be valid, unless objection thereto shall be duly made in writing and filed with the officer with whom the original certificate was filed within two days after the filing of said certificates; (a) in case such objection is made, notice thereof signed by said clerk shall forthwith be mailed to all candidates who may be affected thereby, addressed to them at their respective places of residence as given in said certificate of nomination; the said officer with whom the original certificate was filed shall in the first instance pass upon the validity of such objection, unless an order shall be made in the matter by a court of competent jurisdiction, and file his determination in writing in his office at least thirteen days before the election, which determination shall be open for public inspection, and the justice of the supreme court holding the circuit court in and for the county in which any certificate of nomination shall be filed, on the application or complaint, duly verified, of any candidate setting forth any invasion or threatened invasion of his rights under the certificate of nomination filed with any county or municipal clerk, is hereby empowered and required to determine upon said application or complaint in a summary way and make such order thereupon as will protect and enforce the rights of such candidates. (b).

Section  
amended.

6. Section one hundred and three of the act of which this act is amendatory is hereby amended to read as follows:

103. Such board shall meet on the Monday next after any such election, at twelve o'clock noon, at the court house of such county, at which time and place the clerk of such county shall attend and bring with him the statements of the result of such election which have been filed in his office.

Time of  
meeting.

7. This act shall take effect immediately.

Approved April 14, 1903.

#### CHAPTER 260.

A Supplement to an act entitled "An act concerning disorderly persons" (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 expectorate or spit on the floor, side, seat or platform of any railroad or railway passenger car in this state, shall be deemed and adjudged to be a disorderly person; *provided*, that nothing herein contained shall apply to smoking-cars or compartments of cars where smoking is permitted when said smoking-cars or smoking compartments are not provided with cuspidors.

Spitting in  
cars a mis-  
demeanor.

Proviso.

Approved April 14, 1903.

## CHAPTER 261.

An Act to amend an act entitled "An act to provide for the drainage of lands," approved June nineteenth, one thousand eight hundred and ninety.

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

Section  
amended.

1. Section one of the act entitled "An act to provide for the drainage of lands," approved June nineteenth, one thousand eight hundred and ninety, is hereby amended so as to read as follows:

Towns may  
provide for  
clearing out,  
etc., beds of  
creeks.

1. In any town of this state in which any meadow, swamp or other lands improved or otherwise are so situate that they cannot be sufficiently drained without clearing out, cutting down or straightening the beds of creeks or natural water-courses therein, it shall be lawful for the township committee or other legislative or governing body of such town, on application in writing therefor, to provide for the clearing out, cutting down or straightening the beds of such creeks or natural water-courses.

Section  
amended.

2. Section two of said act is hereby amended so as to read as follows:

Lands taken  
upon com-  
pensation.

2. It shall be lawful for the township committee or other legislative or governing body of such town, by ordinance, to cause the beds of such creeks or natural-water-courses to be cleared out, cut down or straightened, and to take and appropriate the lands and real estate necessary therefor, upon making compensation to the owner thereof, in the same manner and in like proceedings as in cases where land is taken for the construction of a sewer, drain or culvert in such municipality.

Section  
amended.

3. Section four of said act is hereby amended so as to read as follows:

Assessment  
of costs,  
damages, etc.

4. The costs, damages and expenses incurred for making any improvement or performing any work under

and by virtue of the provisions of this act, shall be assessed upon the lands specially benefited by such improvement, to the same extent and in the same manner and in like proceedings as in cases where an assessment for the costs, damages and expenses is made for the construction of a sewer, drain or culvert in such municipality.

4. Section five of said act is hereby amended so as to read as follows:

Section amended.

5. For the purpose of meeting any liabilities for the improvements or any of them mentioned in this act, that may at any time be contracted for or be in progress, it shall be lawful for the township committee, or other legislative or governing body in such municipality, to issue either the registered or coupon bonds of such municipality, to be styled improvement bonds, to such an amount as such committee or governing body shall by ordinance determine, not, however, to exceed in the aggregate the whole cost of such improvement; such bonds shall be sealed with the corporate seal of such municipality, signed by the chief executive officer of such municipality, or if there be none, by the chairman of said committee or other governing body in such municipality, and countersigned and registered by the clerk of such municipality, and made payable in not less than one nor more than ten years from the date thereof, and shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually.

Bonds may be issued to meet liabilities.

5. Section eight of said act is hereby amended so as to read as follows:

Section amended.

8. It shall be the duty of the township committee or other governing body of such municipality, and such committee or other governing body of said municipality is hereby authorized and empowered, by resolution, to fix and determine annually, or on or before the second Tuesday in May in each year, how much money is necessary to be raised by taxation to pay the interest on such bonds as fall due within one year from the time of adopting such resolution, and to order such sum to be assessed and collected for the purpose aforesaid; a copy of which resolution shall be served by the clerk of such municipality on the assessor or assessors of such municipality, or

Amount raised annually.

Proceeds.

if there be none of the township in which such municipality is included, and thereupon the sum so ordered to be raised shall be assessed upon all the ratable and taxable property in such municipality, and collected in the same manner and at the same time that other municipal taxes are assessed and collected; and the money so raised shall be applied to the payment of such principal and interest falling due on said bonds and to no other purpose.

6. This act shall take effect immediately.

Approved April 14, 1903.

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#### CHAPTER 262.

An Act to amend an act entitled "An act to authorize cities to construct sewers and drains, and to provide for the payment of the cost thereof," approved March eighth, eighteen hundred and eighty-two.

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

Section amended.

I. Paragraph VI of section two of the act entitled "An act to authorize cities to construct sewers and drains, and to provide for the payment of the cost thereof," approved March eighth, eighteen hundred and eighty-two, be and the same is hereby amended so that the same shall read as follows:

Notice of hearing of objections to assessment.

VI. Upon the coming in of any report signed by the said commissioners, or any two of them, said court shall cause such notice to be given as it shall deem proper, of the time and place of hearing any objections that may be made to such assessment, in writing, and filed with the clerk of said court on or before the day appointed for said hearing, and after hearing such objections, 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 the 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 or 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 the said court shall confirm; such report when so confirmed shall be final and conclusive as well upon the said city as upon the owners of any lands and real estate affected thereby; said court shall thereupon cause a certified copy of such report and the accompanying map to be transmitted to the city clerk of the said city, with a certified copy of the rule or order of said court, confirming the same, which shall be forthwith delivered by the said court to the officer of such city charged with the duty of collecting assessments for improvements.

Confirmed  
report final.

2. This act shall take effect immediately.

Approved April 14, 1903.

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#### CHAPTER 263.

An Act to secure companies incorporated under "An act to provide for the incorporation of street railway companies and to regulate the same," approved April sixth, one thousand eight hundred and eighty-six, and a supplement thereto entitled "A further supplement to an act entitled 'An act to provide for the incorporation of street railway companies and to regulate the same,' approved April sixth, one thousand eight hundred and eighty-six," which supplement was passed March second, one thousand eight hundred and ninety-one, owning and operating street railways upon

public streets, highways or avenues in this state, whose roads have been peaceably and continuously operated for two years without objection, the right to become incorporated under the 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, and the several supplements thereto and acts amendatory thereof.

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

Organization  
of street car  
companies  
under trac-  
tion act.

I. Any company incorporated under an act entitled "An act to provide for the incorporation of street railway companies and to regulate the same," approved April sixth, one thousand eight hundred and eighty-six, and a supplement thereto entitled "A further supplement to an act entitled 'An act to provide for the incorporation of street railway companies and to regulate the same,' approved April sixth, one thousand eight hundred and eighty-six," which supplement was passed March second, one thousand eight hundred and ninety-one, owning and operating a street railway upon public streets, highways or avenues in this state, whose roads have been peaceably and continuously operated for two years without objection, may come under and be subject to the provisions of 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, and the several supplements thereto and acts amendatory thereof, and have such powers and rights as if originally formed under the same; *provided*, such company shall make and execute a certificate under the hands of the president and directors of the company, or a majority thereof, stating that the company desires to come under such provisions and liabilities, and duly acknowledged or proved in the manner

Proviso.

prescribed for the acknowledgment or proofs of conveyances of real estate; and upon the filing of such certificate as aforesaid in the office of the secretary of state, together with the written assent, in person or by proxy, of two-thirds in interest of each class of stockholders of the company and upon payment of a fee of twenty dollars to said secretary of state for the use of the state, the said company shall be deemed to be duly incorporated under the said act and to be free from the liability and provisions of the act or acts under which it was formerly incorporated; *and provided further*, that nothing in this act contained shall be construed or held to affect any debt, contract or agreement heretofore made with any person or municipality by such company, nor to relieve such company from performing and submitting to any and all legal requirements, conditions and restrictions heretofore imposed upon such company by ordinance or otherwise.

Proviso.

2. All acts or parts of acts inconsistent with this act are hereby repealed.

Repealer.

3. This act shall take effect immediately.

Approved April 14, 1903.

#### CHAPTER 264.

A Further Supplement to "An act to enable the owners of the tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons, to keep the same in good repair," passed November twenty-ninth, one thousand seven hundred and eighty-eight.

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

1. Whenever the banks, water works or water courses along or within the bounds of any meadow company, formed under the act to which this is a supplement or

Maintenance  
at general  
expense.

any act supplementary thereto or amendatory thereof, shall have been or shall be laid off to the respective owners or possessors to maintain, uphold or repair, and at any annual or special meeting of said company the owners or possessors of more than one-half of such meadow shall vote in favor of defraying the expenses of laying out, erecting, making, maintaining and repairing the banks, dams, sluices, flood-gates and other works, and all the general water courses and every other necessary expense for the benefit of the company by a general tax, laid, enforced and collected in accordance with the provisions of the act to which this is a supplement, the expenses aforesaid shall thereafter be defrayed by a tax, laid, enforced and collected as aforesaid, and it shall thereupon become the duty of the managers of said company, in addition to the duties theretofore required of such managers by law, to cause or procure the making, maintaining and repair of the banks, dams, sluices, flood-gates and other works, and all general water courses to be made or done under the supervision of such managers and the cost and expense thereof to be assessed, enforced and collected as aforesaid.

Improvement  
of meadow  
land.

Application to  
court for com-  
missioners.

Duties of.

2. Whenever in any meadow company formed as aforesaid the meadows shall have been or shall be subjected to the overflowing of the tide in accordance with the provisions of any supplement to said act and said company shall at any annual or special meeting, by a vote of the owners of more than one-half of such meadows, decide that said meadow shall be taken in, banked, and sluices and other water-works erected and maintained therein, it shall be lawful for the managers of said company to apply to the court of common pleas of the county in which said meadows lie, upon which application said court shall appoint three judicious and disinterested men, well acquainted with banking and improving tide meadows, as commissioners; which commissioners, when so appointed, after giving notice of the time and place of meeting, shall view the premises and hear the parties and lay out or relay the bank, dam, sluices, flood-gates or other works necessary for securing the marsh or swamp from the overflow of the tide in such place or places as may appear most safe and

beneficial to the whole of the owners of the marsh or swamp intended to be secured from the overflow of the tide, and make an actual survey thereof, describing the place of beginning, courses and distances, and places where the sluice or sluices or flood-gates shall be laid, and where the bank or dam shall join the fast land; and shall cause all the lots and parcels of the marsh, meadow, ground or swamp belonging to each owner so overflowed by the tide and lying within the bounds of the proposed bank or dam and water-works to be carefully and strictly measured and a draught or plot to be made showing the quantity held by each owner, and make a valuation of the meadow ground of each owner separately, and shall deliver a certificate of their proceedings, signed by a majority of them, to the managers of said meadow company, to be held by such managers and delivered from time to time to their successors in office.

Draught of  
land and  
valuation.

3. This act shall take effect immediately.

Approved April 14, 1903.

## CHAPTER 265.

An Act creating a bureau of shell fisheries.

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

1. A state bureau of shell fisheries is hereby established; the chief of said bureau shall be appointed by the governor for a term of four years; his salary shall be twelve hundred dollars per annum, payable monthly by the treasurer on the warrant of the comptroller; the chief of such bureau may employ such clerical assistance as may be necessary from time to time; the several oyster commissions of the state shall file with such bureau a statement in detail, quarterly and oftener if required, of the receipts and disbursements of their several commissions, and such commissions shall further report annually to the said bureau on the first day of November a summary of the work of the said commissions for the

Bureau of  
shell fisheries;  
chief, salary,  
etc.

Oyster com-  
missions to  
report to  
same.

Also director  
experiment  
station.

Copies of  
maps, etc.,  
filed.

Office.

Duties.

Annual  
report.

preceding year; the shell commissioners shall in like manner report in detail all transactions of their several commissions; the director of the New Jersey college experiment station at New Brunswick shall annually file with said bureau a report of his experiments in the scientific investigation of oyster and clam propagation; all recommendations and reports of said commissions shall be made to the chief of said bureau; the said commissions shall forthwith on the granting of any lease or license transmit a memorandum or copy thereof to said bureau; a copy of all maps and surveys of any oyster lands heretofore or hereafter to be leased or surveyed by said commissions for any purpose and a copy of all maps and surveys of any grounds set apart for clamming grounds shall be filed forthwith with such bureau; the several oyster commissions, oyster superintendents and shell commissioners shall also file with said bureau, when required by the chief thereof, any other records, papers, writings or data pertaining to their several offices; an office for said bureau shall be permanently maintained at the state house, and there shall be kept at all times on file therein all the reports, surveys, papers and records aforesaid; it shall be the duty of the chief of said bureau to procure and compile statistics and information relative to the progress and development of the oyster and clamming industry in this and in other states and countries, and to secure and keep on file the laws of other states regulating such industries; the chief of said bureau shall make a report to the governor annually as of November first each year, and not later than December first annually, of the general condition of the oyster and clamming industry of the state and the transactions of the various commissioners aforesaid during the preceding year, and shall transmit therewith the reports and recommendations of the oyster and shell commissioners and the report of the director of the experiment station, together with such recommendations as said bureau may deem advisable to make.

2. This act shall take effect immediately.

Approved April 14, 1903.

## CHAPTER 266.

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:

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

Section  
amended.

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 member 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 fifteen dollars in districts where the number of registered voters is not more than one hundred and fifty, twenty dollars in districts where the number of registered voters is more than one hundred and fifty and not more than three hundred, and twenty-five 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

Compensation  
in cities  
exceeding  
30,000.

Other munici-  
palities.

Paid by  
county  
collector.  
Proviso.

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.

Repealer.

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

Approved April 15, 1903.

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#### CHAPTER 267.

A Supplement to "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 three," approved April tenth, one thousand nine hundred and two.

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

Supple-  
mentary ap-  
propriations.

1. 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 three:



## I.

## COURT OF PARDONS.

For additional compensation for judges of court of pardons, one thousand six hundred and eighty dollars; *provided*, such sum is authorized by enactment of the present legislature.

Court of  
pardons.

Proviso.

## 2.

## STATE BOARD OF ASSESSORS.

For additional allowance for blanks and stationery for use in the office of the state board of assessors, two hundred dollars;

State  
assessors.

The unexpended balance of one thousand five hundred dollars for compensation for clerical service in the office of the state board of assessors for the purpose of carrying into effect the provisions of chapter one hundred and ninety-five of the laws of one thousand nine hundred, in the act to which this act is a supplement, is hereby transferred and combined with the appropriation for compensation for clerical service in the office of the state board of assessors.

## 3.

## STATE MUSEUM.

For the commission for additional allowance to acquire new material for the museum, and for blanks, stationery and other incidental expenses, five hundred dollars.

Museum.

## 4.

## OFFICE OF CLERK IN CHANCERY.

For additional allowance for postage, expressage and other incidental expenses for the office of the clerk in chancery, four hundred dollars.

Clerk in  
chancery.

## 5.

## HOME FOR DISABLED SOLDIERS.

Kearny  
home.

For furnishing new dormitory at the home for disabled soldiers at Kearny, five thousand dollars.

## 6.

## ADVERTISING.

Advertising.

For additional allowance 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 cetera, one thousand dollars.

## 7.

## INSURANCE.

Insurance.

For additional allowance for insurance upon state house and contents thereof, two hundred and fifty dollars.

## 8.

## RIPARIAN COMMISSION.

Riparian  
commission.

For the purpose of carrying out the provisions of "An act to provide for the care and preservation of the monuments marking the boundary lines of this state," approved April fourth, one thousand eight hundred and ninety-one, one thousand two hundred and fifty dollars.

## 9.

## EMERGENCY.

Emergencies.

For additional allowance for the governor, to enable him to meet any emergency requiring the expenditure of money not otherwise appropriated, the sum of ten thou-

sand 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.

## 10.

## ATTORNEY-GENERAL'S DEPARTMENT.

For additional allowance for postage, expressage and other incidental expenses for the attorney-general's department, two hundred dollars; Attorney-general.

For services of H. M. Foote, a lawyer of Washington, District of Columbia, in connection with the pending claim of the state against the United States government, ten thousand dollars; said sum to be paid upon approval of the attorney-general and governor.

## 11.

## LAW AND EQUITY REPORTS.

For additional allowance for the publication of the chancery reports, three thousand six hundred dollars; Law reports.

To Soney and Sage, for eight sets New Jersey law and equity reports, one hundred and twenty-five volumes each, one thousand nine hundred dollars;

For additional allowance for the publication of the law reports, one thousand five hundred dollars.

## 12.

## AGRICULTURAL EXPERIMENT STATION.

For the purpose of carrying into effect "An act to provide for an investigation and report by the New Jersey agricultural experiment station upon the mosquito problem, in its relation to the sanitary, agricultural and other interests of the state," approved April third, one thousand nine hundred and two, five thousand dollars. Experiment station.

## 13.

## STATE HOSPITAL AT TRENTON.

Trenton  
asylum.

For additional allowance for maintenance of county patients, at the rate of two dollars per week for each patient, pursuant to chapter two hundred and eight of the laws of one thousand nine hundred and two, sixty-six thousand seven hundred and sixty-one dollars and forty-two cents;

For additional allowance for support and clothing of insane convicts, at the rate of five dollars per week for each insane convict, two thousand six hundred and fifteen dollars and twenty-eight cents;

For additional allowance for support of indigent patients, at the rate of three dollars per week, and cost of clothing, seven thousand seven hundred and ninety-three dollars and forty-seven cents.

## 14.

## COUNTY LUNATIC ASYLUMS.

County  
asylums.

For additional allowance for support of county patients in the Essex county lunatic asylum, seven thousand dollars;

For additional allowance for support of county patients in the Burlington county lunatic asylum, six thousand five hundred dollars;

For additional allowance for support of county patients in the Passaic county lunatic asylum, one thousand four hundred dollars;

For additional allowance for support of county patients in the Cumberland county lunatic asylum, one thousand dollars;

For additional allowance for support of county patients in the Salem county lunatic asylum, eight hundred dollars;

For additional allowance for support of county patients in the Atlantic county lunatic asylum, one thousand five hundred dollars.

15.

## STATE PRISON.

For additional allowance for maintenance of convicts, Prison.  
five thousand dollars.

16.

## HOME FOR FEEBLE-MINDED WOMEN AT VINELAND.

For necessary alterations to the original building, repairs and improvements to same, eight thousand dollars; Vineland  
home for  
women.

For the erection of a heating plant and laundry building, sixteen thousand dollars; *provided*, no plans shall Proviso.  
be adopted or contracts awarded for these two objects without the approval of the governor;

For laundry and cooking equipments and fixtures, three thousand five hundred dollars.

17.

## PUBLIC ROADS.

For salary of supervisor, from April tenth, one thousand nine hundred and two, to October thirty-first, one thousand nine hundred and three, seven hundred and seventy-nine dollars and six cents; Roads.

For traveling expenses of supervisor, from April tenth, one thousand nine hundred and two, to October thirty-first, one thousand nine hundred and three, seven hundred seventy-nine dollars and six cents.

18.

## SINKING FUND.

To the state treasurer for amount due the sinking fund from the state fund at the close of the fiscal year ending October thirty-first, one thousand nine hundred and two, nineteen thousand seven hundred and five dollars. Sinking fund.

## 19.

## COURT EXPENSES.

Courts. 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 dollars.

## 20.

## NATIONAL GUARD.

National guard, on account Paterson riots. To Richard A. Donnelly, paymaster-general, the sum of eighteen thousand three hundred and forty dollars and fifty-seven cents, being the amount loaned to the state by the Mechanics' national bank of Trenton, in the absence of any appropriation for the payment of expenses incurred in connection with the calling out of the troops of the national guard to suppress riot and disorder on the occasion of the strike of operatives of the silk mills in the city of Paterson in June, one thousand nine hundred and two, vouchers for the payment of this sum having been approved by the governor and filed with the comptroller;

The sum of three hundred and seventy-eight dollars and fifty-one cents is also appropriated to the paymaster-general for the purpose of paying to the Mechanics national bank interest at the rate of three per centum per annum upon said loan.

## 21.

## STENOGRAPHIC REPORTERS.

Stenographers. 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, from date of appointment to October thirty-first, one thousand nine hundred and three, pursuant to chapter eighty-one of the laws of one thousand nine hundred and one, nineteen thousand eight hundred and twenty-four dollars and eight cents.

## 22.

## 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  
commission.

## 23.

## RUTGERS COLLEGE.

To MacCrellich and Quigley, for printing three hundred copies of the report of Rutgers college, pursuant to chapter four of the laws of one thousand nine hundred and two, thirty-two dollars and fifty cents.

Rutgers col-  
lege; report  
on claim.

## 24.

## STATE BOARD OF HEALTH.

For additional allowance for legal expenses incurred by the state board of health, one thousand dollars;

Board of  
health.

For services of the health officer of the port of Perth Amboy, pursuant to chapter sixty-nine of the laws of one thousand nine hundred, eight hundred and forty-three dollars.

## 25.

## COURT OF ERRORS AND APPEALS.

For additional allowance for furnishing printed or typewritten copies of draft opinions under the direction of the presiding judge, three hundred dollars.

Court of  
errors.

## 26.

## NATIONAL GUARD.

For additional allowance for compensation of officers and employes, and expenses incurred in connection with rifle practice, two thousand dollars;

National  
guard.

For sheathing, ceiling, and additional plumbing for the administration building on the rifle range at the state camp grounds, one thousand five hundred dollars;

For additional allowance for expenses of military boards and courts-martial, four hundred dollars;

For additional allowance for maintaining, heating and lighting armories at Jersey City, Camden, Newark and Paterson, at five hundred dollars each, two thousand dollars;

For excavating and extraordinary repairs necessary for the armories at Paterson, Jersey City and Newark, five thousand dollars;

For rent of armory for second troop cavalry, one thousand dollars;

For additional allowance for insuring regimental armories, buildings at the state camp grounds at Sea Girt, the state arsenal, and all public military stores, nine hundred dollars, or so much thereof as may be necessary.

## 27.

## QUARTERMASTER-GENERAL'S DEPARTMENT.

Quartermas-  
ter-general.

For additional allowance for blanks and stationery for use in the quartermaster-general's department, three hundred dollars;

For additional allowance for postage, expressage and other incidental expenses for the quartermaster-general's department, two hundred dollars.

## 28.

## FIRST DEFENDERS' MEDALS.

Medals for  
three-months  
men.

For medals and expenses in connection with the distribution of same for honorably-discharged survivors of the officers and enlisted men of the state of New Jersey who served in the first, second, third and fourth regiments militia, "three-months men," in the war of the rebellion, two hundred dollars.



29.

## ADJUTANT-GENERAL'S DEPARTMENT.

For clerical service, compiling data for the roster of officers and enlisted men of New Jersey in the revolutionary and other wars, at Washington, District of Columbia, or elsewhere, one thousand two hundred dollars; Adjutant-general.

For two hundred engraved commissions on parchment for officers of the national guard, two hundred and fifty dollars.

30.

## STATE HOME FOR GIRLS.

For the construction and completion of a deep drain from both boiler-houses to an outlet in a running stream of water, a distance of nine hundred and sixty-nine feet, being at its greatest depth over fourteen feet, one thousand and fifty-four dollars; Girls' home at Trenton.

For repairing and renewing in part one Dean steam pump in artesian well, depth one hundred and fifty feet, two hundred and seventy-nine dollars;

For removing laundry and bakery, and resetting the same, including steam-pipes and fittings, building partitions, putting in laundry tubs and constructing drain, three hundred and sixty-six dollars;

For putting reducer on steam-pipes, fifty dollars;

For additional allowance for maintenance, one thousand four hundred and fifty dollars.

31.

## COUNTY SUPERINTENDENTS.

For additional allowance for county superintendents of schools for salaries, ten thousand and fifty dollars. County superintendents.

32.

## VILLAGE FOR EPILEPTICS.

For additional allowance for salary of assistant physician, four hundred dollars; Epileptic village.

For medicines and surgical supplies, one thousand dollars;

For farm supplies, consisting of stock, machinery, fertilizers, seeds, et cetera, one thousand five hundred dollars;

To Edward T. Eggleston, for extra work done on roads, three hundred dollars;

For fees of architects and engineers, one thousand dollars;

For electric wiring of old building, one thousand two hundred dollars;

For construction and completion of a double cottage for women, twenty-six thousand dollars; for completing women's cottage, three thousand five hundred dollars; for construction of roads and sewers to buildings, four thousand dollars; for completion of water-supply, five thousand dollars; *provided*, that no plans shall be adopted or contracts awarded for these four objects, or either of them, without the approval of the governor.

Proviso.

### 33.

#### OFFICE OF THE SECRETARY OF STATE.

Secretary of state.

For compiling card index, and purchase of card cabinet and cards, one thousand two hundred and fifty dollars;

For additional allowance for blanks and stationery, four hundred dollars;

For additional allowance for postage, expressage and other incidental expenses, three hundred dollars;

For two thousand five hundred copies of the corporation laws, one thousand two hundred and fifty dollars;

For binding and preserving the old records and wills, three thousand dollars.

### 34.

#### DEPARTMENT OF BANKING AND INSURANCE.

Banks and insurance.

For additional allowance for salary of the commissioner of banking and insurance, from April second to

October thirty-first, one thousand nine hundred and three, one thousand one hundred sixty-one dollars and eleven cents.

35.

TRENTON BATTLE MONUMENT.

For improvements and repairs to the Trenton battle monument, five hundred dollars. Trenton monument.

36.

STATE HOSPITAL AT MORRIS PLAINS.

For additional allowance for maintenance of county patients, eighty-seven thousand six hundred seventy-eight dollars and fifty-eight cents; Morristown asylum.

For additional allowance for support of indigent patients, at the rate of three dollars per week, and cost of clothing, ten thousand one hundred fifteen dollars and seven cents;

For additional allowance for support and clothing of insane convicts, at the rate of five dollars per week, nine hundred fifty-two dollars and twenty-eight cents;

For scenery for stage, one thousand dollars;

For pool tables, seven hundred dollars;

For bowling alleys, one thousand two hundred dollars;

For seats for amusement hall, one thousand dollars;

For addition to dairy barn, three thousand dollars; for elevator, three thousand five hundred dollars; for laboratory, two thousand one hundred dollars; *provided*, Proviso. no plans shall be adopted or contracts awarded for these three objects, or either of them, without the approval of the governor. And eight thousand dollars for purchase of land known as the Doctor Andrew tract for water supply.

37

MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR COLORED YOUTH.

For improvements and repairs to the buildings and grounds and for additional furniture, three thousand five hundred dollars. Bordentown school.

38.

## CONSTITUTIONAL AMENDMENTS.

Publishing  
proposed  
amendments.

For newspapers designated to publish the proposed constitutional amendments of the session of one thousand nine hundred and two, eight thousand nine hundred ninety-eight dollars and fifty cents;

For advertising and expenses for the special election to vote upon the proposed constitutional amendments, four thousand dollars.

39.

Shipwrecked  
bodies.

For the purpose of marking, enclosing and suitably preserving burial grounds purchased by the state for the burial of dead bodies thrown upon the shores of this state by shipwreck, eight hundred dollars.

40.

Haddonfield  
purchase.

For the purpose of carrying into effect the provisions of "An act appointing a commission to purchase the old tavern house, in the borough of Haddonfield, making an appropriation for the payment of the same and providing for the care and management thereof," approved April third; one thousand nine hundred and two, six thousand five hundred dollars, or so much thereof as may be necessary.

41.

Clothing in-  
vestigation.

For expenses incurred by the commission appointed pursuant to "Joint Resolution providing for investigating the facts in relation to state clothing furnished to the volunteers of this state during the Spanish-American war, one thousand eight hundred and ninety-eight, and the advisability of providing compensation therefor," approved April ninth, one thousand nine hundred and two, one thousand one hundred sixty-four dollars and ten cents.

42.

## STATE HOME FOR BOYS.

For the trustees of the state home for boys, for a fund known as the "trust fund," two thousand nine hundred thirteen dollars and nineteen cents.

Jamesburg  
school trust  
fund.

43.

## BLIND AND FEEBLE-MINDED.

For additional allowance for clothing, maintenance, support and instruction of the feeble-minded persons, inhabitants of this state, two thousand five hundred dollars;

Feeble-  
minded.

For additional allowance for clothing, maintenance, support and instruction of the blind persons, inhabitants of this state, one thousand three hundred dollars.

Blind.

44.

NEW JERSEY HOME FOR DISABLED SOLDIERS, SAILORS,  
MARINES AND THEIR WIVES.

For arrearage in maintenance for the fiscal year ending October thirty-first, one thousand nine hundred and two, five hundred fifty-eight dollars and thirty-three cents;

Vineland  
home.

For arrearage in maintenance for the fiscal year ending October thirty-first, one thousand nine hundred and three, one thousand dollars;

For making six additional bed-rooms, three hundred dollars;

For furniture for three additional bed-rooms, one hundred dollars;

For purchase of nine acres of land, two thousand dollars.

45.

## ANTIETAM BATTLE MONUMENT COMMISSION.

For the erection of suitable monuments to mark the position of New Jersey regiments and battalions upon

Antietam  
monuments.

the battlefield of Antietam and for necessary expenses connected therewith, seven thousand five hundred dollars; *provided*, such sum is authorized by enactment of the present legislature.

## 46.

## GLOUCESTER COUNTY LUNATIC ASYLUM.

Gloucester  
asylum.

For the support of county patients in the Gloucester county lunatic asylum, from July first, one thousand eight hundred and seventy-three, to July first, one thousand eight hundred and ninety-one, seven thousand one hundred and forty dollars.

## 47.

## NEW JERSEY SANATORIUM FOR TUBERCULOUS DISEASES.

Tubercular  
sanatorium.

Proviso.

Proviso.

For the purpose of carrying into effect the provisions of an act entitled "An act making a further appropriation for the erection and equipment of 'The New Jersey sanatorium for tuberculous diseases,'" one hundred thousand dollars; *provided*, such sum is authorized by enactment of the present legislature; *and provided further*, that no plans shall be adopted or contracts awarded without the approval of the governor.

## 48.

## COURT OF CHANCERY.

Paterson  
chancery  
court.

Proviso.

For rent of furnished rooms in the city of Paterson for the use of the chancellor, vice-chancellors and advisory masters and expenses in connection therewith, one thousand five hundred dollars; *provided*, such sum shall be authorized by enactment of the present legislature;

For additional allowance for compensation of advisory masters, five hundred dollars;

For additional allowance for compensation of stenographers, six thousand one hundred and twelve dollars;

For additional allowance for stationery for the court of chancery, two hundred and fifty dollars.

49.

## SUPERINTENDENT OF PUBLIC INSTRUCTION.

For additional allowance for salary of state superintendent of public instruction, three thousand one hundred ninety-three dollars and fifty-four cents; State superintendent and assistants.

For additional allowance for salary of assistant state superintendent and for clerical services in the office of state superintendent of public instruction, six hundred dollars.

50.

## STATE OYSTER COMMISSION.

For protection of the natural seed oyster grounds on lands lying under the tidal waters of the Delaware river and Delaware bay, north of the "southwest line" in the state of New Jersey, two thousand dollars; Oyster commission.

For protection of the leased oyster grounds in Maurice river cove and Raritan bay in the state of New Jersey, six thousand dollars;

For the survey of three thousand acres of oyster grounds in Raritan bay, in the state of New Jersey, one thousand five hundred dollars; *provided*, that the commissioners shall advertise for proposals for making and completing said survey, and that no plans shall be adopted or contract awarded for this object without the approval of the governor. Proviso.

51.

## PENSIONS.

For additional amount required to pay pensions, pursuant to various acts relative thereto, three hundred eighty dollars and sixty-five cents. Pensions.

52.

## STATE HOUSE COMMISSION.

For additional allowance for the governor, treasurer and comptroller, for the care and safe keeping of the State house.

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, ten thousand dollars.

53.

## VILLAGE FOR EPILEPTICS.

Epileptic  
village.

To A. C. Getchius and company, for varnish and filler furnished the village for epileptics in October, one thousand nine hundred and two, twenty-five dollars and eighty cents;

To Edgar Zielian, for additional work on cottages at the village for epileptics, four hundred seventeen dollars and fourteen cents.

54.

## FORT LEE BATTLE MONUMENT.

Fort Lee  
monument.

To the commissioners of the palisades inter-state park, for the erection of a battle monument to mark the site of the old Fort Lee of revolutionary times, at the village of Fort Lee, in the county of Bergen, five thousand dollars.

55.

## BATTLE OF PAULUS HOOK.

Paulus Hook  
tablet.

For the purpose of carrying into effect "An act to appropriate money for erecting a commemorative tablet on the site of the battlefield of Paulus Hook," approved April second, one thousand nine hundred and two, one thousand five hundred dollars.

56.

## VOTING MACHINES.

Voting  
machines.

For the state board of voting machine commissioners, to purchase voting machines for use at elections to be



held in this state, and providing for the location, use and care of such machines, fifty thousand dollars, or so much thereof as may be necessary; *provided*, such sum is authorized by enactment of the present legislature. Proviso.

57.

## MISCELLANEOUS CORPORATIONS.

For amount of tax to be refunded to the Arimex consolidated copper company, for the year one thousand nine hundred, as corrected and adjusted by the state board of assessors under an order of the supreme court, one thousand five hundred dollars. Tax refunded to Arimex company.

58.

## HOME FOR DISABLED SOLDIERS, SAILORS, MARINES AND THEIR WIVES.

For the construction of extension to the buildings of the home, twenty-five thousand dollars, and for furnishing and equipping the same, three thousand dollars; *provided*, no plans shall be adopted or contracts awarded without the approval of the governor. Vineland home.  
Proviso.

59.

## NEW JERSEY REFORMATORY.

For additional allowance for subordinate officers and employes, for salaries, five thousand dollars; Railway reformatory.

For materials, tools and appliances for trade schools and for furniture and repairs to buildings, seven thousand dollars, which sum is hereby transferred from the appropriation of thirty-five thousand dollars for maintenance, in the act to which this act is a supplement;

For farm live stock, implements, etc., three thousand dollars;

For the employment of an architect to ascertain the cost of completing the domestic building at the reformatory, five hundred dollars; *provided*, such sum is authorized by enactment of the present legislature. Proviso.

60.

## NAVAL RESERVE.

Naval reserve. For pay and expenses of officers and men of the first battalion, on annual cruise, one thousand five hundred dollars.

61.

## STATE OYSTER COMMISSION FOR THE DISTRICT OF OCEAN COUNTY.

Ocean county  
oyster com-  
mission.

For commissioners, for salaries, from August second, one thousand nine hundred and two, to October thirty-first, one thousand nine hundred and three, nine hundred thirty-five dollars and forty-nine cents;

For the superintendent, for salary, from October sixth, one thousand nine hundred and two, to October thirty-first, one thousand nine hundred and three, one thousand sixty-nine dollars and eighty-nine cents;

For incidental expenses, five hundred dollars.

62.

## STATE BOARD OF AGRICULTURE.

Nurseries;  
entomologist.

For additional allowance 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, five hundred dollars; *provided*, such sum is authorized by enactment of the present legislature.

Proviso.

63.

Refund taxes  
to Jersey City.

For the payment to the mayor and aldermen of Jersey City of taxes unlawfully collected by this state from the

Erie railroad company, fifty-eight thousand nine hundred sixty-seven dollars and ninety-two cents; *provided*, such payment is authorized by enactment of the present legislature.

Proviso.

64.

For the purpose of carrying out the provisions of "An act to provide for the payment of the amount expended by the third regiment infantry, second brigade, national guard of the state of New Jersey, for the transportation of members of the several companies of said regiment to the state range at Sea Girt for rifle practice during the year nineteen hundred and one," approved March twenty-fourth, one thousand nine hundred and three, five hundred and sixty-eight dollars.

Third regiment transportation to Sea Girt.

65.

#### BATTLE OF MONMOUTH.

For the purpose of carrying into effect the provisions of "An act enabling and authorizing the state of New Jersey to participate in the celebration of the one hundred and twenty-fifth anniversary of the battle of Monmouth, at Freehold, New Jersey," approved March twenty-sixth, one thousand nine hundred and three, three thousand five hundred dollars.

Freehold celebration.

66.

For the purpose of carrying into effect the provisions of "An act providing compensation for the clothing furnished by this state to volunteer soldiers of this state in the Spanish-American war of one thousand eight hundred and ninety-eight, which they were compelled to discard and replace with other clothing furnished by the United States, and for which they had to pay," approved March twenty-fifth, one thousand nine hundred and three, the sum of thirty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, and upon such payment the state shall be subrogated to any rights or claims which said soldiers may have against the United States for reimbursement.

Reimbursements for clothing.

## 67.

## BUREAU OF SHELL FISHERIES.

Shell  
fisheries.

For the chief of the bureau, for salary, from May first to October thirty-first, one thousand nine hundred and three, six hundred dollars;

Proviso.

For blanks, stationery and other incidental expenses, three hundred dollars; *provided*, such sums shall be authorized by legislative enactment at the present session.

## 68.

## STATE HOUSE COMMISSION.

Repairs to  
state house.

For the governor, comptroller and treasurer, constituting the state house commission, to cause all necessary repairs to be made to the state house to insure its safety and well-being, forty-five thousand dollars;

Senate  
chamber.

For the governor, comptroller and treasurer, constituting the state house commission, for the purpose of completing, equipping and properly furnishing the new senate chamber extension to the state house, sixty thousand dollars; *provided*, such payments are authorized by enactment of the present legislature.

Proviso.

## 69.

## GENERAL STATUTES.

Committee  
on revision  
of laws.

For compensation for commissioners and their secretary, for their services and expenses necessarily incurred by said commissioners under "An act to provide for the appointment of a commission to revise and codify the general statutes of this state not heretofore revised and codified by a special commission," approved March twenty-second, one thousand nine hundred and one, six thousand twenty-three dollars and seventy-one cents.

## 70.

## FOREST FIRES.

Forest fires.

For the purpose of carrying into effect the provisions of "An act concerning forest fires and the prevention

thereof," approved April third, one thousand nine hundred and two, five hundred dollars.

71.

BUREAU OF STATISTICS.

For additional allowance for current expenses of the bureau of statistics, one thousand two hundred dollars. Statistics.

72.

LEGISLATURE.

For additional allowance 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, fifteen thousand dollars. Legislature.

73.

STATE OYSTER COMMISSION.

For surveying a waterway to connect Barnegat bay with Manasquan inlet, for the reclamation of oyster and clam lands in upper waters of said bay, one thousand dollars; *provided*, such sum is authorized by enactment of the present legislature. Oyster commission for survey.  
Proviso.

74.

PORTRAITS OF DECEASED GOVERNORS.

For the purpose of painting the portrait of ex-governor Rodman M. Price, the sum of six hundred dollars is hereby appropriated; *provided*, such sum shall be authorized by enactment of the present legislature. Portrait.  
Proviso.

75.

RUTGERS COLLEGE.

To the treasurer of Rutgers College, to pay the state agricultural college for the benefit of agriculture and the Rutgers college.

mechanic arts the balance due for services rendered to the state in the instruction, from September first, eighteen hundred and ninety, to July first, nineteen hundred and two, of students holding free state scholarships, the sum of eighty thousand dollars is hereby appropriated; *provided*, such sum is authorized by enactment of the present legislature, such payment to be actually made by the treasurer of the state only and when the act under which such services were rendered, entitled "An act to increase the efficiency of the public school system of the state by providing for additional free scholarships at the state agricultural college," passed March 31, 1890, shall have been judicially determined to be valid and constitutional.

Proviso.

76.

STATE OYSTER COMMISSION (DELAWARE BAY AND MAURICE RIVER COVE).

Riparian grants.

For the purchase of riparian grants in Delaware bay made to Benjamin F. Lee, October fourth, one thousand eight hundred and seventy-nine, and to William W. Riley, April fourteenth, one thousand eight hundred and ninety-two, and any other riparian grant or grants adjacent thereto or to either of them, to cover the purchase of the entire portion of said grants not heretofore surrendered to the state, the sum of nine thousand dollars is hereby appropriated.

Approval of plans and contracts by governor.

2. Before any building or buildings shall be commenced 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 four, 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 or buildings according to such plans and specifications shall exceed the amount appropriated by this act for such building or buildings; and in any and every case

where it shall appear that the appropriation is insufficient to complete such building or buildings, the appropriation hereby made therefor shall not be applied toward the construction of such building or buildings, but shall lapse and no payment shall be made therefrom.

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 supplement, 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, 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.

Moneys used  
as specified.

4. This act shall take effect immediately.

Approved April 17, 1903.

#### CHAPTER 268.

An Act to annex a portion of the township of Orvil, in the county of Bergen, to the borough of Saddle River.

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

1. All that portion of the township of Orvil, in the county of Bergen, described as follows: Beginning at the northeasterly corner thereof at a marked pepperidge tree standing at the southeasterly corner of a lot late of Henry S. Banta, and running thence south, twenty-eight degrees west, one hundred and seventy feet; thence (2) south, thirty-three degrees west, two hundred and

Portion of  
Orvil town-  
ship annexed  
to Saddle  
River.

twenty-four feet to a white wood tree; thence (3) south, twenty-six degrees west, three hundred and eighty-six feet to corner of land of George Demarest; thence (4) along the same north, sixty-five and one-quarter degrees west, five hundred and fifty feet; thence (5) north, twenty-three and one-half degrees east, seven hundred and eighty-two feet to the southwesterly corner of the lot late of Henry S. Banta; thence along the same south, sixty-four degrees east, six hundred and sixteen feet to the place of beginning, be set off from the said township of Orvil and annexed to and made a part of the said borough of Saddle River.

2. This act shall take effect immediately.

Approved April 17, 1903.

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## CHAPTER 269.

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.

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

Council may  
by resolution  
provide for  
city hall.

Commission.

1. Whenever in any city in this state the common council, board of aldermen or other governing body having charge of the finances of said city, shall adopt a resolution declaring the city hall in use for city offices 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 fur-



nished ready for occupancy; and said commissioners, before entering upon their duties, shall give bond for the proper performance of their 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 commissioner, 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.

Vacancies.

2. The said commission shall have the power to acquire, by purchase or condemnation, lands which, in the judgment of the commission, are suitable, and to erect thereon, buildings for the use of the city officers, and for the transaction of the public business of said city, and to furnish the same ready for occupancy and use by such city officers; the title to said premises shall be taken in the corporate name of the city, and proceedings in condemnation, when necessary, shall also be taken in the corporate name of the said city; said commission shall also have the power to employ counsel and architects, and incur any proper and necessary expenses in carrying out the provisions of this act.

Acquire  
lands 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, and for all other proper and necessary expenses, shall be paid on the order of the said commission, by the city treasurer, on warrants drawn by the city comptroller, out of any funds which shall be raised in the manner hereinafter authorized.

Payments.

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, not exceeding three hundred thousand dollars, as they, in their discretion, shall determine, for the purchase of lands and the erection of said city hall, 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

Bond issue.

Amount.

Sale. and sell the same at any sum not less than par; and the money so raised by the sale of said bonds shall, upon the books of said city, be carried to the credit of said commission, to be used by said commission for the purposes provided for in this act and for no other purpose whatsoever; said bonds so to be issued shall

Time. be made payable in not less than twenty nor more than thirty years, shall bear interest at a rate not greater

Rate. than four 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

Sinking fund payments. 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.

Sale of public property not needed. 5. For the purposes of this act, the commissioners herein authorized shall have power to sell at public sale, after due advertisement for at least two weeks in the official papers of any such city, such public grounds or buildings thereon, with the ground whereon the same may stand or connected therewith, the property of such city as such commissioners and common council, board of aldermen or other governing body having charge of the finances of such city shall determine 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 such city shall, in case of such sale, give a good and sufficient title therefor, or such title as the city may possess, and

Proceeds. with the proceeds of such sale or sales and of the bonds hereinbefore mentioned, the commissioners herein authorized shall erect the city hall building, and purchase the lands as authorized by the second section of this act.

Approved April 17, 1903.

## CHAPTER 270.

An Act to provide additional accommodations for the state normal school.

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

1. The state board of education be and they are hereby authorized to erect upon the grounds of the said state normal school suitable buildings, of such size as the said board may deem proper, for providing additional class rooms, dormitories, rooms for instruction in manual training and for such other purposes as in the opinion of the said board may be necessary to increase the accommodations and facilities of the school; and the said board are hereby authorized to procure for the said buildings such furniture and apparatus as in their judgment may be necessary and requisite for the above named purposes. Additions to normal school.
2. The erection and furnishing of the said buildings shall be done by contract or otherwise, as the said board shall deem for the best interest of the state; and the said board shall have power to employ architects, superintendents and mechanics, to advertise for proposals, to make a contract or contracts for the whole or any part of said work, and to incur all necessary expenses to carry out the provisions of this act, provided that the total cost for the carrying out of all the purposes of this act shall not exceed one hundred and twenty-five thousand dollars, and provided further that this act shall not become operative until an appropriation is made for this purpose in the annual appropriation bill. Work done by contract.  
Architects, etc.  
Appropriation.
3. The said board shall make to the legislature at its next session, and at each succeeding session, until the said buildings are completed, a full and detailed report of their proceedings and expenditures under this act. Report to legislature.
4. This act shall take effect immediately.

Approved April 17, 1903.

## CHAPTER 271.

An Act to authorize the Northampton bridge company to build a bridge across the Delaware river at Martin's creek.

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

Bridge at  
Martin's  
Creek.

1. It shall be lawful for the Northampton bridge company, and it is hereby authorized by and with the consent of the commonwealth of Pennsylvania, or in conjunction with any company that has obtained or may obtain the consent of said commonwealth, to construct a toll bridge across the Delaware river from a point near the railroad station called Martin's Creek, in the county of Warren and state of New Jersey, to a point near the mouth of Martin's creek, on the opposite side of the river, in the county of Northampton and commonwealth of Pennsylvania, to enable vehicles, animals and pedestrains to cross said river, which bridge shall be so constructed, in reference to the position and form of the piers and the height of the bridge above the water of said river, as to cause the least practicable obstruction to the navigation of said river.

Ownership.

2. When a good and complete bridge is erected over the said river Delaware, at the place aforesaid, the property of the said bridge shall be vested in the said company, their successors and assigns forever, and the said company, their successors and assigns, may demand and receive toll from travelers and others not to exceed the following rates:

Rates of toll.

For every coach, landau, chariot, phaeton or other pleasure carriage with four wheels, drawn by four horses, the sum of twenty-four cents; and for the like carriage, with two horses, the sum of twelve cents;

For every wagon with four horses, the sum of eighteen cents;

For every wagon of the same description drawn by two horses, the sum of twelve cents;

For every chaise, riding chair sulky, cart or other two-wheeled carriage, or a sleigh or sled, with two horses, the sum of twelve cents; and for the same, with one horse, the sum of six cents;

For a single horse and rider, the sum of six cents;

For every driven horse or mule, the sum of six cents;

For every foot passenger, the sum of two cents;

For every head of horned cattle, the sum of two cents;

For every sheep and swine, the sum of one cent;

For every two-wheeled vehicle known as bicycles, tandems or vehicles of like nature, two cents;

For every automobile, the sum of twenty-four cents.

3. This act shall take effect immediately.

Approved April 17, 1903.

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#### CHAPTER 272.

An Act to authorize the Warren bridge company to build a bridge across the Delaware river at Carpenter-ville.

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

1. It shall be lawful for the Warren bridge company, and it is hereby authorized, by and with the consent of the commonwealth of Pennsylvania, or in conjunction with any company that has obtained or may obtain the consent of said commonwealth, to construct a toll bridge across the Delaware river to connect the village of Carpenterville, in Warren county, New Jersey, with Raubsville, in Northampton county, Pennsylvania, to enable vehicles, animals and pedestrians to cross said river, which bridge shall be so constructed in reference to the position and form of the piers and the height of the bridge above the water of said river as to cause the least practicable obstruction to the navigation of said river.

Bridge at Carpenterville.

Ownership.

2. When a good and complete bridge is erected over the said river Delaware, at the place aforesaid, the property of the said bridge shall be vested in the said company, their successors and assigns forever, and the said company, their successors and assigns, may demand and receive toll from travelers and others not to exceed the following rates:

Rates of toll.

For every coach, landau, chariot, phaeton or other pleasure carriage with four wheels, drawn by four horses, the sum of twenty-four cents; and for the like carriage, with two horses, the sum of twelve cents;

For every wagon with four horses, the sum of eighteen cents;

For every carriage of the same description drawn by two horses, the sum of twelve cents;

For every chaise, riding chair sulky, cart or other two-wheeled carriage, or a sleigh or sled, with two horses, the sum of twelve cents; and for the same, with one horse, the sum of six cents;

For a single horse and rider, the sum of six cents;

For every driven horse or mule, the sum of six cents;

For every foot passenger, the sum of two cents;

For every head of horned cattle, the sum of two cents;

For every sheep and swine, the sum of one cent;

For every two-wheeled vehicle known as bicycles, tandems or vehicles of like nature, two cents;

For every automobile, the sum of twenty-four cents.

3. This act shall take effect immediately.

Approved April 17, 1903.

## CHAPTER 273.

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 four.

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 four, namely :

## 1.

## EXECUTIVE DEPARTMENT.

For the governor, for salary, ten thousand dollars; Executive department.  
For the private secretary of the governor, for salary, three thousand dollars;  
For compensation for assistants in the executive department, two thousand five hundred and twenty dollars;  
For blanks and stationery for the use of the executive department, four hundred dollars;  
For postage, expressage and other incidental expenses for the executive department, twelve hundred dollars.

## 2.

## OFFICE OF THE COMPTROLLER.

For the comptroller, for salary, six thousand dollars; Comptroller.  
For the first assistant in the comptroller's office, for salary, twenty-five hundred dollars;  
For compensation for other clerical service in the comptroller's office, four thousand six hundred dollars;  
For blanks and stationery for use in the office of the comptroller, six hundred dollars;  
For postage, expressage and other incidental expenses for the comptroller's office, nine hundred dollars.

## 3.

## OFFICE OF THE TREASURER.

For the treasurer, for salary, six thousand dollars; Treasurer.  
For compensation for clerical services in the office of the treasurer, including assistants employed in the management of the sinking fund, seven thousand five hundred dollars;

For additional compensation for clerical services in the office of the treasurer, including assistants employed in the management of the sinking fund, three hundred dollars;

For blanks and stationery for use in the office of the treasurer, four 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.

Secretary of  
state.

For the secretary of state, for salary, six thousand dollars;

For the assistant secretary of state, for salary, three thousand dollars;

For compensation for all clerical services in the office of secretary of state, eleven thousand three hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of secretary of state, one thousand eight hundred dollars;

For blanks and stationery for use in the office of the secretary of state, four thousand nine hundred dollars;

For compiling and indexing the election laws, two hundred dollars;

For compiling card index for corporations and index of deeds and other records in the general vault of the office of secretary of state, two thousand four hundred dollars.

## 5.

## ATTORNEY-GENERAL'S DEPARTMENT.

Attorney-  
general.

For the attorney-general, for salary, seven thousand dollars;

For compensation and expenses of assistants employed by the attorney-general, fifty-five hundred dollars;

For blanks and stationery for use in the office of the attorney-general, three hundred dollars;



For postage, expressage and other incidental expenses for the attorney-general's department, seven hundred and fifty dollars.

## 6.

## STATE BOARD OF ASSESSORS.

For the members of the state board of assessors, for Assessors. salaries, ten thousand dollars;

For secretary of the state board of assessors, for salary, twenty-five hundred dollars;

For compensation for clerical service in the office of the state board of assessors, six 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, seven hundred and fifty 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, five 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, twenty-five hundred dollars;

For compensation for assistants in the department of banking and insurance, seven thousand one hundred and eighty dollars;

For blanks and stationery for use in the department of banking and insurance, eighteen hundred dollars;

For postage, expressage and other incidental expenses for the department of banking and insurance, fifteen hundred dollars;

For compensation of building and loan association examiners, twelve thousand dollars;

For actual and necessary traveling and incidental personal expenses of building and loan association examiners, five thousand two hundred dollars;

For necessary appraisals of real estate and all other incidental expenses in connection with examinations of building and loan associations, two thousand five hundred dollars.

## 8.

## STATE BOARD OF TAXATION.

Board of  
taxation.

For the members of the state board of taxation, for salaries, ten thousand dollars;

For the members of the state board of taxation for expenses incurred in attending to their official business, one thousand two hundred dollars;

For the secretary of the state board of taxation for expenses incurred in attending to his official business, three hundred dollars;

For assistants in the office of the state board of taxation, three thousand and thirty dollars;

For blanks and stationery for use in the office of the state board of taxation, one hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of state board of taxation, five hundred dollars.

## 9.

## STATE LIBRARY.

Library.

For the librarian, for salary, two thousand dollars;

For compensation for assistants in the state library, two thousand one 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, six hundred dollars.

## STATE TRAVELING LIBRARIES.

For the board of commissioners of the state library, five hundred dollars, pursuant to chapter one hundred and seventy-five of the laws of one thousand eight hundred and ninety-eight.

Traveling  
libraries.

## 10.

## STATE 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, one thousand two hundred dollars;

Board of  
health.

For compensation of assistants in the office of the state board of health, pursuant to said chapter, seven thousand and forty dollars;

For additional allowance for assistant in the office of the state board of health, three hundred dollars;

For compensation to the secretary of said board, pursuant to said chapter, twenty-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, one thousand dollars;

For blanks and stationery for use in the office of state board of health, fourteen hundred dollars;

For maintenance of the bacteriological laboratory, four thousand dollars;

For legal expenses incurred by the state board of health, two 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, two hundred and ninety-four 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 one, and "An act to prevent deception in

Securing  
purity of  
foods, drugs,  
etc.

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, fourteen thousand eight hundred and eighty dollars.

## II.

## BUREAU OF STATISTICS.

Statistics.

For the chief of the bureau of statistics, for salary, twenty-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, five thousand eight hundred dollars;

For blanks and stationery for use in the office of the bureau of statistics, four hundred dollars.

## I2.

## STATE HOUSE COMMISSION.

State house.

For the governor, treasurer and comptroller, 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, fifty-six thousand dollars;

Publication  
of laws.

For the governor, treasurer and comptroller, to be expended for supervising services in carrying out the provisions of chapter four hundred and thirteen of the laws of one thousand eight hundred and ninety-five, five hundred dollars.

## I3.

## STATE MUSEUM.

Museum.

For curator, for salary, fifteen hundred dollars;

For the commission to acquire new material for the museum and for blanks, stationery and other incidental expenses, five hundred dollars.

## 14.

## GEOLOGICAL SURVEY.

For salaries and expenses of department of geological survey and for the completion of the geological survey of this state, pursuant to chapter three hundred of the laws of one thousand eight hundred and ninety-five, and for the continuance of forestry investigation, ten thousand dollars;

Geological  
survey.

For expenses in connection with the publication of the reports and maps of the geological survey, five 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 courts, for salaries, twenty-two thousand five hundred dollars;

For compensation of sergeants-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 CLERK OF THE SUPREME COURT.

For the clerk of the supreme court, for salary, six thousand dollars;

Clerk of  
supreme court.

For compensation for clerical service in the office of the clerk of the supreme court, sixteen thousand dollars;

For blanks and stationery for use in the office of the clerk of the supreme court, thirteen hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of the clerk of the supreme court, thirteen hundred dollars.

## 17.

## COURT OF CHANCERY.

Court of  
chancery.

For the chancellor, for salary, ten thousand dollars;  
For the vice chancellors, for salaries, fifty-four thousand dollars;

For compensation of sergeants-at-arms, four thousand one hundred dollars;

For compensation of stenographers, twelve thousand two hundred and fifty dollars;

For compensation and allowance of advisory masters, three thousand five hundred dollars;

For rent of rooms in Camden, Jersey City and Newark, for the use of chancellor, vice chancellors and advisory masters, forty-seven hundred and fifty dollars;

For miscellaneous expenses in connection with such rooms, two hundred dollars;

For compensation of stenographer for the chancellor, six hundred dollars;

For allowance for stationery for the court of chancery, five hundred dollars.

## 18.

## OFFICE OF CLERK IN CHANCERY.

Clerk in  
chancery.

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, eighteen hundred dollars.

## 19.

## COURT OF ERRORS AND APPEALS.

For compensation of judges of the court of errors and appeals, twelve thousand dollars; Court of errors and appeals.

For compensation of officers of the court of errors and appeals, five 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, three thousand two hundred and fifty dollars; *provided*, such sum is authorized by enactment of the legislature; Court of pardons. Proviso.

For compensation of subordinate officers, three hundred dollars.

## 21.

## LAW AND EQUITY REPORTS.

For the publication of the chancery reports, five thousand three hundred dollars; Legal reports.

For the publication of the law reports, five thousand two hundred dollars;

For salary of chancery reporter, five hundred dollars;

For salary of supreme court reporter, five hundred dollars;

For binding chancery and law reports, twelve hundred dollars.

## 22.

## NATIONAL GUARD.

For expenses for division, brigade and regimental headquarters, four thousand dollars; National guard.

For allowances for two batteries of artillery at seven hundred and fifty dollars each, one thousand five hundred dollars;

For allowances for two troops of cavalry, at one thousand dollars each, two 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 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, fourteen thousand five hundred dollars;

For pay of officers and enlisted men and expenses in connection with the annual encampment, thirty-five thousand dollars;

For compensation of the superintendent and employes, and for forage, fuel and maintenance of the state camp grounds, seven thousand dollars;

For fuel, light and maintenance of the state arsenal, two thousand dollars;

For expenses of military boards and courts-martial, one thousand dollars;

For transportation of disabled soldiers to the home at Kearny, New Jersey, fifty dollars;

For maintaining, heating and lighting armories at Jersey City, Camden, Newark and Paterson, at four thousand five hundred dollars each, eighteen thousand dollars;

For pay and expenses of officers detailed from the United States army for military instruction to officers and enlisted men of the national guard, six hundred 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, fifteen thousand dollars;

For rent of armory for first troop cavalry, one thousand dollars;



For rent of armory for second troop cavalry, one thousand 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, six thousand five hundred dollars;

For pay and expenses of officers and men on annual cruise, two thousand five 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, four thousand five hundred dollars;

For pay and expenses of officers and men on annual cruise, one thousand five hundred dollars.

## 23.

## ADJUTANT-GENERAL'S DEPARTMENT.

For the adjutant-general, for salary, two thousand five hundred dollars; Adjutant-general.

For compensation for clerical service in the adjutant-general's office, five thousand four hundred dollars;

For blanks and stationery for use in the adjutant-general's office, twelve hundred dollars;

For postage, expressage and other incidental expenses for the adjutant-general's office, five hundred dollars;

For clerical service, compiling data for the roster of officers and enlisted men of New Jersey in revolutionary and other wars, at Washington, District of Columbia, or elsewhere, one thousand two hundred dollars.

## 24.

## QUARTERMASTER-GENERAL'S DEPARTMENT.

For the quartermaster-general, for salary, two thousand five hundred dollars; Quartermaster-general.

For compensation for assistants in the department of the quartermaster-general, namely:

For the chief clerk, for salary, two thousand one hundred dollars;

For clerk, for salary, one thousand five hundred dollars;

For stenographer, for salary, four hundred and eighty dollars;

For military storekeeper, for salary, one thousand two hundred dollars;

For carpenter, machinist and to the persons having in charge accoutrements, et cetera, cleaning arms, et cetera, teamster and laborer, for salaries, four thousand five hundred and one dollars;

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.

Trenton  
monument.

For the Trenton battle monument association, for the purpose of keeping said property in good condition and repair, five hundred dollars.

## 27.

## PENSIONS.

Pensions.

For amount required to pay pensions, pursuant to various acts relative thereto, four thousand seven hundred and eighty-four dollars.

28.

## HOME FOR DISABLED SOLDIERS.

For support of the New Jersey home for disabled soldiers at Kearny, and for the chaplain thereof, thirty 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. War claims.

30.

## WASHINGTON ASSOCIATION OF NEW JERSEY.

For trustees of the Washington association of New Jersey, twenty-five hundred dollars. Morristown headquarters.

31.

## STATE BOARD OF AGRICULTURE.

For the state board of agriculture, six thousand dollars; Board of agriculture.

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; *provided*, such sum is authorized by enactment of the legislature. Proviso.

32.

## TUBERCULOSIS COMMISSION.

For expenses and payments by the state tuberculosis commission, twelve thousand five hundred dollars. Tuberculosis commission.

## 33.

## AGRICULTURAL EXPERIMENT STATION.

Experiment  
station.

For salaries and expenses of the agricultural experiment station, fifteen 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 the purpose of carrying into effect "An act to provide for an investigation and report by the New Jersey agricultural experiment station, upon the mosquito problem, in its relation to the sanitary, agricultural and other interests of the state," approved April third, one thousand nine hundred and two, four thousand dollars.

## 34.

BOARD OF VISITORS TO THE AGRICULTURAL COLLEGE OF  
NEW JERSEY.

Visitors to  
agricultural  
college.

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;

For advertising pursuant to chapter nine of the laws of one thousand eight hundred and seventy-nine, ninety dollars.

## 35.

## STATE HOSPITALS.

Asylums.

For traveling expenses of managers, six hundred dollars;

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, one hundred thousand dollars; Trenton asylum.

For support and clothing of insane convicts, at the rate of five dollars per week for each insane convict, twelve thousand dollars;

For support of indigent patients, at the rate of three dollars per week, and cost of clothing, twenty thousand dollars;

For salaries of officers, twelve thousand dollars;

For appraisement of personal property, seventy-five dollars.

37.

STATE HOSPITAL AT MORRIS PLAINS.

For maintenance of county patients, one hundred and eighteen thousand six hundred and sixty-four dollars; Morristown asylum.

For support and clothing of insane convicts, at the rate of five dollars per week for each insane convict, eighteen thousand seven hundred and twenty dollars;

For support of indigent patients, at the rate of three dollars per week, and cost of clothing, thirty-nine thousand nine hundred and eight dollars;

For salaries of officers, fourteen thousand five hundred and fifty dollars;

For appraisement of personal property, seventy-five dollars.

38.

COUNTY LUNATIC ASYLUMS.

For the support of county patients in the Essex county lunatic asylum, ninety-seven thousand dollars; County asylums.

In the Hudson county lunatic asylum, sixty thousand dollars;

In the Camden county lunatic asylum, twenty thousand dollars;

In the Burlington county lunatic asylum, fifteen thousand dollars;

In the Passaic county lunatic asylum, four thousand five hundred dollars;

In the Gloucester county lunatic asylum, fourteen hundred dollars;

In the Cumberland county lunatic asylum, thirteen thousand dollars;

In the Salem county lunatic asylum, two thousand two hundred dollars;

In the Atlantic county lunatic asylum, seven thousand dollars.

## 39.

## STATE PRISON.

State prison. For maintenance of convicts, ninety-five thousand dollars;

For furniture, appliances and repairs of state prison, ten thousand dollars;

For the principal keeper, for salary, three thousand five hundred dollars;

For the supervisor, for salary, three thousand dollars;

For the deputy keepers and employes, for salaries, ninety-two thousand dollars;

For the six inspectors, for salaries, three thousand dollars;

For the keeper, for payments to discharged convicts, two thousand 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.

## 40.

## STATE HOME FOR BOYS.

Boys' home at  
Jamesburg.

For the trustees of the New Jersey state home for boys, sixty-two 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.

For the trustees of the New Jersey state home for girls, for the support and necessary repairs to the home, twenty-five thousand dollars; Girls' home at Trenton.

For the trustees of said home, for expenses incurred in the discharge of their duties, three hundred dollars;

For new school books and appliances, three hundred and fifty dollars.

## 42.

## STATE BOARD OF ARBITRATION.

For the members of the board of arbitration, for salary, six thousand dollars; Arbitration.

For the secretary of the state board of arbitration, for salary, two hundred dollars;

For blanks, stationery and other incidentals for use in the office of the state board of arbitration, fifty 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.

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, four thousand dollars;

For expenses of the fish and game commissioners, one thousand dollars;

For printing game laws, license blanks, etc., seven hundred and fifty dollars.

## 44.

## BLIND AND FEEBLE-MINDED.

Blind. For clothing, maintenance, support and instruction of the blind persons, inhabitants of this state, eleven thousand three hundred dollars;

Feeble-minded. For clothing, maintenance, support and instruction of the feeble-minded persons, inhabitants of this state, sixty thousand five hundred dollars;

For maintenance, support and instruction of feeble-minded women, twenty-five thousand dollars.

## 45.

## FACTORIES AND WORKSHOPS.

Factories. For the inspector and six deputy inspectors of factories and workshops, for salaries, eighty-five hundred dollars;

For the necessary expenses incurred by the inspector and his deputies in the discharge of their duties, two thousand dollars.

## 46.

## STATE CHARITIES AID ASSOCIATION.

Charities. For expenses of the association, six hundred dollars.

## 47.

## STATE HORTICULTURAL SOCIETY.

Horticultural society. To the treasurer of the New Jersey state horticultural society, the sum of four hundred dollars.



48.

STATE OYSTER COMMISSION FOR THE DISTRICT OF OCEAN  
COUNTY.

For the commissioners, for salaries, seven hundred and fifty dollars; Ocean county oyster commission.

For the superintendent, for salary, one thousand dollars;

For patrol service, one thousand dollars;

For incidental expenses, two hundred dollars;

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 cetera, four thousand dollars. Advertising.

50.

## PRINTING.

For printing and binding public documents, thirty-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, seven thousand five hundred dollars.

51.

## PUBLIC ROADS.

For public roads, two hundred and fifty thousand dollars; Roads.

For the state commissioner of public roads, for salary, two thousand five hundred dollars;

For compensation of supervisor for assisting the state commissioner of public roads in supervising, construction, and performing such other duties as necessity may require, one thousand five hundred dollars;

For traveling expenses of supervisor, five hundred dollars.

For expenses for clerk hire, attorney and consulting engineer, fees, stationery and actual traveling expenses, two thousand dollars.

52.

## OYSTER COMMISSION.

Oyster commission.

To promote the propagation and growth of seed oysters, and to protect the natural oyster-seed grounds of this state, ten thousand dollars;

For the preservation of clams, two thousand dollars.

## NEW JERSEY OYSTER AND SHELL COMMISSION.

For the purpose of carrying into effect the provisions of chapter one hundred and eighty-five of the laws of nineteen hundred, three hundred dollars;

For the director of the biological department of the New Jersey Agricultural college experiment station, at New Brunswick, to establish and maintain one or more stations for the scientific investigation of oyster propagation, three hundred 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, sixty-seven hundred dollars;

For toilet and other necessary supplies for use at the legislative session, to be furnished by the state house commission, seven hundred dollars.

54.

#### COLLATERAL 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, ten thousand dollars.

Inheritance  
tax.

55.

#### INSURANCE.

For insurance upon state house and contents thereof, three thousand five hundred dollars.

Insurance.

56.

#### REFUNDING TAXES ON MISCELLANEOUS CORPORATIONS.

For taxes improperly levied upon corporations and to be refunded pursuant to law, five hundred dollars.

Refund taxes.

57.

#### WEATHER SERVICE.

For the continuance of weather stations and preparation, printing and distribution of reports, pursuant to chapter two hundred and fifty-eight of the laws of one

Weather  
reports.

thousand eight hundred and ninety-two, one thousand dollars.

58.

BODIES THROWN UPON SHORES OF THE STATE BY SHIP-  
WRECK.

Shipwrecked  
bodies.

For expenses incurred in viewing bodies cast upon shores by shipwreck, one hundred dollars.

59.

BOARD OF PILOT COMMISSIONERS.

Pilot com-  
missioners.

For expenses incurred by the commissioners, pursuant to chapter three hundred and seven of the laws of one thousand eight hundred and ninety-five, twelve hundred dollars.

60.

AGRICULTURAL COLLEGE FUND.

Agricultural  
college.

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 four, 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 com-  
mission.

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.

For expenses incurred in removing any boat, barge or scow stranded or sunk in any of the navigable rivers of this state, three hundred dollars.

Removing  
sunken  
vessels.

63.

## MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR COLORED YOUTH.

For maintenance of the manual training and industrial school for colored youth, five thousand dollars.

Bordentown  
school.

64.

## NEW JERSEY SCHOOL FOR THE DEAF.

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.

Deaf-mute  
school.

65.

## STATE NORMAL SCHOOL.

For the support of the state normal school, fifty thousand dollars;

For necessary repairs to the grounds, buildings and furniture, and for keeping the same insured, three thousand five hundred dollars.

Normal  
school.

66.

## FREE SCHOOL LIBRARIES.

For the formation of libraries in the free public schools of the state, six thousand dollars.

School  
libraries.

67.

## FARNUM PREPARATORY SCHOOL.

Farnum  
school.

For the support of the Farnum preparatory school at Beverly, twelve hundred dollars.

68.

## INDUSTRIAL EDUCATION.

Industrial  
education.

For payments to schools established for industrial education, pursuant to chapter one hundred and sixty-four of the laws of one thousand eight hundred and eighty-one, fifteen thousand dollars;

Manual  
training.

For payments to schools for manual training, thirty-six thousand dollars.

69.

## SUPERINTENDENT OF PUBLIC INSTRUCTION.

Educational  
department.

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, eight thousand five hundred dollars;

For stationery and blanks, two thousand five hundred dollars;

For necessary incidental expenses incurred by the state superintendent of public instruction in the performance of his official duties and for supervision of manual training, two thousand five hundred dollars.

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 five hundred dollars.

## 71.

## STATE BOARD OF EDUCATION.

For necessary expenses of the state board of education, two thousand five hundred dollars; Board of education.

For procuring plans for school-houses, five hundred dollars;

For supervising plans of new school-houses by state board of education, one thousand dollars.

## 72.

## TEACHERS' INSTITUTES.

For expenses of teachers' institutes, four thousand dollars. Teachers' institutes.

## 73.

## TEACHERS' LIBRARIES.

For the establishment of libraries for use of teachers, four hundred dollars. Teachers' libraries.

## 74.

## COUNTY SUPERINTENDENTS.

For county superintendents of schools for salaries, thirty-six thousand five hundred dollars. County superintendents.

## 75.

## EMERGENCY.

For the governor, to enable him to meet any emergency requiring the expenditure of money not otherwise appropriated, 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. Emergencies.

## 76.

## STATE BOARD OF EXAMINERS.

Examina-  
tions.

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.

## 77.

## STATE SEWERAGE COMMISSION.

Sewerage  
commission.

For salaries of commissioners, seven thousand five hundred dollars;

For salary of secretary, seven hundred and fifty dollars;

Proviso.

For rent and necessary expenses of the commissioners. two thousand dollars; *provided*, said expenses are approved by the governor.

## 78.

NEW JERSEY HOME FOR DISABLED SOLDIERS, SAILORS,  
MARINES AND THEIR WIVES.Vineland  
home.

For salaries and expenses, eleven thousand dollars.

## 79.

## STATE OYSTER COMMISSION.

Oyster  
commission.

For the better regulation and control of the taking, planting and cultivating of oysters on the lands lying under the tidal waters of the Delaware river, Delaware bay, Maurice river cove and Raritan bay in the state of New Jersey, eighteen thousand four hundred 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, two thousand dollars.



80.

## STATE BOARD OF CHILDREN'S GUARDIANS.

To the state board of children's guardians for expenses, six thousand dollars.

Children's  
guardians.

81.

## PUBLIC LIBRARY COMMISSION.

For the purpose of carrying into effect the provisions of chapter sixty-two, laws of nineteen hundred, one thousand dollars;

Library  
commission.

For clerical assistance, necessary traveling and other incidental expenses incurred by the commission, fifteen hundred dollars.

82.

## TRENTON ARMORY.

For the purpose of erecting an armory in the city of Trenton, fifty thousand dollars.

Trenton  
armory.

83.

## NEW JERSEY REFORMATORY.

For traveling and other official expenses of commissioners, one thousand dollars;

Rahway re-  
formatory.

For the superintendent, for salary, three thousand dollars;

For the subordinate officers and employes, for salaries, thirty-three thousand dollars;

For maintenance, twenty-eight thousand dollars;

For furniture, appliances and repairs (including industrial departments), seven thousand five hundred dollars;

For the superintendent for payments to discharged inmates, one thousand dollars.

## 84.

## VILLAGE FOR EPILEPTICS.

Epileptic  
village.

For the superintendent, for salary, two thousand five hundred dollars;

For the steward, for salary, one thousand dollars;

For the assistant physician, for salary, eight hundred dollars;

For maintenance, including fuel and light, twenty thousand dollars;

For telephone, two hundred dollars;

For farm fertilizers, fences, drains, implements and supplies, one thousand five hundred dollars;

For furnishing cottages and other buildings, three thousand one hundred and fifty dollars;

For farm barn, five thousand dollars;

For grading and improvement of grounds, two thousand dollars.

## 85.

## STATE AGRICULTURAL COLLEGE.

Ceramics.

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, two thousand five hundred dollars.

## 86.

## 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.

## 87.

## STENOGRAPHIC REPORTERS.

Amount  
refunded for  
stenographers.

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, eight thousand nine hundred fifty-one dollars and sixty-six cents.

88.

NEW JERSEY SANATORIUM FOR TUBERCULOUS DISEASES.

For the purpose of carrying into effect the provisions of an act entitled "An act making a further appropriation for the erection and equipment of 'The New Jersey sanatorium for tuberculous diseases,' " one hundred thousand dollars (including the cost of heating and lighting) ; *provided*, said sum is authorized by enactment of the legislature; *and provided further*, that no plans shall be adopted or contracts awarded without the approval of the governor, and such plans and contracts shall provide for the entire completion of the buildings at a cost not exceeding three hundred thousand dollars.

Sanatorium.

Proviso.

Proviso.

89.

STATE SCHOOL TAX.

For the purpose of reducing the state school tax to be assessed for the year nineteen hundred and four, a sum equal to thirty-five per centum of the entire amount to be so raised is hereby appropriated, approximating nine hundred and fifty thousand dollars.

School tax.

90.

LOUISIANA PURCHASE EXPOSITION.

For the board of commissioners appointed to represent the state of New Jersey at the Louisiana purchase exposition, to be held in the city of St. Louis, Missouri, during the year one thousand nine hundred and four, seventy thousand dollars; *provided, however*, that no more of said sum shall be expended than will, with the amount which shall be expended from the appropriation made for the same object for the fiscal year ending Oc-

St. Louis  
exposition.

tober thirty-first, one thousand nine hundred and three, make a total expenditure of one hundred thousand dollars.

## 91.

## 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, five hundred dollars; provided, such bureau shall be established by legislative enactment.

## 92.

## FOREST FIRES.

Forest fires.

For the purpose of carrying into effect the provisions of "An act concerning forest fires and the prevention thereof," approved April third, one thousand nine hundred and two, five hundred dollars;

State house  
grounds.

For the purpose of carrying into effect the provisions of chapter fifty-two of the laws of one thousand nine hundred and three, seventy-five thousand dollars.

Appropriation  
from school  
fund.

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 four :

## FREE PUBLIC SCHOOLS.

Public  
schools.

For the support of free public schools, two hundred thousand dollars;

Bonds.

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 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 of the contracts necessary to the entire completion of such building or buildings according to such plans and specifications shall exceed the amount appropriated by this act for such building or buildings; and in any and every case where it shall appear that the appropriation is insufficient to complete such building or buildings, the appropriation hereby made therefor shall not be applied toward the construction of such building or buildings, but shall lapse and no payment shall be made therefrom.

4. No money shall be drawn from the treasury except for objects as herein above 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, 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.

Moneys  
used as  
specified.

5. This act shall take effect on the first day of November, one thousand nine hundred and three.

Effective.

Approved April 20, 1903.



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## SPECIAL SESSION OF THE LEGISLATURE

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(775)





# Act Passed by the Special Session of the Legislature

Convened April 21st, 1903.

## CHAPTER I.

An Act to relieve from pollution the rivers and streams within the Passaic valley sewerage district, established and defined by an act of the legislature, entitled "An act to create a sewerage district to be called the Passaic valley sewerage district," approved March twenty-seventh, one thousand nine hundred and two, and for this purpose establishing therefor a district board of commissioners, defining its powers and duties and providing for the appointment, terms of office, duties and compensation of such commissioners, and further providing for the raising, collecting and expenditure of the necessary moneys.

WHEREAS, The legislature of this state has created and defined a sewerage district, embracing a large number of municipalities and parts of municipalities, in the counties of Passaic, Bergen, Hudson and Essex, under the name of the Passaic valley sewerage district; and

Preamble.

WHEREAS, The Passaic river and many streams flowing into it within said sewerage district are polluted by sewage and other deleterious matter to the extent that the health of the people residing in said district is seriously endangered; and

WHEREAS, Immediate relief therefrom is imperative; and

WHEREAS, The governor of this state, by sanction of the legislature, has appointed five commissioners for said

district with power, among other things, to investigate methods and plans for relieving the streams and rivers within said district from pollution, and for preventing the pollution of the same; and

WHEREAS, Said commissioners have adopted an effectual plan or method for relieving the streams and rivers within said district from pollution, and for preventing the pollution of the same, and have reported said plan or method to the legislature; and

WHEREAS, In order to carry into effect such plan or method, with such modifications or additions thereto as shall hereafter be approved by said commissioners, it is necessary that further and greater power be given to said commissioners;

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

Continuance  
of commis-  
sioners.

1. The commissioners heretofore appointed by the governor of this state in and for the Passaic valley sewerage district shall continue in their respective offices for the terms for which they were severally appointed, and said terms are hereby extended to the first Tuesday of May succeeding the date when their terms under said appointments would respectively expire; and hereafter one commissioner shall be appointed by the governor by and with the advice and consent of the senate in each year for a term of five years, beginning on the first Tuesday of May next following the date of his appointment; any vacancy occurring in the office of commissioner by death, resignation or otherwise, shall be filled by the governor, but for the unexpired term only; each of the said commissioners hereafter appointed, before he enters upon the duties of his office, shall take and subscribe an oath that he will faithfully and impartially execute and perform the duties imposed upon him by law, and cause the same to be filed in the office of the secretary of state of this state; the commissioners shall each receive for services under this act an annual salary of twenty-five hundred dollars, payable in equal monthly installments, and the said commissioners shall henceforth receive no other compensation than that provided under this act; the governor of this state shall have power to remove any commissioner from office for cause

Annual ap-  
pointments.

Vacancies.

Oath.

Compensation.

Power of  
removal.

during his term of office, and upon removal to fill the vacancy thus occasioned for the unexpired term; in making appointments, either for full terms or to fill vacancies, regard shall be had by the governor both to ability and fitness, and also to locality, so that each section of the district may be represented as far as practicable; no commissioner shall be directly or indirectly interested in any contract awarded under the provisions of this act, nor in furnishing materials or supplies therefor to any contractor, nor in furnishing security for the performance of any contract; if at any time it shall appear to the satisfaction of the governor of this state that any commissioner is or has been so interested, or is or has been a stockholder in any corporation furnishing material or supplies to any contractor for work done or to be done under the provisions of this act, or that he is the owner of any lands or water or water rights taken or to be taken or used in or for the construction of any work under the provisions of this act, or a stockholder in any corporation owning or leasing any such lands or waters or water rights, it shall be the duty of the governor to remove such commissioner from office forthwith, and all contracts made by such sewerage commissioners wherein any such commissioner shall have been interested, directly or indirectly, as aforesaid, or otherwise, shall thereupon become and be null and void, and no further payments on account thereof shall be made by said sewerage commissioners.

2. The said commissioners shall, on the first Tuesday in May of each year, at the hour of two o'clock in the afternoon, organize by the choice of one of their members as chairman of the board, and they may elect a treasurer, who may or may not be a member of the board, and a clerk, who may or may not be a member of the board, and may also, from time to time, appoint such other officers, attorneys, agents, employees and servants, and such engineers and assistants as they may deem necessary to carry out the purposes of this act, and may prescribe the duties and fix the compensation of all officers, attorneys, agents, employees, servants, engineers and assistants; and all appointees of said commissioners may be removed at their pleasure; the or-

Qualifications.

Not interested  
in furnishing  
supplies.

Organization; officers, engineers and assistants.

ganization of said board and the appointment of officers, agents, clerks, servants, engineers and assistants heretofore made by the said board shall have the same effect as if made under this act.

Commis-  
sioners a  
body politic.

3. The said commissioners heretofore appointed and their successors in office are and shall continue to be a body politic and corporate, with perpetual succession under the name of "Passaic valley sewerage commissioners," with power to sue and be sued, with power to adopt and use a corporate seal, and the right, power and authority to acquire, hold, use and dispose of all such property, real and personal, as may be proper or necessary, and with all other powers proper or necessary to carry out and effectuate the purposes for which said board is created.

Authority to  
build, etc.,  
sewers, sew-  
age disposal  
works.

4. The board of Passaic valley sewerage commissioners, incorporated as aforesaid, is hereby given full power and authority to make, construct, maintain and operate intercepting, main, trunk and outlet sewers, with the necessary pipes, conduits, pumping works and other appliances for the purpose of taking up within the said Passaic valley sewerage district sewage and other offensive and deleterious matter which would or might otherwise pollute the streams and rivers in said district and convey the same to some proper place or places of deposit, discharge or outfall in the New York bay, within the state of New Jersey, to be selected by the said sewerage commissioners, there to be discharged, which place or places of deposit, discharge or outfall shall be at least one and one-quarter miles, measured at right angles in an easterly direction from the exterior line for solid filling in the New York bay as now established by the riparian commissioners of this state and in a tidal channel of not less than forty feet in depth at mean low water; and the said sewerage commissioners shall also have power to establish within said sewerage district, when necessary, sewage disposal works and works for the treatment, disinfecting and disposal of sewage; *provided, however*, that no sewage disposal work and works for the treatment, disinfecting and disposal of sewage shall be erected, established or maintained within the distance of five miles from the outfall

Proviso.

of said trunk sewer herein provided for; *provided, however*, that nothing herein contained shall in any way be construed to allow or permit said sewerage commission to establish or build more than one sewage disposal works or more than one plant or works for the treatment, disinfecting or disposal of sewage; no contract of any kind shall be awarded at any one time for more than one million dollars; *provided, however*, that this provision shall not apply to the sale of bonds; all work done and materials purchased in the prosecution of said work or works, the cost of which shall exceed five thousand dollars, shall be by contract awarded, after due advertisement, to the lowest responsible bidder, and all contractors shall be required to give bonds satisfactory in security and amount to the said board; and no contract involving an expenditure of more than twenty-five thousand dollars shall be awarded until after the same shall have been submitted to and approved by the governor; *provided*, that no contract for any of the work herein required to be performed by contract shall be awarded except on the express stipulation that so far as practicable all said work shall be performed by union labor, and preference shall be given to citizens of the state of New Jersey.

Proviso.

Proviso.

Work done  
by contract.

Proviso.

5. It shall be the duty of all persons, corporations and municipalities owning or controlling the sewers or drains within the limits of said sewerage district, which discharge directly or indirectly into the streams or rivers within the said sewerage district any sewage or deleterious matter, to cause the same to be connected with and to be discharged into the sewers constructed by the said sewerage commissioners when the same shall have been constructed, and at the places which shall have been designated for that purpose by the said sewerage commissioners; all sewers and drains hereafter constructed by any person, corporation or municipality within the said sewerage district conveying or discharging sewage or other deleterious matter, which might otherwise discharge into or be discharged into the streams or rivers within the said sewerage district, directly or indirectly, shall be so constructed that the outfall or discharge therefrom shall be delivered into the

Connection  
with present  
system.

Line of main  
sewer.

Liability of  
polluting  
waters of New  
York bay.

Acquire lands  
by purchase.

drains or sewers provided by the said sewerage commissioners at the points and places designated by the said commissioners; and it shall be the duty of the said sewerage commissioners, in constructing said intercepting or main sewers, to have them so constructed that connection therewith can be made at necessary or proper points; and all such connections shall be made in accordance with the rules and regulations from time to time adopted by the said sewerage commissioners in relation thereto, and under the direction and supervision of their officers and agents; and all such connections shall be the property of such sewerage commissioners; the main, intercepting or trunk sewer to be constructed by the said sewerage commissioners shall commence at or near the Valley of Rocks, in the city of Paterson, and shall extend to the point of discharge or outfall in the New York bay, within the limits of the state of New Jersey; before any moneys expended or obligations are incurred for the construction of any trunk or outlet sewer which shall discharge into New York bay, the said board shall carefully investigate whether said discharge is likely to pollute the waters of said bay within the jurisdiction of the state of New York to such an extent or in such a degree as to cause a nuisance to persons or property within said state, and shall present the result of their investigation to the governor with their opinion thereon and the reasons for their opinion; and thereupon the same shall be considered by the governor and the attorney-general, and no work shall be done or further proceedings taken unless the attorney-general shall, in writing, advise that no cause of action either for damages or an injunction will arise in favor of the state of New York or any of its inhabitants by reason of such discharge of sewage into the waters of New York bay, and the governor shall, by order, in writing, advise said board that in his judgment it is safe and prudent to proceed with its work, due regard being had to all the risks and dangers of injunctive litigation.

6. The said sewerage commissioners shall have power and authority to purchase and acquire lands and rights or interests in lands within and without the said sewerage district which may be deemed necessary for the con-

construction of sewers, drains, disposal, pumping or other works authorized by this act, but no ventilating plant, sewage disposal works, or works for the treatment, disinfecting or disposal of sewage shall be erected or maintained outside of said sewerage district; and if in any case the said sewerage commissioners shall be unable to agree with the owner or owners of any lands or rights or interests in lands deemed necessary by said sewerage commissioners in the construction and prosecution of the work hereby authorized, or when by reason of legal incapacity or absence of such owner or owners no agreement can be made for the purchase thereof, the lands or rights or interests in lands so deemed necessary for the purposes of this act, shall be acquired by condemnation by the said sewerage commissioners, in the manner provided by the general laws of this state relating to the condemnation of lands for public uses; *provided*, that no private property shall be taken for the purposes of this act without compensation therefor shall have first been made or tendered to the owner or owners thereof, or in lieu thereof, paid to the clerk of the county in which the lands taken are located, for the use of the person or persons entitled to receive the same; and in case such payment or tender to the owner or owners, or payment into court, is made by the said sewerage commissioners upon the award of commissioners, the said sewerage commissioners shall be entitled to take immediate possession of the property so condemned notwithstanding any appeal; and the acceptance by the owners or owners of the lands or rights so condemned of any award of commissioners shall not interfere with or prevent the taking of any appeal provided by law.

7. The said board of sewerage commissioners shall have power to construct any sewer or drain by it to be made or constructed under or over any water course, under or over or across or along any street, turnpike, railway, canal, highway, or other way, and in or upon private or public lands, and in or upon lands of this state and under waters of this state, in such manner, however, as not unnecessarily to obstruct or impede travel or navigation, and may enter upon and dig up any street, road, highway or private or public lands

By condemnation.

Proviso.

When possession.

Right entry upon lands, streets, etc.

Perform all necessary acts.	either within or without the said sewerage district for the purpose of constructing or laying sewers or drains upon or beneath the surface thereof, and for maintaining and operating the same, and in general may do all other acts or things necessary, convenient and proper to carry out the purposes of this act; but no part of said sewer where laid under the waters of this state beyond the exterior lines for solid filling, as established by the riparian commissioners of this state, shall in said New-
Depth under Newark and New York bays.	ark bay be above an elevation of thirty feet below mean low water, or shall in said New York bay be above an elevation of thirty-five feet below mean low water; and the said board of sewerage commissioners shall have power, for the purpose of carrying such sewage or other matter to the place of deposit or discharge in New York
Work outside sewerage district.	bay, to construct sewers within territory outside of the said sewerage district, and with its sewers, pipes and drains to pass through or partly through the territory of municipalities outside of said sewerage district; and whenever the said board shall dig up any road, street or highway as aforesaid, it shall, as far as possible, restore the same to as good condition and order as the same was
Proviso.	when such digging commenced; <i>provided, however</i> , that when such streets, roads or highways lie outside of such sewerage district the laying down of sewers or drains under or across said streets, roads or highways shall be subject to such police regulations of the governing bodies of such municipalities as are applicable and enforceable in the construction of sewers or drains for such municipality.
Authority to alter water courses and street grades.	8. The said sewerage commissioners shall have power and authority to alter or change the course or direction of any water-course, and with the consent of the township committee of any township, and of the board or body having control of the streets or highways in any city, town or other municipality, to alter or change the grade or location of any highway, public street or way crossed by any sewer or drain to be constructed under the provisions of this act.
Right of entry on lands.	9. The said board of sewerage commissioners may by its officers, agents, servants and employees, enter at all times upon any lands or waters within or without the



said sewerage district for the purpose of exploring, surveying, leveling and laying out the route of any drain or sewer, locating any disposal, pumping or other works, establishing grades and doing all necessary preliminary work; doing, however, no unnecessary damage or injury to private property.

10. The said board of sewerage commissioners shall at all times keep full and accurate accounts of its receipts, expenditures, disbursements and liabilities, and shall annually cause a detailed statement thereof to be published and a copy thereof mailed to the secretary of state of this state and to the clerk of each of the municipalities in the district; the fiscal year of said sewerage commissioners shall end on the first Tuesday of May in each year, and said report so to be published shall be a report for the previous fiscal year, and shall be made as soon after the end of each fiscal year as conveniently may be; and the mayor or chief officer of any city or other municipality included within said drainage district shall be given full access to all the books, accounts and vouchers of the said board at all reasonable times for the purpose of examination, and report in the interest of such municipalities respectively and of the taxpayers therein.

Accounts  
kept and  
published.

11. To provide for the payment of costs and expenses incurred or to be incurred by the said sewerage commissioners for the purchase of lands, rights or interests in lands, or other property or rights, and in the construction of said disposal works, pumping stations, sewers, drains and all other works by them to be constructed, and for engineering, administrative and other expenses connected therewith, including interest during construction, said board of sewerage commissioners shall have power from time to time to issue its corporate bonds in an amount not to exceed nine million dollars, and not to exceed the total estimated cost and expenses of the whole work; such bonds shall be in the form and payable at a time not exceeding fifty years from the date thereof; and at such places and either in currency or coin as the said sewerage commissioners may determine; such bonds shall bear interest at a rate not exceeding four per centum per annum, payable semi-

Payment of  
expenses by  
issue of  
bonds.

Amount.

Time.

Rate.

When due.	<p>annually; all such bonds shall be signed by the chairman of the said board of sewerage commissioners and countersigned by the treasurer, and shall be sealed with its corporate seal, attested by the clerk; in issuing such bonds the board of sewerage commissioners may, in its discretion, make the same or any part thereof fall due at stated periods, less than fifty years from the date of issue, and may reserve in said bonds an option to redeem or pay the same, or any part thereof, at stated periods, at any time between the date thereof and the date at which they would otherwise fall due; the said bonds may be either coupon or registered bonds, or partly coupon and partly registered bonds, and all such bonds may be negotiated, sold and disposed of at not less than their par value, and the same, or the proceeds thereof, may be used by the said sewerage commissioners for the purposes aforesaid; the said board of sewerage commissioners shall keep the cost and expenses of the construction of its plant—in which shall be included the cost of lands, rights or interests in lands, and the cost of all other property and rights, and the cost of construction of all works, including engineering expenses, administrative expenses and legal expenses, and including interest during the course of construction—separate from the cost and expenses of maintenance, operation and repairs; all sales of bonds shall be made after public notice and advertisement calling for bids, and shall be made to the highest responsible bidders.</p>
Coupon or registered.	<p>12. The said board of sewerage commissioners may, in anticipation of the issuing of bonds, and from time to time as it may need money, borrow such sum or sums of money, not exceeding at any one time one-fifth of the estimated cost of the whole work, and may issue its certificates of indebtedness, promissory notes or other obligations therefor, retiring the same from time to time as the bonds hereinbefore authorized to be issued are sold; in order that the said bonds issued for the purchase of land, rights in land, and for the construction of the works, plant and extensions, betterments and improvements thereof may be paid and retired at maturity, the sewerage commissioners shall provide a proper and suitable sinking fund not exceeding in amount to be</p>
Construction and maintenance accounts separate.	
Borrow money.	
Sinking fund.	

raised in any one year one per centum of the face value of the bonds issued, which sum shall be raised annually, beginning with the fifth year after the issuing of said bonds, at the time and in the manner herein provided for the raising of the moneys necessary to pay the interest on said bonds; the money so raised for sinking fund purposes shall be kept in a separate account by the treasurer of the board of sewerage commissioners, and shall, under its direction, be used or invested from time to time in the purchase or retirement of its own bonds, or in the purchase of securities in which savings banks and savings institutions of this state are authorized to invest.

13. All indebtedness of the said board of sewerage commissioners incurred for the purchase of lands, rights or interests in land or other property, and in the construction of its works or plant, or otherwise lawfully incurred, pursuant to the provisions of this act, whether such indebtedness is represented by bonds, certificates of indebtedness, promissory notes or other form of indebtedness, with interest accrued or to accrue thereon, shall be a charge upon all persons and property in the municipal or taxing districts lying in whole or in part within said sewerage district as fully as the legislature of this state shall have power to authorize the same; and all bonds, certificates of indebtedness, promissory notes and other obligations issued by the said board of sewerage commissioners shall be free from all state, county, municipal and other taxes, and the property, real and personal, of the said board of sewerage commissioners, held by it under the authority of this act, wherever situated, shall in like manner be free from taxation.

Property  
liable for in-  
debtedness.

14. The said sewerage commissioners shall on or before the fifteenth day of June, in each year, ascertain and determine the amount of money necessary to be raised for the payment of interest upon bonds and other indebtedness, and for sinking fund charges for the current fiscal year, and shall apportion the same among the respective municipalities and taxing districts lying in whole or in part within said sewerage district, in such proportion as the taxable ratables within so much of said municipality or taxing district as is embraced within said sewerage district bears to the total amount of

Amount  
raised  
annually.

Apportioned.

Proviso.	taxable ratables within the whole of said sewerage district, as returned and certified by the respective taxing boards and taxing officers of the said municipalities or taxing districts for the preceding year; <i>provided, however,</i> that all ratables in said district for this purpose be assessed at their true value; and it shall be the duty of each assessor, taxing board or taxing officer for the several municipalities and taxing districts lying in whole or in part within said sewerage district for this purpose to examine, compute, determine and certify to the said sewerage board annually and by the first day of April of each year the amount of taxable property or ratables assessed in the last preceding year to or upon persons and property within so much of the several municipalities and taxing districts as lie within the said sewerage district, and the books of each of the said assessors, taxing boards and taxing officers shall at all times be open for examination by the board of sewerage commissioners, its officers and agents, for the purpose of examining, checking, and if necessary, correcting said certificates.
Assessor's duties.	
Amount for annual maintenance.	15. The said board of sewerage commissioners shall, on or before the fifteenth day of June in each year, ascertain and determine as near as may be the amount of money necessary to be raised for operating, maintaining and repairing its works and plant for the current fiscal year, and shall apportion the money so estimated to be necessary among the several municipalities or taxing districts lying in whole or in part within said sewerage district according to the amount of sewage by them respectively delivered to or discharged into any sewers or other receptacles provided or constructed by the said sewerage commissioners for the reception thereof; before such apportionment is finally made and adopted by the sewerage commissioners for any year and on the fourth Tuesday of May, at two o'clock in the afternoon, the said sewerage commission shall sit at its principal office for the purpose of hearing such municipalities as desire to be heard upon the apportionment of the estimated amount of money required for the operation, maintenance and repair of said works and plant, but the apportionment when made by the said sewerage com-
Apportioned.	
Hearing on apportionment.	

missioners shall be final and conclusive; in case, however, the estimate of moneys necessary to be raised in any year for operating, maintaining and repairing the works and plant of the sewerage commissioners shall, at the end of the year, be found to have been too low, the deficiency shall be made good by adding the same to the estimated amount required for operating, maintaining and repairing the said works for the next succeeding year; and if said estimate shall be found to have been excessive, then such excess shall be deducted from the estimate for the next succeeding year.

If estimate  
erroneous.

16. The said board of sewerage commissioners shall, on or before the twentieth day of June, in each year, order and cause a tax to be levied and assessed upon all persons and property within each of the municipal and taxing districts lying in whole or in part within said sewerage district for the purpose of raising the money necessary to pay interest upon its bonds and other indebtedness and necessary sinking fund charges, and for the sum or sums of money estimated as necessary to provide for the proper maintenance and operation of its works and plant, and for all the other expenses of the said sewerage commissioners, and to this end it shall, on or before the twentieth day of June, in each year, certify to the tax assessor, taxing board or taxing officer of each of said municipalities or taxing districts lying in whole or in part within said sewerage district the amount of tax required to be levied, assessed and raised in each of their respective municipalities and taxing districts for said purposes; and the said assessors, taxing boards and taxing officers shall assess said sums so directed to be assessed (and certified to them) upon all the persons and property within their respective municipalities or taxing districts liable to be assessed for state or county taxes, and the said tax shall be levied, assessed and collected by the same officers, at the same time and in the same manner and with the same effect as state or county taxes are required to be levied, assessed and collected within said municipalities or taxing districts; and the taxes so levied upon real estate in said municipalities and taxing districts shall be and remain a first and paramount lien thereon until paid.

Order tax  
assessed.

Certify  
amount to  
assessor.

Taxes a first  
lien.

Payment to  
treasurer of  
commission.

17. Out of the first moneys collected in any year in any municipality or taxing district, and not required by law to be paid to the county collector for state or county purposes, it shall be the duty of the disbursing officer or officers of such municipality or taxing district to pay to the treasurer of the sewerage commissioners the sum or sums of money directed by said sewerage commissioners to be assessed, levied and collected in such municipality or taxing district.

May borrow  
moneys in  
anticipation  
of taxes.

18. The said board of sewerage commissioners may from time to time, in anticipation of the collection of moneys directed by it to be assessed, levied and collected within the municipalities or taxing districts lying in whole or in part within its sewerage district, borrow such sum or sums of money as may be necessary for the payment of interest upon bonds or other indebtedness, and for the payment of sinking fund charges, and for the payment of its officers, agents, employees, and for all other necessary or proper expenses in maintaining and operating its works and plant, and the payment of the moneys so borrowed shall be secured by a lien upon said taxes as levied and assessed, or so directed to be levied and assessed, and said taxes when collected shall be applied to the payment of the moneys so borrowed; all loans made in pursuance of this section shall be after public notice and advertisement, and shall be made or taken from the person or persons offering the most favorable terms.

May make  
contract with  
municipality  
for disposal  
of sewage.

19. If, in any case, the streams and rivers within the said sewerage district are or may be polluted by sewage or other deleterious matter discharged therein, directly or indirectly, from any municipality or any part of a municipality lying without the said sewerage district, it shall and may be lawful for the said board of commissioners to enter into contract with such municipality for the disposal of all such sewage and deleterious matter, and every such municipality is hereby authorized to enter into such contract with the said board, and the said board may, in the constructions made by it under the authority of this act, make provisions for such disposal; such contracts may be made upon such terms and for such lengths of time and for such annual or

Terms of  
contract.

semi-annual payments as shall be mutually agreed upon, and the municipalities and taxing districts so contracting shall have the power to raise annually, by taxation, the moneys necessary to make the payments required to be made under such contracts, or to use for this purpose any moneys not otherwise appropriated; and the moneys received by the said commissioners under such contracts shall be applied by them as follows: two-thirds thereof to the payment of interest upon bonds issued by the said board, and one-third thereof to the payment of the expense of operation, maintenance and repair of work.

20. The said sewerage commissioners shall have within said sewerage district powers exclusive of all other boards to protect the rivers and streams thereof from pollution and to prevent the pollution of the same, and to this end the said sewerage commissioners may prohibit the deposit or discharge into the rivers or streams within said sewerage district of any sewage or other matter or thing which may pollute the same; they may also in like manner prohibit or prevent the emptying into any tributary of said rivers or streams, by any municipality or part of a municipality lying within the said sewerage district, of any sewage or other matter or thing which will directly or indirectly cause the rivers or streams within said sewerage district to be polluted; and the said board of sewerage commissioners may at any time, when it has reason to believe that any river or stream within its district is being polluted by any such municipality or part of a municipality by deposit or discharge into said rivers, streams or their tributaries, of any sewage or other matter or thing which will pollute the same, or when such deposit or discharge is threatened, to apply by bill or petition to the court of chancery of this state for injunction to prevent the said pollution or threatened pollution of said rivers or streams or their tributaries, and the court of chancery shall have power to hear and dispose of said petitions or bills in a summary manner, and to grant any and all relief necessary to prevent said pollution or threatened pollution or the continuation of any pollution of said rivers, streams or their tributaries.

Power to protect streams from pollution.

Rules and  
regulations.

21. The said board of sewerage commissioners shall have power from time to time to adopt all such reasonable rules and regulations for its own government and the government of its officers and agents, and also for the use, protection and management of its works, property and plant, and for the protection of the rivers and streams within its district from pollution, not inconsistent with the provisions of this act and the laws of this state.

Duties of  
chairman and  
treasurer.

22. The chairman shall preside at all meetings of the sewerage commissioners and shall, with the treasurer, sign all bonds, promissory notes, certificates of indebtedness and other obligations of the board; he shall also countersign all checks; in the absence of the chairman, or in case he is incapacitated by illness or other cause, the sewerage commissioners shall have power to elect an acting chairman who for the time being shall have all the powers and perform all the duties of the chairman; the treasurer shall give bond in such sum as the sewerage commissioners may determine, and shall be the receiving and disbursing officer of the said sewerage commissioners, and all moneys required by law to be paid to said sewerage commissioners shall be paid to the treasurer thereof, and shall be by him deposited in such bank or banks of deposit or trust company or trust companies in this state as shall be determined upon by the said sewerage commissioners; all disbursements shall be by check signed by the treasurer and countersigned by the chairman; the clerk shall have charge of the seal of the corporation and shall affix it to such instruments as he shall be directed by the said board, and he shall attest the same; he shall keep full minutes of all the meetings of the board and of its committees and shall perform all such other duties as he may be directed by the said board of commissioners to perform; no deposit of moneys in the charge of the said board shall be made in any bank or trust company except upon the condition that the said board shall receive interest at the rate of not less than two per centum per annum upon the said deposits.

Disburse-  
ments.

Seal; minutes.

Interest on  
deposits.

In case of  
unconstitu-  
tionality.

23. 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.

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

Approved April 22, 1903.



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# PROCLAMATIONS.

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(795)



## Proclamations by the Governor.

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### PROCLAMATION.

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

In conformity with the day named by the President of the United States, I appoint Thursday, November 27th, as a day of public Thanksgiving and Prayer—of thanksgiving for blessings received and of prayer for their continuance. I do this partly because it has been an honored custom in this State from its foundation, which I hope will continue as long as the State shall endure, to set apart at least one day in the year for this purpose, and partly because it is right and proper to make public as well as private acknowledgment to an ever-living and merciful God for his constant and unfailing care. No nation has ever been blessed with all the material blessings of life as our nation. No State in our nation has been more favored than the one in which it is our happy lot to dwell. We are a God-fearing and a God-loving people. Let us gather together in our public places of worship on the day named and render public thanks and prayer to Almighty God for all his mercies.

Witness my hand and the great seal of the State of New Jersey hereunto affixed. Done at the  
[SEAL.] city of Trenton this eighth day of November, in the year of our Lord one thousand nine hundred and two.

FRANKLIN MURPHY.

By the Governor:

S. D. DICKINSON,  
*Secretary of State.*

## PROCLAMATION.

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

WHEREAS, the comptroller did, on the fifth day of January, nineteen hundred and three, under the provisions of the 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 March 23, 1900, 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 1900, 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;

WHEREFORE, I, Franklin Murphy, 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 1900.

A. A. Smith Company,  
A. A. Zimmerman Cycle Company,  
Acetylene Engineering Company,  
Achor Chocolate Company,  
Acleana Pipe Manufacturing Company,  
Acme Nut Lock Company of Jersey City, New Jersey.

Acme Railway Equipment Company,  
Acme Steam Laundry Company,  
Adam Brown Packing Company,  
Adamston Coal, Coke and Oil Company,  
Adaxuka Medical Company,  
Adjustable Skirt Drafting Machine Company,  
Adjustment Corporation,  
A. F. Bradley Company,  
Alabama Iron and Railroad Company,  
Alamo Heights Land Company,  
Alaska Railway and Transportation Company,  
Alaska-Yukon Railway and Navigation Company,  
Albert Keen Company,  
Almonesson Lake Company,  
Amasa Lyon Umbrella Company,  
Amboy Telephone Company,  
American Advertising Company,  
American Automatic Music Machine Company,  
American Automusic Company,  
American Bill-Posting and Distributing Company,  
American Brass Works,  
American Brick Company,  
American Button and Novelty Company,  
American Cash Register Company,  
American Central Contracting Company,  
American Commercial Rubber Company,  
American Construction Company,  
American Desk Manufacturing Company,  
American Electric Meter Company,  
American Fisheries Company,  
American Food Company,  
American Gas Fuel Company of the State of New  
Jersey,  
American Ginning Company,  
American Grease Company,  
American Grocer Publishing Company,  
American Hide and Leather Importing and Trading  
Company,  
American Home Construction Company,  
American Investment Company and Provident Friend  
Association,  
American Liberian Improvement Company.

American Linen Fibre Company,  
American Manufacturing Company,  
American Medical Supply Company,  
American and Northwest Mining Company,  
American Ore Separating Company,  
American Paint Company,  
American Plaster Company,  
American Publishing House,  
American Railway Construction Company,  
American Rubber Horse Shoe Company,  
American Soda Company,  
American Surety Investment Company,  
American Velocitan Company,  
American and West India Cable Company,  
American Wolfram Company,  
Amrhein Chemical Company,  
Anacostia Drug Company,  
Anglo-American Market Company,  
Anker Specialty Company,  
Antibrule Chemical Company,  
Antiseptic Soap Company,  
Archipelago Exploitation Company,  
Argentine-American Commercial Company,  
Argentine American Promotion Company,  
Arizona Copper Smelting Company,  
Arkansas Zinc Mining Company,  
Artesian Sanitarium Company,  
Artificial Rubber Company,  
Art Manufacturing Company,  
Asbestus Starch Company,  
Ascot Vehicle Company,  
Atlantic Cement Company,  
Atlantic City Carette Company,  
Atlantic City Laundry Company,  
Atlantic City Realty Company,  
Atlantic City Telegraph and Telephone Company,  
Atlantic City Wheel Company,  
Atlantic Clay Company,  
Atlantic Coast Ice Company,  
Atlantic Electric Vehicle Company,  
Atlantic Navigation Company,  
Atlas Steel Converting Company,



Atlas Syndicate Company,  
Automatic Air Brake Appliance Company,  
Automatic Can Machinery Company,  
Automatic Cigar Vending Company of New Jersey,  
Automatic Elevator Door Device Company,  
Automatic Elevator Valve Company,  
Automatic Knitting Machine Company,  
Automatic Match Box Company,  
Automatic Metallic Weather Strip Company,  
Automatic Novelty Company,  
Automatic Safety Railway Switch Company,  
Automatic Telephone and Electric Company,  
Automobile Publishing Company,  
Avenue Warehouse Company,  
A. W. Stroud Manufacturing Company,  
Azo-products Company,  
Bailey Automatic Bicycle Brake Company,  
Bailey Brothers and Company,  
Baltzley-McKnight Company,  
Baltzley-McKnight Mining Company,  
Barker Mercantile Company,  
Beck Company,  
Beckwith Printing Company,  
Belgian Lace Company,  
Bell Improved Scale Company,  
Bellman Publishing Company,  
Belsena Coal Mining Company,  
Bergen Building and Improvement Company,  
Berkshire Flower Company,  
B. F. Walton Buff Brick Company,  
Billstein Company,  
Binghamton Printing and Publishing Concern,  
Bishop Fiber Company,  
Blackmore Heating Company,  
Blanchard's Express Company,  
Bloomfield Hat Manufacturing Company,  
Blossom Zinc Company,  
Bohemia Consolidated Mining and Milling Company,  
Bonanza Mining Company,  
Bonham Street Car Fender Company,  
Boonton Water Company,  
Bordentown and Crosswicks Turnpike Company,

Boston-Breweries Company,  
Boston Co. Press,  
Boston Grocery Company,  
Boston Hotel Company,  
Boston Mining and Smelting Company,  
Boston and Parral Mining Company,  
Boston and Slocan Mining Company,  
Bowling Green Construction Company,  
Bradfish-Wuestner Photo Paper and Dry Plate Com-  
pany,  
Braid Brothers Company,  
Brandenburg Manufacturing Company,  
Brewer Shoe Company,  
Bridgeton Specialty Manufacturing Company,  
Bristol and Joplin Lead and Zinc Mining Company,  
British-American Bond Company,  
Brokers and Adjusters Company,  
Brokers Café-Billiard Company,  
Brundages Cash Grocery Company,  
Buckley Machine Company,  
Buffalo Union Grate Bar Company,  
Builders Material and Supply Company,  
Burgee Silk Mills Company,  
Burglary Preventive Company of America,  
Burnham Food Company,  
Butler-Breed Company,  
Butte-New York Copper Company,  
Caldwell Cotton Planter Company,  
Camden Consolidated Ice and Cold Storage Company,  
Camden Daily Telegram Company,  
Camden Reduction Company,  
Cape May Transportation Company,  
Capital Chemical Company,  
Caracas Construction Company,  
Carbon Coal Company,  
Carl F. Seitz Hat Company,  
Carlstadt Chemical Company,  
Carroll Chainless Cycle Company,  
Carter Steel and Iron Company of East Tennessee,  
Castle Thill-Coupler Mnfg. Company,  
Catering, Bakery & Confectionery Company of New  
Jersey,

Caxton Book Binding Company,  
C. Chapot and Sons Chamois Leather and Glove Com-  
pany,  
Cedar Lake Milling Company,  
Central Company,  
Central Clothing Company,  
Central Lumber and Supply Company,  
Central New Jersey Land Company,  
Century Development Company,  
Chandler Manufacturing Company (No. 1),  
Chandler Manufacturing Company (No. 2),  
Charles Austin Bates Syndicate,  
Charles C. Thompson Company,  
Charles F. Miller & Company,  
Chase Electric Construction Company,  
Chemicals and Drugs Company of America,  
Chesley Electric Company,  
Chrome Patent Leather Company,  
Cincinnati Pulp Barrel Company of Hamilton County,  
Ohio,  
Citizens Telephone Company of New York and New  
Jersey,  
Citizens Water Company of Cripple Creek, Colorado.  
Clark Electrical Company,  
Clement Pneumatic Tool Company,  
Clinton Chemical Company,  
Cloudine Company,  
Club Woman's Magazine Publishing Company,  
Co-Coa-ine Soap Manufacturing Company,  
Cold Springs Land Company,  
Colonial Improvement Company,  
Colonial Manufacturing Company,  
Colonial Match Company,  
Colonial Trading Company,  
Colorado Maid Mining Company,  
Columbia Metal Company,  
Columbia Publishing Company,  
Columbia Refrigerating Company,  
Columbia Theatre and Music Hall Company,  
Columbian Building Company,  
Columbian Electric Car Lighting and Brake Company,  
Columbus Sanitarium Company,

Commercial Investment Company,  
Commercial Publishing and Mercantile Company,  
Commercial Union Adjustment Company,  
Commercial Visible Typewriter Company,  
Comminge Nut Lock Company,  
Composite Veneering Company,  
Condon and Ferry Company,  
Connecticut Granite Company,  
Conovers Bros. Company,  
Consolidated Electric and Photographic Supply Company,  
Consolidated Paper Box and Paper Company,  
Consolidated Sand Company,  
Consolidated S. O. S. Bag Company,  
Construction Information Company,  
Consumers Co-operative Company,  
Consumer's Electric Light, Heat and Power Company,  
of Hudson County, N. J.,  
Consumers' Supply Company,  
Continental Automobile Company,  
Continental Clay Product Company,  
Continental Crude Rubber Company,  
Continuous Spray Carbonator Company,  
Cokes Electric Match Company,  
Coolerine Manufacturing Company,  
Co-operative Benefit Society of America,  
Co-operative Merchandise Company,  
Coulter Vapor Inhalation Company,  
Counselor Publishing Company,  
Craig Medicine Company,  
Crary Typewriter Company,  
Credit Reference Company,  
Crown Tool Steel Company,  
Cuba Libre Art Company,  
Cuban American Ice Company,  
Cuban and American Mercantile Company,  
Cuban and American West Indian Commercial and Improvement Company,  
Cumberland Coal, Timber and Oil Company,  
Cyclorama Company,  
Daly Bicycle Supply and Manufacturing Company,  
Danville Fire Brick Company,

Davenport & Company,  
Daylight Shutter Company,  
Decorative Art Works,  
D. E. Culver Company,  
Deimel Linen-Mesh Company,  
Diamond Camera and Photographic Supply Company,  
Diamond Cutlery Company,  
Diamond Fly Paper Company,  
Diamond Mineral Spring Water Company,  
Diamond Wood Company,  
Diebel-Cox Manufacturing Company, formerly Diebel-  
Eppler Manufacturing Company,  
Dills Patent Emergency Brake Company,  
Dispatch Publishing Company,  
Ditzel Metal Manufacturing Company,  
Doebler Manufacturing Company,  
Dominion Promoting, Operating and Investment Com-  
pany,  
Dr. M. F. Cyphers Allopathic Medical Company.  
D. W. Truss Company,  
Dylene Company,  
Eagle Realty Company,  
Eagle Steam Laundry Company,  
East Jersey Electric Company,  
Eastern Grain Company,  
Eastern Iron Ore Company of New Jersey,  
Eastern Iron, Steel and Metal Company,  
Eastern Water Power and Electric Power Company,  
Eastman Company,  
E. B. Cutten Electrical and Manufacturing Company,  
Eclipse Manufacturing Company,  
Eclipse Package Handle Company,  
Economic Light and Power Company,  
Economical Vehicle, Auto-mobile and Transportation  
Company,  
Economy Gas Consumers Company,  
Eddington Mining Company,  
Edge Hill Mica Schist Company,  
Edgemere,  
E. G. Hulse Printing Company,  
E. Howard Power and Clock Company,  
Electric Dimmer and Appliance Company.

Electric Process Company,  
Electric Regulator Company,  
Electrical Construction and Maintenance Company of  
America,  
Electrical Stone Cleaning and Renovating Company,  
Electro Antiseptic Company,  
Electro-Pneumatic Transit Company,  
Elizabeth Cycle Manufacturing Company,  
Elizabeth Gold Mining Company,  
Empire Electrical Machinery Company,  
Empire Fire Proofing Company,  
Empire Land and Improvement Company,  
Empire Oil Works,  
Empire Telephone and Telegraph Construction Com-  
pany,  
Enterprise Building Company of East Orange, New  
Jersey,  
Enterprise Chain Company,  
Enterprise Rubber Company,  
Erie Coal Company,  
Erie Construction Company,  
Essex Building and Land Company,  
European Tourist Company,  
Evans Seed Paper Company,  
E. W. De Bow Company,  
Excelsior Compressor Company,  
Excelsior Paper Mills,  
Excursion Company, General,  
Express Company, General,  
Fairmount Land Company,  
Falk, Murphy and Company,  
Fan Regulator Fire Escape Company,  
Faust Bottling Company,  
Federal Car Truck and Motor Company,  
Federal Contract Company,  
Federal Mercantile Agency,  
Federal Printing Ink Company,  
Felix Company,  
"F. and F." Nozzle Company,  
F. H. MacKeag Company,  
Fidelity Bond and Mortgage Company,  
Fidelity Land and Improvement Company of Newark,  
New Jersey,

Fidelity Manufacturing Specialty Company,  
Fidelity Mining Company,  
Fidelity Storage and Warehouse Company,  
Fifield Lumber Company,  
Fireproof Dwelling Company,  
F. O. Garvin Company,  
Forto Electric Company,  
Fort Scott Beet Sugar Company,  
Fortuna-Republica Gold Mining Company,  
Fox Island Improvement Company,  
Francis & Loutrel Company,  
Franco-American Doll Company,  
Franco-American Wine and Brandy Importing Company,  
Franklin Electric Light Company.  
Franklin Syndicate (Incorporated),  
Fred Hylands Company, formerly Hylands, Spencer and Yeager Company,  
Gale Manufacturing Company,  
Gallagher, Fairchild Company,  
Gambrinus Cleaning Company,  
Gardam Laboratory and Development Company,  
Gardiner and Company,  
Gas Security and Guaranty Company,  
Gear Hydrant and Supply Company,  
Gem Lock Spindle Company,  
General American Reduction Company,  
General Carriage Company,  
General Commercial and Trading Company,  
Gentlewoman Publishing Company,  
Geo. W. Laird Company,  
German-American Finance Company of New York,  
Gerson Millinery Company,  
Gifford Specialty Manufacturing Company,  
Glenwood Silk Mills,  
Globe Manufacturing Company,  
Globe Oil, Natural Gas and Mineral Company,  
Globe Radiator and Range Company,  
Goodrich Manufacturing Company,  
G. Quosig Butcher Company,  
Great Inter-State Steamboat Company,  
Greens Hotel Company,

Green-Spring Estate Company,  
Gregory Consolidated Mines Company,  
Grigg Suspension Tire Company,  
Guide and Directory Publishing Company,  
Gurney Street Sweeping Machine Company,  
Hackensack Laundry Company,  
Hadley Marble and Slate Company,  
Hall Acetylene Company,  
Hall and Garrison Manufacturing Company,  
Hallidie Wire Rope Tramway and Cable Company,  
Hallstead Paint Manufacturing Company,  
Hanover Lead and Zinc Company,  
Hardware Supply Company,  
Harlow Drug Company,  
Hartford Automatic Switch and Truck Company,  
Hartford Lighting and Supply Company,  
Hartford and Springfield Railway Construction Com-  
pany,  
Harvey Drug and Chemical Company,  
Havana Abattoir Company,  
Havana Quarry Company,  
Havana Traction Company,  
Hayden Specialty Company,  
H. B. Lounsbury Company,  
Hearttgen Folding Seat Company,  
Hillside Land Company of Passaic,  
Hippisley Manufacturing Company,  
Hollander Drug Company,  
Home Brewing Company,  
Home Industrial Company,  
Homesdale Realty Company,  
Homestead Park Company,  
Home Telephone Company of New Brunswick,  
Honduras Planting and Trading Company of Honduras,  
Honduras Trading and Investment Company,  
Horner Sanitary Sink Company,  
Hotel Reynolds Company,  
Householder Mining Company,  
Howard Automobile Company,  
Howard Manufacturing Company,  
H. P. Binswanger Company,  
H. and S. Corset Company,



Hudson Company,  
Hudson Petroleum Incandescent Lighting Company,  
Hull Umbrella Company,  
Hunter Corporation,  
Hurd Mining Company,  
H. W. Pattee and Company,  
Imperial Construction Company,  
Imported Saddlery Company,  
Independent Match Machine Company,  
Independent Publishing Company,  
Index Visible Typewriter Company,  
Industrial Development Company,  
Ingot Machine Company,  
Innovation Trunk Company, Limited,  
Insulated Wire Company,  
Insurance Adjustment Corporation of America,  
Integrity Building and Loan Association,  
International Color Photo Company,  
International Baking Company,  
International French Ochre Company,  
International Light Company, formerly Transcendent  
Light Company of America,  
International Railway Equipment Improvement Com-  
pany,  
International Sanitary Company, Limited,  
International Self-Threading Sewing Machine Needle  
Company,  
International Stylophone Company,  
International Trading Company,  
International Zinc Mining and Smelting Company,  
Inter-State Oil Company,  
Inter-State News Company,  
Inventors Finance and Investment Company,  
Investment and Improvement Company,  
Investors Association,  
Investors Security Company,  
Iron Gate Furnace Company,  
Iron Oxide Paint Company,  
Iroquois Silk Company,  
Irving Company,  
Isaac Sturr Glass Works,  
Isle of Pines Land and Lumber Company,

Itsagood Company,  
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James R. Waite Amusement Company,  
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J. Jones and Son Company,  
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Jones Direct-Process Steel Company,  
Joseph Oppenheimer's Enterprises,  
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J. Van Raalte and Company, Limited,  
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Klondyke Gold Mining Company,  
Knickerbocker Chemical Company,  
Knickerbocker Lead and Zinc Company,  
Knights of Golden Eagle Hall Association,  
Kno-Sag Skirt Band Company,  
Lackawanna Live Stock Express Company,  
Lactine Food Company,  
Lactroid Company,  
L. Adams Transportation Company,  
Lady Helen Copper Mining Company, formerly Inter-  
national Exploration and Investment Company,  
Lancaster Paper Mills,  
Landfield Brothers and Company,  
Law Battery Company,  
Lawrence and Brooks Company,  
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Le Van Boiler Company,

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Lyndhurst Improvement Association,  
Lyssons Company,  
Macknet Grate Bar Company,  
Mac Learn Automobile Company,  
Malachite Rubber Specialty Company,  
Mameva Development and Investment Company,  
Mango Chemical Company,  
Manhattan Amusement Company,  
Manhattan Barrel Flyer Company,  
Manhattan Finance Company,  
Manhattan Lead and Zinc Company,  
Manhattan Light and Heat Company,  
Manhattan Machinery Company,  
Mann Live Stock Company,  
Marietta Electric Manufacturing Company,  
Marion Water Company,  
Marvel Bottle Company,  
Masonic Temple Association of Mount Holly, New Jersey,  
Massachussetts Leather Company,  
Maurice River Water and Electric Power Company of  
    Vineland, New Jersey,  
Maxwell Improvement and Educational Association,  
McCarty Slate Company,  
McCrary Ice Machine Company,  
McKnight-Baltzley Company,  
McLean Combination Square Company,  
McManus Construction Company,  
M. D. Stebbins Mfg. Company,  
Mears Rubber Horse Shoe Company,  
Mechanical Engineering Construction Company,  
Mechanics Improvement Company,

Medomak Chemical Company,  
Medora Dressed Meat and Packing Company,  
Mercantile Manufacturing Company,  
Mercantile Protective Association,  
Mercantile Reorganization Company,  
Mercantile Storage Company,  
Merchants Company,  
Merchants Electric Company,  
Mercur-Midland Mining Company,  
Mercur-Northern Mining Company,  
Merion Construction Company,  
Messerer Automobile Company,  
Metropolitan Automobile Bazaar,  
Metropolitan Electric Company,  
Metropolitan Investment Company,  
Metropolitan Investment and Security Company,  
Metropolitan Lead and Zinc Company,  
Metropolitan Lumber Company,  
Metropolitan Phonograph Company,  
Metropolitan and Rural Home Company,  
Metropolitan Sewing Machine Repair Company,  
Mexican Tropical Agricultural Company,  
Middlesex Zinc Mining Company,  
Middletown Grocers Company,  
Miller Electrical Maintenance Company,  
Miller Ladies Custom Tailoring Company,  
Mineral Ridge Mining Company,  
Miners Copper Company,  
Mitchell Gas Generator and Burner Company,  
Monitor Company,  
Montgomery Textile Company,  
Moore and Company,  
Morris Company,  
Morris County Folding Box Company,  
Morss Manufacturing Company,  
Mountain Home Canal and Land Company,  
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National Embalming College,  
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National Investigation Company,  
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New Camden Land and Improvement Company,  
New Century Air Motor Cycle Company,  
New England Company,  
New England Acetylene Gas Machine Company,  
New England Dairy Company,  
New England Foundry and Machine Company,  
New England Mica Company,  
New England Zinc Company,

New Era Company,  
New Era Frame and Supply Company,  
New Era Machine Manufacturing Company,  
New Haven Dairy Company,  
New Holland Silk Company,  
New Jersey Ack-Umen Company,  
New Jersey Cotton Mills,  
New Jersey Gas, Oil and Electric Lighting Company,  
New Jersey Hard Rubber Novelty Company,  
New Jersey Machine Works, Incorporated,  
New Jersey Mutual Realty Company,  
New Jersey Steam Company,  
New Jersey Union Grate Bar Company,  
New Jersey Washington Light Company,  
Newport News Abbatoir Company,  
New York Accounting and Adjustment Company,  
New York Automatic Buffet Lunch Company,  
New York Cooperage Company, Limited,  
New York, Cuba and Mexico Steamship Company,  
New York, Cuba and Porto Rico Company,  
New York Despatch and Delivery Company,  
New York Electric Brake and Coupler Company,  
New York Fibre Company,  
N. Y. Floating Theatre Company,  
New York Kaolin Company,  
New York Marine Power Company,  
New York Newspaper Syndicate,  
New York Ornamental Brick Company,  
New York and Philadelphia Company,  
New York Realty Savings Company,  
New York Retail Grocers Company,  
New York Sign Material Company,  
New York and West Virginia Coal Company,  
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Provident Investment Company,  
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Puerto Rico Company,  
Puerto Rican Phosphate Company,



Puget Sound Copper Company,  
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Randolph Automatic Switch Company,  
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Reliance Storage and Warehouse Company,  
Reno Union,  
Rex Zinc and Lead Company,  
R. G. Treen Manufacturing Company,  
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Richard Lennox and Murphy Company,  
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R. L. and A. C. McLaughlin Company,  
Rockaway and Hudson Company,  
Royal American Enamel Company,  
Royal Manufacturing Company,  
Royal Salt and Chemical Company,  
Ruppin and Lansberg Company,  
Ruth Machine and Manufacturing Company,  
Rutland County Marble Company of Vermont,  
Safety Burial Bier Company,  
Safety Fountain Ink Bottle Company,  
Safety Manufacturing Company,  
Salem and Philadelphia Transportation Company,

Sanford Amusement Company,  
Santa Clara Vineyards Company,  
Santa Inez Mining and Developing Company,  
Santa Rosalia Mining Company,  
Saratoga Academy of Music,  
Saratoga Natural Carbonic Acid Gas Company,  
Scarborough Manufacturing Company (No. 1),  
Scheuers Fine Grocery, Provision, Tea, Coffee, Butter,  
Cheese and Egg Establishments,  
Schiff-Lewin Company,  
Schomburg & Wolff Company,  
Schwarz Automobile and Carriage Company,  
Scott-Janney Electric Company,  
Scranton Grocers Company,  
Scudder Lumber Company,  
Sea Coast Jetty Company,  
Security Homestead Company of America,  
Sedatine Chemical Company,  
Seitz Malting Company,  
Self Acting Icemaker Company,  
Seloh and Namreh Match Company,  
Seoul and Chemulpo Railroad Company,  
Shamokin Coal Company,  
Shattuck Syringe Company,  
Sheridan and Shea Company,  
Sherman Sewerage Company,  
Sherman-Worrell Fruit Company,  
Shoneman Bros., Incorporated,  
Silica Cement Manufacturing & Mining Company,  
Silverone Manufacturing Company,  
Simplex Tap and Bush Company,  
Single Tube Tire Company,  
Sisson and Currier Company,  
Skookum Klondike Mining Company,  
Smith-Lightcap Clevis Company,  
Smith and Porter Press,  
Somerset County Fair,  
Southern Poultry, Stock and Truck Raising Company,  
South Side Land and Improvement Company of West-  
field, N. J.,  
S. P. Collins Manufacturing Company,  
Spring Mills Water Company,

Standard Coal & Ice Manufacturing Company,  
Standard Flint Paper Company,  
Standard Hat Cleaning Machine Company,  
Standard Ice Company, of Pittsburg, Pa.,  
Standard Manufacturing Company,  
Standard Metal Company,  
Standard Phonograph Company,  
Standard Phosphate and Fertilizer Company,  
Standard Quarrying and Construction Company,  
Standard Reduction Process Company,  
Standard Shoe Machinery Company,  
Standard Valve Gear Company,  
Star Land and Building Company,  
Star Oil Company,  
Star Overall Company,  
Starr Wheel Company,  
State Chemical Company,  
Stationers Publishing and Printing Company,  
Stayin Hairpin Company,  
Stephenson Company,  
Sterne Self Lighting Burner Company,  
St. Leonards Hights Improvement and Development  
Company,  
St. Louis Tin Plate Company,  
Stones Cod Liver Oil Company,  
Stout Perfumery Company,  
Struss-Curran Company,  
Stubbs Mining and Manufacturing Company,  
Suburban Equipment Company,  
Success Anti-clog Weeder and Cultivator Company,  
Sula Company,  
Sullivan Paint and Hardware Company,  
Supreme Stove and Furnace Company,  
Surety Paint and Filter Company,  
Sutherland Construction and Improvement Company,  
Syracuse Retail Grocers Company,  
Tannette Manufacturing Company,  
Taylor Acetylene Gas Company,  
Taylor Building Company,  
Taylor Ice Cream and Dairy Company,  
Telegraphic Information Company, Limited,  
Tellurium Gold Mining Company,

Tenaflly Record Company,  
Thackeray Incinerating Company of New Jersey,  
Third Rail Block System Company,  
Thompson Diphtherine Company,  
Thos. H. McCollin Company,  
Tileite Paint and Varnish Company,  
T. J. Regan Company,  
Tolchester Steamboat Company,  
Toms River Electric Light and Power Company,  
Total Combustion Furnace Company,  
Totten Remedy Company,  
Tredyffrin Water Company,  
Trenton Co-operative Society,  
Trenton Grocery Company,  
Trenton Hardware Company,  
Trenton Match Company of New Jersey,  
Trenton Washington Light Company,  
Tripod Pole Company,  
Triumph Light, Heat and Power Company,  
Trotter's Mona Manufacturing Company,  
Trust and Security Company,  
T. Schulz Sash and Door Company,  
Tubular Bed Company,  
Tuckerton and Beach Haven Navigation Company,  
Twyford Vehicle Company,  
Umbrella Tent Manufacturing Company,  
Underwriters Advisory and Protective Company,  
Underwriters Audit and Adjusting Corporation,  
Union Cut Stone Contracting Company,  
Union Electric Company,  
Union Match Company,  
Union Supply Company,  
Unique Home Building Company,  
United Collieries Company,  
United Investments Company,  
United Laundries Company,  
United States Construction Company,  
United States Flour Milling Company,  
United States Gas Check Company,  
United States Gas Consumers Assurance Company,  
United States Gas Fixture Company,  
United States Ice Company,

U. S. Improvement Company,  
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Universal Bleaching and Dyeing Company,  
Universal Engine Company,  
Universal Fuel Gas Company,  
**Universal** Loom Company,  
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Universal Picture Moulding Company,  
Universal Refrigerating Company,  
Universal Safety Filter Company,  
Universal Time Company,  
Utica Grocers Company,  
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Velvet Slot Machine Company,  
Vi-Carnis Company,  
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Wardner Mining Company,  
War Eagle Tunnel and Development Company,  
Warner Ventilating Cushion Shoe Company,  
Warren Manufacturing Company, No. 2 (East Orange),  
Warren Portland Cement Company (No. 1),  
Washburn Steamboat Company,  
Waterbury Rubber Company,  
Waters Paper Boat Company,  
Waverly Refining Company,

Weehawken Realty Company,  
Weeks and Axt Tailoring Company,  
West Atlantic Land and Improvement Company,  
West Indies Advertising and Bill Posting Company,  
West Indies Commercial Company,  
West Jersey Water Company,  
West New York Field Club,  
Western Automobile Company,  
Western Tax Funding Company,  
Western Twine Company,  
Whippanong Hall Association,  
Whippany Brick and Clay Manufacturing Company,  
Whippany Manufacturing Company,  
Whitney Safety Fire Arms Company,  
Whittington Manufacturing Company,  
Wilburtha Brown Stone Company,  
Wildwood, Holly Beach and Anglesea Electric Light,  
Heat and Power Company,  
Wilhelm Griesser Construction Company,  
William H. Quiley Company,  
William & J. Robertson,  
Williamsport Grocery Company,  
Wilsons Collapsible Crate Company,  
Windsor Chemical Company,  
W. L. Berry Company,  
W. M. Pawley Company,  
W. M. Wood Company,  
Wood Fireproofing Company,  
Woods Fire Proof Starch Company,  
Woods Motor Vehicle Company,  
Wopsonock Hotel Company,  
W. T. Sullivan Company,  
Wuestners Eagle Dry Plate Company,  
Wycliffe Press,  
Xelton Company,  
Ybor Manrara Company,  
Yost Fire Extinguisher Manufacturing Company,  
Yreka Gold Mines Company,

are void; and all powers conferred by law upon such corporations, and each of them, are hereby declared inoperative and void; and I direct that this proclamation shall be filed in the office of the secretary of state and

be published for one week in the following newspapers:  
namely:

Jersey City Journal, Jersey City,  
The Freie Zeitung, Newark,  
The Paterson Daily Call, Paterson,  
Elizabeth Daily Journal, Elizabeth,  
State Gazette, Trenton,  
New Brunswick Home News, New Brunswick,  
Trenton Times, Trenton,  
Camden Courier, Camden,  
Newark News, Newark,  
Newark Daily Advertiser, Newark.

In witness whereof I have hereunto set my hand and  
caused the great seal to be affixed at Trenton,  
[SEAL.] this 6th day of January, one thousand nine  
hundred and three.

FRANKLIN MURPHY,  
*Governor.*

By the Governor.  
S. D. DICKINSON,  
*Secretary of State.*

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PROCLAMATION.

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

In accordance with established custom and the authority vested in me by joint resolution of Legislature, Approved February 21st, 1884, I, FRANKLIN MURPHY, Governor, do hereby designate Friday, the seventeenth day of April, as Arbor Day in the State of New Jersey.

And I hereby recommend that the teachers and pupils of our public and private schools, the faculties and students of our colleges and of our State Schools, and the people generally do devote the day to the planting of trees, shrubs, and flowers and the holding of such exercises as will tend to stimulate our love for nature and broaden our knowledge of the value of trees.

Although it is not especially enjoined by statute it is entirely appropriate that with the study of the trees be

coupled lessons on the value of our native birds and the importance of preserving them. I therefore further recommend that exercises relating to the birds as well as of the trees be included in each program.

In testimony whereof, I have hereunto set my hand and caused the great seal of the State to  
[SEAL.] be affixed, at Trenton, this thirtieth day of March, one thousand nine hundred and three.

FRANKLIN MURPHY.

By the Governor:

S. D. DICKINSON,  
*Secretary of State.*

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PROCLAMATION.

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

WHEREAS, The legislature at its last session passed an act entitled "An act to relieve from pollution the rivers and streams within the Passaic valley sewerage district, established and defined by an act of the legislature entitled 'An act to create a sewerage district to be called the Passaic valley sewerage district,' approved March twenty-seventh, one thousand nine hundred and two, and for this purpose establishing therefor a district board of commissioners, defining its powers and duties and providing for the appointment, term of office, duties and compensation of such commissioners, and further providing for the raising, collecting and expenditure of the necessary moneys," which said act was duly approved by me on the first day of April, nineteen hundred and three;

AND WHEREAS, It appears from the journal of the senate that an amendment to said act was adopted by the senate while said act was pending in that body, which amendment does not seem to have been concurred in by the house of assembly, and is not incorporated in the act as approved by me, and by reason thereof serious doubts have arisen as to the validity of the law so as aforesaid approved by me;



AND WHEREAS, The subject-matter of the legislation provided for in said act is of paramount public importance, and in my opinion public necessity requires the convening of the legislature to consider the same;

Therefore, I, FRANKLIN MURPHY, governor of the state of New Jersey, by virtue of the power vested in me by the constitution, do convene the legislature of this state, hereby requiring the senators and members of the house of assembly to meet in their respective chambers at the state house in the city of Trenton, on Tuesday, the twenty-first day of April, instant, at twelve o'clock noon.

In testimony whereof I have hereunto set my hand and caused the great seal of the state to  
[SEAL.] be affixed, at Trenton, this ninth day of April, nineteen hundred and three.

FRANKLIN MURPHY.

By the Governor:

S. D. DICKINSON,  
*Secretary of State.*



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DECREE OF DISSOLUTION.

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(827)



## Decree of Dissolution.

IN CHANCERY OF NEW JERSEY.

BETWEEN

FRANK E. WRIGHT,  
*Complainant,*

AND

UNITED STATES CARBONATE  
COMPANY,  
*Defendant.*

On Bill, &c.  
Decree Dissolving  
Corporation.

The Receiver appointed in the above entitled cause having disposed of all the property of the said corporation under the direction of this Court, but having not yet distributed the same to the persons entitled thereto; and it appearing that such distribution cannot be made until after the beginning of the year nineteen hundred and three, and that before such distribution can be made the estate of the said corporation may become liable to the annual franchise tax to the state of New Jersey for the said year of nineteen hundred and three unless said corporation shall be dissolved; and good reason appearing therefor,

IT IS THEREUPON, on motion of John R. Hardin, Receiver of the said defendant corporation, Ordered, that the said United States Carbonate Company be and the same is hereby dissolved, and that its charter be and the same is hereby declared to be forfeited and void.

W. J. MAGIE,  
C.

Respectfully advised,  
JOHN R. EMERY,  
*Vice Chancellor.*

A true copy:  
E. C. STOKES,  
*Clerk.*

Endorsed:  
"Filed Jan. 6, 1903.  
S. D. DICKINSON, *Secretary of State.*"



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